

Last amendment: 27 July 2019

Act II of 2007

on the Admission and Right of Residence of Third-Country Nationals¹

With a view to partaking in the progressive establishment of an area of freedom, security and justice, and to promoting the social and economic development and advancement of countries within and outside the borders of the European Union, Parliament has adopted the following Act concerning the admission and residence of third-country nationals:²

Chapter I

General Provisions

Section 1

(1)³ Hungary shall ensure the right of entry, exit and residence of third-country nationals in accordance with the provisions of this Act.

(2) The right of entry, exit and residence of third-country nationals may be restricted in accordance with the provisions set forth in this Act.

(3)⁴ This Act - with the exceptions set out in Subsections (4)-(6) - shall not apply to persons having the right of free movement and residence under specific other legislation.

(4)⁵ The persons referred to in Subsection (3) of this Section, if not nationals of any Member State of the European Union, shall be subject to the provisions of Chapter IV of this Act pertaining to EC permanent residence permits, and the provisions of Chapter VIII of this Act governing stateless status and the issue of travel documents to stateless persons.

(5) The provisions of this Act shall apply to the persons referred to in Subsection (3) if they are third-country nationals by definition of specific other legislation, and if they apply for authority to reside specified in this Act following termination of their right of residence specified in specific other legislation.

(6)⁶ Chapter IX shall also apply to proceedings related to the entry and residence of the persons referred to in Subsection (3).

(7)⁷ A third-country national may be admitted to the territory of Hungary under only one residence title. If a third-country national who has the right of residence is given residence

¹ Promulgated on 5 January 2007.

² Amended: by Section 300 of Act CCI of 2011. In force: as of 1. 01. 2012.

³ Amended: by subparagraph a) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴ Established by Subsection (1) of Section 25 of Act CXLIII of 2017, effective as of 1 January 2018.

⁵ Established: by Section 32 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁶ Enacted by Subsection (2) of Section 25 of Act CXLIII of 2017, effective as of 1 January 2018.

⁷ Enacted by Section 21 of Act CXXXIII of 2018, effective as of 1 January 2019.

authorization under any other title, including the legal titles provided for in the Act on Asylum, the immigration authority shall invalidate the residence authorization granted under the previous residence title.

Section 2

For the purposes of this Act:

a) 'third-country national' shall mean any person who is not a Hungarian citizen and stateless persons, other than the persons referred to in Subsection (3) of Section 1;

b) 'stateless person' shall mean a person who is not recognized as a citizen by any country under his/her national law;

c) 'Schengen State' shall mean any Member State of the European Union applying in full the Schengen acquis defined in Article 1 of the Protocol integrating the Schengen acquis into the framework of the European Union annexed to the Treaty on the European Union, to the Treaty establishing the European Community and to the Treaty establishing the European Atomic Energy Community (hereinafter referred to as "Schengen Protocol") and in Council Decision 1999/435/EC, as well as the measures adopted by the institutions of the European Union in these fields, and any other State that is in association with the implementation, application and development of the Schengen acquis by virtue of Article 6 of the Schengen Protocol within the meaning of the Agreement concluded with the Council of the European Union;

*d)*⁸ 'family member' shall mean:

da) the spouse of a third-country national or a Hungarian citizen,

db) the minor child, including adopted and foster children, of a third-country national and his/her spouse,

dc) the minor child, including adopted and foster children, of a third-country national where this third-country national has parental custody and the children are dependent on him/her,

dd) the minor child, including adopted and foster children, of the spouse of a third-country national or a Hungarian citizen where the spouse has parental custody and the children are dependent on him/her,

de) the person who has parental custody of a minor child who is a Hungarian citizen, exercising parental authority and living in the same household with the Hungarian citizen;

*e)*⁹ 'unaccompanied minor' shall mean third country nationals below the age of eighteen, who arrive on the territory of Hungary unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of Hungary;

*f)*¹⁰ 'exile' shall mean any person who is provided protection under Act LXXX of 2007 on Asylum;

*g)*¹¹ 'travel document' shall mean a passport or another instrument or document that is recognized by Hungary as proper means of identification for its holder for crossing the border of Hungary and to certify his/her citizenship (stateless status);

⁸ Established by Section 22 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁰ Established by Section 30 of Act XXXIX of 2016, effective as of 1 June 2016.

¹¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

*h)*¹² 'carrier' shall mean any natural or legal person, or unincorporated organization whose profession it is to provide transport of persons;

i) 'readmission agreement' shall mean the international convention relating to the procedure for the transfer of persons at state frontiers, and the transport or transit of such persons under official escort;

j) 'SIS alert for the purposes of refusing entry and the right of residence' shall mean data files installed in the Schengen Information System by any Schengen State for the purposes of refusing entry to and the right of residence in the territory of the Schengen States for a third-country national;

*k)*¹³ 'employer' shall mean any natural person or any legal entity, or unincorporated organization, including temporary work agencies referred to in Paragraph *b)* of Subsection (1) of Section 214 of Act I of 2012 on the Labor Code, for or under the direction and/or supervision of whom the employment is undertaken;

*l)*¹⁴ 'host' shall mean any natural or legal person, or business association lacking the legal status of a legal person, who undertakes a commitment in a letter of invitation - with an official certificate affixed - to provide room and board and financial support for the invited third-country national during his stay in the territory of Hungary, and, unless an international treaty provides otherwise, to cover the costs of medical care and the costs of exit of such third-country national;

*m)*¹⁵ 'visa for an intended stay of no more than ninety days within a one hundred eighty day period' shall mean an authorization defined in Article 2(2) of Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (hereinafter referred to as "Visa Code");

*n)*¹⁶ 'Dublin Regulations' shall mean 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, 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;

*o)*¹⁷ 'employment' shall mean the exercise of activities covering whatever form of labor or work performed under employment relationship for or under the direction and/or supervision of an employer;

*p)*¹⁸ 'highly qualified employment' shall mean the employment of a person who has the required adequate and specific competence, as proven by higher professional qualifications, for

¹² Amended by Section 81 of Act CCLII of 2013.

¹³ Established: by paragraph (1) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.
Amended: by paragraph (3) Section 62 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

¹⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁵ Established: by paragraph (1) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

¹⁶ Established by Section 4 of Act CXXVII of 2015, effective as of 1 August 2015.

¹⁷ Enacted: by paragraph (2) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁸ Enacted: by paragraph (2) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.

consideration in an amount specified by the relevant decree on the method for establishing the minimum remuneration payable to third-country nationals, or for higher pay;

q)¹⁹ 'higher professional qualifications' shall mean qualifications attested by evidence of higher education qualifications or professional qualifications;

r)²⁰ 'EU Blue Card' shall mean a residence permit entitling its highly qualified holder to reside and work in highly qualified employment in the territory of a Member State under the terms set out in Section 20/C;

s)²¹ 'particularly exploitative working conditions' shall mean working conditions, including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers' health and safety, and which offends against human dignity;

t)²² 'persons eligible for preferential treatment' shall mean unaccompanied minors, or vulnerable persons such as minors, elderly people, disabled people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, if they are found to have special needs after an individual evaluation of their situation;

u)²³ 'detention camp' shall mean a restricted access facility designed specifically for the detention of aliens whose personal liberty is restricted as ordered in immigration proceedings;

v)²⁴ 'single permit' shall mean a residence permit allowing a third-country national to enter into a contract for employment relationship with an employer and to reside legally in the territory of Hungary for the purpose of work;

w)²⁵ 'single application procedure' shall mean any procedure leading, on the basis of a single application made by a third-country national, to a decision ruling on that application for an intended stay of more than ninety days within any one hundred eighty day period and for entering into a contract for employment relationship with an employer in the territory of Hungary.

Section 2/A²⁶

For the purposes of this Act:

a) 'intra-corporate transfer' shall mean the temporary secondment for occupational or training purposes of a third-country national who, at the time of application for residence authorization for an intra-corporate transferee, resides outside the territory of the Member States of the European Union, from a company established outside the territory of a Member State of the European Union and to which the third-country national is bound by a work contract prior to and during the transfer, to an entity belonging to the company or to the same group of companies which is established in that Member State, and, where applicable, the mobility between host

¹⁹ Established: by paragraph (1) Section 57 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁰ Established: by paragraph (1) Section 57 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²¹ Enacted: by paragraph (2) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.

²² Enacted: by paragraph (1) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²³ Enacted: by paragraph (1) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²⁴ Enacted: by paragraph (2) Section 57 of Act XCIII of 2013. In force: as of 1. 01. 2014.

²⁵ Enacted: by paragraph (2) Section 57 of Act XCIII of 2013. In force: as of 1. 01. 2014. Shall enter into force with the text amended: by Section 20 of Act CXCVIII of 2013.

²⁶ Enacted by Section 31 of Act XXXIX of 2016, effective as of 30 September 2016.

entities established in one or several second Member States;

b) ‘intra-corporate transferee’ shall mean any third-country national who resides outside the territory of the Member States of the European Union at the time of application for an intra-corporate transferee permit and who is subject to an intra-corporate transfer;

*c)*²⁷ ‘host entity’ shall mean:

ca) the entity to which the intra-corporate transferee is transferred and that is established, regardless of its legal form, as a legal person in accordance with national law;

*cb)*²⁸ a research organization, a higher education institution, an education establishment, an organization responsible for a voluntary service scheme and an entity hosting trainees provided for in specific other legislation;

d) ‘intra-corporate transferee permit’ shall mean a residence permit entitling its holder to reside and work in the territory of the first Member State and, where applicable, of second Member States, under the terms of national law;

e) ‘permit for long-term mobility’ shall mean a residence permit entitling the holder of a residence permit issued to the intra-corporate transferee permit to reside and work in the territory of the second Member State under the terms of national law;

f) ‘group of companies’ shall mean two or more companies recognized as linked under national law in the following ways: a company, in relation to another company

fa) directly or indirectly, holds a majority of that company’s subscribed capital,

fb) controls a majority of the votes attached to that company’s issued share capital,

fc) is entitled to appoint more than half of the members of that company’s administrative, management or supervisory body, or

fd) the companies are managed on a unified basis by the parent company;

*g)*²⁹ ‘first Member State’ shall mean the Member State of the European Union which first issues:

ga) a third-country national an intra-corporate transferee permit,

gb) a third-country national permit on the basis of Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing;

*h)*³⁰ ‘second Member State’ shall mean any Member State other than the first Member State:

ha) in which the intra-corporate transferee intends to exercise or exercises the right of mobility within the meaning of law,

hb) in which the third-country national intends to exercise or exercises the right of mobility within the meaning of law under Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

²⁷ Established by Subsection (1) of Section 26 of Act CXLIII of 2017, effective as of 1 January 2018.

²⁸ Established by Section 23 of Act CXXXIII of 2018, effective as of 1 January 2019.

²⁹ Established by Subsection (2) of Section 26 of Act CXLIII of 2017, effective as of 1 January 2018.

³⁰ Established by Subsection (2) of Section 26 of Act CXLIII of 2017, effective as of 1 January 2018.

Section 2/B³¹

For the purpose of this Act:

a) 'research organization' shall mean a research organization accredited under specific other legislation;

b) 'researcher' shall mean a third-country national who holds a doctoral degree or an appropriate higher education qualification which gives that third-country national access to doctoral programs, who entered the territory of a Member State and is staying there, and who is selected by a research organization for carrying out a research activity for which such qualification is normally required;

c) 'student' shall mean a third-country national who has been accepted by a Hungarian higher education institution and is admitted to the territory of Hungary to pursue as a main activity a full-time course of study leading to a higher education qualification recognized by Hungary, including diplomas, certificates or doctoral degrees in a higher education institution, which may cover a preparatory course prior to such education, in accordance with Hungarian law, or compulsory training;

d) 'trainee' shall mean a third-country national who holds a degree of higher education or is pursuing a course of study in a third country that leads to a higher education degree and who is admitted to the territory of Hungary for a training program for the purpose of gaining practice;

e) 'traineeship' shall mean the activity pursued by a trainee for the purpose of gaining practice in his/her studies or by a trainee holding higher education qualification within a training program for the purpose of gaining knowledge, practice and experience in a professional environment;

f) 'volunteer' shall mean a third-country national who is admitted to the territory of Hungary to participate in a voluntary service scheme.

Section 3

The following persons shall be treated as third-country nationals:

a) any person who uses a valid travel document issued by a third country to verify his/her nationality, unless proven to the contrary; or

b) any person who is unable to show proof of having the right of free movement and residence under specific other legislation.

Section 4

The provisions of this Act shall apply to third-country nationals granted diplomatic or other personal immunity, or who are entering the country for the purposes stipulated in treaties or international agreements, unless prescribed otherwise by international treaty.

Section 5³²

(1) Of the provisions of this Act only the ones contained under Chapters IV, V and X shall

³¹ Enacted by Subsection (3) of Section 26 of Act CXLIII of 2017, effective as of 1 January 2018.

³² Established: by Section 1 of Act XXVII of 2012. In force: as of 20. 05. 2012.

apply to the third-country nationals recognized by the Hungarian refugee authority or court, or by any Member State of the European Union as refugees or having granted any subsidiary form of protection.

(2) Of the provisions of this Act the ones contained in Chapter IV pertaining to national permanent residence permits, and the provisions of Chapters V and X shall apply to the third-country nationals having granted temporary protection by the Hungarian refugee authority or court.

Chapter II

Regulations for the Right of Residence for an Intended Duration of No More Than Ninety Days Within Any One Hundred Eighty Day Period³³

General Rules

Section 6

(1)³⁴ Third-country nationals may enter the territory of Hungary for an intended stay of no more than ninety days within any one hundred eighty day period (hereinafter referred to as “intended stay of no more than ninety days”) under the conditions set out in Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

(2)³⁵ The third-country nationals who satisfy the conditions set out in Subsection (1) shall be authorized to stay in the territory of Hungary for an intended duration of no more than ninety days.

(3)³⁶ A third-country national who has a valid residence permit issued by a Member State of the European Union for the purpose of an intra-corporate transfer and holds a valid travel document, and whose entry or residence does not represent a threat affecting public policy, public security or national security, or public health of Hungary, shall have the right:

a) to move freely within the territory of the Member States of the European Union, and to enter and reside in Hungary for a planned duration not exceeding ninety days;

b) to work in the framework of an intra-corporate transfer without a special permit in a host entity in Hungary.

³³ Established: by paragraph (2) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³⁴ Established by Section 37 of Act CXVI of 2016, effective as of 26 November 2016.

³⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. Amended: by paragraph (1) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³⁶ Enacted by Section 32 of Act XXXIX of 2016, effective as of 30 September 2016.

Section 7³⁷

Unless otherwise prescribed by any directly applicable Community legislation, an international agreement, this Act or a government decree adopted by authorization of this Act, third-country nationals shall be admitted for stays for an intended duration of no more than ninety days in possession of a visa.

Section 7/A³⁸

Third-country nationals holding a visa for a planned duration not exceeding ninety days, and persons lawfully residing in the territory of Hungary as nationals of the states listed in Annex II of Council Regulation 539/2001/EC may undertake to pursue an occupational activity in accordance with Subsections (1) and (2) of Section 20, unless this Act contains provisions to the contrary.

Visas for an intended duration of no more than ninety days³⁹

Section 8⁴⁰

Visas for an intended stay of no more than ninety days shall be issued in accordance with the procedures and under the conditions set out in the Visa Code.

Section 9⁴¹

(1)⁴² In the cases defined by the minister in charge of immigration, the minister in charge of foreign policies, the minister in charge of supervising the national security services, and the minister overseeing civil intelligence activities for reasons of public security and national security, and for assessment of the risks of illegal immigration and the prevention and identification of abuses and fraud as provided for in the Visa Code, visas for a planned duration not exceeding ninety days may only be granted upon the prior consent of the central visa authority.

(2)⁴³ The central visa authority shall consult with the central authorities of the Schengen States requesting consultation prior to granting consent for the issue of a visa for an intended stay of no more than ninety days.

(3)⁴⁴ The resolutions adopted in connection with applications for visas for an intended stay of

³⁷ Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³⁸ Established by Section 33 of Act XXXIX of 2016, effective as of 1 July 2016.

³⁹ Amended: by paragraph (1) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁴⁰ Established: by Section 28 of Act XL of 2010. In force: as of 5. 04. 2010. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁴¹ Established: by Section 29 of Act XL of 2010. In force: as of 5. 04. 2010.

⁴² Established by Section 34 of Act XXXIX of 2016, effective as of 1 July 2016.

⁴³ Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁴⁴ Established: by paragraph (1) Section 35 of Act CXXXV of 2010. In force: as of 5. 04. 2011. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

no more than ninety days, if approved, may not be appealed.

(4)⁴⁵ The decisions adopted for the refusal of applications for visas for an intended stay of no more than ninety days, or for the annulment and revocation of visas, may be appealed.

(5)⁴⁶ The decision adopted to refuse the appeal may be subject to administrative action.

(6)⁴⁷ The statement of claim against the decision adopted to refuse the appeal shall be submitted within three days.

(7)⁴⁸ The court shall deliver its decision on the statement of claim, in simplified proceeding, within eight days from the time of receipt of the statement of claim. The Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*) shall have exclusive jurisdiction to hear such case. The decision of the court may not be appealed. The competent immigration authority shall promptly forward the application to the court together with the documents of the case and its statement of defense attached.

(8)⁴⁹

Sections 10-11⁵⁰

Section 12

(1)⁵¹ Under international agreement the diplomatic or consular missions of other Schengen States with proper entitlement may also issue visas for an intended stay of no more than ninety days in the name and on behalf of Hungary.

(2) Under international agreement the diplomatic or consular missions of the Republic of Hungary with proper entitlement may also issue visas for a validity period not exceeding three months in the name and on behalf of other Schengen States.

Chapter III

Provisions Governing the Right of Residence for an Intended Duration of More Than Ninety Days Within Any One Hundred Eighty Day Period⁵²

⁴⁵ Established: by paragraph (1) Section 58 of Act XCIII of 2013. In force: as of 1. 07. 2013. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁴⁶ Established by Section 27 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁷ Established by Section 27 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁸ Established by Section 27 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁹ Repealed by Paragraph a) of Section 56 of Act CXLIII of 2017, effective as of 1 January 2018.

⁵⁰ Repealed: by paragraph (2) Section 54 of Act XL of 2010. No longer in force: as of 5. 04. 2010.

⁵¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁵² Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

General Rules

Section 13

(1) For entry into the territory of Hungary and for stays in the territory of Hungary for an intended duration of more than ninety days within any one hundred eighty day period the entry conditions for third-country nationals shall be the following:⁵³

- a)* they are in possession of a valid travel document;
- b)*⁵⁴ they are in possession of:
 - ba)*⁵⁵ a visa for an intended stay of more than ninety days within any one hundred eighty day period,
 - bb)* a residence permit,
 - bc)* an immigration permit,
 - bd)* a permanent residence permit,
 - be)* an interim permanent residence permit,
 - bf)*⁵⁶ a national permanent residence permit, or
 - bg)*⁵⁷ an EC permanent residence permit;
 - bh)*⁵⁸
 - c)* they are in possession of the necessary permits for return or continued travel;
 - d)* they justify the purpose of entry and stay;
 - e)*⁵⁹ they have accommodations or a place of residence in the territory of Hungary;
 - f)* they have sufficient means of subsistence and financial resources to cover their accommodation costs for the duration of the intended stay and for the return to their country of origin or transit to a third country;
 - g)* they have full healthcare insurance or sufficient financial resources for healthcare services;
 - h)*⁶⁰ they are not subject to expulsion or exclusion, they are not considered to represent a threat affecting public policy, public security, national security, or public health of Hungary.
 - i)* they are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry.

(2) In the event of non-compliance with the requirements set out in Subsection (1), the entry

⁵³ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. Amended: by paragraphs (3) and (4) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁵⁴ Established: by Section 89 of Act CV of 2011. In force: as of 1. 08. 2011.

⁵⁵ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁵⁶ Established by Subsection (1) of Section 35 of Act XXXIX of 2016, effective as of 1 July 2016.

⁵⁷ Established by Subsection (1) of Section 35 of Act XXXIX of 2016, effective as of 1 July 2016.

⁵⁸ Repealed: by subparagraph a) Section 83 of Act XCIII of 2013. No longer in force: as of 1. 07. 2013.

⁵⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁶⁰ Established by Subsection (2) of Section 35 of Act XXXIX of 2016, effective as of 1 July 2016.

and stay of third-country nationals shall be authorized only on humanitarian grounds, on grounds of national interest or because of international obligations.

(3) The third-country nationals holding either of the permits listed under Paragraph *b*) of Subsection (1) are not required to certify at the time of entry the requirements specified under Paragraphs *c*)-*g*) of Subsection (1).

(4)⁶¹ In addition to the requirements set out in Subsection (1), a minor third-country national shall provide proof that his/her parent or legal representative gave permission for his/her stay in Hungary, for the duration of the planned stay.

Visas for an Intended Stay of More Than Ninety Days Within Any One Hundred Eighty Day Period⁶²

Section 14

(1) Visas for an intended stay of more than ninety days within any one hundred eighty day period are as follows:⁶³

a)⁶⁴ visa for entitlement to receive a residence permit, for single entry into the territory of Hungary for the purpose of collecting the residence permit or the national permanent residence permit granted under Subsection (1) of Section 36, and for stay for a period not to exceed thirty days;

b)⁶⁵

c)⁶⁶ national visa, for single or multiple entry and for stays in the territory of Hungary for an intended stay of more than ninety days within any one hundred eighty day period under international agreement.

(2) The validity period for a visa for an intended stay of more than ninety days within any one hundred eighty day period shall be:⁶⁷

a)⁶⁸ maximum one year for the visas specified in Paragraph *a*) of Subsection (1);

b) maximum five years for the visa specified in Paragraph *c*) of Subsection (1).

*Section 15*⁶⁹

(1)⁷⁰ Visas for entitlement to receive a residence permit may be granted to third-country

⁶¹ Enacted by Section 28 of Act CXLIII of 2017, effective as of 1 January 2018.

⁶² Amended: by paragraph (3) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

⁶³ Amended: by paragraph (4) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

⁶⁴ Established: by paragraph (1) Section 64 of Act LXXVI of 2012. In force: as of 27. 06. 2012.

⁶⁵ Repealed by Paragraph *a*) of Subsection (3) of Section 70 of Act XXXIX of 2016, effective as of 30 September 2016.

⁶⁶ Amended: by subparagraph *b*) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

Amended: by paragraph (3) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

⁶⁷ Amended: by paragraph (3) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

⁶⁸ Established by Section 36 of Act XXXIX of 2016, effective as of 30 September 2016.

⁶⁹ Established: by subparagraph *b*) paragraph (3) Section 109 of Act II of 2007. In force: as of 21. 12. 2007.

nationals who have been authorized under this Act to receive a residence permit or a national permanent residence permit under Subsection (1) of Section 36.

(2) The visa for entitlement to receive a residence permit shall be cancelled if the underlying residence permit had been or should be withdrawn.

(3)⁷¹ National visas may be granted to third-country nationals who satisfy the requirements set out in Paragraphs *a), c)-i)* of Subsection (1) of Section 13.

(4)⁷² National visas shall be refused, or shall be withdrawn if already issued from any third-country national:

a) who fails to comply with either of the requirements set out in Paragraphs *a), c)-i)* of Subsection (1) of Section 13;

b) who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence.

(5)⁷³ The resolution adopted in connection with applications for national visas, or for the revocation of such visas may not be appealed.

Residence Permit

Section 16

(1)⁷⁴ The third-country nationals holding a valid national visa shall be authorized to remain in the territory of Hungary after the period of residence authorized in the visa in possession of a long-term visa or a residence permit expires, unless this Act provides otherwise.

(2)⁷⁵ Unless otherwise provided for in this Act, a residence permit is an authorization to reside in the territory of Hungary for a planned duration exceeding ninety days within a period of one hundred and eighty days, and not more than two years.

(3) Unless otherwise prescribed in this Act, a residence permit may be extended for two additional years.

(4)⁷⁶ Extension of a residence permit according to Subsection (3) may be authorized only if the conditions provided for by law are satisfied, and if the third-country national's residence exceeded ninety days within any one hundred eighty day period before the time of submission of the application for residence permit.

Section 17⁷⁷

⁷⁰ Established: by paragraph (2) Section 64 of Act LXXVI of 2012. In force: as of 27. 06. 2012.

⁷¹ Established by Section 37 of Act XXXIX of 2016, effective as of 30 September 2016.

⁷² Established by Section 37 of Act XXXIX of 2016, effective as of 30 September 2016.

⁷³ Established by Section 37 of Act XXXIX of 2016, effective as of 30 September 2016.

⁷⁴ Amended: by subparagraph e) paragraph (2) Section 109 of Act II of 2007. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁷⁵ Established by Section 38 of Act XXXIX of 2016, effective as of 1 July 2016.

⁷⁶ Established by Section 24 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁷⁷ Established: by subparagraph c) paragraph (3) Section 109 of Act II of 2007. In force: as of 21. 12. 2007.

Unless otherwise prescribed in this Act, residence permits may be issued to third-country nationals who satisfy the requirements set out in Paragraphs *a)*, *c)-i)* of Subsection (1) of Section 13, and

- a)* have a valid national visa if applying for a national residence permit, or
- b)* have a valid residence permit in the case of applications for the extension of residence permits.

*Section 17/A*⁷⁸

(1) Unless otherwise provided for by law, applications from third-country nationals residing in the territory of Hungary shall be accepted if they meet the requirements set out in Paragraphs *a)*, *c)-i)* of Subsection (1) of Section 13 and:

- a)* if able to verify the existence of special and equitable circumstances;
- b)* if the purpose of residence for a period longer than ninety days is research; or
- c)* if lawfully residing in the territory of Hungary as nationals of the states listed in Annex II of Council Regulation 539/2001/EC, or together with such third-country national in the capacity of a family member.

(1a)⁷⁹ Third-country nationals residing in the territory of Hungary, holding a residence permit issued for the purpose of an intra-corporate transfer may submit an application for residence permit (permit for long-term mobility) for the purpose of intra-corporate transfer, and any family member lawfully residing in Hungary with a third-country national holding such permit may submit an application for residence permit in Hungary, provided that their residence permit issued by the first Member State is valid.

(2) The special circumstance referred to in Paragraph *a)* of Subsection (1) shall, in particular, cover any event related to medical treatment, family reunification or occupational activity that has occurred for reasons beyond the third-country national's control, and that prevents to have the application submitted at a place normally prescribed under general provisions set out by law.

(3) The immigration authority shall within eight days dismiss an application for residence permit submitted as provided for in Subsection (1) without examination as to merits if it finds that:

- a)* the condition under Paragraph *a)* of Subsection (1) had not been verified; or
- b)* the third-country national's application for residence permit provided for in Paragraph *a)* of Subsection (1) was re-submitted on the same legal grounds and under the same cause of action, and its sole purpose is to circumvent voluntary departure or compliance with the obligation to leave the territory of the country; or
- c)* the third-country national failed to abide by the expulsion ordered before the application for residence permit provided for in Paragraph *a)* of Subsection (1) was submitted.

*Section 17/B*⁸⁰

(1) Third-country nationals residing in the territory of Hungary:

- a)* who are in possession of a valid residence permit for the purpose of research may apply in

⁷⁸ Enacted by Subsection (1) of Section 39 of Act XXXIX of 2016, effective as of 1 July 2016.

⁷⁹ Enacted by Subsection (2) of Section 39 of Act XXXIX of 2016, effective as of 30 September 2016.

⁸⁰ Enacted by Section 29 of Act CXLIII of 2017, effective as of 1 January 2018.

Hungary after the completion of research activities, and/or

b) who are in possession of a residence permit for the purpose of studies, may apply in Hungary after the successful completion of studies

for a residence permit for the purpose of job-searching or entrepreneurship.

(2) Third-country nationals who are in possession of a valid residence permit for the purpose of job-searching or entrepreneurship may apply in Hungary during the period of validity of such permit for a permit for the purpose of gainful activity or employment or for an EU Blue Card.

Section 17/C⁸¹

(1) Students who are in possession of a residence permit for the purpose of studies issued by a Member State of the European Union, may submit an application for student mobility permit, and/or notification in Hungary, provided that his/her residence permit issued by the first Member State is valid.

(2) Third-country nationals who are in possession of a permit issued by another Member State for the purpose of research may submit an application for short-term and long-term mobility, and/or notice, and any family member lawfully residing in Hungary together with a third-country national holding such permit may submit their notification or application for residence permit in Hungary, provided that their residence permit issued by the first Member State is valid.

Section 18

(1) Unless otherwise prescribed in this Act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals:

a)⁸² who fail to comply with either of the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13;

b)⁸³ who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence;

c)⁸⁴ who suffer from any disease that is considered to constitute a threat to public health, and who refuse to submit to the appropriate compulsory medical treatment, or who fail to abide by the Hungarian health regulations while staying in the territory of Hungary;

d)⁸⁵ who established the family relationship for the purpose of obtaining a residence permit on the grounds of family reunification.

(1a)⁸⁶ The issue of an EU Blue Card shall be refused if the third-country national fails to comply with either of the requirements set out in Subsection (1) of Section 20/A.

(1b)⁸⁷ Renewal of an EU Blue Card shall be refused or the EU Blue Card issued shall be

⁸¹ Enacted by Section 29 of Act CXLIII of 2017, effective as of 1 January 2018.

⁸² Amended: by subparagraph c) paragraph (4) Section 109 of Act II of 2007.

⁸³ Established: by Section 37 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁸⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁸⁵ Amended: by subparagraph d) paragraph (2) Section 130 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁸⁶ Enacted: by Section 90 of Act CV of 2011. In force: as of 1. 08. 2011.

⁸⁷ Enacted: by Section 90 of Act CV of 2011. In force: as of 1. 08. 2011.

withdrawn if the third-country national:

a) fails to comply with either of the requirements set out in Subsection (1) of Section 20/A, or failed to meet such conditions at the time of issue of the EU Blue Card;

b) does not have the higher professional qualifications required for the job in question;

*c)*⁸⁸ does not have sufficient resources to maintain himself in the territory of Hungary, except if the third-country national is not engaged under contract for employment relationship, where the provision contained in Paragraph *e)* or *f)* does not apply;

d) has disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence, or is residing for purposes other than that for which the holder was authorized to reside;

e) is not engaged under any contract for employment relationship for at least three consecutive months;

f) was unemployed during the period of validity of an EU Blue Card on at least two occasions; or

g) has taken up employment other than previously authorized in a period of two years following the issue of the EU Blue Card without prior written authorization.

(1c)⁸⁹ Apart from the cases provided for in Paragraphs *a)*-*c)* of Subsection (1), the issue of a residence permit for the purpose of seasonal employment shall be refused also if the third-country national:

a) is unlikely to leave the territory of the Member States of the European Union upon expiry of his/her residence permit, relying on data and information available, or

b) has already had a residence permit issued for the purpose of seasonal employment for six months within a period of twelve months.

(1d)⁹⁰ Apart from the cases provided for in Paragraphs *a)*-*c)* of Subsection (1), the renewal of a residence permit for the purpose of seasonal employment shall be refused, or the residence permit issued for the purpose of seasonal employment shall be revoked, also if the third-country national has already had a residence permit issued for the purpose of seasonal employment for six months within a period of twelve months before the date of submission of the application.

(1e)⁹¹ The immigration authority may refuse to renew a residence permit for the purpose of seasonal employment, or may revoke a residence permit issued for the purpose of seasonal employment above and beyond the cases under Subsection (1d) also if the third-country national applied to the refugee authority for refugee status, or requested any subsidiary form of protection or temporary protection from the refugee authority.

(1f)⁹² Apart from the cases provided for in Paragraphs *b)*-*c)* of Subsection (1), the issue or renewal of a residence permit for the purpose of intra-corporate transfer shall be refused also if:

a) the third-country national is unable to comply with the requirements set out in Paragraphs *a)*, *c)*-*d)*, *f)*-*i)* of Subsection (1) of Section 13;

b) the host entity was established for the sole purpose of facilitating intra-corporate transfers;

c) the third-country national has already had a residence permit issued for the purpose of

⁸⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁸⁹ Enacted by Section 40 of Act XXXIX of 2016, effective as of 30 September 2016.

⁹⁰ Enacted by Section 40 of Act XXXIX of 2016, effective as of 30 September 2016.

⁹¹ Enacted by Section 40 of Act XXXIX of 2016, effective as of 30 September 2016.

⁹² Enacted by Section 40 of Act XXXIX of 2016, effective as of 30 September 2016.

intra-corporate transfer for a period of three years in the case of executive employees and specialists provided for in other legislation, or for one year in the case of trainee employees.

(1g)⁹³ A residence permit issued for the purpose of intra-corporate transfer shall be revoked in the cases provided for in Paragraphs *a)*-*b)* of Subsection (1f).

(1h)⁹⁴ The immigration authority may refuse to renew a residence permit for the purpose of intra-corporate transfer, or may revoke a residence permit issued for the purpose of intra-corporate transfer above and beyond the cases under Paragraphs *a)* and *b)* of Subsection (1f) also if the third-country national failed to carry out the obligations provided under the relevant legislation for mobility within the European Union.

(1i)⁹⁵ The immigration authority may refuse to issue a residence permit for the purpose of intra-corporate transfer (permit for long-term mobility) to a third-country national who holds a residence permit issued for the purpose of intra-corporate transfer in any Member State of the European Union:

- a)* if the third-country national fails to satisfy the conditions specified in Section 20/F;
- b)* where Paragraph *b)* of Subsection (1) and Subsection (1f) apply with respect to the third-country national; or
- c)* if the third-country national's residence permit issued for the purpose of intra-corporate transfer in any Member State of the European Union has expired.

(2) By way of derogation from what is contained in Subsection (1), on humanitarian grounds, on grounds of national interest or because of international obligations a third-country national for whom an alert has been issued in the SIS may be granted a residence permit or the existing residence permit shall not be withdrawn.

*Section 18/A*⁹⁶

(1) Apart from the cases provided for in Paragraphs *b)*-*c)* of Subsection (1) of Section 18, the issue or renewal of a residence permit for the purpose of studies, research, voluntary service and traineeship shall be refused, or an existing permit shall be withdrawn also if:

- a)* the third-country national does not fulfill the conditions set out in Paragraphs *a)*-*d)* and *f)*-*i)* of Subsection (1) and Subsection (4) of Section 13, in Sections 21-22, Section 22/D and Section 26;
- b)* the host entity had not been accredited in accordance with specific other legislation;
- c)* the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals;
- d)* where the host entity's business is being or has been undergoing liquidation proceedings under insolvency laws or no economic activity is taking place; if the host entity has failed to meet its legal obligations regarding social security, taxation, labor rights or working conditions;
- e)* the third-country national would reside for purposes other than those for which he or she applies to be admitted;
- f)* the third-country national failed to report the particulars of an actual place of accommodation in Hungary.

(2) The immigration authority may refuse the renewal of a residence permit for the purpose of

⁹³ Enacted by Section 40 of Act XXXIX of 2016, effective as of 30 September 2016.

⁹⁴ Enacted by Section 40 of Act XXXIX of 2016, effective as of 30 September 2016.

⁹⁵ Enacted by Section 40 of Act XXXIX of 2016, effective as of 30 September 2016.

⁹⁶ Enacted by Section 30 of Act CXLIII of 2017, effective as of 1 January 2018.

studies, or may withdraw the permit if the student:

a) fails to comply with the conditions set out in Subsection (5) of Section 20; or
b) does not obtain the certificate within one and half times the period of time fixed for basic academic and examination requirements.

(3) If the grounds for refusal under Paragraph *c)* or *d)* of Subsection (1) in the case of withdrawal or renewal of the residence permit for the purpose of studies exist, the student shall be allowed to present proof - before the decision is adopted - of pursuing studies in a field analogous with his/her prior studies.

(4) The renewal of a residence permit for the purpose of volunteer activities shall be refused, or shall be withdrawn if already issued, if the host entity has been sanctioned in accordance with this Act or other legislation for undeclared work or illegal employment.

Section 18/B⁹⁷

(1) The issue of a residence permit for the purpose of job-searching or entrepreneurship shall be refused if the third-country national:

a) fails to satisfy the conditions specified in Section 22/C;
b) submitted the application past the deadline prescribed by specific other legislation.

(2) The residence permit for the purpose of job-searching or entrepreneurship shall be withdrawn if the third-country national:

a) no longer meets the requirements laid down in Paragraphs *a), f), g)* and *h)-i)* of Subsection (1) of Section 13;

b) failed to report the particulars of an actual place of accommodation in Hungary; or

c) fails to verify after three months from the issuance of the residence permit under Section 22/C that he or she has a genuine chance of being engaged or of launching a business.

Section 18/C⁹⁸

In the cases under Paragraphs *b)* and *d)* of Subsection (1) of Section 18, the issue or extension of a residence permit for the purpose of family reunification may be refused, and the residence permit issued may be withdrawn.

Special Regulations Relating to Stays for an Intended Duration of More Than Ninety Days Within Any One Hundred Eighty Day Period⁹⁹

Section 19

(1)¹⁰⁰ A residence permit may be issued on the grounds of family reunification to a third-country national who is a family member of a third-country national holding a long-term

⁹⁷ Enacted by Section 30 of Act CXLIII of 2017, effective as of 1 January 2018.

⁹⁸ Enacted by Section 25 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁹⁹ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

¹⁰⁰ Established by Subsection (1) of Section 26 of Act CXXXIII of 2018, effective as of 1 January 2019.

visa, a residence permit, immigration permit, permanent residence permit, interim permanent residence permit, or a national or EC permanent residence permit, or of a Hungarian citizen, or if holding a residence card or permanent residence card provided for in specific other act (for the purposes of this Section hereinafter referred to as “sponsor”).

(2) The following persons may be granted a residence permit on the grounds of family reunification:¹⁰¹

- a) family members of persons with refugee status, and
- b) the parents of unaccompanied minors with refugee status, or their legally appointed guardian.

(3) A decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking

(4) The following relatives of sponsors, the spouses of sponsors or persons with refugee status may be granted a residence permit on the grounds of family reunification:¹⁰²

- a) their parents who are dependants;
- b) their brothers and sisters, if they are unable to provide for themselves due to health reasons.

(5)¹⁰³ The spouse of a person with refugee status may be issued a residence permit for the purpose of family reunification if their marriage was contracted before the entry of the person with refugee status into the territory of Hungary.

(6)¹⁰⁴ The spouse of a sponsor may not be issued a long-term visa or a residence permit if the other spouse of the sponsor has residence permit that was issued on the grounds of family reunification.

(7) Family members - unless they have obtained the right of residence on any other grounds - shall be authorized to extend his/her right of residence after five years from the date of issue of his/her first residence permit, or upon the death of the spouse or the persons with refugee status, and if other requirements for further residence are ensured.

(8)¹⁰⁵ The children of third-country nationals with a national visa or a residence permit born in the territory of Hungary shall be issued a residence permit on the grounds of family reunification.

(9)¹⁰⁶ The validity period of a residence permit issued for the purpose of family reunification shall be:

a) four years maximum, and it may be extended by up to four additional years at a time, if the sponsor has an EU Blue Card;

b)¹⁰⁷ five years maximum, and it may be extended by up to five additional years at a time, if the sponsor is a Hungarian citizen or has an EC permanent residence permit issued under Paragraph b) of Subsection (1) of Section 38; or

¹⁰¹ Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007.

¹⁰² Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007.

¹⁰³ Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007. Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁰⁴ Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007.

¹⁰⁵ Amended: by subparagraph d) paragraph (5) Section 109 of Act II of 2007. Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁰⁶ Established: by paragraph (1) Section 59 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹⁰⁷ Established by Subsection (2) of Section 26 of Act CXXXIII of 2018, effective as of 1 January 2019.

c) three years maximum - with the exceptions provided for in Paragraphs a) and b) -, and it may be extended by up to three additional years at a time.

(10)¹⁰⁸ The validity period of a residence permit issued for the purpose of family reunification may not exceed the validity period of the sponsor's residence permit. If the sponsor has an EU Blue Card, the validity period of a residence permit issued for the purpose of family reunification shall be the same as the validity period of the sponsor's EU Blue Card.

(11)¹⁰⁹ The validity period of a residence permit issued for the purpose of family reunification may not exceed the validity period of the applicant's travel document even if the provisions of Subsections (9)-(10) are taken into consideration.

Section 20¹¹⁰

(1) A residence permit may be issued for the purpose of gainful employment to third-country nationals whose purpose of residence is:

a) to lawfully perform work in a self-employed capacity for remuneration; or

b)¹¹¹ to engage - save where Paragraph a) applies - in any gainful activity in the capacity of being the executive officer of a for-profit business association, cooperative or some other legal entity.

(2) A residence permit for the purpose of employment may be issued to third-country nationals:

a) whose purpose of residence is to perform work for or under the direction and/or supervision of others, for remuneration, under contract for employment relationship; or

b) who performs work as the owner or executive officer of a for-profit business association, cooperative or some other legal entity, in addition to the work actually performed in that capacity.

(3) The activities referred to in Subsections (1) and (2) shall be construed as occupational activity.

(4) Unless otherwise provided for in this Act, the third-country nationals wishing to engage in the pursuit of an occupational activity in accordance with Subsections (1) and (2):

a)¹¹² shall have a residence permit issued for the purpose of seasonal employment,

b) shall have a residence permit granted on humanitarian grounds,

c)¹¹³ shall have a residence permit for the purpose of occupational activity, gainful activity or employment, family reunification, for carrying out scientific research or for the purpose of study, or a researcher long-term mobility residence permit or student mobility residence permit, furthermore, a short-term researcher mobility certificate or student mobility certificate,

¹⁰⁸ Established: by paragraph (1) Section 59 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹⁰⁹ Enacted: by paragraph (2) Section 59 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹¹⁰ Established by Subsection (1) of Section 41 of Act XXXIX of 2016, effective as of 1 July 2016.

¹¹¹ Established by Subsection (1) of Section 27 of Act CXXXIII of 2018, effective as of 1 January 2019.

¹¹² Established by Subsection (2) of Section 41 of Act XXXIX of 2016, effective as of 30 September 2016.

¹¹³ Established by Subsection (2) of Section 27 of Act CXXXIII of 2018, effective as of 1 January 2019.

*d)*¹¹⁴ shall have an EU Blue Card, or

*e)*¹¹⁵ shall have a residence permit issued for the purpose of intra-corporate transfer.

(5)¹¹⁶ Third-country nationals holding a residence permit for the purpose of studies and a student mobility residence permit, furthermore, a student mobility certificate may engage in any full-time occupational activity during their term-time for maximum twenty-four hours weekly, and outside their term-time for a maximum period of ninety days or sixty-six working days in a year.

(6) The validity period of a residence permit granted for the purpose of gainful employment shall be three years maximum, and it may be extended by three additional years at a time.

*Section 20/A*¹¹⁷

(1) An EU Blue Card shall be given to a third-country national:

*a)*¹¹⁸ who is able to meet the conditions set out in Paragraphs *a)*, *d)*, *h)* and *i)* of Subsection (1) of Section 13, and who is not subject to the grounds for exclusion under Subsection (2) of this Section and Paragraphs *b)* and *d)* of Subsection (1b) of Section 18;

b) whose employment is justified in line with specific guidelines laid down by the relevant legislation, or on grounds of domestic employment policy considerations;

c) who has full healthcare insurance or applied for coverage for healthcare services with respect to all periods when his contract for employment relationship carries no insurance; and

*d)*¹¹⁹ who has notified the address of his accommodation in the territory of Hungary.

(2) An EU Blue Card shall be refused, and shall not be issued:

a) to any third-country national who has applied for refugee status to the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority;

*b)*¹²⁰ to any person who has been granted any subsidiary form of protection or temporary protection in Hungary;

c) to exiles;

d) to any third-country national holding a residence permit for the purpose of carrying out scientific research;

e) to any person authorized under specific other legislation to exercise the right of free movement and residence;

f) to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;

*g)*¹²¹ to any third-country national who enter the territory of Hungary under commitments

¹¹⁴ Established by Subsection (3) of Section 41 of Act XXXIX of 2016, effective as of 30 September 2016.

¹¹⁵ Enacted by Subsection (3) of Section 41 of Act XXXIX of 2016, effective as of 30 September 2016.

¹¹⁶ Established by Subsection (3) of Section 27 of Act CXXXIII of 2018, effective as of 1 January 2019.

¹¹⁷ Enacted: by Section 92 of Act CV of 2011. In force: as of 1. 08. 2011.

¹¹⁸ Established: by paragraph (1) Section 2 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹¹⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹²⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹²¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons;

*h)*¹²² to any third-country national who is residing in the territory of Hungary with a residence permit issued for the purpose of seasonal employment, or who has been admitted to any Member State of the European Union as a seasonal worker;

*i)*¹²³ to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, as long as he/she is posted on the territory of Hungary.

(2a)¹²⁴ In the proceedings for the issue of a EU Blue Card the competent authority shall adopt its decision within ninety days from the date of submission of the application.

(3) An EU Blue Card shall be made out for a period of at least one year. If the contract of employment is for a shorter period, the EU Blue Card shall be made out for the term of the relationship covered by the contract of employment, plus three months.

(4) The validity period of an EU Blue Card shall be four years maximum, and it may be extended by four additional years at a time.

*Section 20/B*¹²⁵

A third-country national holding a residence permit issued by any Member State of the European Union for the purpose of highly qualified employment shall be issued a EU Blue Card:

a) after eighteen months of legal residence in the Member State having issued the EU Blue Card, and

b) if able to meet the requirements set out in Paragraphs *a)-d)* of Subsection (1) of Section 20/A.

*Section 20/C*¹²⁶

For a period of two years after the date of issue, the holder of an EU Blue Card shall be allowed to work:

a) only in the employment relationship for which it was issued, or

b) only in an employment relationship authorized in connection with domestic employment policy considerations, for the purpose of highly qualified employment.

*Section 20/D*¹²⁷

(1) A residence permit for the purpose of seasonal employment may be issued to third-country nationals whose purpose of residence is to perform seasonal work provided for in specific other legislation.

(2) A residence permit for the purpose of seasonal employment may be issued for maximum six months, that may be extended by not more than six months within a period of twelve months.

¹²² Established by Section 42 of Act XXXIX of 2016, effective as of 30 September 2016.

¹²³ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹²⁴ Enacted: by paragraph (2) Section 2 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹²⁵ Established: by Section 3 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹²⁶ Enacted: by Section 92 of Act CV of 2011. In force: as of 1. 08. 2011.

¹²⁷ Enacted by Section 43 of Act XXXIX of 2016, effective as of 30 September 2016.

A residence permit for the purpose of seasonal employment may not be issued for more than six months within a period of twelve months, and may not be extended for that purpose past the original six-month period.

(3) A residence permit for the purpose of seasonal employment may not be issued:

a) to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, as long as he/she is posted on the territory of Hungary; or

b) to any third-country national who has the right of free movement and residence under specific other legislation.

Section 20/E¹²⁸

(1) A residence permit for the purpose of intra-corporate transfer may be issued to a third-country national:

a) who provides evidence that the host entity and the company established in a third country belong to the same company or group of companies;

b) who is able to meet the conditions set out in Paragraphs *a)*, *d)*, *h)* and *i)* of Subsection (1) of Section 13, and who is not subject to the grounds for exclusion under Subsection (2) of this Section and Subsections (1f)-(1i) of Section 18;

*c)*¹²⁹ who provides evidence of employment within the same company or group of companies, at least three uninterrupted months immediately preceding the date of the intra-corporate transfer in the case of executive employees and specialists provided for in other legislation, and at least three up to six uninterrupted months in the case of trainee employees;

d) who provides evidence that the duration of intra-corporate transfer is the longest in Hungary relative to the stay in other Member States of the European Union;

e) who has the professional qualifications and experience needed in the host entity to which he or she is to be transferred as executive employee or specialist or, in the case of a trainee employee, the university degree required;

f) whose employment is justified in line with specific guidelines laid down by the relevant legislation, or on grounds of domestic employment policy considerations;

g) who has full healthcare insurance or applied for coverage for healthcare services with respect to all periods when his/her contract for employment relationship carries no insurance;

h) who has sufficient resources for themselves and their family members not to become a burden on the social assistance system of Hungary during their period of residence; and

i) who has notified the address of his/her accommodation in the territory of Hungary.

(2) A residence permit for the purpose of intra-corporate transfer may not be issued:

a) to any third-country national holding a residence permit for the purpose of carrying out scientific research;

b) to any third-country national who, under agreements between the European Union and its Member States and third countries, enjoy rights of free movement equivalent to those of Union citizens or are employed by a company established in those third countries;

c) to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, as long as he/she is posted on the territory of Hungary;

¹²⁸ Enacted by Section 43 of Act XXXIX of 2016, effective as of 30 September 2016.

¹²⁹ Amended by Paragraphs a)-b) of Section 55 of Act CXLIII of 2017.

d) to private entrepreneurs;
e) to third-country nationals assigned for occupational activity by employment agencies, temporary work agencies or any other companies engaged in making available labor to work under the supervision and direction of another company;

f) to third-country nationals admitted as full-time students or who are undergoing a short-term supervised practical training as part of their studies.

(3) The period of validity of the residence permit for the purpose of intra-corporate transfer shall be at least one year or the duration of the transfer. Of the two periods the shorter one shall be considered as the period of validity of the residence permit.

(4) The period of validity of the residence permit for the purpose of intra-corporate transfer shall be maximum three years for executive employees and specialists and one year for trainee employees.

(5) The period of validity of the intra-corporate transferee permit may be extended within the period provided for in Subsection (4) by the period provided for in Subsection (4) for the purpose of intra-corporate transfer.

(6) A residence permit under Subsections (1) and (2) of Section 20 may not be issued to a third-country national who meets the conditions set out in Paragraphs *a)*-*b)* of Section 2/A and in Subsection (1) of Section 20/E.

Section 20/F¹³⁰

A third-country national holding a residence permit for the purpose of intra-corporate transfer issued in any Member State of the European Union shall be granted a residence permit (permit for long-term mobility) if able to meet the conditions set out in Paragraphs *a)* and *d)* of Subsection (1) of Section 13 and Paragraphs *a)*-*b)* and *f)*-*i)* of Subsection (1) of Section 20/E.

Section 21¹³¹

(1) A residence permit for the purpose of studies may be issued to a third-country national:

a) who is seeking admission to or is accepted by a public education institution registered in the public education information system in Hungary for pursuing full-time course of study in the regular school system or in daytime courses of study under a student relationship, or for pursuing full-time education and training in a State-recognized institution of higher education or in a foreign higher education institution authorized to operate in the territory of Hungary, or to attend a course organized by an establishment of higher education, which may cover a preparatory course prior to such education;

b) who is able to evidence to have sufficient knowledge of the language of the course to be followed;

c) who is able to evidence that public education fees or the fees charged by the higher education institution have been paid;

d) who is able to provide proof of compliance with the requirements set out in Paragraphs *a)*, *c)*-*d)* and *f)*-*i)* of Subsection (1) of Section 13; and

e) who has reported the address of his/her actual place of accommodation in the territory of Hungary.

¹³⁰ Enacted by Section 43 of Act XXXIX of 2016, effective as of 30 September 2016.

¹³¹ Established by Section 31 of Act CXLIII of 2017, effective as of 1 January 2018.

- (2) A residence permit for the purpose of studies may not be issued:
- a)* to any third-country national who has applied for refugee status at the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority;
 - b)* to any person who has been granted refugee status, or any subsidiary form of protection or temporary protection in Hungary;
 - c)* to exiles;
 - d)* to any third-country national whose expulsion has been suspended for reasons of fact or of law;
 - e)* to any person authorized under specific other legislation to exercise the right of free movement and residence;
 - f)* to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;
 - g)* to third-country nationals who come to the Union as trainee employees in the context of an intra-corporate transfer;
 - h)* to third-country nationals who are admitted to the Union for the purpose of employment as highly qualified workers.
- (3) The validity period of a residence permit issued on grounds of the pursuit of studies:
- a)* is at least one year;
 - b)* shall correspond to the duration of training, if it is less than one year.
- (4) The validity period of a residence permit issued on grounds of the pursuit of studies may be extended by at least one or at most by two additional years at a time.
- (5) The validity period of a residence permit issued on grounds of the pursuit of studies may not exceed the validity period of the applicant's travel document even if the provisions of Subsection (3) are taken into consideration.
- (6) In the proceedings for the issue and renewal of a residence permit for the purpose of studies the competent immigration authority shall adopt its decision within seventy days from the date of submission of the application.

Section 21/A¹³²

- (1) Students who are in possession of a residence permit issued by another Member State of the European Union for the purpose of studies and who are not covered by a Union or multilateral program that comprises mobility measures or by an agreement between two or more higher education institutions, and who are in possession of a valid residence permit for the purpose of study issued by the first Member State, shall be entitled to a student mobility residence permit if they intend to carry out part of the studies in the higher education institution provided for in specific other legislation.
- (2) Simultaneously with submitting the application for student mobility residence permit, students shall provide:
- a)* the agreement with a Hungarian higher education institution or a certificate of admission;
 - b)* documents evidencing compliance with the conditions set out in Paragraphs *f)*-*g)* of Subsection (1) of Section 13;
 - c)* proof of payment of the fee charged by the higher education institution; and
 - d)* a document showing the actual place of accommodation in the territory of Hungary.

¹³² Enacted by Section 32 of Act CXLIII of 2017, effective as of 1 January 2018.

(3) Students who are in possession of a residence permit issued by another Member State of the European Union for the purpose of studies and who are covered by a Union or multilateral program that comprises mobility measures or by an agreement between two or more higher education institutions, and who are in possession of a valid residence permit for the purpose of studies, issued by the first Member State, shall be entitled to student mobility certificate if - with a view to exercising student mobility - they notify the immigration authority, using the notification form and with data content provided for by specific other legislation of their student mobility plan, including the planned duration of mobility and the dates of the mobility.

(4) In addition to what is contained in Subsection (3), students shall enclose with the notification provided for in Subsection (3):

- a) the agreement with a Hungarian higher education institution or a certificate of admission;
- b) documents evidencing compliance with the conditions set out in Paragraphs f)-g) of Subsection (1) of Section 13;
- c) proof of payment of the fee charged by the higher education institution; and
- d) a document showing the actual place of accommodation in the territory of Hungary.

(5) Within thirty days from having received the complete application or notification for mobility residence permit, the immigration authority shall refuse to issue the student mobility residence permit provided for in Subsection (1), or shall object - by means of a resolution - to the notification provided for in Subsection (3) where:

- a) the application referred to in Subsection (1) is submitted not on the standard form and with data content provided for by specific other legislation, or if the student fails to comply with the requirements set out in Subsection (2);
- b) the notification referred to in Subsection (3) is submitted not on the standard form and with data content provided for by specific other legislation, or if the student fails to comply with the requirements set out in Subsection (4);
- c) the student's residence will be a threat to public order, public security, national security or public health in Hungary;
- d) the student has supplied false or untrue information to the competent immigration authority in the interest of obtaining the student mobility permit; or
- e) the maximum duration of stay referred to in Subsection (6) has been reached.

(6) The maximum duration of stay in the territory of Hungary for third-country nationals holding a student mobility residence permit provided for in Subsection (1), or a student mobility certificate provided for in Subsection (3) is three hundred and sixty days.

(7) The immigration authority shall make out a certificate on the acceptance of the notification referred to in Subsection (3) with data content provided for in specific other legislation.

Section 22¹³³

(1) A residence permit for the purpose of research may be issued to third-country nationals:

- a) seeking admission to the territory of Hungary for the purposes of carrying out research under a hosting agreement concluded with a research organization accredited under specific other legislation; and
- b) the research organization provides a written commitment for reimbursing the costs of expulsion in cases where the researcher remains in the territory of Hungary past the period authorized - if the researcher does not have the financial means necessary.

¹³³ Established by Section 33 of Act CXLI of 2017, effective as of 1 January 2018.

- (2) A residence permit for the purpose of research may not be issued:
- a) to any third-country national who has applied for refugee status with the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority;
 - b) to any person who has been granted refugee status, or any subsidiary form of protection or temporary protection in Hungary;
 - c) to exiles;
 - d) to any third-country national whose expulsion has been suspended for reasons of fact or of law;
 - e) to any person authorized under specific other legislation to exercise the right of free movement and residence;
 - f) to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;
 - g) to third-country nationals who come to the Union as trainee employees in the context of an intra-corporate transfer;
 - h) to third-country nationals who are admitted to the Union for the purpose of employment as highly qualified workers.
- (3) The validity period of a residence permit issued for the purpose of research:
- a) is at least one year;
 - b) shall correspond to the validity period of the hosting agreement, if the validity period of the hosting agreement is less than one year.
- (4) The validity period of a residence permit for the purpose of research may be extended by a period corresponding to the duration of the hosting agreement, not exceeding two years at a time.
- (5) In the proceedings for the issue and renewal of a residence permit for the purpose of research the competent immigration authority shall adopt its decision within sixty days from the date of submission of the application.

Section 22/A¹³⁴

- (1) Third-country nationals who are in possession of a permit issued by a Member State of the European Union for the purpose of research shall be entitled to a short-term research mobility certificate for a maximum duration of stay in the territory of Hungary for a period of one hundred and eighty days in any three hundred and sixty day period, if they intend to carry out part of the research in a Hungarian research organization under a hosting agreement concluded with a research organization accredited under specific other legislation.
- (2) With the notification for the issue of a short-term mobility certificate researchers shall enclose:
- a) the hosting agreement concluded with the accredited Hungarian research organization;
 - b) the short-term mobility plan, indicating also the planned duration and dates of the mobility;
 - c) documents evidencing compliance with the conditions set out in Paragraphs f)-g) of Subsection (1) of Section 13; and
 - d) a document showing the actual place of accommodation in the territory of Hungary.
- (3) Within thirty days from having received the complete notification for the issue of a short-term mobility certificate for the purpose of research, the immigration authority shall object - by means of a resolution - to such notification where:

¹³⁴ Enacted by Section 34 of Act CXLIII of 2017, effective as of 1 January 2018.

a) the notification is submitted not on the standard form and with data content provided for by specific other legislation, or if the researcher fails to comply with the requirements set out in Subsection (2);

b) the researcher's residence will be a threat to public order, public security, national security or public health in Hungary;

c) the researcher has supplied false or untrue information to the competent immigration authority in the interest of obtaining the short-term mobility permit for the purpose of research; or

d) the maximum duration of stay referred to in Subsection (1) has been reached.

(4) The immigration authority shall make out a certificate on the acceptance of the notification referred to in Subsection (2) with data content provided for in specific other legislation.

(5) Where a third-country national researcher submits a notification for mobility provided for in Subsection (1), the family members of such third-country national who hold a valid residence permit issued by the first Member State on the basis of family relationship shall be entitled to a short-term mobility certificate for the purpose of research, provided that he encloses with the notification:

a) documents evidencing compliance with the requirements specified in Paragraphs a), f) and g) of Subsection (1) of Section 13;

b) proof of the planned duration and dates of the mobility consistent with the researcher's short-term mobility plan;

c) a copy of the residence permit issued by the first Member State.

(6) Within thirty days from having received the complete notification provided for in Subsection (5) of the researcher's family member, the immigration authority may object - by means of a resolution - to such notification where:

a) the requirements set out in Subsection (5) are not satisfied;

b) the third-country national or the researcher has supplied false or untrue information to the competent immigration authority in the interest of obtaining the short-term mobility permit for the purpose of research;

c) the family member's residence will be a threat to public order, public security, national security or public health in Hungary; or

d) the immigration authority objected to the researcher's short-term mobility notification for the purpose of research.

(7) The validity period of the researcher's family member's short-term mobility certificate issued for the purpose of research provided for in Subsection (5) shall be up to one hundred and eighty days in any three hundred and sixty day period, however, it may not exceed the validity period of the short-term mobility certificate issued for the purpose of research.

(8) The immigration authority shall make out a certificate on the acceptance of the notification referred to in Subsection (5) with data content provided for in specific other legislation.

Section 22/B¹³⁵

(1) Third-country nationals who are in possession of a permit issued by a Member State of the European Union for the purpose of research shall be entitled to a long-term mobility residence permit for stay in the territory of Hungary for a period exceeding one hundred and eighty days, if they intend to carry out part of the research in a Hungarian research organization under a hosting

¹³⁵ Enacted by Section 34 of Act CXLIII of 2017, effective as of 1 January 2018.

agreement concluded with a research organization accredited under specific other legislation. The long-term mobility residence permit for the purpose of research may be issued for a maximum duration of up to three hundred and sixty-five days.

(2) Simultaneously with submitting the application for long-term mobility residence permit for the purpose of research, researchers shall provide:

- a)* the hosting agreement concluded with the Hungarian research organization;
- b)* the long-term mobility plan, indicating also the planned duration and dates of the mobility;
- c)* documents evidencing compliance with the conditions set out in Paragraphs *f)*-*g)* of Subsection (1) of Section 13; and
- d)* a document showing the actual place of accommodation in the territory of Hungary.

(3) The immigration authority shall refuse to issue a long-term mobility residence permit for the purpose of research if:

- a)* the application is submitted not on the standard form and with data content provided for by specific other legislation, or if the researcher fails to comply with the requirements set out in Subsection (2);
- b)* the researcher's residence will be a threat to public order, public security, national security or public health in Hungary;
- c)* the researcher has supplied false or untrue information to the competent immigration authority in the interest of obtaining the long-term mobility permit for the purpose of research; or
- d)* the maximum duration of stay referred to in Subsection (1) has been reached.

(4) The immigration authority shall withdraw the long-term mobility residence permit for the purpose of research:

- a)* if the researcher ceases to comply with the requirements set out in Subsection (2);
- b)* if the researcher's residence will be a threat to public order, public security, national security or public health in Hungary; or
- c)* in the case set out in Subsection (1) of Section 18/A.

(5) In the proceedings concerning an application for long-term mobility residence permit for the purpose of research the competent immigration authority shall adopt its decision within sixty days from the date of submission of the application.

(6) Where a third-country national researcher submits an application provided for in Subsection (1), the family members of such third-country national who hold a valid residence permit issued by the first Member State on the basis of family relationship shall be entitled to a long-term mobility residence permit for the purpose of research provided for in Subsection (1), if he encloses with the notification:

- a)* documents evidencing compliance with the requirements specified in Paragraphs *a)*, *f)* and *g)* of Subsection (1) of Section 13;
- b)* proof of the planned duration and dates of the mobility consistent with the researcher's long-term mobility plan;
- c)* a copy of the residence permit issued by the first Member State.

(7) The immigration authority shall refuse the application for residence permit provided for in Subsection (6), submitted by the researcher's family member, where:

- a)* the requirements set out in Subsection (6) are not satisfied;
- b)* the third-country national or the researcher has supplied false or untrue information to the competent immigration authority in the interest of obtaining the short-term mobility permit for the purpose of research;
- c)* the family member's residence will be a threat to public order, public security, national

security or to public health in Hungary;

d) the immigration authority refused the researcher's application for long-term mobility residence permit for the purpose of research, or has withdrawn such residence permit;

e) the validity period of the researcher's residence permit issued in the first Member State has expired;

f) the duration of stay referred to in Subsection (1) has been reached; or

g) in the case set out in Subsection (1) of Section 18/A.

(8) The immigration authority may withdraw the long-term mobility residence permit for the purpose of research of the researcher's family member provided for in Subsection (6) if the researcher's long-term mobility residence permit for the purpose of research has been withdrawn by the immigration authority, and the family member is not entitled to stay on his or her own right.

(9) The validity period of the researcher's family member's long-term mobility residence permit for the purpose of research shall be three hundred and sixty days maximum, however, it may not exceed the validity period of the researcher's long-term mobility residence permit for the purpose of research.

Section 22/C¹³⁶

(1) A residence permit for the purpose of job-searching or entrepreneurship may be issued to third-country nationals:

a) who are in possession of a valid residence permit for the purpose of research and able to prove the completion of the research activity, or

b) who are in possession of a valid residence permit for the purpose of studies and able to prove the successful completion of studies,

if able to meet the conditions set out in Paragraphs *a), f) g)* and *h)-i)* of Subsection (1) of Section 13, and the employment the third-country national is seeking or the business he or she is in the process of setting up corresponds to the level of research or of studies completed.

(2)¹³⁷ A residence permit for the purpose of job-searching or entrepreneurship may be issued for maximum nine months.

(3) Residence permits for the purpose of job-searching or entrepreneurship are not renewable.

(4) In the proceedings for the issue of a residence permit for the purpose of job-searching or entrepreneurship the competent immigration authority shall adopt a decision within seventy days from the date of submission of the application.

Section 22/D¹³⁸

(1) A residence permit for the purpose of traineeship may be issued to a third-country national:

*a)*¹³⁹ who is able to provide proof of having signed a training agreement with an approved entity hosting trainees for the purpose of traineeship in the territory of Hungary, and the host entity provides a written commitment for reimbursing the costs of expulsion in cases where the trainee remains in the territory of Hungary past the period authorized - if the trainee does not

¹³⁶ Enacted by Section 34 of Act CXLIII of 2017, effective as of 1 January 2018.

¹³⁷ Established by Section 28 of Act CXXXIII of 2018, effective as of 1 January 2019.

¹³⁸ Enacted by Section 34 of Act CXLIII of 2017, effective as of 1 January 2018.

¹³⁹ Established by Section 29 of Act CXXXIII of 2018, effective as of 1 January 2019.

have the financial means necessary;

b) who is able to provide evidence of having obtained a higher education degree required for the pursuit of traineeship within the two years preceding the date of application or of pursuing a course of study that leads to a higher education degree;

c) who is able to evidence to have sufficient knowledge of the language needed for the purpose of the traineeship.

(2) A residence permit for the purpose of traineeship may not be issued:

a) to any third-country national who has applied for refugee status to the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority;

b) to any person who has been granted refugee status, or any subsidiary form of protection or temporary protection in Hungary;

c) to exiles;

d) to any third-country national whose expulsion has been suspended for reasons of fact or of law;

e) to any person authorized under specific other legislation to exercise the right of free movement and residence;

f) to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;

g) to third-country nationals who come to the Union as trainee employees in the context of an intra-corporate transfer;

h) to third-country nationals who are admitted to the Union for the purpose of employment as highly qualified workers.

(3) The validity period of a residence permit issued for the purpose of traineeship:

a) shall be maximum six months;

b) shall correspond to the duration of traineeship, if the duration of the training agreement is shorter than six months.

(4) Residence permits issued for the purpose of traineeship are not renewable.

(5) In the proceedings for the issue of a residence permit for the purpose of traineeship the competent immigration authority shall adopt its decision within sixty days from the date of submission of the application.

Section 23

(1)¹⁴⁰ Residence permits may be issued for official duty to third-country nationals:¹⁴¹

a) enjoying any special privileges and immunities under diplomatic relations or international law, and their family members;

b) who are members of official delegations of foreign states or foreign government bodies, or international organizations;

c) who are journalists;

d) seeking admission within the framework of an international convention, international cooperation or an intergovernmental aid program in the field of education, science or culture or

¹⁴⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.
The change does not effect the English version.

¹⁴¹ Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

participating in continuing professional training;

*e)*¹⁴² who are staff members of scientific, educational and cultural institutions operating in Hungary under an international convention and to persons seeking admission in connection with the activities of such institutions.

(2) The validity period of a residence permit issued for official duty shall correspond to the duration of training or continuing professional training, not to exceed three years, and it may be extended by the duration corresponding to any extension of the training or continuing professional training, not to exceed three years.

Section 24

(1) Residence permits may be issued for the purpose of medical treatment to third-country nationals:¹⁴³

*a)*¹⁴⁴ seeking admission into the territory of Hungary for the purpose of receiving medical treatment;

*b)*¹⁴⁵ accompanying their minor children or family members in need of support for receiving medical treatment in Hungary.

(2) The validity period of a residence permit issued for the purpose of medical treatment shall correspond to the duration of treatment, not to exceed two years, and it may be extended by the duration corresponding to any extension of the treatment, not to exceed two years.

Section 25

(1)¹⁴⁶ Residence permits may be issued for the purpose of visit to third-country nationals holding a letter of invitation specified in specific other legislation.

(2) The validity period of a residence permit issued for the purpose of visit shall correspond to the duration of the commitment fixed in the letter of invitation, not to exceed one year, and it may not be extended for the purpose of visit.

*Section 26*¹⁴⁷

(1) Residence permits may be issued for the purpose of voluntary service activities to third-country nationals seeking admission into the territory of Hungary under a voluntary service agreement concluded with a host entity provided for in specific other legislation for providing voluntary services in the public interest, furthermore, to volunteers participating in the European Voluntary Service.

(2) A residence permit for the purpose of voluntary service activities may not be issued:

a) to any third-country national who has applied for refugee status to the refugee authority, or

¹⁴² Amended: by subparagraph f) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.
The change does not effect the English version.

¹⁴³ Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

¹⁴⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁴⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁴⁶ Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

¹⁴⁷ Established by Section 35 of Act CXLIII of 2017, effective as of 1 January 2018.

having requested any subsidiary form of protection or temporary protection from the refugee authority;

b) to any person who has been granted refugee status, or any subsidiary form of protection or temporary protection in Hungary;

c) to exiles;

d) to any third-country national whose expulsion has been suspended for reasons of fact or of law;

e) to any person authorized under specific other legislation to exercise the right of free movement and residence;

f) to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;

g) to third-country nationals who come to the Union as trainee employees in the context of an intra-corporate transfer;

h) to third-country nationals who are admitted to the Union for the purpose of employment as highly qualified workers.

(3) The validity period of a residence permit issued for the purpose of voluntary service activities:

a) is at least one year;

b) shall correspond to the validity period of the voluntary service agreement, if validity period of the voluntary service agreement is less than one year.

(4) In the proceedings for the issue and renewal of a residence permit for the purpose of voluntary service activities the competent immigration authority shall adopt its decision within seventy days from the date of submission of the application.

Section 27

(1) A national visa or national residence permit may be issued under international agreement to third-country nationals seeking admission into the territory of Hungary.¹⁴⁸

a) to engage in activities to preserve and maintain the Hungarian language;

b) to engage in activities intended to preserve cultural and ethnic identity;

c) for the purpose of learning and enlightenment in an establishment of secondary or higher education recognized by the State;

d) for the purpose of furthering family ties, other than family reunification.

(2)¹⁴⁹ The validity period of a national residence permit shall be up to five years, and it may be extended by maximum five additional years at a time.

Section 27/A¹⁵⁰

Hungary shall issue temporary residence permits in accordance with the international agreements on employment in a Working Holiday Scheme.

Section 28

¹⁴⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁴⁹ Established: by Section 40 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁵⁰ Enacted by Section 42 of Act XXXIII of 2017, effective as of 5 May 2017.

(1)¹⁵¹ Any third-country national who is able to satisfy the requirements set out in Paragraphs *a), c)-i)* of Subsection (1) of Section 13 may have a residence permit issued in the absence of the objectives listed under Sections 19-27 for eligibility for a residence permit.

(2) The validity period of a residence permit referred to in Subsection (1) shall be five years at most, and it may be extended by maximum five additional years at a time.

(3)-(12)¹⁵²

Section 29

(1) In the absence of the requirements for a residence permit specified in this Act the following persons shall be granted a residence permit on humanitarian grounds:

*a)*¹⁵³ the person recognized by Hungary as a stateless person;

*b)*¹⁵⁴ the person who has been granted refugee status in Hungary;

*c)*¹⁵⁵ on the strength of law, any third-country national who applied to the refugee authority for asylum, or who applied to the refugee authority for any subsidiary form of protection or temporary protection;

*d)*¹⁵⁶ any third-country national who was born in the territory of Hungary who has been removed from the custody of his guardian having custody according to Hungarian law, and also unaccompanied minors;

*e)*¹⁵⁷ for substantial national security or law enforcement reasons - by initiative of the court, the public prosecutor's office, national security or law enforcement agency, or the investigating arm of the Nemzeti Adó- és Vámhivatal (*National Tax and Customs Authority*) - to any third-country national, or other affiliated third-country nationals on his/her account, who has cooperated with the authorities in a crime investigation and has provided significant assistance to gather evidence;

*f)*¹⁵⁸ by initiative of the court, to third-country nationals who have been subjected to particularly exploitative working conditions, or to third-country national minors who were employed illegally without a valid residence permit or other authorization for stay.

(1a)¹⁵⁹ In the event of withdrawal of expulsion and exclusion orders under Subsection (10) of Section 47, the immigration authority shall - in the absence of the requirements specified in this Act for residence - issue a residence permit to the third-country national affected on humanitarian grounds if the third-country national:

a) cooperated with the immigration authority in the process of carrying out the expulsion;

¹⁵¹ Amended: by subparagraph f) paragraph (4), subparagraph f) paragraph (5) Section 109 of Act II of 2007.

¹⁵² Repealed by Paragraph b) of Subsection (2) of Section 70 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁵³ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁵⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁵⁵ Established: by paragraph (2) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

¹⁵⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁵⁷ Established by Section 73 of Act CXLI of 2011. Amended by Paragraph a) of Section 246 of Act CXC VII of 2017.

¹⁵⁸ Enacted: by paragraph (2) Section 93 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁵⁹ Enacted: by paragraph (1) Section 62 of Act XCIII of 2013. In force: as of 1. 07. 2013.

b) complied with the prescribed rules of conduct and with the obligation to report on a regular basis; and

c) is not implicated in a criminal proceeding and does not have a criminal record.

(2)¹⁶⁰ The validity period of a residence permit granted on humanitarian grounds:

a) shall be three years in the case referred to in Paragraph *a)* of Subsection (1), that may be extended by up to one year at a time;

b) shall be one year in the cases referred to in Paragraphs *b)* and *d)* of Subsection (1), that may be extended by up to one year at a time;

c) shall be up to six months in the cases referred to in Paragraph *c)* of Subsection (1), that may be extended by up to six months at a time;

d) in the case referred to in Paragraph *e)* of Subsection (1),

da) shall be up to six months with the exception set out in Subparagraph *db)*, that may be extended by up to six months at a time,

db) shall be up to six months if the third-country national is a victim of trafficking, that may be extended by up to six months at a time;

*e)*¹⁶¹ shall be up to six months in the case referred to in Paragraph *f)* of Subsection (1), that may be extended by up to six months at a time, until the definitive conclusion of proceedings brought by the third-country national against his/her employer for the purpose of recovering outstanding remuneration;

f) shall be one year in the case referred to in Subsection (1a), that may be extended by one year at a time.

(3) By way of derogation from Subsection (1) of Section 18, a residence permit granted on humanitarian grounds may not be extended, or it shall be withdrawn if:

a) any requirement for issue is no longer satisfied;

b) the third-country national in question has disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence;

c) withdrawal is requested by the authority or body on whose initiative it was issued on the grounds specified in Paragraph *a)* or for some other reason.

(4) Where a residence permit was granted on humanitarian grounds by the initiative of a duly authorized authority or body, the withdrawal, extension or refusal of extension of such residence permit shall be subject to the initiative or consent of the aforesaid duly authorized authority or body.

(5) The residence permit of a third-country national referred to in Paragraph *d)* of Subsection (1) may be withdrawn, or extension of the duration specified in his/her residence permit may be refused only if family reunification in the country of origin or in any other country liable to accept him/her is ensured, or if state or other institutional support is ensured.

(6)¹⁶²

(7)¹⁶³ Third-country nationals to whom a residence permit had been issued under Paragraph *e)*

¹⁶⁰ Established by Subsection (1) of Section 45 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁶¹ Amended by Paragraph *c)* of Section 55 of Act CXLIII of 2017.

¹⁶² Repealed by Subsection (1) of Section 70 of Act XXXIX of 2016, effective as of 1 June 2016.

¹⁶³ Established by Subsection (2) of Section 45 of Act XXXIX of 2016, effective as of 1 June 2016.

of Subsection (1), who are victims of trafficking in human beings shall be provided aid and support specified in other legislation.

Provisions Relating to the Issue and Renewal of the Single Permit¹⁶⁴

*Section 29/A*¹⁶⁵

(1)¹⁶⁶ Except for the cases under Subsection (4), the issue or extension of a residence permit is carried out by way of the single application procedure if the third-country national submitted an application for the issue or extension of a residence permit for the purpose of employment.

(2)¹⁶⁷ The issue or renewal of a residence permit is carried out by way of the single application procedure also if the third-country national plans to enter into a contract for employment relationship and submits an application:

- a)* for a residence permit for the purpose of family reunification;
- b)*¹⁶⁸ for an EU Blue Card;
- c)* for a residence permit for the purpose of scientific research;
- d)*¹⁶⁹ for a residence permit for the purpose of seasonal employment;
- e)*¹⁷⁰ for a residence permit for the purpose of intra-corporate transfer; or
- f)*¹⁷¹ for a permit for long-term mobility.

(3) The issue or renewal of a single permit is carried out by way of the single application procedure also if the third-country national plans to enter into a contract for employment relationship and holds:

- a)* a residence permit for the purpose of family reunification;
- b)* an EU Blue Card;
- c)*¹⁷² a residence permit for the purpose of gainful employment under Subsection (1) of Section 20;
- d)* a residence permit issued on humanitarian grounds under Paragraphs *a), e)-f)* of Subsection (1) of Section 29 or under Subsection (1a) of Section 29;
- e)*¹⁷³ residence permit for the purpose of scientific research;

¹⁶⁴ Enacted: by Section 63 of Act XCIII of 2013. In force: as of 1. 01. 2014.

¹⁶⁵ Enacted: by Section 63 of Act XCIII of 2013. In force: as of 1. 01. 2014.

¹⁶⁶ Established by Subsection (1) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁶⁷ Established by Subsection (1) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁶⁸ Amended by Paragraph *ba)* of Subsection (3) of Section 70 of Act XXXIX of 2016.

¹⁶⁹ Enacted by Subsection (2) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁷⁰ Enacted by Subsection (2) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁷¹ Enacted by Subsection (2) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁷² Established by Subsection (3) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁷³ Enacted by Subsection (4) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

- f)*¹⁷⁴ a residence permit for the purpose of seasonal employment;
- g)*¹⁷⁵ a residence permit for the purpose of intra-corporate transfer; or
- h)*¹⁷⁶ a permit for long-term mobility.

(3a)¹⁷⁷ In the case under Paragraph *c)* of Subsection (3), the residence permit of a third-country national may be extended within the framework of a single application procedure if the third-country national applies for such extension for the purpose of employment.

(4) The single application procedure shall not apply:

a) relating to any person authorized under specific other legislation to exercise the right of free movement and residence;

b) relating to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, as long as he/she is posted on the territory of Hungary;

*c)*¹⁷⁸

*d)*¹⁷⁹ relating to any third-country national who reside, or seeking admission to reside in the territory of Hungary to work as an au pair or as a seafarer;

e) relating to any third-country national who has applied for refugee status to the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority;

f) relating to any person who has been recognized as a refugee or has been granted any subsidiary form of protection or temporary protection in Hungary;

g) relating to exiles;

h) relating to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;

i) relating to any third-country national seeking admission to lawfully perform work in a self-employed capacity for remuneration;

j) relating to any third-country national seeking admission for the purpose of study; and

*k)*¹⁸⁰ relating to any third-country national who plans to enter and reside in the territory of Hungary for a duration of ninety days or less within any period of one hundred and eighty days.

(5)¹⁸¹ If the residence permit is issued or renewed within the framework of the single application procedure, the competent authority shall - except as provided for in Subsection (5a) -

¹⁷⁴ Enacted by Subsection (5) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁷⁵ Enacted by Subsection (5) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁷⁶ Enacted by Subsection (5) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁷⁷ Enacted by Subsection (6) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁷⁸ Repealed by Paragraph bb) of Subsection (3) of Section 70 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁷⁹ Established by Subsection (7) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁸⁰ Established by Subsection (8) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁸¹ Established by Subsection (9) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

adopt its decision on the merits within seventy days from the date of submission of the application.

(5a)¹⁸² If the third-country national is employed by an employer provided for in specific other legislation and the residence permit is issued or renewed within the framework of the single application procedure, the competent authority shall adopt its decision on the merits within sixty days from the date of submission of the application.

(6) In the procedures referred to in Subsections (1)-(3) the immigration authority shall issue the residence permit in the form of a single permit.

(7)¹⁸³ The immigration authority shall have powers to issue a single permit within the framework of a single authorization procedure, if:

a) the third-country national's employment is justified in line with specific guidelines laid down by the relevant legislation, or on grounds of domestic employment policy considerations, or if the third-country national in question is exempt from such considerations under specific other legislation; and

b) the third-country national meets the requirements set out by law for the right of residence.

(8)¹⁸⁴ If the residence permit is issued in the form of a single permit, the validity period of such residence permit - with the exception of residence permits received for the purpose of family reunification, seasonal employment or residence permit issued for the purpose of intra-corporate transfer, permits for long-term mobility, residence permits for the purpose of scientific research, EU Blue Card, and humanitarian residence permits granted under Paragraphs a), e)-f) of Subsection (1), or Subsection (1a) of Section 29 - shall not exceed the duration specified in the specialist authority's assessment defined in the relevant legislation, that may be extended up to the time limit specified in the specialist authority's assessment given in the new proceedings.

(9)¹⁸⁵ Third-country nationals shall be required to report their intention of entering into a contract for employment relationship with a specific employer to the immigration authority if:

a) employment is set to take place at an employer other than the previous one, or under different conditions, immediately upon termination of the previous employment or upon any changes in working conditions, at the latest within five days, or

b) having the permits referred to in Subsection (3), immediately upon conclusion of the prior agreement provided for by law, at the latest within five days.

Remedies Available in Residence Permit Proceedings¹⁸⁶

Section 29/B¹⁸⁷

¹⁸² Enacted by Subsection (10) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁸³ Established by Subsection (11) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁸⁴ Established by Subsection (13) of Section 46 of Act XXXIX of 2016, effective as of 30 September 2016.

¹⁸⁵ Established by Subsection (12) of Section 46 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁸⁶ Enacted by Section 36 of Act CXLIII of 2017, effective as of 1 January 2018.

¹⁸⁷ Enacted by Section 36 of Act CXLIII of 2017, effective as of 1 January 2018.

Appeals against decisions adopted in connection with applications for residence permit, mobility residence permit or mobility certificate for the purpose of studies or research shall be submitted within eight days.

Certificate of Temporary Residence

Section 30

(1) A certificate of temporary residence shall be issued to any third-country national:

*a)*¹⁸⁸ who has filed an application for a residence permit, and whose national visa or previous residence permit has already expired before the permit is issued, or shall be granted residence permit in accordance with this Act, furthermore, if the applicant has submitted an application for a residence permit under Subsection (5) of Section 1, except if the third-country national failed to abide by the expulsion ordered before the application for residence permit was submitted;

*b)*¹⁸⁹ who has submitted an application for a or interim permanent residence permit, or a national permanent residence permit under Subsection (2) of Section 94 of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence in the territory of Hungary;

*c)*¹⁹⁰ who remained in the territory of Hungary beyond the duration of lawful residence due to humanitarian reasons or reasons in connection with his/her gainful employment, or for personal or some other unavoidable reasons beyond his/her control;

*d)*¹⁹¹ who was born in the territory of Hungary and whose parent is a third-country national lawfully residing in the territory of Hungary, and whose lawful residence cannot be ensured by any other permit that may be granted under this Act;

e) who is a victim of trafficking in human beings, if initiated by the victim support authority, for the duration of support;

*f)*¹⁹² whose entry is authorized - in exceptional cases - on humanitarian grounds, on grounds of national interest or because of international obligations due to their failure to fulfill one or more of the conditions laid down by law, if he/she does not have any form of authorization to reside in the territory of Hungary;

*g)*¹⁹³ whose travel document had been confiscated, and he/she does not have any form of authorization to reside in the territory of Hungary;

h) who is subject to any immigration related proceeding for unlawful entry and residence pending;

¹⁸⁸ Established by Subsection (1) of Section 47 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁸⁹ Amended by subparagraph k) paragraph (5) Section 109 of Act II of 2007, subparagraph b) Section 299 of Act CCI of 2011, Point 1 of Section 56 of Act LXVI of 2019.

¹⁹⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁹¹ Amended: by subparagraph d) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁹² Established: by paragraph (1) Section 42 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁹³ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

*i)*¹⁹⁴ who has applied for stateless status, for the duration of such proceedings, if he/she does not have any form of authorization to reside in the territory of Hungary;

*j)*¹⁹⁵ who is subject to an order of compulsory confinement under Paragraph *a), b), c), d)* or *f), g), h)* of Subsection (1) of Section 62;

*k)*¹⁹⁶ who has filed an application for a residence permit for the purpose of highly qualified employment in any Member State of the European Union, and has re-entered the territory of Hungary for the period of unemployment after the EU Blue Card has expired or has been withdrawn.

(2) The validity period of a certificate of temporary residence:

*a)*¹⁹⁷ shall be up to three months in the cases specified in Paragraphs *a)-c)* and *f)-h)* of Subsection (1), and it may be extended by maximum three additional months at a time;

b) shall correspond to the duration of residence of the parent in the case specified in Paragraph *d)* of Subsection (1);

c) shall be one month in the case specified in Paragraph *e)* of Subsection (1), and it may not be extended;

*d)*¹⁹⁸ shall be up to six months in the cases specified in Paragraphs *i)* and *j)* of Subsection (1), and it may be extended by six additional months at a time;

*e)*¹⁹⁹ shall be three months in the case specified in Paragraph *k)* of Subsection (1), and it may not be extended.

(3)²⁰⁰ The third-country nationals to whom a certificate of temporary residence had been granted under Paragraph *a)* of Subsection (1) may pursue any occupational activity if:

a) having submitted an application for a residence permit for the purpose of gainful activity or employment in possession of a residence permit that was issued for the purpose of occupational activity;

*b)*²⁰¹ having submitted an application for a residence permit for the purpose of gainful activity or employment in possession of a residence permit that was issued for the purpose of gainful activity or employment;

c) having submitted an application for a residence permit under Subsection (2) or (3) of Section 29/A;

*d)*²⁰² having submitted an application for the extension of a visa issued for seasonal

¹⁹⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁹⁵ Established by paragraph (2) Section 42 of Act CXXXV of 2010. Amended by Paragraph a) of Section 57 of Act CXXXIII of 2018.

¹⁹⁶ Enacted: by paragraph (1) Section 94 of Act CV of 2011. In force: as of 1. 08. 2011.

Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁹⁷ Established: by paragraph (3) Section 42 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁹⁸ Established by Subsection (2) of Section 47 of Act XXXIX of 2016, effective as of 1 July 2016.

¹⁹⁹ Enacted: by paragraph (2) Section 94 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁰⁰ Established by Subsection (3) of Section 47 of Act XXXIX of 2016, effective as of 1 July 2016.

²⁰¹ Amended by Paragraph b) of Subsection (2) of Section 69 of Act XXXIX of 2016.

²⁰² Enacted by Subsection (4) of Section 47 of Act XXXIX of 2016, effective as of 30 September 2016.

employment for a planned duration not exceeding ninety days, for the purpose of seasonal employment;

e)²⁰³ having submitted an application for residence permit for the purpose of seasonal employment while holding a visa issued for seasonal employment for a planned duration not exceeding ninety days;

f)²⁰⁴ having submitted an application for the extension of his/her residence permit issued for seasonal employment, for the purpose of seasonal employment;

g)²⁰⁵ holding a residence permit issued in any Member State of the European Union for the purpose of intra-corporate transfer and having submitted an application for residence permit (permit for long-term mobility) for the purpose of intra-corporate transfer, provided that his/her residence permit issued by the first Member State is valid, and the application was submitted at least twenty days before the end of the short-term mobility period.

(4) A certificate of temporary residence may not be extended, or it shall be withdrawn if any requirement for issue is no longer satisfied.

(5)²⁰⁶ A certificate of temporary residence constitutes the right of residence in the territory of Hungary, it may not be used for exit or reentry, it shall become void upon the third-country national's departure, when it shall be surrendered. The certificates surrendered shall be returned to the issuing authority.

Provisions relating to the Entry and Residence of the Civilian Personnel, and their Relatives, under the Convention between the Parties to the North Atlantic Treaty on the Status of their Forces, signed in London on 19 June 1951

Section 31

(1) With regard to the entry and residence of civilian staff and their relatives (hereinafter referred to as "civilian personnel") described under Paragraph *b*) of Article I of the Convention between the Parties to the North Atlantic Treaty on the Status of their Forces, signed in London on 19 June 1951 (hereinafter referred to as 'NATO-SOFA Agreement') and promulgated by Act CXVII of 1999, and for the verification of the status of such personnel described under Point 3 of Article III, the provisions of this Act shall be applied subject to the exceptions set out in Subsections (2)-(3) of this Section.

(2)²⁰⁷ The aforementioned civilian personnel shall not be required to obtain visas for an intended stay of more than ninety days within any one hundred eighty day period, and shall not be compelled to provide proof for the requirements set out in Paragraphs *e*)-*g*) of Subsection (1) of Section 13.

²⁰³ Enacted by Subsection (4) of Section 47 of Act XXXIX of 2016, effective as of 30 September 2016.

²⁰⁴ Enacted by Subsection (4) of Section 47 of Act XXXIX of 2016, effective as of 30 September 2016.

²⁰⁵ Enacted by Subsection (4) of Section 47 of Act XXXIX of 2016, effective as of 30 September 2016.

²⁰⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁰⁷ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

(3) The immigration authority shall notify the department appointed by the minister in charge of defense if any criminal charges are filed against said civilian personnel and on the conclusion of such, and for any expulsion, for the department to notify the State of origin.

Chapter IV

Establishing Residence

Section 32

(1) The third-country nationals in possession of the following permits shall be considered residents:

- a)* a permanent residence permit issued before the time of this Act entering into force;
- b)* an interim permanent residence permit;
- c)* a national permanent residence permit;
- d)* an EC permanent residence permit.

(2)²⁰⁸ Third-country nationals with permanent resident status shall have the rights afforded in the Fundamental Law and in other legislation.

(3)²⁰⁹ Persons with permanent resident status - other than those with temporary resident status - shall be authorized to reside in the territory of Hungary for an indefinite period of time.

(4) Persons with permanent resident status are entitled to the rights afforded to holders of residence permits by specific other legislation.

(5)²¹⁰ In the cases covered by Act LXVI of 1992 on Records of the Personal Data and Addresses of Citizens, the competent authority shall notify the body operating the register of personal data and address records of citizens concerning:

- a)* the issue of a permanent residence permit to a third-country national with refugee status or subsidiary protection status for the purpose of registration of the new status in addition to the existing one;
- b)* the withdrawal of a permanent residence permit, or an interim, national or EC permanent residence permit; and
- c)* the withdrawal of an immigration permit.

(6)²¹¹

Section 33

(1) The third-country nationals applying for interim permanent residence permit, a national permanent residence permit or an EC permanent residence permit must satisfy the following conditions:

²⁰⁸ Amended: by subparagraph g) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁰⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²¹⁰ Established by Subsection (1) of Section 48 of Act XXXIX of 2016. Amended by Section 70 of Act CIV of 2016.

²¹¹ Repealed by Point 1 of Section 32 of Act XL of 2018, effective as of 26 July 2018.

- a)²¹² must have a place of abode and subsistence in the territory of Hungary secured;
- b) must have full healthcare insurance or sufficient financial resources for healthcare services;
- and
- c) must be exempt from any reason for rejection set out in this Act.
- (2) No interim permanent residence permit, national permanent residence permit or EC permanent residence permit shall be issued to any third-country national:
- a)²¹³
- b)²¹⁴ whose residence in the territory of Hungary constitutes a threat to public security or national security;
- c)²¹⁵ who is subject to expulsion or exclusion from the territory of the Republic of Hungary or for whom an alert has been issued in the SIS for the purposes of refusing entry.
- d)²¹⁶ who has disclosed false information or untrue facts in the interest of obtaining the permit, or misled the competent authority;
- (3) If a third-country national with resident or immigrant status has a child born in the territory of Hungary, who is considered a third-country national, the birth of such child shall be registered and:²¹⁷
- a) an interim permanent residence permit shall be issued for him/her if the parent has an interim permanent residence permit;
- b) a national permanent residence permit shall be issued to him/her if the parent has an immigration permit, a permanent residence permit, national permanent residence permit or an EC permanent residence permit.

Interim Permanent Residence Permit

Section 34

- (1)²¹⁸ The third-country nationals holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union under Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents shall be issued an interim permanent residence permit if seeking admission into the territory of Hungary:²¹⁹
- a)²²⁰ for the purpose of gainful activity or employment, with the exception of seasonal employment;

²¹² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²¹³ Repealed: by subparagraph a) paragraph (1) Section 21 of Act XXVII of 2012. No longer in force: as of 20. 05. 2012.

²¹⁴ Established: by paragraph (1) Section 43 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²¹⁵ Amended: by subparagraph g) paragraph (2) Section 109 of Act II of 2007.

²¹⁶ Enacted: by paragraph (2) Section 43 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²¹⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²¹⁸ Established: by Section 95 of Act CV of 2011. In force: as of 1. 08. 2011.

²¹⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²²⁰ Established by Section 49 of Act XXXIX of 2016, effective as of 1 July 2016.

- b)* for the pursuit of studies or for the purpose of vocational training; or
- c)* for other justified reasons;

if able to meet all other conditions specified by the relevant legislation.

(2)²²¹ Family members from third countries of the third-country nationals referred to in Subsection (1) applying together for an interim permanent residence permit, and the family members of third-country nationals holding an interim permanent residence permit shall be issued an interim permanent residence permit if their family relationship already existed in the Member State of the European Union where the EC residence permit certifying long-term residence status was issued, and if able to meet all other conditions specified by the relevant legislation.

(3)²²² The validity period of an interim permanent residence permit shall be five years maximum, and it may be extended by five additional years at a time. An application for the extension of an interim permanent residence permit may not be refused for the public health reasons referred to in Paragraph *h)* of Subsection (1) of Section 13, if the disease was contracted after the first interim permanent residence permit was issued.

(4) The period of validity of the interim permanent residence permit of a family member referred to in Subsection (2) shall correspond to the duration of the third-country national's interim permanent residence permit.

(5) An interim permanent residence permit may be withdrawn if the third-country national no longer satisfies the requirements set out in Paragraph *a)* or *b)* of Subsection (1) of Section 33.

(6) The interim permanent residence permit must be withdrawn from a third-country national who has been expelled or excluded.

(7) The interim permanent residence permit issued to a family member of a third-country national according to Subsection (2) must be withdrawn if:

- a)* the third-country national's interim permanent residence permit had been withdrawn;
- b)* the family relationship no longer exists, unless the family member in question satisfies the conditions set out in Paragraphs *a)* and *b)* of Subsection (1) of Section 33 following the third-country national's death.

(8) The immigration authority shall notify the Member State of the European Union concerning the issue of an interim permanent residence permit, and also if withdrawn with the reasons indicated, where the EC residence permit certifying long-term residence status was issued for the third-country national.

(9)²²³ Where a third-country national holding a EC residence permit certifying long-term residence status has been granted refugee status or subsidiary protection by a Member State of the European Union, the immigration authority shall - before making out the interim permanent residence permit - contact the Member State of issue of the EC residence permit with the data specified in Section 94 indicated to verify whether the refugee status or subsidiary protection still exist.

(10)²²⁴ Where a third-country national holding a EC residence permit certifying long-term residence status has been granted refugee status or subsidiary protection by the Hungarian refugee authority or court, the immigration authority shall - before making out the interim

²²¹ Established: by Section 95 of Act CV of 2011. In force: as of 1. 08. 2011.

²²² Established: by Section 95 of Act CV of 2011. In force: as of 1. 08. 2011.

²²³ Enacted: by Section 5 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²²⁴ Enacted: by Section 5 of Act XXVII of 2012. In force: as of 20. 05. 2012.

permanent residence permit - contact the Member State of issue of the EC residence permit with the data specified in Section 94 indicated to update the heading 'Remarks' of the EC residence permit.

National Permanent Residence Permit

Section 35

(1)²²⁵ National permanent residence permits may be issued - with the exception set out in Subsection (4) - to third-country nationals holding a residence permit or an interim permanent residence permit for establishing residence in the territory of Hungary, and if:

a) having lawfully resided in the territory of Hungary continuously for at least the preceding three years before the application was submitted;

*b)*²²⁶ a dependent direct relative in the ascending line of a Hungarian citizen or a third-country national with immigrant or permanent resident status or who has been granted asylum, and living in the same household for at least the preceding one year before the application was submitted;

*c)*²²⁷ the spouse of a Hungarian citizen, third-country national with immigrant or permanent resident status or who has been granted asylum, provided that the marriage was contracted at least two years before the application was submitted;

d) the applicant was formerly a Hungarian citizen and whose citizenship was terminated, or whose ascendant is or was a Hungarian citizen;

e) a minor child of a third-country national with immigrant or permanent resident status or who has been granted asylum.

(1a)²²⁸ In addition to what is contained in Subsection (1) Hungary shall issue national permanent residence permits to third-country nationals for the purpose of establishment, if such establishment is in accordance with the interest of Hungary.

(1b)²²⁹ If an application for national permanent residence permit is refused due to the absence of the interest referred to in Subsection (1a), in the administrative action brought against the definitive decision of refusal the court shall not have the option to reverse that decision.

(2)²³⁰ Temporary absence from the territory of Hungary of less than four consecutive months shall not be deemed as discontinuity of residence, if the combined duration of absence does not exceed two hundred and seventy days during the preceding three years before the application was submitted.

(3)²³¹ The immigration authority may authorize a third-country national to establish permanent residence in the territory of Hungary in the event if any discontinuity of residence for a period longer than that described in Subsection (2), if residence was discontinued for a substantial

²²⁵ Established by Subsection (1) of Section 50 of Act XXXIX of 2016, effective as of 1 July 2016.

²²⁶ Amended by Point 2 of Section 56 of Act LXVI of 2019.

²²⁷ Amended by Point 3 of Section 56 of Act LXVI of 2019.

²²⁸ Established by Section 43 of Act XXXIII of 2017, effective as of 5 May 2017.

²²⁹ Enacted by Section 30 of Act CXXXIII of 2018, effective as of 1 January 2019.

²³⁰ Amended: by subparagraph d) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²³¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

reason, such as medical treatment of foreign assignment of the third-country national in connection with his/her gainful employment.

(4) The third-country nationals recognized by the refugee authority as refugees may apply for a national permanent residence permit in the absence of a long-term visa or residence permit.

(5)²³² A national permanent residence permit shall not be issued to any third-country national who has a prior criminal record, until relieved from the detrimental legal consequences related to his criminal record.

(6)²³³ On applications for national permanent residence permit a decision shall be adopted:

a) by the authority of first instance within seventy days,

b) by the authority of second instance within thirty days.

(7)²³⁴ In proceedings for the issue of national permanent residence permits the authority provided for by law shall convey its assessment decision as to whether the residence of a third-country national constitutes a threat to public security or national security of Hungary:

a) within thirty days in procedures of the first instance,

b) within twenty days in procedures of the second instance,

to the competent immigration authority, where such duration shall be included in the administrative time limit.

(8)²³⁵ Time spent in Hungary with residence permit issued to members - including their family members - of diplomatic and consular missions - directed by a career consulate officer - operating in Hungary, international organizations, including their Hungarian branches, posts, offices, furthermore, members of organizations having privileges and immunities by virtue of law shall not be included in the time limit provided for in Paragraph *a)* of Subsection (1).

*Sections 35/A-35/C*²³⁶

Section 36

(1)²³⁷ Under special circumstances the third-country national who is unable to satisfy the conditions set out in Paragraph *a)* of Subsection (1) of Section 13, Subsection (1) of Section 33 and Subsection (1) of Section 35 may be granted a national permanent residence permit by decision of the minister in charge of immigration.

(2)²³⁸ Within the meaning of Subsection (1) hereof, the minister in charge of immigration may take into account the applicant's particular circumstances, family relations and health condition as special and equitable considerations, as well as the interests of Hungary in terms of economic, national policy, scientific, cultural and sports considerations.

(3) The decision of the minister in charge of immigration cannot be appealed.

²³² Enacted: by Section 6 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²³³ Established by Section 27 of Act XL of 2018, effective as of 26 July 2018.

²³⁴ Established by Section 27 of Act XL of 2018, effective as of 26 July 2018.

²³⁵ Enacted by Subsection (1) of Section 11 of Act XLV of 2017, effective as of 2 June 2017.

²³⁶ Repealed by Point 2 of Section 32 of Act XL of 2018, effective as of 26 July 2018.

²³⁷ Established: by Section 44 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²³⁸ Established: by paragraph (3) Section 64 of Act LXXVI of 2012. In force: as of 27. 06. 2012.

Section 37

(1) The immigration authority may withdraw any authority to reside, a national permanent residence permit or immigration permit in the following cases:

a) the circumstances based on which they were issued have changed to an extent that the criteria for authorization is no longer satisfied, and if a period of five years has not elapsed from the date of issue of the permit;

b)²³⁹ it was issued on the grounds of family reunification, and the marriage was dissolved within three years from receipt of the permit for reasons other than the spouse's death, or if the third-country national no longer has parental custody, unless the third-country national in question has resided in Hungary for at least four years under permanent resident or immigrant status;

c)²⁴⁰ the third-country national has departed from the territory of Hungary and remained absent for a period of over six months.

(2) The immigration authority shall withdraw the permit if:

a) the third-country national in question has disclosed false information or untrue facts to the competent authority in the interest of obtaining the permit;

b)²⁴¹ the immigration authority has withdrawn the authority to reside in the territory of Hungary of the third-country national exercising parental custody over a minor child who is a third-country national, and the continued residence of the minor with the other parent with parental custody is not ensured in the territory of Hungary;

c)²⁴² it was granted to a third-country national on the grounds of family reunification and his/her spouse with Hungarian citizenship has departed from the territory of Hungary with a view to establish residence elsewhere, or the lawful residence of the third-country national spouse in the territory of Hungary has been terminated;

d) the third-country national to whom it was issued is expelled or excluded;

e)²⁴³ subscription of the government securities as a precondition for authorization did not take place within forty-five days from the date of issue of the national permanent residence permit, or it is not confirmed by the approved sales company to the immigration authority;

f)²⁴⁴ withdrawal of the permit is requested by the third-country national.

EC Permanent Residence Permit

Section 38

(1)²⁴⁵ EC permanent residence permits may be issued for long-term residence in the territory

²³⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

²⁴⁰ Established by Subsection (1) of Section 28 of Act XL of 2018, effective as of 26 July 2018.

²⁴¹ Established: by Section 45 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph d) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁴² Amended: by subparagraph i) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁴³ Established by Subsection (2) of Section 28 of Act XL of 2018, effective as of 26 July 2018.

²⁴⁴ Enacted by Section 31 of Act CXXXIII of 2018, effective as of 1 January 2019.

²⁴⁵ Established: by paragraph (1) Section 96 of Act CV of 2011. In force: as of 1. 08. 2011.

of Hungary to a third-country national:²⁴⁶

*a)*²⁴⁷ who has lawfully resided in the territory of Hungary continuously for at least a period of five years before the application was submitted; or

b) who was issued an EU Blue Card, and

*ba)*²⁴⁸ has lawfully resided in the territory of Hungary continuously for at least a period of two years before the application was submitted, and

bb) has lawfully resided in the territory of any Member State of the European Union continuously for at least five years.

(2) EC permanent residence permits may not be issued to:

*a)*²⁴⁹ third-country nationals residing in the territory of Hungary in order to pursue studies in an institution of higher education or vocational training;

*b)*²⁵⁰ third-country nationals residing in the territory of Hungary for the purpose of seasonal employment or voluntary service activities;

*c)*²⁵¹ third-country nationals residing in the territory of Hungary under diplomatic or other personal immunity;

*d)*²⁵² third-country nationals having applied for refugee status to the Hungarian refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority, pending definitive decision of the application;

e) exiles;

*f)*²⁵³ third-country nationals recognized by the Hungarian refugee authority or court, or by any Member State of the European Union as refugees or having granted any subsidiary form of protection, on the basis of such status, if refugee status or subsidiary protection is no longer available; and

*g)*²⁵⁴ third-country nationals under temporary protection.

(3) Any duration of previous lawful residence of third-country nationals in accordance with Paragraphs *b)-c)* of Subsection (2) shall not be included in the duration specified in Subsection (1).

(4) Half of the duration of the previous lawful residence of third-country nationals in accordance with Paragraph *a)* of Subsection (2) shall be included in the duration specified in Subsection (1).

(5)²⁵⁵ The duration of residence of a third-country national in the territory of Hungary under refugee status, or under any subsidiary form of protection or temporary protection shall be included in the duration specified in Subsection (1).

²⁴⁶ Amended: by subparagraph j) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁴⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁴⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁴⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁵⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁵¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁵² Established by paragraph (1) Section 7 of Act XXVII of 2012. Amended by Paragraph d) of Section 55 of Act CXLIII of 2017.

²⁵³ Enacted: by paragraph (2) Section 7 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁵⁴ Enacted: by paragraph (2) Section 7 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁵⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

(5a)²⁵⁶ The time periods referred to in Subsection (1) hereof shall include half of the period between the time when the application for asylum of a third-country national recognized as a refugee or having granted any subsidiary form of protection is submitted until the time when the document on refugee status or subsidiary protection is issued. If the aforesaid period exceeds eighteen months, it shall be included in the time periods referred to in Subsection (1) in full.

(6)²⁵⁷ The following shall not be deemed as discontinuity of residence:

*a)*²⁵⁸ in the case defined in Paragraph *a)* of Subsection (1), temporary absence from the territory of Hungary of less than six consecutive months at any given time, if the combined duration of absence does not exceed three hundred days over a period of five years;

b) in the case defined in Paragraph *b)* of Subsection (1), temporary absence from the territory of Member States of the European Union of less than twelve consecutive months at any given time, if the combined duration of absence does not exceed eighteen months over a period of five years.

(7) If a third-country national has a long-term residence permit issued by another Member State of the European Union, the immigration authority shall notify the Member State affected concerning the issue of an EC permanent residence permit.

(8)²⁵⁹ On applications for EC permanent residence permit a decision shall be adopted:

a) by the authority of the first instance within seventy days,

b) by the authority of the second instance within thirty days.

(9)²⁶⁰ In proceedings for the issue of EC permanent residence permits the authority provided for in specific other legislation shall convey its assessment decision as to whether the residence of a third-country national constitutes a threat to public security or national security of Hungary:

a) within thirty days in procedures of the first instance,

b) within twenty days in procedures of the second instance,

to the competent immigration authority, where such duration shall be included in the administrative time limit.

Section 39

(1) The immigration authority shall withdraw the EC permanent residence permit in the following cases:

a) the third-country national was absent from the territory of the Community for a period of over twelve months;

b) the third-country national was granted long-term resident status in another Member State of the European Union;

*c)*²⁶¹ the third-country national was absent from the territory of Hungary for a period of over six years;

²⁵⁶ Enacted: by paragraph (3) Section 7 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁵⁷ Established: by paragraph (2) Section 96 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁵⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁵⁹ Enacted by Subsection (2) of Section 134 of Act CLXXXVI of 2015, effective as of 1 January 2016.

²⁶⁰ Enacted by Subsection (2) of Section 134 of Act CLXXXVI of 2015, effective as of 1 January 2016.

²⁶¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

d) the third-country national disclosed false information or untrue facts to the immigration authority in the interest of obtaining the permit;

e) the third-country national is expelled or excluded.

*f)*²⁶² by way of derogation from Paragraph *a)*, the third-country national was granted the EC permanent residence permit as holder of a valid EU Blue Card or as a family member of an EU Blue Card holder, and was absent from the territory of the Member States of the European Union for a period of over twenty-four consecutive months.

(1a)²⁶³ The immigration authority may withdraw the EC permanent residence permit if the third-country national no longer enjoys refugee status or subsidiary protection.

(2) Any third-country national whose EC permanent residence permit the immigration authority has withdrawn under Paragraphs *a)*-*c)* of Subsection (1) shall be granted a new EC permanent residence permit when re-applying, without checking the condition specified in Subsection (1) of Section 38.

Chapter V

Regulations Pertaining to Third-Country Nationals

Refusal of Entry and Assisted Return

Section 40

(1) The authority carrying out border checks shall refuse the entry of third-country nationals seeking admission for stays for an intended duration of no more than ninety days according to the provisions of the Schengen Borders Code, and shall return such persons - in due observation of its interests:²⁶⁴

a) to the country of origin of the third-country national in question;

b) to the country that is liable to accept the third-country national in question;

c) to the country where the customary residence of the third-country national in question is located;

d) to any third country prepared to accept the third-country national in question.

(2) If entry is refused because the third-country national is under exclusion, the visa issued in accordance with this Act shall be void.

(3) The decision for the refusal of entry may not be appealed.

Section 41

(1) A third-country national whose entry was refused and is turned back shall:

a) remain for a maximum period of eight hours on the means of transport that is scheduled to

²⁶² Enacted: by Section 97 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁶³ Enacted: by Section 8 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁶⁴ Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

depart to the point of origin or another destination of transit;

b) remain in a designated place located in the frontier zone for a maximum period of seventy-two hours, or if having arrived by means of air transport, in a designated place of the airport for a maximum period of eight days; or

c) transfer onto another means of transport of the carrier that is liable to provide return transport.

(2)²⁶⁵ If the return procedure cannot be carried out within the time limit specified in Paragraph *b)* of Subsection (1), the third-country national shall be expelled. If expulsion is ordered for reasons other than what is contained in Paragraph *d)* of Subsection (2) of Section 43, the third-country national in question may not be excluded.

(3)²⁶⁶ Where a third-country national used a falsified or forged document or a genuine document issued under the name of another person for entering the territory of Hungary shall not prevent the enforcement of the return measure and/or expulsion under Subsection (2). In such cases criminal proceedings shall be initiated only if the return measure and/or expulsion under Subsection (2) is not ordered.

*Section 41/A*²⁶⁷

(1) Third-country nationals exercising mobility under Subsection (3) of Section 21/A and Subsection (1) of Section 22/A shall be entitled to enter the territory of Hungary if they are in possession of:

a) a valid travel document;

b) a residence permit issued by the first Member State; and

*c)*²⁶⁸ a copy of the notification provided for in Subsection (3) of Section 21/A or Subsection (2) of Section 22/A, or in the absence thereof evidence that the student carries out part of the studies in the framework of a Union or multilateral program that comprises mobility measures or an agreement between two or more higher education institutions, or for researchers, either a copy of the hosting agreement, or a letter from the research organization that specifies at least the duration of mobility and the address of the research organization, or the certificate provided for in Subsection (7) of Section 21/A or Subsection (4) of Section 22/A.

(2) Admission shall be refused if:

a) the third-country national has no valid travel document;

*b)*²⁶⁹ the third-country national is unable to comply with the requirements set out in Paragraph *c)* of Subsection (1);

c) the third-country national has been excluded;

d) an alert has been issued for the third-country national in the SIS for the purposes of refusing entry and residence.

(3) The family members of a researcher exercising short-term mobility under Subsection (1) of Section 22/A shall be entitled to enter the territory of Hungary if they are in possession of:

²⁶⁵ Established: by Section 46 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁶⁶ Enacted by Section 32 of Act CXXXIII of 2018, effective as of 1 January 2019.

²⁶⁷ Enacted by Section 37 of Act CXLIII of 2017, effective as of 1 January 2018.

²⁶⁸ Established by Subsection (1) of Section 33 of Act CXXXIII of 2018, effective as of 1 January 2019.

²⁶⁹ Established by Subsection (2) of Section 33 of Act CXXXIII of 2018, effective as of 1 January 2019.

- a) a valid travel document;
- b) a residence permit issued by the first Member State in proof of family relationship; and
- c)²⁷⁰ a certificate provided for in Subsection (8) of Section 22/A or a copy of the notification in accordance with Subsection (5) of Section 22/A.

Expulsion and Voluntary Departure²⁷¹

*Section 42*²⁷²

(1)²⁷³ The immigration authority, if it finds that a third-country national who has lawfully resided in the territory of Hungary no longer has the right of residence, shall adopt a resolution to refuse his/her application for a residence permit or to withdraw the document evidencing right of residence of the third-country national in question, and - with the exceptions set out in this Act - shall order him/her to leave the territory of the Member States of the European Union. The third-country nationals may seek remedy against the expulsion order in the appeal submitted to challenge the resolution adopted to refuse the application for residence permit or to withdraw the document evidencing right of residence.

(2)²⁷⁴ If the court's decision is for expulsion or the immigration authority considers that the conditions for the third-country national's expulsion under this Act do exist, the immigration authority shall - with the exceptions set out in this Act - adopt a decision ordering the third-country national in question to leave the territory of the Member States of the European Union.

(3)²⁷⁵ The immigration authority shall prescribe the time limit for voluntary departure in its resolution ordering expulsion, or in its ruling adopted for carrying out the expulsion ordered by the court so that it falls between the seventh and the thirtieth day following the time of delivery of the resolution for expulsion to the third-country national, if the third-country national affected agrees to leave the territory of the Member States of the European Union on his/her own accord, except where the cases defined by this Act apply. The time period provided for above shall not exclude the possibility for the third-country national concerned to leave earlier.

(4)²⁷⁶ Where justified by the personal circumstances of the person expelled - such as the length of stay in the territory of Hungary, on account of which more time is required for making preparations for departure, or the existence of other family and social links -, the immigration authority may - upon request or on its motion - extend the period for voluntary departure by a period of up to thirty days. If the child who is in the parental custody of an expelled third-country

²⁷⁰ Established by Subsection (3) of Section 33 of Act CXXXIII of 2018, effective as of 1 January 2019.

²⁷¹ Established: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁷² Established: by Section 47 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁷³ Established: by paragraph (1) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011. Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁷⁴ Established: by paragraph (1) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁷⁵ Established: by paragraph (1) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁷⁶ Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

national pursues studies in an public education institution, the immigration authority may - upon request or on its motion - extend the period for voluntary departure by a period up to the end of the running semester. Extension of the time limit for voluntary departure shall be ordered by way of a ruling.

(5) Enforcement of ruling on the extension of the time limit for voluntary departure may be contested.

(6) No time limit for voluntary departure shall be specified, or the immigration authority may set the deadline for leaving the territory of the Member States of the European Union before the seventh day following the time of delivery of the resolution for expulsion in the following cases:

a) the third-country national's right of residence was terminated due to his/her expulsion or exclusion, or for whom an alert has been issued in the SIS for the purpose of refusing entry and the right of residence;

*b)*²⁷⁷ the third-country national's application for residence permit was refused by the authority on the grounds referred to in Paragraph *b)* or *d)* of Subsection (1) of Section 18;

*c)*²⁷⁸ the third-country national has expressly refused to leave the territory of the Member States of the European Union voluntarily, or, based on other substantiated reasons, is not expected to abide by the decision for his/her expulsion;

d) the third-country national's residence in Hungary represents a serious threat to public security, public policy or national security.

(7) If according to the immigration authority's resolution, expulsion is to be carried out by way of deportation, a time limit shall not be specified for voluntary departure.

(8)²⁷⁹ The provisions of Subsections (3)-(4) shall apply with respect to persons eligible for preferential treatment, taking due account of their special needs stemming from their specific situation.

Expulsion Ordered Under Immigration Laws and Exclusion

*Section 43*²⁸⁰

(1) The immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of the Republic of Hungary, and:

*a)*²⁸¹ who must not be allowed to enter the territory of Hungary under international commitment; or

b) who is to be excluded by decision of the Council of the European Union;

c) whose entry and residence represents a threat to national security, public security or public policy;

d) who has failed to repay any refundable financial aid received from the State of Hungary;

²⁷⁷ Amended by Paragraph b) of Section 57 of Act CXXXIII of 2018.

²⁷⁸ Established: by paragraph (2) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁷⁹ Enacted: by paragraph (3) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²⁸⁰ Established: by Section 48 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁸¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

e)²⁸² who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanor proceeding within the prescribed deadline, and there is no possibility to enforce it;

f)²⁸³ who did not pay the customs penalty imposed by final decision under the Act on the Implementation of Union Customs Law, or if the enforcement thereof is not possible.

(2) Subject to the exception set out in this Act, the immigration authority shall order the expulsion of a third-country national under immigration laws who:

a)²⁸⁴ has crossed the frontier of Hungary illegally, or has attempted to do so;

b) fails to comply with the requirements set out in this Act for the right of residence;

c) was engaged in any gainful employment in the absence of the prescribed work permit or any permit prescribed under statutory provision;

d) whose entry and residence represents a threat to national security, public security or public policy; or

e) whose entry and residence represents a threat and is potentially dangerous to public health.

(3)²⁸⁵ An independent exclusion order, and an expulsion order under immigration laws may be issued upon the initiative of law enforcement agencies delegated under the relevant government decree on the grounds referred to, respectively, in Paragraph *c*) of Subsection (1) and Paragraph *d*) of Subsection (2) within the framework of discharging their duties relating to the protection public policies defined by law. Where exclusion is ordered independently on the grounds referred to in Paragraph *c*) of Subsection (1), or expulsion is ordered under Paragraph *d*) of Subsection (2), the law enforcement agencies delegated under the relevant government decree shall make a recommendation as to the duration of such exclusion in cases falling within their jurisdiction. The competent immigration authority shall not derogate from said recommendation.

Section 44

(1)²⁸⁶ The duration of exclusion that was ordered independently under Paragraphs *a*)-*b*) of Subsection (1) of Section 43 shall be adapted to the period of the underlying obligation or exclusion. The duration of exclusion that was ordered independently under Paragraphs *c*)-*f*) of Subsection (1) of Section 43 shall be determined by the competent immigration authority, for a period of up to three years, and it may be extended by maximum three additional years at a time. An exclusion order shall be cancelled forthwith when the grounds therefor no longer exist.

(2) An exclusion ordered independently may not be appealed.

(3)²⁸⁷ An exclusion that was ordered independently under Paragraphs *a*)-*b*) of Subsection (1) of Section 43 may not be appealed.

Section 45

²⁸² Amended: by Section 35 of Act XXXI of 2012. In force: as of 15. 04. 2012.

²⁸³ Established by Section 129 of Act XIII of 2016, effective as of 1 May 2016.

²⁸⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁸⁵ Established by Section 38 of Act CXLIII of 2017, effective as of 1 January 2018.

²⁸⁶ Established by Section 49 of Act CXXXV of 2010. Amended by Section 258 of Act LXXIV of 2014.

²⁸⁷ Enacted: by Section 99 of Act CV of 2011. In force: as of 1. 08. 2011.

(1)²⁸⁸ The immigration authority shall have regard for the following factors before adopting an expulsion order under immigration laws concerning a third-country national who is holding a residence permit issued on the grounds of family reunification:

- a) the duration of stay;
- b) the age and family status of the third-country national affected, possible consequences of his/her expulsion on his/her family members;
- c)²⁸⁹ links of the third-country national to Hungary, or the absence of links with the country of origin.

(2) Any third-country national who:

- a)²⁹⁰ resides in the territory of Hungary under immigrant or permanent resident status;
 - b) is bound to a third-country national residing in the territory of the Republic of Hungary under immigrant or permanent resident status by marriage or registered partnership, and has a residence permit,
- may be expelled only if his/her continued residence represents a serious threat to national security, public security or public policy.

(2a)²⁹¹ The immigration authority shall adopt an expulsion order with respect to a person specified in Subsection (2) having regard to the factors described in Subsection (1).

(2b)²⁹² Before adopting an expulsion order the immigration authority shall contact the Member State of issue of the EC residence permit with the data specified in Section 94 indicated to verify whether the refugee status or subsidiary protection of the person affected still exist.

(2c)²⁹³ If refugee status or subsidiary protection of the person affected still exist, the immigration authority shall expel the third-country national holding an EC residence permit certifying long-term residence status from the territory of Hungary to the Member State where refugee status or subsidiary protection exist.

(2d)²⁹⁴ If a third-country national holding an EC permanent residence permit, who is recognized by the Hungarian refugee authority or court as a refugee or having granted any subsidiary form of protection is expelled by any Member State of the European Union, and refugee status or subsidiary protection exists, the third-country national recognized as a refugee or having granted subsidiary protection, and his/her family members shall be readmitted to the territory of Hungary.

(2e)²⁹⁵ If a third-country national holding an EC permanent residence permit, or his/her family member has been expelled by any Member State of the European Union, he/she shall be allowed to return to the territory of Hungary even if his/her EC permanent residence permit has expired.

(3)²⁹⁶ The provisions of Subsection (2) shall also apply to the immediate family members - defined in specific other legislation - of a third-country national who has applied to the refugee

²⁸⁸ Established: by paragraph (1) Section 50 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁸⁹ Amended: by subparagraph l) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁹⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁹¹ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁹² Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁹³ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁹⁴ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁹⁵ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²⁹⁶ Amended by Paragraph c) of Section 55 of Act CXLIII of 2017.

authority for refugee status for the duration of the application pending definitive decision, and those with refugee status or to whom any subsidiary form of protection or temporary protection was granted.

(4)²⁹⁷ Third-country nationals who are victims of trafficking in human beings may be expelled during the time of deliberation they are afforded only if their residence in the territory of Hungary constitutes any threat to national security, public security or public policy.

(5) An unaccompanied minor may be expelled only if adequate protection is ensured in his country of origin or in a third country by means of reuniting him with other members of his family or by state or other institutional care.

(6)²⁹⁸ The immigration authority may abstain from ordering the expulsion of a third-country national who resides in the territory of Hungary illegally, if he/she is the subject of a procedure pending definitive decision for renewing his or her residence permit or other authorization offering a right to stay in the territory of Hungary.

(6a)²⁹⁹ Subsection (6) shall not apply if the third-country national re-submits an application for residence permit after his/her petition for special consideration or application for residence permit was refused by the immigration authority.

(7)³⁰⁰ Expulsion may not be ordered under immigration laws, and exclusion may not be ordered independently against a third-country national who was convicted for a crime in the court of the law, yet the sentence did not include expulsion in any form.

(7a)³⁰¹ Expulsion of the third-country national may not be ordered for the same infringement on the same legal grounds and under the same cause of action if the previous expulsion is still in effect, however, it has not yet been executed. If that is the case, the expulsion measure shall be executed without delay.

(8)³⁰² A third-country national holding an authorization issued by a Member State of the European Union offering a right to stay in the territory of that Member State, may be expelled only if:

a)³⁰³ he/she refused to leave the territory of Hungary upon receipt of notice from the immigration authority in writing, or

b)³⁰⁴ his/her residence in the territory of Hungary represents a serious threat to national security, public security or public policy.

(8a)³⁰⁵ The immigration authority shall have powers to expel a third-country national holding an authorization issued by a Member State of the European Union offering a right to stay in the territory of that Member State from the territory of Hungary, primarily to the Member State that has issued the residence permit authorizing the third-country national to stay legally on its

²⁹⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁹⁸ Established by paragraph (2) Section 50 of Act CXXXV of 2010. Amended by subparagraph b) Section 299 of Act CCI of 2011, Paragraph c) of Section 55 of Act CXLIII of 2017.

²⁹⁹ Enacted by Subsection (1) of Section 53 of Act XXXIX of 2016, effective as of 1 July 2016.

³⁰⁰ Amended: by Section 299 of Act CCXXIII of 2012. In force: as of 1. 07. 2013.

³⁰¹ Enacted by Subsection (2) of Section 53 of Act XXXIX of 2016, effective as of 1 July 2016.

³⁰² Enacted: by paragraph (3) Section 50 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁰³ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³⁰⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³⁰⁵ Enacted: by Section 100 of Act CV of 2011. In force: as of 1. 08. 2011. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

territory.

(8b)³⁰⁶ A third-country national holding an EU Blue Card or residence permit for the purpose of intra-corporate transfer issued by any Member State of the European Union, and his/her family member shall be expelled to the Member State having issued the EU Blue Card or the residence permit for the purpose of intra-corporate transfer or family reunification, even if the EU Blue Card or the residence permit for the purpose of intra-corporate transfer or family reunification has expired during the third-country national's residence in Hungary.

(8c)³⁰⁷ If a third-country national holding an EU Blue Card or residence permit for the purpose of intra-corporate transfer, and his/her family member, or a third-country national exercising short-term or long-term mobility for the purpose of research, and his/her family member has been expelled by any Member State of the European Union, he/she shall be allowed to return to the territory of Hungary even if his/her EU Blue Card or residence permit for the purpose of intra-corporate transfer or for the purpose of research, and for family reunification has expired. The provisions contained in Subsection (1), Subsection (1b), and/or Subsections (1f)-(1i) of Section 18, and in Subsection (1) of Section 18/A shall apply concerning the third-country national and his/her family member after readmission.

(9)³⁰⁸ If the immigration authority decided to abstain from ordering expulsion of third-country national on the grounds specified in Subsections (3)-(5), and the third-country national affected is unable to satisfy the statutory requirements of residence, the immigration authority shall issue a humanitarian residence permit on his/her behalf.

Section 45/A³⁰⁹

(1) By way of derogation from Subsection (2) of Section 43, the immigration authority shall not order the expulsion of any third-country national who has been expelled by the competent authority of another Member State of the European Union:

a) for the reason that the person in question represents a genuine, present and sufficiently serious threat affecting national security or public security;

b) in connection with a conviction under the laws of the country where the resolution was adopted for an offence punishable by a penalty involving imprisonment of at least one year;

*c)*³¹⁰ based on suspicion of serious criminal offences; or

d) based on failure to comply with regulations on the entry or residence of foreign nationals.

(2) The immigration authority shall execute the expulsion order referred to in Subsection (1) in accordance with the provisions contained therein and with the provisions of this Act.

Section 45/B³¹¹

(1) By way of derogation from Subsection (2) of Section 43, the immigration authority shall not order the expulsion of any third-country national residing unlawfully, who has been

³⁰⁶ Established by Subsection (3) of Section 53 of Act XXXIX of 2016, effective as of 30 September 2016.

³⁰⁷ Established by Section 39 of Act CXLIII of 2017, effective as of 1 January 2018.

³⁰⁸ Enacted: by paragraph (3) Section 50 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁰⁹ Enacted: by Section 51 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³¹⁰ Amended by Section 247 of Act CXCVII of 2017.

³¹¹ Enacted: by Section 101 of Act CV of 2011. In force: as of 1. 08. 2011.

readmitted by another Member State of the European Union under a bilateral readmission agreement or other similar agreement signed before 13 January 2009.

(2) Return under the readmission agreement shall be decided by the immigration authority by way of a ruling, that may be contested by the third-country national affected by lodging a complaint within twenty-four hours following the time of delivery of the ruling. Implementation of the ruling on the return order shall not be suspended upon receipt of the said complaint.

(3) The provisions on deportation measures shall also apply to return under readmission agreement.

Section 45/C³¹²

By way of derogation from Paragraph *a*) of Subsection (2) of Section 43, the immigration authority shall not order the expulsion of any third-country national residing unlawfully, who submitted an application for asylum according to Paragraph *b*) of Subsection (1) of Section 71/A or Chapter IX/A of the Act on Asylum.

Section 46

(1)³¹³ Expulsion orders shall specify:

a) the criteria weighted in connection with the decisions adopted under Subsections (1)-(6) of Section 45;

b) the duration of exclusion;

c) the country to which the person in question is expelled;

d)³¹⁴ the time limit for voluntary departure from the territory of the Member States of the European Union, or from the territory of Hungary in the cases defined by this Act;

e)³¹⁵

f) the obligation for being photographed and fingerprinted.

(1a)³¹⁶ In addition to what is contained in Subsection (1), where expulsion is ordered on the basis of voluntary departure the resolution ordering expulsion shall contain a warning to the third-country national affected of facing deportation in the eventuality of his/her refusal to depart voluntarily.

(2)³¹⁷ Expulsion orders may not be appealed, however, it may be challenged by bringing administrative action within eight days. The court shall deliver its decision on the statement of claim within fifteen days from the time of receipt of the statement of claim.

³¹² Established by Section 2 of Act XX of 2017, effective as of 28 March 2017.

³¹³ Established: by paragraph (1) Section 52 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³¹⁴ Established: by paragraph (1) Section 102 of Act CV of 2011. In force: as of 1. 08. 2011.

³¹⁵ Repealed by Paragraph b) of Section 56 of Act CXLIII of 2017, effective as of 1 January 2018.

³¹⁶ Enacted by Subsection (1) of Section 40 of Act CXLIII of 2017, effective as of 1 January 2018.

³¹⁷ Established by Subsection (2) of Section 40 of Act CXLIII of 2017, effective as of 1 January 2018.

(2a)³¹⁸ If the court rules regarding the request lodged under Subsection (2) by the third-country national held in immigration detention,, on the day of the hearing it shall give to the parties and other interested parties in attendance a certified copy of the operative part of the judgment executed in writing, and shall deliver it to the competent immigration authority as well by way of electronic means. The court shall execute the judgment in writing within three working days of the hearing, and shall deliver it to the immigration authority by way of electronic means.

(2b)³¹⁹ There shall be no further remedy against the court's decision.

(3)³²⁰

(4)³²¹ The definitive decision of expulsion and the duration of exclusion shall be recorded in the passport in the form of an entry, unless the third-country national affected is holding a valid residence permit issued by any Member State of the European Union. The entry shall not be made if the foreign national affected agrees to leave Hungary on his/her own accord, or leaves the territory of Hungary within the framework of a voluntary return program.

*Section 47*³²²

(1) Unless otherwise prescribed in this Act, exclusion shall be ordered in conjunction with expulsion ordered under immigration laws, if the immigration authority has ordered the deportation of the third-country national concerned.

(2)³²³ The immigration authority shall order exclusion by means of a separate decision, if:

a) deportation of the third-country national in question was ordered under Paragraph *d*) of Subsection (1) of Section 65; or

b) the removal decision of the refugee authority was ordered by the immigration authority to be carried out by means of deportation.

(3)³²⁴ The third-country national affected shall have the right to appeal the resolution adopted separately on exclusion. There shall be no further appeal against the resolution. The appeal shall be submitted within twenty-four hours from the time of delivery of the resolution to the same immigration authority that has ordered it. The immigration authority shall forward the appeal, together with the documents of the case, to the authority of competent jurisdiction, that shall render a decision within eight days.

(4)³²⁵ Where expulsion is ordered on the grounds defined in Subsection (2) of Section 43, or if

³¹⁸ Enacted by Subsection (3) of Section 40 of Act CXLIII of 2017, effective as of 1 January 2018. Amended by Paragraph c) of Section 57 of Act CXXXIII of 2018.

³¹⁹ Enacted by Subsection (3) of Section 40 of Act CXLIII of 2017, effective as of 1 January 2018.

³²⁰ Repealed: by subparagraph e) paragraph (2) Section 130 of Act CXXXV of 2010. No longer in force: as of 24. 12. 2010.

³²¹ Established by paragraph (2) Section 102 of Act CV of 2011. Amended by Paragraph d) of Section 55 of Act CXLIII of 2017.

³²² Established: by Section 53 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³²³ Established by Subsection (1) of Section 5 of Act CXXVII of 2015, effective as of 1 August 2015.

³²⁴ Amended: by paragraph (75) Section 2 of Act CLII of 2010. In force: as of 1. 01. 2011.

³²⁵ Established by Subsection (2) of Section 5 of Act CXXVII of 2015, effective as of 1 August 2015.

expulsion is ordered by the refugee authority, the immigration authority may also order exclusion taking into account the nature and severity of the infringement, the personal circumstances of the third-country national concerned, and as to whether his/her continued residence represents a serious threat to public security, public policy or national security.

(5) The duration of an exclusion measure, ordered in conjunction with expulsion or separately, shall be determined in years, and - subject to the exception set out in Subsection (6) - may not exceed five years.

(5a)³²⁶ Where expulsion is ordered by the court, the immigration authority shall record in the immigration register the duration of the exclusion order consistent with the expulsion ordered in accordance with the length of time shown in the court's decision.

(6)³²⁷ The duration of an exclusion measure may not exceed ten years, if the third-country national's residence in the territory of Hungary represents a serious threat to public security, public policy or national security.

(7) The duration of exclusion ordered in conjunction with expulsion shall apply from the date of departure from the territory of the Member States of the European Union, or if this is not known, from the deadline prescribed therefor.

(8)³²⁸ Third-country nationals whose exclusion was ordered may enter the territory of Hungary only upon the special consent of the ordering authority.

(9) The immigration authority may withdraw - upon request or on its own motion - the exclusion order if:

*a)*³²⁹ the exclusion measure was ordered in conjunction with expulsion against a third-country national under Subsection (2) of Section 43, or in conjunction with expulsion ordered by the refugee authority, or subsequently, and the third-country national affected is able to demonstrate that he or she has left the territory of the Member State in full compliance with the decision for expulsion, or

b) continued enforcement is no longer justified due to major changes in the underlying circumstances.

(10)³³⁰ The immigration authority shall have entitlement to withdraw the expulsion and exclusion ordered under Subsection (2) of Section 43 of its own motion, if the expulsion is not carried out within twelve months following the date when the expulsion order became final and enforceable for reasons beyond the third-country national's control.

Section 48

(1) Expulsion measures shall be carried out primarily in accordance with a readmission agreement.

(2) In order to secure the enforcement of an expulsion measure the immigration authority shall be authorized to confiscate the travel document of the third-country national affected; this action cannot be contested.

³²⁶ Enacted by Section 41 of Act CXLIII of 2017, effective as of 1 January 2018.

³²⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³²⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³²⁹ Established by Subsection (3) of Section 5 of Act CXXVII of 2015, effective as of 1 August 2015.

³³⁰ Enacted: by Section 65 of Act XCIII of 2013. In force: as of 1. 07. 2013.

(3) Enforcement of an expulsion measure may be suspended until the necessary means and conditions are secured, i.e. until the travel document, visa, transport ticket is obtained. The decision ordering suspension cannot be contested.

(4)³³¹ Where expulsion is ordered before the application for international protection is submitted, the immigration authority shall suspend the execution of such measure until the binding conclusion of the asylum procedure conducted under the relevant legislation, if the third-country national has the legal right of residence within the territory of Hungary. The decision ordering suspension cannot be contested.

(5)³³² Where a third-country national used a falsified or forged document, or a document issued under the name of another person, for entering the territory of Hungary shall not prevent the enforcement of administrative expulsion. In such cases criminal proceedings shall be initiated only if the administrative expulsion is not ordered.

Section 48/A³³³

(1) If during immigration proceedings for the expulsion of a third-country national there is any indication that the Dublin Regulations should be applied, and the third-country national affected did not submit an application for recognition in accordance with the Asylum Act, the immigration authority shall move to request the refugee authority to carry out the Dublin process, and shall suspend the immigration proceedings until the conclusion of the Dublin process.

(2) The ruling for the suspension of the procedure referred to in Subsection (1) above may not be appealed.

Section 48/B³³⁴

(1) Where, in accordance with the Dublin Regulations, any State that applies the Dublin Regulations is required to take the applicant back, the refugee authority shall adopt a ruling on returning the third-country national affected.

(2)³³⁵ The application for challenging the ruling on return shall be submitted within three days.

(3)³³⁶ The refugee authority shall promptly forward the application to the court together with the documents of the case and its statement of defense attached.

(4)³³⁷ The court shall deliver its decision on the application within eight days from the time of receipt of the application. There shall be no remedy against the court's decision closing the proceedings.

(5)³³⁸ In administrative actions, the filing of an application, and a request for the suspension of carrying out the transfer decision shall have no suspensive effect relating to the execution of the ruling.

³³¹ Established by Section 6 of Act CXXVII of 2015, effective as of 1 August 2015.

³³² Enacted by Section 34 of Act CXXXIII of 2018, effective as of 1 January 2019.

³³³ Enacted: by Section 54 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³³⁴ Enacted: by Section 54 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³³⁵ Established by Section 42 of Act CXLIII of 2017, effective as of 1 January 2018.

³³⁶ Established by Section 42 of Act CXLIII of 2017, effective as of 1 January 2018.

³³⁷ Established by Section 42 of Act CXLIII of 2017, effective as of 1 January 2018.

³³⁸ Established by Section 42 of Act CXLIII of 2017, effective as of 1 January 2018.

Section 48/C³³⁹

- (1) If the Dublin process culminates in the third-country national's return, the immigration proceedings shall be terminated at the time of return.
- (2) The ruling adopted for terminating the procedure may not be appealed.

Expulsion by the Court

Section 49

- (1)³⁴⁰ Where expulsion is ordered by the court it shall be carried out by the immigration authority by way of a ruling; this measure may be contested by way of an objection to enforcement submitted to the competent immigration authority within twenty-four hours from the time of delivery of the ruling.
- (2)³⁴¹ The court or the penal institution shall forthwith notify the immigration authority to carry out the expulsion when it becomes final.
- (3) The immigration authority, upon receipt of the notice referred to in Subsection (2), shall order the expulsion to be enforced.
- (4)³⁴² Upon receipt of notice from the penal institution under Subsection (2), the immigration authority shall have power to take measures for establishing the identity of the third-country national serving a term of imprisonment even before the ruling referred to in Subsection (1) is adopted.

Costs of Expulsions

Section 50

- (1) The costs associated with expulsion shall be borne by the person expelled or - if lacking the financial means necessary - by his/her host.
- (2)³⁴³ In order to secure the costs of transportation out of the country and to ensure that the obligation conferred upon the person expelled is satisfied, the immigration authority may sequester the travel ticket if the third-country national in question has one, or - if sufficient financial means cannot be ensured otherwise - may confiscate his money in the amount as is required to purchase the ticket and to obtain a travel document; these actions may not be

³³⁹ Enacted: by Section 54 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁴⁰ Established by Subsection (1) of Section 35 of Act CXXXIII of 2018, effective as of 1 January 2019.

³⁴¹ Amended by Paragraph d) of Section 55 of Act CXLIII of 2017, Paragraph d) of Section 57 of Act CXXXIII of 2018.

³⁴² Enacted by Subsection (2) of Section 35 of Act CXXXIII of 2018, effective as of 1 January 2019.

³⁴³ Established by Section 8 of Act CXXVII of 2015. Amended by Paragraph g) of Section 55 of Act CXLIII of 2017.

contested. In order to secure the costs specified in Paragraph *e*) of Subsection (4) of Section 61 and Subsection (4) of Section 62, which are to be covered by the third-country national affected, and to ensure that the obligation therein provided for is satisfied, if sufficient financial means cannot be ensured otherwise, the acting immigration authority shall have powers to sequester funds in the third-country national's possession up to the amounts specified in Paragraph *e*) of Subsection (4) of Section 61 and Subsection (4) of Section 62; these actions may not be contested.

(3) Where the expulsion measure cannot be carried out because neither the person being expelled nor his/her host has the financial means necessary, the competent authority shall advance the costs of departure.

(4) The costs advanced according to Subsection (3) shall be repaid:

a) by the person expelled;

b) by the host if the person affected was invited;

c)³⁴⁴ by the employer, if expulsion was ordered under Paragraph *c*) of Subsection (2) of Section 43;

d)³⁴⁵ by the research organization if the person affected was admitted for the purposes of carrying out a research project and if expulsion was ordered under Paragraph *b*) of Subsection (2) of Section 43;

e)³⁴⁶ by the host entity if the person affected was admitted for the purposes of traineeship and if expulsion was ordered under Paragraph *b*) of Subsection (2) of Section 43.

(5) The liability of the research organization mentioned in Paragraph *d*) of Subsection (4) shall remain in effect for six months following termination of the hosting agreement.

(6)³⁴⁷ Where the right of residence of the researcher is extended for the purpose of job-searching or entrepreneurship, the responsibility of the research organization referred to in Subsection (5) shall be limited until the starting date of the residence permit for the purpose of job-searching or entrepreneurship.

(7)³⁴⁸ The liability of the research organization mentioned in Paragraph *e*) of Subsection (4) shall remain in effect for six months following termination of the hosting agreement.

Prohibition of Return, and for Ordering and Carrying Out Expulsion Measures

Section 51

(1)³⁴⁹ Third-country nationals may not be turned back or expelled to the territory of a country

³⁴⁴ Established: by Section 56 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁴⁵ Established: by Section 56 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁴⁶ Enacted by Subsection (1) of Section 43 of Act CXLIII of 2017, effective as of 1 January 2018.

³⁴⁷ Enacted by Subsection (2) of Section 43 of Act CXLIII of 2017, effective as of 1 January 2018.

³⁴⁸ Enacted by Subsection (2) of Section 43 of Act CXLIII of 2017, effective as of 1 January 2018.

³⁴⁹ Amended by subparagraph m) Section 299 of Act CCI of 2011, Subsection (1) of Section 6 of Act VI of 2018.

that fails to satisfy the criteria of safe country of origin or safe third country regarding the person in question, in particular where the third-country national is likely to be subjected to persecution on the grounds of his/her race, religion, nationality, social affiliation or political conviction, nor to the territory or the frontier of a country where there is substantial reason to believe that the expelled third-country national is likely to be subjected to the actions or conduct defined in Article XIV(3) of the Fundamental Law (non-refoulement).

(2)³⁵⁰ In connection with any third-country national whose application for asylum is pending, prohibition against refoulement and/or expulsion shall apply and such person may not be returned or expelled if the third-country national in question has the right of residence within the territory of Hungary under specific other legislation.

(3)³⁵¹ Third-country nationals shall be under asylum procedure for the duration provided for in the Act on Asylum.

Section 52

(1) The immigration authority shall take into account the principle of non-refoulement in the proceedings relating to the ordering and enforcement of expulsion measures.

(2) A ban for the enforcement of expulsion measures ordered by the court may be imposed by the sentencing judge.

(3)³⁵² Where Subsection (2) applies, the person expelled may appeal directly to the sentencing judge on one occasion - in connection with the execution of the same judgment - for declaring the expulsion non-enforceable. If the person expelled submits his request which was addressed to the sentencing judge to the immigration authority, the immigration authority shall forward it without undue delay to the competent sentencing judge with its opinion attached.

(4)³⁵³ The enforcement of expulsion shall be suspended for the duration of the proceeding of the sentencing judge.

(5)³⁵⁴ If the sentencing judge declared the expulsion order non-executable under the principle of non-refoulement, the competent immigration authority shall move to initiate through the public prosecutor of jurisdiction by reference to its seat thirty days before two years has passed since the date when the decision became final to review the enforceability of the expulsion order.

(6)³⁵⁵ If the sentencing judge declared the expulsion order non-executable and the principle of non-refoulement no longer exists, the immigration authority shall move to initiate through the public prosecutor of jurisdiction by reference to its seat the proceeding of the sentencing judge without delay.

³⁵⁰ Established: by paragraph (5) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³⁵¹ Enacted by Section 9 of Act CXXVII of 2015, effective as of 1 August 2015.

³⁵² Established by Subsection (1) of Section 36 of Act CXXXIII of 2018, effective as of 1 January 2019.

³⁵³ Established by Subsection (1) of Section 36 of Act CXXXIII of 2018, effective as of 1 January 2019.

³⁵⁴ Enacted by Subsection (2) of Section 36 of Act CXXXIII of 2018, effective as of 1 January 2019.

³⁵⁵ Enacted by Subsection (2) of Section 36 of Act CXXXIII of 2018, effective as of 1 January 2019.

*Section 52/A*³⁵⁶

If there is no safe third country offering refuge to the third-country national affected, if assisted return or expulsion is not an option, the refugee authority shall extend temporary protection to the third-country national in question, and shall issue a humanitarian residence permit in accordance with Paragraph *b*) of Subsection (1) of Section 29.

Photographing and Fingerprinting

Section 53

(1)³⁵⁷ With a view to avoiding any overlap in proceedings and for establishing the identity of third-country nationals, the authority ordering detention prior to expulsion, return under readmission agreement, or expulsion under immigration laws, compulsory confinement, detention under immigration laws or carrying out the expulsion ordered by the court shall take the facial image and fingerprint of the third-country national affected.

(1a)³⁵⁸ As regards applications for local border traffic permits, residence permits, interim permanent residence permits, national permanent residence permits and EC permanent residence permits, and the issue of humanitarian residence permit under Paragraphs *a*)-*b*) and *d*)-*f*) of Subsection (1) of Section 29 and Subsection (1a) of Section 29, and in connection with the exchange or replacement of immigration permits and permanent residence permits, the immigration authority shall proceed in accordance with Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals, and Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.

(2) The above-specified third-country national shall submit to having his/her fingerprint and a photograph of his/her face taken.

Detention

*Section 54*³⁵⁹

(1) In order to secure the deportation of a third-country national the immigration authority shall have powers to detain the person in question if:

a) he/she is hiding from the authorities or is obstructing the enforcement of the deportation in some other way;

³⁵⁶ Established by Section 55 of Act XXXIX of 2016, effective as of 1 June 2016.

³⁵⁷ Established by Section 56 of Act XXXIX of 2016, effective as of 1 July 2016.

³⁵⁸ Established by Section 37 of Act CXXXIII of 2018, effective as of 1 January 2019.

³⁵⁹ Established: by Section 66 of Act XCIII of 2013. In force: as of 1. 07. 2013.

b) he/she has refused to leave the country, or, based on other substantiated reasons, is allegedly delaying or preventing the enforcement of expulsion, or there is a risk of absconding of the third-country national;

c) he/she has seriously or repeatedly violated the code of conduct of the place of compulsory confinement;

d) he/she has failed to appear before the authority as ordered despite of being so advised, by means of which to forestall conclusion of the pending immigration proceeding; or

e) he/she is released from imprisonment as sentenced for a deliberate crime.

(2) Before ordering detention under immigration laws on the basis of Paragraph *a)* or *b)* of Subsection (1), the immigration authority shall consider whether the deportation can be ensured in accordance with Subsection (2) of Section 48 or Subsection (1) of Section 62.

(3) Detention under immigration laws shall be ordered by way of a formal resolution, and shall be carried out when communicated.

(4) Detention under immigration laws may be ordered for a maximum duration of seventy-two hours, and it may be extended by the district court of jurisdiction by reference to the place of detention until the third-country national's deportation, not exceeding sixty days at a time.

(5) Detention under immigration laws may be extended - according to Subsection (4) - by up to six additional months on the expiry of a period of six months, if carrying out the expulsion order takes more than six months, in spite of having taken all necessary measures, due to:

a) the failure of the third-country national affected to cooperate with the competent authority, or

b) delays in obtaining the documents required for deportation attributable to the authorities of the third-country national's country of origin, or another state liable for readmission under readmission agreement or which is otherwise liable to accept him/her.

(6) Detention ordered under immigration laws shall be terminated:

a) when the conditions for carrying out the expulsion are provided for;

b) when it becomes evident that the expulsion cannot be executed;

c) after six months from the date when ordered, or twelve months under the conditions referred to in Subsection (5);

d) the third-country national is entitled to reside in the territory of Hungary in accordance with the relevant legislation based on his/her application for international protection; or

e) detention of the third-country national is ordered in asylum proceedings.

(7) In the application of Paragraph *c)* of Subsection (6), the duration of detention prior to expulsion shall be included in the duration of detention. The duration of detention in asylum proceedings shall not be included in the duration of detention in immigration proceedings nor in the duration of detention prior to expulsion.

(8) In connection with the termination of detention under Paragraphs *b)* and *c)* of Subsection (6), the immigration authority ordering the detention shall order the third-country national affected to stay at an assigned place.

Section 55

(1)³⁶⁰ The immigration authority may order the detention of the third-country national prior to expulsion in order to secure the conclusion of the immigration proceedings pending, if his/her

³⁶⁰ Established: by Section 104 of Act CV of 2011. In force: as of 1. 08. 2011.

identity or the legal grounds of his/her residence is not conclusively established, or if the return of the third-country national under the bilateral readmission agreement to another Member State of the European Union is pending.

(2) Detention prior to expulsion shall be ordered by way of a formal resolution, and shall be carried out when communicated.

(3)³⁶¹ Detention prior to expulsion may be ordered for a maximum duration of seventy-two hours, and it may be extended by the district court of jurisdiction by reference to the place of detention until the third-country national's identity or the legal grounds of his/her residence is conclusively established, or for maximum thirty days.

*Section 56*³⁶²

(1) The detention of a third-country national under immigration laws or prior to expulsion (hereinafter referred to collectively as “detention”) may not be ordered for the sole reason that the third-country national is an applicant for asylum.

(2) Subject to the exception set out in Subsection (3), the detention of a third-country national who is a minor may not be ordered.

(3) Families with minors shall only be detained as a measure of last resort and for not more than thirty days where the best interests of the child shall be a primary consideration, if the immigration authority is of the opinion that the objective of detention cannot be ensured by the provisions of Subsection (2) of Section 48 or Subsection (1) of Section 62.

(4) If a third-country national who was previously detained is placed under immigration proceedings on the basis of new facts, the duration of such previous detention shall not be factored in the duration of detention.

(5) Detention shall be terminated immediately when the grounds therefor no longer exist.

Complaints

Section 57

(1) Third-country nationals may not apply for the suspension of proceedings for ordering their detention.

(2)³⁶³ The resolution ordering detention may not be appealed.

(3) The third-country national placed under detention may lodge a complaint in the event of the immigration authority's failure to comply with its obligations set out under Sections 60-61.

(4)³⁶⁴ The complaint shall be adjudged by the district court of jurisdiction by reference to the place of detention.

(5)³⁶⁵ According to the court's decision any measure that has been omitted must be carried out,

³⁶¹ Amended: by subparagraph b) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

³⁶² Established: by Section 61 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁶³ Established: by paragraph (1) Section 62 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁶⁴ Amended: by subparagraph c) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

³⁶⁵ Established: by paragraph (2) Section 62 of Act CXXXV of 2010. In force: as of 24. 12.

and/or any infringement must be remedied.

(6)³⁶⁶ The court shall adopt a decision for such complaints within eight days.

Extension of the Duration of Detention by Court Order

Section 58

(1)³⁶⁷ The immigration authority shall file its request for an extension beyond the seventy-two-hour time limit at the district court within twenty-four hours from the time when ordered.

(2)³⁶⁸ The court may grant an extension of detention in immigration proceedings for a maximum duration of sixty days at a time. Any additional sixty-day extension of detention in immigration proceedings may be requested at the court by the immigration authority, where the court must receive the request within eight working days prior to the due date for extension.

(3) The immigration authority shall provide an explanation for the aforesaid request.

Common Provisions for Court Procedures

Section 59

(1) The court shall proceed with a single judge presiding in proceedings concerning complaints and for the extension of detention and shall conclude the case by way of a ruling.

(2) If the court has dismissed a complaint or a motion for extension, another request or motion may not be lodged on the same grounds.

(3) In the court proceedings representation for the third-country national may only be provided by a legal representative.

(4) The court shall appoint a representative ad litem for any third-country national or his/her family member who does not understand the Hungarian language and is unable to contract the services of a legal representative on his/her own.

(5) In any case concerning the extension of detention beyond the seventy-two-hour time limit by the court, and in proceedings relating to complaints and further extension of detention the detainee shall be granted a personal hearing upon request.

(6)³⁶⁹ The hearing may be conducted also in the absence of the third-country national's legal representative.

(6a)³⁷⁰ The hearing shall be conducted at the place of detention if the relevant conditions are

2010.

³⁶⁶ Established: by paragraph (2) Section 62 of Act CXXXV of 2010. In force: as of 24. 12.

2010.

³⁶⁷ Amended: by subparagraph d) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

³⁶⁸ Established: by Section 67 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁶⁹ Established by Subsection (1) of Section 10 of Act CXXVII of 2015, effective as of 1 August 2015.

³⁷⁰ Enacted by Subsection (2) of Section 10 of Act CXXVII of 2015, effective as of 1 August

satisfied at the place of detention.

(7) The court may disregard the holding of a hearing if the third-country national is unable to attend due to being treated in an in-patient medical institution, or if the complaint or the motion does not originate with a party entitled to do so.

(8) The third-country national and the immigration authority shall present their evidence in writing or verbally during the hearing. Parties shall be given the opportunity to study the evidence presented. If the third-country national is not present, or the proponent authority is not represented, but they have submitted their comments in advance in writing, they will be introduced by the court.

(9)³⁷¹ The court's decision shall be delivered to the third-country national affected, and to the immigration authority. If the third-country national has an authorized legal representative or if a representative ad litem has been appointed, they shall be informed as well. The court decision adopted during the hearing shall be announced verbally and shall also be delivered in writing without delay. The court shall deliver its decision adopted outside the hearing to the third-country national affected through the immigration authority ordering the detention.

(10) The court's decision is final.

(11) The court proceedings are exempt from charges.

Execution of Detention

Section 60

(1) The third-country national placed under detention shall be informed of his/her rights and obligations in his/her native language or another language he/she understands.

(2)³⁷² If so requested by the third-country national or if so prescribed by a bilateral consular agreement, the authority ordering detention prior to deportation shall forthwith inform the Hungarian consular or diplomatic mission of the third-country national concerning his/her detention without delay, the obligation of compulsory confinement, and the extension of the duration of detention.

(3) As a provisional measure, the authority ordering the detention shall immediately provide for the placement of dependent family members of the third-country national apprehended, who have remained without supervision, and/or for the safeguarding of his/her valuables which have been left unattended.

Section 61

(1) The immigration authority shall carry out the detention in places designated for this purpose.

(2)³⁷³ With the exception of married couples, men placed under detention shall be housed in

2015.

³⁷¹ Established by Section 44 of Act CXLIII of 2017, effective as of 1 January 2018.

³⁷² Established: by Section 63 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁷³ Established: by paragraph (1) Section 64 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

separate quarters from women, furthermore, families with minors shall be provided with separate accommodation from all other detainees guaranteeing adequate privacy.

(3) Third-country nationals placed under detention shall have the right to:

a) housing and nourishment, have the right to wear their own clothes or shall be provided with seasonal clothing if necessary, and emergency and basic medical care as specified in specific other legislation;

b) consult their legal representative or a member of the consular representation of their host country without any censorship, and to be visited by relatives under censorship;

c) send and receive packages and letters as specified in specific other legislation, and to receive visitors;

d) supplement their diet at their own expense;

e)³⁷⁴ practice their religion, including the provision of food suitable for their religion;

f) use the educational and cultural facilities of the institution;

g) make complaints and present any requests, protests or notifications of common interest;

h) spend at least one hour each day outdoors.

i)³⁷⁵ minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age;

j)³⁷⁶ minors in detention shall have, depending on the length of their stay, access to education.

(4) Third-country nationals placed under detention shall have the obligation to:

a) abide by the house rules of the detention facility, and to obey the instructions received in that respect;

b) conduct themselves so as not to injure the rights of other detainees, and not to disturb them;

c) take part in cleaning the areas they use, without any compensation;

d) subject themselves to any examinations, to permit the searching of their clothing, and not obstruct the confiscation of any contrabands.

e)³⁷⁷ with the exception provided for in Subsection (5), repay the costs of their keep and support and cover the costs of any damage caused willfully.

(5)³⁷⁸ Third-country nationals shall not be required to repay the costs of their keep and support if the refugee authority or court granted international or subsidiary protection, or if admitted and recognized as a refugee.

Section 61/A³⁷⁹

(1) Subsection (1) of Section 58 and Subsection (1) of Section 61 shall not apply in situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of hostels of restricted access, or on the immigration authority itself.

(2)³⁸⁰ In the case defined in Subsection (1), as long as the exceptional situation persists, the immigration authority may decide to appeal to the district court within five days from the date

³⁷⁴ Established: by paragraph (1) Section 68 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁷⁵ Enacted: by paragraph (2) Section 64 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁷⁶ Enacted: by paragraph (2) Section 64 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁷⁷ Established: by paragraph (2) Section 68 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁷⁸ Enacted: by paragraph (3) Section 68 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁷⁹ Enacted: by Section 65 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁸⁰ Amended: by subparagraph e) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

when the detention was ordered to extend the period of detention past seven days.

(3) In the case defined in Subsection (1), the immigration authority may carry out the detention at a place other than what is contained in Subsection (1) of Section 61.

Compulsory Confinement

Section 62

(1) The immigration authority shall have powers to order the confinement of a third-country national in a designated place, if the third-country national in question:

*a)*³⁸¹ cannot be returned or expelled due to commitments of Hungary conferred upon it in international treaties and conventions;

b) is a minor who should be placed under detention;

*c)*³⁸² should be placed under detention, in consequence of which his/her minor child residing in the territory of Hungary would be left unattended if he/she was to be detained;

d) is released from detention, however, there are still grounds for his/her detention;

e) has a residence permit granted on humanitarian grounds;

f) has been expelled, and is lacking adequate financial resources to support himself and/or does not have adequate dwelling;

*g)*³⁸³ should be placed under detention under immigration laws according to Paragraph *a)* or *b)* of Subsection (1) of Section 54, and detention would result in a disproportionate punishment taking into account the state of health and age of the third-country national concerned;

*h)*³⁸⁴ is undergoing immigration proceedings.

(2) The operative section of the resolution shall specify:

a) the place of compulsory confinement;

b) the code of conduct to be observed;

c) the obligation to appear at specific intervals before the authority if the place of confinement is not a community hostel or a refugee center.

(2a)³⁸⁵ The code of conduct referred to in Paragraph *b)* of Subsection (2) shall also state that the third-country national is not authorized to move outside the territory of the county specified in the resolution ordering the assigned place of residence, except if the third-country national holds a humanitarian residence permit issued under Paragraph *b)* or *e)* of Subsection (1) of Section 29, or if so authorized by the immigration authority at the third-country national's request.

(3) The compulsory place of confinement shall be designated at a community hostel or a refugee center, if the third-country national is not able to support himself, and has no adequate place of abode, financial resources, income, or host or relative who can be compelled to provide support.

³⁸¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³⁸² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³⁸³ Enacted: by paragraph (1) Section 66 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁸⁴ Enacted by Section 38 of Act CXXXIII of 2018, effective as of 1 January 2019.

³⁸⁵ Enacted: by paragraph (1) Section 69 of Act XCIII of 2013. In force: as of 1. 09. 2013.

(3a)³⁸⁶ In a mass migration crisis the compulsory place of confinement may be designated in the transit zone as well.

(4)³⁸⁷ The costs of confinement in a community hostel, reception center or transit zone shall be borne by the third-country national, unless he/she is issued a residence permit on humanitarian grounds, or if the third-country national has been granted international or subsidiary protection by the court or the refugee authority.

(5)³⁸⁸ Compulsory confinement proceedings may not be suspended upon the third-country national's request.

(6)³⁸⁹ A third-country national placed under compulsory confinement may lodge a complaint - as a form of remedy, on the grounds of an infringement of the law - against the resolution ordering his/her confinement. Such complaints shall be subject to the provisions of Section 57 and Section 59, and may be submitted any time during the term of compulsory confinement.

(7) The court shall adopt a decision for such complaints within eight days.

(8)³⁹⁰ The immigration authority shall terminate the confinement of a third-country national in an assigned place by way of a resolution, if:

a) the third-country national has absconded or left without authorization the assigned place and did not return within one month;

b) the grounds for confinement in an assigned place no longer exist; or

c)³⁹¹

(9)³⁹² The third-country national shall have recourse against the resolution terminating his/her confinement in an assigned place in accordance with Subsections (6) and (7), with the exception that objections shall be presented within eight days following delivery of the resolution terminating the proceedings.

Section 63³⁹³

(1) If two months have lapsed from the date when compulsory confinement in a community hostel or reception center was ordered, but the circumstances serving grounds therefor still exist, the third-country national in question shall be transferred to another assigned place.

(2) If the third-country national does not leave the community hostel or reception center after being requested to do so, the immigration authority shall order the enforcement of such obligation within five days. The third-country national affected may lodge a complaint - as a form of remedy, on the grounds of infringement of the law - against the ruling ordering the enforcement procedure. The demurrer of enforcement shall be lodged within eight days from the time of delivery of the ruling. The immigration authority may seek police assistance for

³⁸⁶ Enacted by Subsection (1) of Section 3 of Act XX of 2017, effective as of 28 March 2017.

³⁸⁷ Established by Subsection (2) of Section 3 of Act XX of 2017, effective as of 28 March 2017.

³⁸⁸ Established: by paragraph (2) Section 66 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁸⁹ Established: by paragraph (2) Section 66 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁹⁰ Enacted: by paragraph (2) Section 69 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁹¹ Repealed by Paragraph d) of Subsection (2) of Section 70 of Act XXXIX of 2016, effective as of 1 July 2016.

³⁹² Established by Section 57 of Act XXXIX of 2016, effective as of 1 July 2016.

³⁹³ Established by Section 45 of Act CXLIII of 2017, effective as of 1 January 2018.

enforcing its order to leave the community hostel or the reception center.

Section 64³⁹⁴

(1) Any third-country national who has been ordered by the immigration authority to remain in a community hostel or reception center, or within the administrative area of a specific county shall be entitled to engage in gainful employment within the framework of public benefit employment, except if the person in question has any income:

- a)* from an employment relationship provided for in Subsection (2),
- b)* from an employment relationship governed by the regulations on employment of third-country nationals in Hungary, or
- c)* from any other lawful gainful employment provided for in this Act.

(2) Any third-country national who has been ordered by the immigration authority to remain in an assigned place under Paragraph *e)* of Subsection (1) of Section 62 shall be entitled to engage in gainful employment - subject to the immigration authority's consent - in due compliance with the provisions on taking up employment in Hungary.

(3) Third-country nationals shall meet the obligation of reimbursement provided for in Subsection (4) of Section 62 from the income earned from the employment defined in Subsection (1) hereof.

Removal by Deportation

Section 65³⁹⁵

(1)³⁹⁶ A return or expulsion measure ordered by the court, or the immigration authority or refugee authority shall be enforced by way of transporting the third-country national affected under official escort (hereinafter referred to as "deportation") if the third-country national:

- a)* is released from imprisonment as sentenced for a deliberate crime;
- b)*³⁹⁷
- c)* makes it necessary to supervise his/her exit for national security reasons, if so required by commitment under international treaty, or for the protection of public security or public policy;
- d)*³⁹⁸ failed to leave the territory of the Member States of the European Union by the day following the deadline prescribed in the expulsion decision or in the ruling on the enforcement of expulsion by court order.

(1a)³⁹⁹ In carrying out the deportation measure restriction of personal freedom shall be based on the decision of the authority ordering the deportation.

³⁹⁴ Established by Section 12 of Act CXXVII of 2015, effective as of 1 August 2015.

³⁹⁵ Established: by Section 67 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁹⁶ Amended by Subsection (1) of Section 13 of Act CXXVII of 2015.

³⁹⁷ Repealed: by subparagraph b) paragraph (1) Section 21 of Act XXVII of 2012. No longer in force: as of 20. 05. 2012.

³⁹⁸ Established by Subsection (1) of Section 46 of Act CXLIII of 2017, effective as of 1 January 2018.

³⁹⁹ Enacted by Subsection (2) of Section 46 of Act CXLIII of 2017, effective as of 1 January 2018.

(2)⁴⁰⁰ Deportation shall be ordered in the resolution ordering expulsion under immigration laws or in the ruling for the enforcement of expulsion if ordered by the court. In all other instances it shall be ordered by separate decision or ruling. Where expulsion is ordered by the refugee authority, the immigration authority shall order deportation by means of a separate decision in the case under Paragraph *d*) of Subsection (1).

(3) The third-country national affected may lodge a complaint against the specific resolution or ruling ordering the deportation measure. The complaint shall be submitted within twenty-four hours from the time of delivery of the resolution to the same immigration authority that has ordered it.

(3a)⁴⁰¹ The immigration authority shall amend the resolution or ruling ordering the deportation measure in terms of enforcement if deemed justified by developments taking place during the process of carrying out the deportation, such as, in particular, changes in the third-country national's conduct or other circumstances having an impact on the means of enforcement of deportation. This amending resolution or ruling may not be appealed.

(3b)⁴⁰² If the immigration authority changes the country of destination in the expulsion decision for reasons attributable to the client, in particular if the third-country national provides false information concerning his/her nationality, or if so justified due to factors affecting the country of destination for the expulsion, the amending decision or ruling may be appealed. The complaint shall be submitted within twenty-four hours from the time of delivery of the decision to the same immigration authority that has ordered it. The decision on the demurrer of enforcement may not be appealed.

(4)⁴⁰³ The immigration authority shall forward the complaint, together with the documents of the case, to the authority of competent jurisdiction, that shall render a decision within eight days.

(5) The third-country national affected may lodge a complaint against the deportation measure.

(6) The third-country national affected may request suspension of the deportation procedure in the complaint submitted against the deportation measure according to Subsection (3).

(7) The immigration authority may cooperate in the enforcement of expulsion ordered by a country that is required to apply the provisions of Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

(8) The deportation of a person shall be abandoned if:

- a*) the entry of the person deported to the country of destination is no longer an option;
- b*) the person deported requires urgent medical attention;
- c*) the country from whom permission was requested for using its territory for transit by air in connection with deportation as prescribed in specific other legislation (hereinafter referred to as "requested State") did not grant consent, or revoked its previous consent;
- d*) the person deported entered the territory of the requested State without authorization during transit.

(9) The competent public prosecutor shall oversee the deportation procedure in accordance with the relevant regulations.

⁴⁰⁰ Established by Subsection (2) of Section 13 of Act CXXVII of 2015, effective as of 1 August 2015.

⁴⁰¹ Enacted by Section 58 of Act XXXIX of 2016, effective as of 1 July 2016.

⁴⁰² Enacted by Subsection (3) of Section 46 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁰³ Amended: by paragraph (75) Section 2 of Act CLII of 2010. In force: as of 1. 01. 2011.

(10)⁴⁰⁴ The provisions of this Section shall apply with respect to persons eligible for preferential treatment, taking due account of their special needs stemming from their specific situation.

Section 65/A⁴⁰⁵

Deportation of a third-country national subject to the criminal proceedings shall not be prevented by the criminal proceedings in progress. The deportation measure can be carried out, except if the judge hearing the criminal case or - before the indictment - the public prosecutor determines that:

- a) the criminal proceedings cannot be carried out in the absence of the expelled third-country national, or
- b) outbound travel restriction had been ordered against the third-country national affected, or
- c) coercive measures restricting the personal liberty of the third-country national affected have been ordered in the criminal proceedings.

Outbound Travel Restrictions⁴⁰⁶

Section 66⁴⁰⁷

(1)⁴⁰⁸ Upon receipt of notice from the court or public prosecutor's office under the Act on International Travel, the immigration authority shall introduce outbound travel restrictions against third-country nationals whose travel document is to be confiscated on the basis of such notice.

(2) Upon receipt of notice specified in Subsection (1) the immigration authority shall adopt a resolution on outbound travel restriction and shall confiscate the travel document of the third-country national affected.

(3) The aforesaid resolution may not be appealed.

(4)⁴⁰⁹ The immigration authority, upon receipt of notice from the court, the public prosecutor's office or the investigating authority for lifting the outbound travel restriction, shall cancel the outbound travel restriction without delay and shall release the third-country national's travel document as well.

Control of Third-Country Nationals

Section 67

⁴⁰⁴ Enacted: by paragraph (6) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁴⁰⁵ Enacted by Section 47 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁰⁶ Established: by paragraph (7) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁴⁰⁷ Established: by paragraph (7) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁴⁰⁸ Amended by Paragraph b) of Section 246 of Act CXCVII of 2017.

⁴⁰⁹ Amended by Paragraph b) of Section 246 of Act CXCVII of 2017.

(1) The immigration authority shall have powers to control compliance with and enforce the provisions of this Act.

(2) Upon request for checks, third-country nationals shall produce and surrender their travel documents, authority to reside and other personal identification documents.

(3)⁴¹⁰ In the event that any travel document is found in the possession of a third-country national that is issued to another person, and is held illegally by the third-country national, it shall be sequestered and - if no criminal charges are filed - sent to the Hungarian mission of the issuing State, or failing this, it shall be returned to the issuing agency via the minister in charge of foreign policies.

(4) Any third-country national who is unable to verify his/her lawful residence in Hungary or is unable to produce credible evidence of his/her identity, or who violates the provisions of this Act shall be apprehended and taken into custody by the immigration authority.

(4a)⁴¹¹ The immigration authority shall be empowered to process the personal data of third-country nationals contained in the storage medium of the document evidencing their right of residence including biometric data, obtained by recording the physical attributes (facial image, fingerprint images) of such persons, by way of reading the personal data from the storage medium for the purposes specified in point 4 of Article 1 of Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals.

(4b)⁴¹² The immigration authority shall be allowed to process fingerprint images taken for the purposes referred to in Subsection (4a) for verifying the stipulations mentioned in point 4 of Article 1 of Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals, until the verification process is completed, after which the fingerprint images must be deleted immediately.

(5) If the grounds for residence of the third-country national or the identity of the third-country national mentioned above cannot be established while in custody, the third-country national may be kept in custody for an additional period of maximum twelve hours; this action may be contested.

(6)⁴¹³ In situations where an exceptionally large number of third-country nationals in custody places an unforeseen heavy burden on the capacity of the immigration authority, the immigration authority may extend the duration of custody provided for in Subsection (5) for a maximum period of twenty-four hours. This action may be contested.

(7)⁴¹⁴ If the third-country national declares while in custody, extended or otherwise, his/her intention before the immigration authority to submit an application for international protection, the immigration authority may keep the third-country national in custody for an additional period of maximum twelve hours, in addition to the duration of custody, extended or otherwise, until the refugee authority takes action. This action may be contested.

⁴¹⁰ Amended by Paragraph h) of Section 55 of Act CXLIII of 2017.

⁴¹¹ Enacted: by Section 68 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

⁴¹² Enacted: by Section 68 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

⁴¹³ Enacted by Section 14 of Act CXXVII of 2015, effective as of 1 August 2015.

⁴¹⁴ Enacted by Section 14 of Act CXXVII of 2015, effective as of 1 August 2015.

Checking Third-Country Nationals in the Visa Information System⁴¹⁵

*Section 67/A*⁴¹⁶

(1)⁴¹⁷ The immigration authority shall have powers to take the fingerprints of third-country nationals for the purpose of cross-referencing in the system for the exchange of visa data established under Council Decision 2004/512/EC (hereinafter referred to as “Visa Information System”), and for the purpose of verification under Articles 19 and 20 of Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (hereinafter referred to as “VIS Regulation”).

(2) The immigration authority shall be authorized to process the fingerprints collected for the purposes mentioned in Subsection (1) for running the search under Articles 19 and 20 of the VIS Regulation, until it is completed, and shall thereafter delete them without delay.

Warrant of Arrest

Section 68

(1) In order to locate a third-country national whose whereabouts are unknown, the immigration authority may issue a warrant if the person in question:

- a)* is subject to any immigration proceeding specified in this Chapter;
- b)* has escaped from detention or is on unauthorized absence from the place of compulsory confinement in violation of the code of conduct;
- c)*⁴¹⁸ failed to comply with the definitive decision of expulsion.

(2)⁴¹⁹ The resolution on issuing the warrant may not be appealed.

(3)⁴²⁰ The warrant order shall be reviewed after ninety days, and shall be revoked if it is unlikely to bring any results.

(4)⁴²¹ The warrant shall be revoked when the grounds therefor no longer exist.

⁴¹⁵ Enacted: by Section 30 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

⁴¹⁶ Enacted: by Section 30 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

⁴¹⁷ Established: by Section 72 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁴¹⁸ Amended by Paragraph d) of Section 55 of Act CXLIII of 2017.

⁴¹⁹ Established by Subsection (1) of Section 59 of Act XXXIX of 2016, effective as of 1 July 2016.

⁴²⁰ Enacted by Subsection (2) of Section 59 of Act XXXIX of 2016, effective as of 1 July 2016.

⁴²¹ Enacted by Subsection (2) of Section 59 of Act XXXIX of 2016, effective as of 1 July 2016.

Chapter VI

Vested Responsibilities

Section 69

(1)⁴²² Carriers providing travel accommodations to third-country nationals by means of air, water or scheduled road transport shall be required to check the travel document and visa of their passengers before boarding for travelling to Hungary or to another country through the territory of Hungary to ensure that they have travel documents required for entry or for transit, or visas for an intended stay of no more than ninety days.

(2) The carrier transporting any third-country national by means of air, water, road or railway transport shall provide for the return of such third-country national to the country of departure or to the country which is liable to accept him/her:

*a)*⁴²³ if its passenger is refused admission to Hungary for lacking any of the requirements specified by law;

*b)*⁴²⁴ if its passenger is refused admission to another country and is turned back to Hungary; or

c) if the carrier to which the passenger was scheduled to be transferred refused to admit the passenger on his means of transport.

(3) If return cannot be promptly executed, the carrier in question shall bear all costs incurred in connection with the stay of the third-country national until his/her return.

(4) When a third-country national is refused admission and the carrier disputes its obligation to return the person in question or to finance his/her stay, the immigration authority shall adopt a formal resolution to order the carrier to comply.

(5) For any failure to comply with the obligation specified in Subsection (1) as set out in specific other legislation, a penalty for the protection of public policy shall be imposed upon the carrier in question.

(6) A carrier shall be exempted from the payment of penalty for the protection of public policy if able to verify of having proceeded with due care and diligence to ensure compliance with the obligation of control specified in Subsection (1).

Section 70

(1)⁴²⁵ The immigration authority shall impose a penalty for the protection of public policy by recommendation of the authority carrying out border checks upon any air carrier who fails to supply information - in violation of the provisions set out in the Aviation Act - on passengers it transports from outside of any Member State of the European Union or from outside of the

⁴²² Established: by Section 73 of Act XCIII of 2013. In force: as of 1. 07. 2013. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁴²³ Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴²⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

The change does not effect the English version.

⁴²⁵ Established: by Section 74 of Act XCIII of 2013. In force: as of 1. 07. 2013.

territory of any Schengen State into the territory of Hungary.

(2) The provisions laid down in Subsection (1) shall also apply where the information the air carrier has supplied is incomplete or untrue stemming from its failure to exercise due care and diligence.

Section 71⁴²⁶

(1) The employer or host entity shall be required to ascertain on or before the first day of employment of a third-country national that the third-country national affected has a valid residence permit or some other form of residence authorization, or has a permit prescribed in this Act for engaging in the pursuit of an occupational activity.

(2) The employer or host entity is required to keep a copy of the valid residence permit or other form of residence authorization presented by the third-country national affected for the entire duration of employment.

(3) The employer or host entity shall be required to notify the immigration authority of the start of employment of third-country nationals within five days.

(4) The employer or host entity shall be required to notify the immigration authority within five days if the third-country national failed to report for work as authorized, or if his/her employment is terminated before the expiry of the validity period of his/her work permit or single permit.

(5) The employer or host entity shall submit the notices referred to in Subsections (3)-(4) accompanied by the following information:

a) employer's or host entity's particulars (name, address, registered address, place of business, company form, registered number);

b) the natural identification data of the third-country national worker or intra-corporate transferee;

c) number of the residence authorization of the third-country national worker or intra-corporate transferee;

d) job description;

e) the date of taking up work or effective date of intra-corporate transfer, or failure to do so as scheduled, or the date of termination of employment before the expiry of the work permit or single permit.

(6) Any employer or host entity that fails to satisfy the obligations defined in Subsections (1)-(4) shall be subject to a penalty - provided for in other legislation -, which shall increase in amount according to the number of employed third-country nationals, for the protection of public policy levied by the immigration authority.

(7) An employer or host entity shall be exempted from the payment of penalty for the protection of public policy if able to verify of having satisfied the obligations of notification and control specified in Subsections (1)-(4), except if the document presented as a residence permit or other form of authorization turned out to be untrue, of which the employer had been aware, or should have been aware given reasonable care.

(8) The main contractor and all subcontractors shall be jointly and severally liable with the subcontractor employer or host entity for payment of the penalty for the protection of public policy, where they knew or should have been aware given reasonable care that the subcontractor

⁴²⁶ Established by Subsection (2) of Section 60 of Act XXXIX of 2016, effective as of 30 September 2016.

employer employed third-country nationals without residence authorization prescribed by this Act.

(9) The host entity shall report at the latest within five days following the date of taking up work the employment of a third-country national holding a residence permit issued in any Member State of the European Union for the purpose of intra-corporate transfer in Hungary at the host entity for a planned duration not exceeding ninety days for the purpose of intra-corporate transfer. The report shall be accompanied by the natural identification data of the third-country national, the planned duration of intra-corporate transfer and an indication if the host entity belongs to a group of companies.

(10)⁴²⁷ Employers shall be able to file the report referred to in Subsections (3), (4) and (9) also by way of electronic means, following electronic identification.

Section 72

Hosts shall be held liable for damages they cause to others resulting from any infringement of their obligations.

Chapter VII

Notification Requirements

Obligation of Third-Country Nationals to Register their Place of Accommodation

Section 73

(1) Third-country nationals shall be required to register their place of accommodation and shall simultaneously disclose the following information to the immigration authority:

- a)* the natural identification data specified in Section 94;
- b)* particulars of the travel document;
- c)* address of place of accommodation;
- d)* date of arrival to and estimated departure from the place of accommodation;
- e)* serial number of visa or residence permit; and
- f)* date and place of entering the country.

(2) Operators of commercial lodgings and other hotel establishments of legal persons shall keep records (guest books) on the prescribed forms of the information of their guests who are third-country nationals as defined in Subsection (1).

Registration of Birth

⁴²⁷ Enacted by Subsection (1) of Section 53 of Act CXXI of 2016, effective as of 1 January 2017.

Section 74

Third-country nationals holding a visa for an intended stay of no more than ninety days, or a visa for an intended stay of more than ninety days within any one hundred eighty day period, a residence permit, and third-country nationals with immigrant or permanent resident status shall report the birth of a child in the territory of Hungary and shall simultaneously supply the following information:⁴²⁸

- a)* the natural identification data of the child as specified in Section 94;
- b)* particulars of the child's travel document;
- c)* address of the child's place of accommodation or home address.

Notification Obligation of Educational Institutions⁴²⁹

*Section 74/A*⁴³⁰

(1) With a view to carrying out procedures under this Act, education institutions are required to notify the immigration authority of jurisdiction by reference to where the education institution is located in connection with students who are foreign nationals, concerning the taking up, pursuit and suspension of their studies within eight working days after the effective date thereof, including those who failed to comply with the obligation of enrollment, and whose student status has been terminated, accompanied by the following information:

- a)* particulars of the reporting education institutions (name, address);
- b)* the natural identification data of the third-country national, number of document evidencing right of residence;
- c)* type of student relationship, date and time of taking up, suspension and termination of such relationship, and the method of termination;
- d)* description of training the student was attending, mode of financing and scheduling, semesters in progress, period of suspension of studies, and the foreseeable date of completion of the training.

(2) Education institutions shall be able to file the report referred to in Subsection (1) also by way of electronic means, following electronic identification.

Notification of Traineeship Programs and Host Entities⁴³¹

*Section 74/B*⁴³²

⁴²⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. Amended: by paragraphs (2) and (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁴²⁹ Enacted: by Section 69 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁴³⁰ Established by Subsection (2) of Section 53 of Act CXXI of 2016, effective as of 1 January 2017.

⁴³¹ Enacted by Section 39 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴³² Enacted by Section 39 of Act CXXXIII of 2018, effective as of 1 January 2019.

(1) Host entities are required to notify the immigration authority in advance of their intention to set up and operate a traineeship program, and shall report changes in the information thus provided. Host entities shall submit the notification by way of electronic means following electronic identification.

(2) The following may function as an entity hosting trainees:

- a) municipal governments;
- b) nationality self-governments, in the context of fulfillment of public functions defined by law;
- c) budgetary authorities within the scope of their basic functions;
- d) ecclesiastical legal entities established in Hungary, in the context of religious and public benefit activities and operations;
- e) business associations having signed a strategic partnership agreement with the Government, in connection with training provided within the framework of strategic cooperation agreement.

(3) This notification shall include:

- a) the host entity's name, registered office and tax number;
- b) the name and the beginning and end of the traineeship program;
- c) the content of the traineeship program.

(4) If the host entity:

a) is an ecclesiastical legal entity, the immigration authority shall obtain from the register of listed church, and shall verify the host entity's particulars, or the particulars of the internal legal entities of the church in the case of non-registered internal legal entities of the church;

b) is a business association, the immigration authority shall obtain the certificate of incorporation directly from the register of companies by way of electronic means.

(5) The immigration authority shall keep records on the data provided so as to ensure the publicity of host entities and for the protection of trainees. Upon registration, the immigration authority shall inform the host entity within fifteen days from the time of receipt of the complete notification. The immigration authority shall post the name of registered host entities on its website.

(6) The procedures for the notification of host entities, reporting changes in their particulars and for the removal of host entities from the records are cost free.

(7) The immigration authority shall refuse the registration of a host entity and/or a traineeship program, and shall remove the host entity and/or the traineeship program from the records if the notification does not meet the conditions laid down in Subsections (2)-(3) or the trainee is admitted for purposes other than the scope of activities shown in the register of companies of the host entity provided for in Paragraph *e*) of Subsection (2).

(8) In the examination of the requirements set out in Subsection (7), the immigration authority may request the opinion of the ministries concerned having regard to the nature of the employment, including trade associations, and also from the employment authority and the government employment agency. The requested party shall send its opinion to the immigration authority within five working days.

(9) If the host entity fails to comply with the notification requirement, the immigration authority shall bring a resolution - taking into account the gravity of the infringement - to remove the host entity from the register of host entities and shall ban the host entity in question from hosting trainees for up to one year.

Reporting Obligations and Regulatory Measures in Connection with the Personal

Documents of Third-Country Nationals

Section 75

(1) Third-country nationals shall promptly notify the immigration authority if their travel document or residence permit is lost, stolen or destroyed. The immigration authority shall confirm receipt of such notification in writing.

(2) The immigration authority shall be immediately notified in the event that a travel document, which was presumed lost and reported as such, is found subsequently.

(3)⁴³³

(4) Unless otherwise stipulated by international agreement, third-country nationals whose travel document is lost, stolen, destroyed or has expired shall obtain a replacement travel document. Such third-country nationals shall be allowed to leave the country only in possession of the new travel document and a certificate of the notification referred to in Subsection (1), or in possession of the expired travel document.

(5) The immigration authority shall provide for the forwarding of any travel documents found via the minister in charge of foreign policies to the foreign representation of the State having jurisdiction at the place of issue.

Notification Requirement Applicable to Third-Country Nationals Holding EU Blue Cards⁴³⁴

*Section 75/A*⁴³⁵

Third-country nationals holding an EU Blue Card shall notify the immigration authority concerning the termination of their contracts for employment relationship, of entering into another similar contract subsequently, within five days from the date of commencement and termination of such contracts.

Chapter VIII

Stateless Status and Issuing Travel Documents to Third-Country Nationals

Proceedings for the Recognition of Stateless Status

Section 76

⁴³³ Repealed: by subparagraph d) paragraph (1) Section 54 of Act XL of 2010. No longer in force: as of 24. 03. 2010.

⁴³⁴ Enacted: by Section 106 of Act CV of 2011. In force: as of 1. 08. 2011.

⁴³⁵ Enacted: by Section 106 of Act CV of 2011. In force: as of 1. 08. 2011.

(1)⁴³⁶ Proceedings for the recognition of stateless status are opened upon the submission of a request to the immigration authority for stateless status by a person who resides in the territory of Hungary (hereinafter referred to as "petitioner"), which is to be presented verbally or in writing.

(2) Any request submitted verbally shall be recorded in writing by the immigration authority.

(3) Upon submitting the petition the immigration authority shall inform the petitioner concerning his/her rights and obligations in the proceedings, the legal consequences of any breach of such obligations and of the designated place of accommodation.

(4) Acknowledgment of the information shall be recorded in writing.

Section 77

(1) The petitioner shall attend the proceedings in person and shall be interviewed.

(2) The petitioner may use his/her native language or a language he/she understands for verbal and written communication during the proceedings.

(3) The petitioner shall be provided access to legal counseling.

Section 78

(1) A petition for stateless status shall be refused by way of a formal resolution if the petitioner:

a) falls within the scope of Paragraph 2 of Article 1 of the United Nations Convention relating to the Status of Stateless Persons signed in New York on 28 September 1954, promulgated by Act II of 2002; or

b) terminated his/her nationality deliberately, with a view to obtaining stateless status;

*c)*⁴³⁷ is considered to be a threat, or his or her residence is considered to be harmful to the national security of Hungary.

(2) The immigration authority shall terminate the proceedings:

a) if the petitioner dies;

b) if the petitioner withdraws his/her petition in writing;

c) if the petitioner fails to appear in the interview in person in spite of repeated written notices and is unable to justify his/her absence;

d) if the proceeding cannot continue for the petitioner's whereabouts is unknown.

(3)⁴³⁸ The competent authority shall adopt a decision within forty-five days in proceedings for the recognition of stateless status.

(4)⁴³⁹ In proceedings for determining statelessness the authority provided for in specific other legislation shall make available its assessment decision as to whether a third-country national constitutes a threat to the national security of Hungary to the competent immigration authority

⁴³⁶ Amended by subparagraph b) Section 299 of Act CCI of 2011, Point 1 of Constitutional Court Resolution No. 6/2015 (II. 25.).

⁴³⁷ Enacted by Subsection (1) of Section 40 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴³⁸ Enacted by Subsection (3) of Section 134 of Act CLXXXVI of 2015, effective as of 1 January 2016.

⁴³⁹ Enacted by Subsection (2) of Section 40 of Act CXXXIII of 2018, effective as of 1 January 2019.

within twenty days.

Section 79

(1) In the proceedings for the recognition of stateless status the petitioner is required to prove or substantiate his/her stateless status, with particular regard to the State:

- a) where his/her place of birth is located;
- b) where his/her previous permanent or habitual residence is located; and
- c) of the nationality of his/her family members and parents.

(2) In the proceedings referred to in Subsection (1) the immigration authority shall - upon request - provide administrative help via the Hungarian foreign missions.

Section 80

(1) A resolutions adopted in proceedings for the recognition of stateless status may not be appealed.

(2)⁴⁴⁰ The resolution may be challenged by bringing administrative action within fifteen days. The authority shall promptly forward the statement of claim to the court together with the documents of the case and its statement of defense attached.

(3)⁴⁴¹ The Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*) shall have exclusive jurisdiction to hear such case. The court shall deliver its decision on the statement of claim within ninety days from the time of receipt of the statement of claim. In the hearing the court shall interview the applicant in person as well.

(4) The proceedings for the recognition of stateless status are exempt from charges.

Section 81

The representative of the Office of the United Nations High Commissioner for Refugees may participate in any stage of the proceedings for the recognition of stateless status, and:

- a) he may be present when the petitioner is interviewed;
- b) he may provide administrative assistance to the petitioner;
- c) he may gain access to the documents of the proceedings and make copies thereof;
- d) the immigration authority shall send the administrative resolution or court decision to him.

Review of the Conditions for Determining Statelessness⁴⁴²

Section 81/A⁴⁴³

(1) Stateless status shall be withdrawn if:

- a) the stateless person has voluntarily reacquired his or her lost nationality;

⁴⁴⁰ Established by Section 48 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁴¹ Established by Section 48 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁴² Enacted by Section 49 of Act CXLIII of 2017, effective as of 1 January 2018.

⁴⁴³ Enacted by Section 49 of Act CXLIII of 2017, effective as of 1 January 2018.

- b) the stateless person has acquired a new nationality;
 - c) it was granted in spite of the existence of the exclusion clauses referred to in Subsection (1) of Section 78, or if falling under the said exclusion clauses;
 - d) the conditions for the resolution on granting temporary protection did not exist at the time it was adopted;
 - e) the refugee has misled the authorities during the procedure for determining statelessness by presenting false information or documents or by withholding relevant information or documents, provided that it had a decisive impact on the decision for determining statelessness.
- (2) The provisions of Sections 76-81 shall apply mutatis mutandis to the withdrawal proceedings.
- (3) The competent immigration authority shall adopt a decision within forty-five days in proceedings for the review of stateless status.

Issuing Travel Documents to Third-Country Nationals

Section 82⁴⁴⁴

The foreign representation of Hungary shall issue a single-entry travel document to a third-country national who has been granted treatment as a stateless person by Hungary, and to third-country nationals with immigrant or permanent resident status, if his/her travel document was lost or destroyed abroad and cannot be replaced abroad or it would entail unreasonable difficulties, and thus he/she is unable to return to the territory of Hungary.

Section 83

- (1)⁴⁴⁵ The immigration authority shall issue a travel document for the purpose of traveling abroad, permitting reentry to the territory of Hungary if requested by a third-country national with immigrant or permanent resident status, if he/she does not have a valid travel document from his/her country of origin and if such cannot be replaced for reasons beyond his/her control.
- (2) The above-specified travel document shall be valid for one year from the date of issue.

Section 84

The immigration authority may issue a travel document for a single occasion to a third-country national for the purpose of return to the country of his/her permanent residence, if the travel document of such person was lost or destroyed and cannot be replaced.

Section 85

- (1)⁴⁴⁶ The immigration authority may issue a travel document - upon request - to a stateless

⁴⁴⁴ Established: by Section 70 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph n) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴⁴⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴⁴⁶ Amended: by subparagraph o) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

person residing in the territory of Hungary for the purpose of reentry to the territory of Hungary, within the period of validity, from his/her travel abroad.

(2) The above-specified travel document shall be valid for one year from the date of issue.

Section 86⁴⁴⁷

Upon receipt of notice from the court or public prosecutor's office under the Act on International Travel, the immigration authority shall confiscate the travel document of third-country nationals holding a travel document issued by the immigration authority, or of stateless persons residing in the territory of Hungary, whose travel document is to be confiscated on the basis of such notice.

Chapter IX⁴⁴⁸

Procedural Rules

Title 1

General Provisions

Rules of Competence

Section 86/A

For the purpose of this Act:

a) 'immigration matter' shall mean:

aa) all proceedings involving the entry and stay of foreign nationals, where the immigration authority brings a decision to define a client's right or obligation, to establish a client's infringement, to verify a fact, status or data, or to keep records, and where it moves to enforce such decisions,

ab) actions where the immigration authority carries out a regulatory inspection,

ac) proceedings for determining statelessness,

ad) the official endorsement of a letter of invitation,

ae) the levying of a penalty for the protection of public policy;

b) 'immigration authority' shall mean a body, organization or person empowered or designated by a government decree to exercise official authority in immigration matters. Cases falling within the competence of the immigration authority may not be transferred.

⁴⁴⁷ Established by paragraph (8) Section 60 of Act CLXXXI of 2012. Amended by Paragraph b) of Section 246 of Act CXCVII of 2017.

⁴⁴⁸ Established by Section 50 of Act CXLIII of 2017, effective as of 1 January 2018.

Client

Section 86/B

(1) Client means:

a) any natural person who applies to the immigration authority for authorization for entry and stay;

b) any natural or legal person, other entity who applies for the official endorsement of a letter of invitation provided for by specific other legislation;

c) any natural or legal person, other entity who is the subject of any data contained in the immigration register;

d) any natural or legal person, other entity who is subjected to inspection by the immigration authority;

e) any natural or legal person, other entity for whom the immigration authority has established any right or obligation in connection with the rules for admission and stay;

f) any natural or legal person, other entity against whom the immigration authority enforces its decision;

g) any natural person who applied for determining his/her statelessness;

h) any natural or legal person, other entity whose any right or obligation established by the immigration authority is being reviewed by the immigration authority in connection with the rules for admission and stay and with determining his/her statelessness.

(2) In proceedings opened for determining an application for a visa for a planned duration not exceeding ninety days, client means the third-country national who applies for the visa.

Section 86/C

(1) Unless otherwise provided for by this Act, in immigration proceedings client succession is not allowed.

(2) If the host is a legal person, the rights and obligation of such host defined in this Act shall accrue upon its successor under civil law. If the host is a natural person, the obligation of such host defined in this Act shall accrue upon the natural person heir under civil law in the event of his/her death.

(3) Where a penalty for the protection of public policy has been imposed, the obligation of payment of such penalty shall accrue upon the successor under civil law in the event of the natural person obligor's death, or upon the successor under civil law if the obligor is a legal person.

(4) Where an obligation is established by definitive decision and the obligor is terminated by succession, the successor shall be given the opportunity to discharge the obligation voluntarily, in justified cases, by providing an extension of the respective time limit.

(5) Any ruling adopted in connection with succession, or with setting a new deadline for performance shall be delivered to the client. A ruling adopted on the subject of succession and refusing to establish a new deadline for performance may be appealed separately.

Rules of Competence

Section 86/D

(1) Unless otherwise provided for by law, from the immigration authorities vested with analogous competences, the immigration authority within whose area of jurisdiction the client's home address, habitual residence or place of accommodation, or registered office in the case of legal persons, is located, or where the infringement was committed shall have competence.

(2) If the client's home address, habitual residence or place of accommodation, or registered office in the case of legal persons is unknown, the last known home address, habitual residence or place of accommodation, or registered office in the case of legal persons shall be taken into consideration, or if that cannot be identified, the immigration authority provided for by specific other legislation shall have exclusive jurisdiction to hear and determine the immigration matter on hand.

Examination of Powers and Competences

Section 86/E

(1) The immigration authority shall - of its own motion - ascertain its powers and competencies during all stages of the proceedings. If either is lacking, and if the authority vested with powers and competences can be identified beyond reasonable doubt, the case shall be transferred, or failing this the proceedings shall be terminated or the application shall be refused without any examination as to merits. The immigration authority shall inform the requesting party on the transfer, at the time of the transfer, or if transfer is not possible it shall so inform the requesting party.

(2) The immigration authority shall handle cases falling within its competence inside its area of jurisdiction.

Languages

Section 86/F

(1) In immigration proceedings no one shall be allowed to suffer any disadvantage on account of his or her lack of knowledge of the Hungarian language. In immigration proceedings the client may use his/her native language or any other language he/she understands for verbal and written communication.

(2) In visa proceedings the costs of translation and interpreting services, and the fees of a sign language interpreter (hereinafter referred to as "costs of language services") shall be borne by the applicant.

(3) In addition to what is contained in Subsection (2), in immigration proceedings opened upon request, the costs of translation and interpreting services, and the fees of a sign language interpreter shall be covered by the competent immigration authority, whereas the costs of language services in connection with other procedural steps shall be borne by the applicant. The immigration authority shall provide for the bearing and prepayment of costs by way of a ruling.

(4) In immigration proceedings opened ex officio, the costs of language services shall be borne by the competent immigration authority, unless otherwise provided for by this Act.

(5) The costs of interpreting services in hearings held during the proceedings for the extension of detention shall be borne by the court. The responsibility for the appointment of an interpreter lies with the judge.

(6) In immigration proceedings opened ex officio, in cases of emergency the competent immigration authority may use an interpreter in the absence of a ruling of appointment based on a contract between the immigration authority and the interpreter.

(7) In visa proceedings the costs of language services related to delivering the decision shall be covered by the client.

Request

Section 86/G

The requested body shall respond to requests sent during the period of custody or retention without delay, at the latest before the period of custody or retention expires.

General Rules on Communication

Section 86/H

(1) In the case under Subsection (4) of Section 86/J the competent immigration authority may communicate during the proceedings with the employer as well, however, the client has to be informed of the contents of documents sent to the employer.

(2) Unless otherwise provided for by this Act, the immigration authority may communicate with the client by post only if the client has a Hungarian postal address.

(3) By way of derogation from Subsection (2), a decision imposing a penalty for the protection of public policy, and documents of visa procedures can be mailed to a foreign address as well.

(4) In those proceedings where the client's physical presence is required, the client shall not be authorized to communicate with the authority by way of electronic means.

(5) In own motion proceedings the mode of communication shall be selected by the immigration authority.

(6)⁴⁴⁹ The immigration authority shall set up and operate an electronic information system (hereinafter referred to as "electronic platform designated for opening immigration cases"). In the electronic platform designated for opening immigration cases clients are registered:

a) by way of electronic identification service; or

b) by way of electronic means, following entry of the client's natural identification data.

(7)⁴⁵⁰ As regards the registration under Paragraph *b)* of Subsection (6), the identification of clients shall take place at the time of first appearance before the authority. Documents submitted by the client shall be considered authentic if so acknowledged at the time of said appearance.

(8)⁴⁵¹ The authority shall set up and maintain a dedicated storage space through the electronic platform designated for opening immigration cases for clients registered according to Subsection

⁴⁴⁹ Enacted by Section 41 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁵⁰ Enacted by Section 41 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁵¹ Enacted by Section 41 of Act CXXXIII of 2018, effective as of 1 January 2019.

(6) for delivering consignments. Section 14 and Subsections (2) and (3) of Section 15 of Act CCXXII of 2015 on the General Rules for Trust Services for Electronic Transactions shall apply to the service of electronic documents with the derogation that if the system confirms that the addressee did not collect the consignment after being notified on two occasions, the electronic document shall be considered served on the fifth working day following the date of the second notice.

(9)⁴⁵² In the case of procedural steps where physical presence is not mandatory, the natural person client shall be able to maintain communication with the immigration authority in accordance with Subsections (6)-(8) and as provided in the relevant government decree. The authority shall maintain communication with registered clients via the electronic platform designated for opening immigration cases in connection with procedural steps where so permitted by this Act. In maintaining communication through the electronic platform designated for opening immigration cases documents lacking the electronic signature of the client may also be accepted.

Data Processing and Access to the Documents of the Proceedings

Section 86/I

The client or his/her authorized representative shall be allowed access in the process of enforcement of the immigration authority's decisions to documents only to an extent not to jeopardize the outcome of the enforcement.

Title 2

Rules of Immigration Proceedings Subject to Application

Immigration Proceedings of First Instance

The Application

Section 86/J

(1) Unless otherwise provided for by law, in immigration proceedings which are subject to application, the person so entitled may submit the application using the standard printed form provided for by specific other legislation in person, accompanied at the same time by the supporting documents required under the government decree implementing the act with the immigration authority of competence to adopt a decision on the subject of the application.

(2) The competent immigration authority may not require an applicant to appear in person who is unable to do so due to health reasons.

⁴⁵² Enacted by Section 41 of Act CXXXIII of 2018, effective as of 1 January 2019.

(3) Unless otherwise provided for by an act, if the applicant is a minor of limited capacity or if incompetent, the application may be submitted by the applicant's legal representative in his/her stead. If the minor client has reached the age of six at the time the application is submitted, he/she shall be required to appear in person when the application is submitted. The responsibility for ascertaining the minor's physical presence before the immigration authority lies with the legal representative.

(4) In cases under Subsection (1) of Section 29/A, Paragraphs *b*) and *e*) of Subsection (2) of Section 29/A and Paragraphs *b*) and *g*) of Subsection (3) of Section 29/A, and also if a family member of the third-country national is listed as a co-applicant, the application for the issue or extension of a residence permit may be submitted by way of an employer or host entity provided for in specific other legislation, provided that the client has consented in writing.

(5) For the purpose of compliance with requirements set out by law, the client shall appear in person before the competent immigration authority, when so requested by the authority, also if Subsection (4) applies.

(6)⁴⁵³ The applications provided for in Subsections (1)-(3) hereof - except for the applications submitted at foreign missions, and those submitted under Paragraph *a*) of Subsection (1) of Section 17/A - may be submitted by third-country nationals electronically, through the electronic platform designated for opening immigration cases, following electronic registration.

(7)⁴⁵⁴ Once delivered, an application shall be considered received by the immigration authority if the third-country national or his or her authorized representative:

a) has paid the application fee, if the proceeding is subject to a fee; and

b) if the third-country national's facial likeness and fingerprint has been taken in accordance with Subsection (1a) of Section 53 - except as provided in Subsections (2)-(3) hereof - at the latest within fifteen days of the date of receipt of confirmation.

(8)⁴⁵⁵ The application delivered shall not be considered received by the immigration authority if the applicant fails to comply with the obligation of payment of the fee or the obligation of physical presence within the time limit specified in Paragraph *b*) of Subsection (7).

(9)⁴⁵⁶ The application provided for in Subsection (4), bearing the client's signature and facial likeness, shall be submitted by the employer provided for in specific other legislation or the host entity by way of electronic means, following electronic identification.

(10)⁴⁵⁷ The application referred to in Subsection (9) shall not be considered received by the immigration authority if:

a) it was submitted not by the employer provided for in specific other legislation or the host entity; or

b) the application does not bear the client's signature and facial likeness; or

c) the application fee was not paid, if the proceeding is subject to a fee.

(11)⁴⁵⁸ If the conditions set out in Subsection (10) are met, the application delivered shall be considered received by the immigration authority. That shall be confirmed by the immigration authority by means of notice.

⁴⁵³ Enacted by Section 42 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁵⁴ Enacted by Section 42 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁵⁵ Enacted by Section 42 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁵⁶ Enacted by Section 42 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁵⁷ Enacted by Section 42 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁵⁸ Enacted by Section 42 of Act CXXXIII of 2018, effective as of 1 January 2019.

(12)⁴⁵⁹ The immigration authority shall delete applications which are not considered received by the immigration authority on the sixteenth day following confirmation, and shall notify the client thereof through the electronic platform designated for opening immigration cases.

Remedying Deficiencies

Section 86/K

(1) If the application:
a) is not in compliance with the requirements provided for by law,
b) is in compliance with the requirements provided for by law, however, it is deemed necessary in connection with any new information that may have emerged in the process of ascertaining the relevant facts,
the competent immigration authority shall advise the applicant to remedy the deficiencies within a prescribed time limit of not more than forty-five days, indicating also the legal consequences of non-compliance.

(2)⁴⁶⁰
(3) The competent immigration authority may - at the client's request - extend the deadline for compliance with the notice for remedying deficiencies on one occasion, by up to twenty-one days, if so permitted by the objective time limit applicable to the case in question. The extended time limit shall not be allowed to exceed the deadline referred to in Subsection (1).

(4) The ruling on allowing or refusing the extension of the time limit for compliance with the notice for remedying deficiencies may not be appealed independently, it may be contested in the decision brought in immigration proceedings.

(5)⁴⁶¹ The client or his or her authorized representative, and in cases provided for by an act, the employer shall have the option to comply with a notice for remedying deficiencies through the electronic platform designated for opening immigration cases. Where deficiencies are remedied by way of electronic means, it shall be considered received by the immigration authority on the next working day when delivered to the immigration authority.

Rejection of an Application Without Examination as to Merits

Section 86/L

The immigration authority shall refuse an application without any examination as to merits within eight days if:

a) the immigration authority has no competence or jurisdiction, and the application cannot be transferred;

b) the application pertains to an objective that is manifestly impossible, and/or there is no legal basis for executing the request;

⁴⁵⁹ Enacted by Section 42 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁶⁰ Repealed by Paragraph a) of Section 58 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁶¹ Enacted by Section 43 of Act CXXXIII of 2018, effective as of 1 January 2019.

- c) submission of the application is subject to a deadline or time limit provided for by law, and the application was filed in delay or prematurely;
- d) the immigration authority has already adopted a decision regarding the application as to merits, and another application pertaining to the same right has been submitted while the relevant facts of the case and the applicable laws remained the same;
- e) the application has apparently been filed by a person other than the rightful applicant.

Termination of Proceedings

Section 86/M

(1) The immigration authority shall terminate the proceedings:

- a) if the client fails to provide a statement as requested by the immigration authority, or failed to attach in due time the documents the immigration authority has requested, and the application cannot be decided in absence thereof;
- b) if the applicant fails to appear before the immigration authority despite being duly notified or summoned by the immigration authority, and did not provide reasonable justification in advance as to the reason for his/her absence, or did not offer substantive excuse after the impediment as to his/her appearance has been eliminated, thus obstructing efforts for ascertaining the relevant facts of the case;
- c) where final decision in the proceeding requires the preliminary judgment of an issue (hereinafter referred to as “incidental question”) where the decision lies with a court or another body, and the client fails to comply with the immigration authority’s request for initiating such proceeding;
- d) if the proceeding has become moot;
- e) if the proceeding was opened upon request and the client has withdrawn his/her application;
- f) if the client fails to comply with the obligation of advancing the costs of interpreters, translators, experts;
- g) if the proceedings of the authority is subject to payment of duties or an administrative service fee, and the client failed to comply within the prescribed time limit in spite of being notified by the competent immigration authority;
- h) if attempts to ascertain the relevant facts of the case to the extent necessary for passing the resolution in own motion immigration proceedings have failed, and further procedural steps are unlikely to bring the results desired;
- i) if no infringement had been established in own motion immigration proceedings;
- j)⁴⁶² if the proceedings are to be terminated on the grounds set out in Section 86/E or Subsection (3a) of Section 87/A;
- k) if the application should have been refused without examination as to merits, however, the immigration authority obtained information concerning the grounds for refusal following the opening of the proceedings.

(2) The client shall be able to provide justification under Paragraph *b*) of Subsection (1) on the day following the day of summons, or on the day after the impediment as to his/her appearance has been eliminated. No justification shall be accepted after five days following the day when the order for physical presence was issued.

⁴⁶² Established by Section 44 of Act CXXXIII of 2018, effective as of 1 January 2019.

Suspension of Proceedings

Section 86/N

(1) The immigration authority shall suspend the proceedings where the final decision requires the preliminary judgment of an issue where the decision lies with another authority, or the case cannot be reliably resolved without a decision in another proceeding under the competence of the same authority that closely relates to the case on hand.

(2) The immigration authority shall suspend the proceedings also if in the given case a foreign body shall be consulted.

(3) The request for suspension of the proceedings may not be submitted by the client or his/her representative.

(4) Upon the suspension of proceedings all deadlines shall be suspended as well, and shall recommence when suspension is terminated. The suspension period may not exceed the objective time limit prescribed for certain specific proceedings by an act.

(5) All procedural steps taken during the period of suspension shall be of no effect, except for the ones intended to eliminate the grounds for suspension.

(6) The ruling on suspension of the proceedings may not be appealed.

(7) If the client has the right to initiate proceedings before the court or another body, the immigration authority shall advise the client to do so within the prescribed time limit.

Administrative Time Limit and Calculation of Other Time Limits

Section 86/O

(1)⁴⁶³ Unless otherwise provided for by an act or government decree, the administrative time limit in immigration proceedings shall be twenty-one days. The administrative time limit shall commence on the working day following the day when the application is delivered to the authority.

(2) In own motion proceedings the administrative time limit shall be reckoned from the day when the first procedural step is carried out.

(3) The administrative time limit shall not include:

a) the length of the period required for the appointment of the competent immigration authority in proceedings for the exclusion of the immigration authority;

b) the length of time between the receipt of the notice for remedying deficiencies or a request for information for ascertaining the relevant facts of the case, until they are provided, or until the date of expiry of the time limit;

c) the length of the period of suspension of the proceedings;

d) unless otherwise prescribed by this Act or a government decree, the duration of specialist authority proceedings;

e) the time required for serving a summons;

f) the length of the period of any system breakdown or some other unavoidable circumstance that has the capacity to disable the immigration authority's functions for at least one full day;

⁴⁶³ Amended by Paragraph e) of Section 57 of Act CXXXIII of 2018.

- g) the length of time required for the preparation of expert assessment;
- h) except for requests sent during the period of custody or retention, the length of the period between the time of dispatching the authority's request or decision and the time it is delivered, and the time required for delivery where it takes place by way of posted notice;
- i) where another body or department is requested with a view to ascertaining the relevant facts of the case, the length of the period between the date of dispatch of the request for inspection and the date when information concerning the outcome of the inspection is delivered to the immigration authority.

(4) In the proceedings of an immigration authority of appellate jurisdiction or any supervisory organ, and in reopened cases the administrative time limit shall commence on the day following the date of delivery of all documents of the case to the competent authority. The immigration authority shall supply the documents that the supervisory body has requested.

(5) In justified cases, the head of the competent immigration authority may extend the administrative time limit on one occasion, by up to twenty-one days. Where the proceedings are opened upon request, the client concerned shall be notified thereof.

Section 86/P

If the last day of a time limit falls on a day that is declared a non-working day for the immigration authority, the time limit - including the administrative time limit - shall expire on the next working day.

Application for Justification

Section 86/Q

(1) The application for justification shall be adjudged by the immigration authority proceeding at the time of the omission. The application for justification for failure to meet the deadline for appeal shall be adjudged by the immigration authority of first instance.

(2) Unless otherwise provided for by an act, the application for justification shall be submitted within five days from the time of becoming aware of the default or from the time the obstruction is eliminated, where applicable, not later than within thirty days from the last day of the time limit or deadline in question.

(3) If the immigration authority complied with the regulations concerning the notification of clients and the delivery of decisions, an application for justification shall not be accepted for missing the deadline for lodging an appeal on the grounds that the notice and/or the decision was delivered by means other than the postal service.

(4) The ruling of refusal of the application for justification may not be appealed, refusal of the application for justification may be contested in the context of remedy available against the ruling for the refusal of the application without examination as to merits.

Summons

Section 86/R

(1) In case of urgency, the writ of summons may be served at short notice by phone, or by means of electronic mail or by a process server. This type of service of the summons shall be indicated in the relevant documents.

(2) The immigration authority shall summon to appear a minor under the age of fourteen years through his/her legal representative, with a warning that such representative is held responsible to ascertain the minor's appearance. Where a minor over the age of fourteen years is summoned to appear the immigration authority shall notify the legal representative of the summons even if the legal representative is summoned to appear on the same day as well.

(3) With respect to a minor over the age of fourteen years the provisions set out in Subsections (1)-(2) of Section 60 of Act CL of 2016 on General Public Administration Procedures (hereinafter referred to as "Administrative Procedure Act") shall not apply, however, if the minor under the age of fourteen years fails to appear to testify despite of being summoned as required, or if absent without permission to leave, and the legal representative failed to show cause for the minor's non-appearance or absence, an administrative penalty may be imposed upon the legal representative.

Clarification of the Facts and Client Statement

Section 87

(1) If deemed necessary to ascertain the relevant facts of the case the immigration authority shall request the client to make a statement. The client shall be given the opportunity to make such statement either orally or in writing. If the client makes the statement orally, the competent immigration authority shall record it in a report. If drawing up the report is not possible due to objective reasons, the immigration authority shall draft a memorandum on the client's oral statement.

(2) If the client or his representative provides any false information that is considered material for the immigration case on hand in spite of his knowledge otherwise, or suppresses such information, or fails to comply with the disclosure requirement, he may be subject to an administrative penalty unless otherwise provided for by this Act.

(3) In its proceedings the immigration authority shall provide the client with a warning of his rights and obligations, and of the legal consequences of perjury and for providing any evidence that is falsified or forged.

General Rules on Specialist Authority Proceedings

Section 87/A

(1) In the proceedings governed by this Act, the Government shall designate a specialist authority in the government decree implementing this Act for the assessment of specific issues.

(2) The competent immigration authority shall disclose to the specialist authority, accompanied with the request, all facts or circumstances which may affect the contents of the specialist authority's assessment. If the competent immigration authority becomes aware of such fact or circumstance after the request is sent to the specialist authority, the specialist authority shall be immediately informed thereof.

(3) Unless otherwise provided for by this Act or a government decree, the administrative time limit of specialist authority proceedings shall be fifteen days. In justified cases, the head of the specialist authority may extend the administrative time limit on one occasion, by fifteen days, of which the competent immigration authority shall be informed. The duration of specialist authority proceedings shall not include the time of remedying deficiencies according to Section 86/K, if such deficiencies cover any fact or circumstance that is considered necessary for a substantiated assessment by the specialist authority.

(3a)⁴⁶⁴ Where deficiencies are remedied according to Subsection (3), the specialist authority shall notify the immigration authority without delay. If the client fails to comply with such request in proceedings opened upon request, the special authority shall inform the authority on the client's failure to remedy deficiencies, upon which the authority shall terminate the proceedings if it cannot be continued *ex officio*.

(4) If the specialist authority fails to provide an assessment to the competent immigration authority within the time limit prescribed for specialist authority proceedings, the specialist authority's approval shall be considered granted, save where an act or government decree provides otherwise.

Section 87/B

(1) In the event of any information arising in the specialist authority's sphere of interest after the official assessment is delivered concerning the third-country national to whom it pertains, based on which the official assessment and approval is to be revoked, the aforesaid specialist authority shall forthwith send a new assessment to the competent immigration authority.

(2) If the specialist authority subsequently finds its assessment unlawful, it may alter the assessment on one occasion before the date when the immigration authority's decision or ruling for the termination of the proceedings becomes definitive.

(3) The specialist authority need not be contacted if the application is to be refused without any examination as merits, or if the competent immigration authority finds within eight days of the date of submission of the application that the application has to be refused irrespective of the specialist authority's assessment.

(4) The specialist authority's assessment shall be binding upon the competent immigration authority having regard to the specific issue on hand.

(5) The competent immigration authority, if the conditions for the specialist authority's participation are met, shall forward the data of the third-country national from the central immigration register to the specialist authority, unless otherwise provided for by an act or government decree. The specialist authority may inspect the documents enclosed with the application, or may make copies of such documents.

(6) If so authorized by the relevant legislation, the specialist authority is allowed to interview the applicant.

(7) The provisions on authorities shall also apply to specialist authorities *mutatis mutandis*.

(8) The specialist authority's assessment:

a) shall indicate the name of the specialist authority,

b) shall contain in the operative part the specialist authority's approval, any provision or condition prescribed by the special authority, or its refusal to grant approval.

(9) The specialist authority's decision may be challenged in the context of an appeal submitted

⁴⁶⁴ Enacted by Section 45 of Act CXXXIII of 2018, effective as of 1 January 2019.

against the decision adopted in conclusion of the proceedings.

Means of Evidence

Documents

Section 87/C

(1) The immigration authority may request the client to present some document or other instrument with a view to establishing the relevant facts of the case.

(2) An authentic instrument made out abroad, and any private document certified by a foreign court, administrative body, notary public or any other person vested with authenticity shall - unless an act or international agreement, or the principle of reciprocity suggests otherwise - be considered to have evidentiary effect according to Hungarian law if endorsed by the Hungarian foreign mission in the country where it was issued. Any instrument made out in a language other than Hungarian shall be accepted only with the official Hungarian translation attached, unless otherwise prescribed by an act.

Witnesses and Official Witnesses

Section 87/D

(1) Any fact that pertains to the immigration case may be verified by witness testimony as well.

(2) Subject to the exception specified in this Act, a person summoned as a witness must testify.

(3) Giving testimony may be refused if:

a) it would implicate the witness him/herself or his/her family member in some criminal activity; or

b) the witness is protected by diplomatic immunities.

(4) An incompetent person or a person of limited capacity may be asked to testify in immigration proceedings only if there is no other way to obtain the evidence the testimony is expected to provide.

(5) Any person whose ability to comprehend the significance of refusal to testify on account of his mental or other condition may be questioned as a witness only if he wishes to testify, and this is approved by the legal representative.

(6) In immigration proceedings the hearing of an incompetent person or a person of limited capacity may be attended by his/her legal representative.

(7) If there exists any conflict of interest between the witness and his legal representative, the guardian authority shall appoint an ad hoc conservator or caretaker officer.

(8) In immigration proceedings a testimony taken in violation of the provisions contained in Subsection (2) of Section 66 of the Administrative Procedure Act may not be admissible, or any testimony where the witness was not advised beforehand concerning his right explained in Subsection (3).

(9) An administrative penalty may be imposed if the person summoned to testify - except if

incompetent - fails to comply with the obligation to give evidence in spite of being advised concerning the legal implications.

Section 87/E

The immigration authority may authorize the witness to make his/her testimony in writing after or instead of the examination. In this case the witness shall him/herself write down his/her testimony and sign it, or if the witness's testimony is written in any other way, it shall be endorsed by a judge or notary public. If the witness is incompetent or of limited legal capacity, the legal representative, and in the event of conflict of interest the ad hoc conservator or the caretaker officer shall also sign the written witness statement. Making a written witness statement shall not prevent the immigration authority to summon the witness for making an oral testimony.

Experts and Interpreters

Section 87/F

(1) For reasons of cost-effectiveness and simplification, the immigration authority may authorize any third person to function as interpreter, subject to the client's consent, if the appointment of an interpreter is not possible, and if the third person in question undoubtedly speaks the language the client understands.

(2) Where the technical means are available, and if so justified by reasons of cost-effectiveness and security, the third-country national may be interviewed via closed-circuit telecommunications network if direct connection between the designated venue of the hearing and the place where the interviewed person or the interpreter is located is ensured by a device that is capable of simultaneous transmission of video and audio signals in real-time.

(3) If the interview is conducted via closed-circuit telecommunications network, the legal counsel of the third-country national may be present at the venue of the hearing.

(4) At the beginning of the interview the immigration authority shall establish the interpreter's identity. The competent immigration authority shall call upon the interpreter to state his/her relation with the clients, and whether or not he/she is biased.

Consequences for Obstruction of Proceedings, Administrative Penalty

Section 87/G

In the cases specified in this Act any breach of obligations within the perpetrator's control shall be subject to an administrative penalty. If the client or any other party to the proceeding otherwise acts in bad faith, engages in conduct for the obstruction of the immigration proceedings, the authority may impose an administrative penalty upon such client or party.

Memorandum and Transcript

Section 87/H

In the case of audiovisual recording, at the client's request the immigration authority shall provide a memorandum referred to in Subsection (2) of Section 78 of the Administrative Procedure Act.

Rules on Representation

Section 87/I

(1) If the client's physical presence is not mandatory by law, unless otherwise provided for by this Act,

a) the client may be substituted by:

aa) his/her legal representative,

ab) his/her spouse with the right of residence in Hungary for a period exceeding ninety days,

ac) his/her adult child with the right of residence in Hungary for a period exceeding ninety days in the case of a dependent parent, or

ad) a person designated by the client or his/her legal representative, spouse or adult child in the case of a dependent parent; furthermore

b) the client may proceed together with his representative.

(2) An application for visa for a planned duration of stay in Hungary not exceeding ninety days may be submitted only by the client or a representative authorized by a power of attorney given by the client.

(3) In immigration proceedings legal representation shall be construed as legal services provided by an attorney under specific other legislation, legal counsel shall be construed as a person authorized to practice law under specific other legislation.

(4) If the client is held in immigration detention, representation may be provided by the legal counsel only.

(5) If the client is not involved personally, the immigration authority shall check the representative's authorization for representation. The representative shall be required to verify his authorization for representation by way of the means specified in this Act.

(6) If the authorized legal counsel is unavailable during the proceedings, he/she must provide a replacement. If the authorized legal counsel is unavailable, this shall be no ground for requesting an extension of the time limit for remedying deficiencies, nor for lodging an application for justification. The immigration authority shall refuse any requests submitted on those grounds within five days by means of a ruling.

Section 87/J

(1) The power of attorney shall be executed in an authentic instrument or a private document representing conclusive evidence. The power of attorney shall be signed by the principal and the representative by their own hand, or in the case of electronic communication it shall be authenticated under the rules of certification documents.

(1a)⁴⁶⁵ If the power of attorney is shown in the register of dispositions, the client and/or the

⁴⁶⁵ Enacted by Section 46 of Act CXXXIII of 2018, effective as of 1 January 2019.

acting representative shall make a reference to that fact during the proceedings.

(2) The authorized representative shall attach the original of the power of attorney, or a certified copy to the documents at the time of first communication.

(3) Where a power of attorney is given by a third-country national in Hungary, a document verifying the third-country national's right of residence in Hungary at the date the power of attorney is made out shall also be enclosed.

(4) Where the power of attorney is made out abroad, it shall be executed in an authentic instrument or a certified private document, and unless otherwise implied by an act or international agreement, or principle of reciprocity, it shall be endorsed by the Hungarian foreign mission in the country where it was issued. A power of attorney made out in a language other than Hungarian shall be accepted only with the official Hungarian translation attached.

(5) The power of attorney may apply to the entire immigration proceedings, or to certain procedural steps only.

(6) Where the power of attorney applies to the entire immigration proceedings, it shall cover all statements and acts related to the immigration proceedings and the administrative action.

(7) Where the power of attorney is terminated by way of withdrawal or rescission, or upon the death of the client, it shall take effect vis-à-vis the authority upon the time of notification of the authority.

Section 87/K

(1) In immigration proceedings the immigration authority shall reject any representative:

a) who is clearly unqualified to provide adequate representation in the immigration proceedings, or

b) who fails to provide proof of authorization of representation when requested, or the power of attorney enclosed is not in conformity with the requirements set out in this Act, and fails to provide proof despite having been asked to do so, or

c) who engages in conduct during the immigration proceedings to prevent clarifying the relevant facts of the case, or whose actions are aimed at the protraction of the immigration proceedings, or to prevent the proceedings by any means.

(2) If the representative is rejected the authority shall call upon the client to proceed in person, or to provide a suitable replacement representative. If the client fails to provide a suitable replacement representative despite being asked to do so by the authority, and fails to carry on the case in person, the immigration authority shall terminate the immigration proceedings.

(3) The immigration authority shall reject the representative by way of a ruling; such ruling may be appealed separately in the cases under Paragraphs *a)* and *c)* of Subsection (1). In the case under Paragraph *b)* of Subsection (1) the ruling may not be appealed separately, it may be challenged in the context of an appeal submitted against the immigration authority's decision or ruling of termination.

(4) If the client has a representative, and the client does not provide otherwise, the immigration authority shall send the documents to the representative, except for a summons ordering the client's physical presence. As regards the summons ordering the client's physical presence, the authority shall simultaneously inform the representative thereof.

Title 3

Decisions of the Immigration Authority

Resolution and Ruling

Section 87/L

(1) Subject to the exception specified by law, the immigration authority shall adopt a resolution in immigration proceedings on the merits, and shall deliver other decisions during the process in the form of a ruling.

(2) Upon receipt of a visa application the competent immigration authority shall issue the visa or shall reject the application by way of a resolution.

(3) Upon receipt of an application for residence permit the competent immigration authority shall issue the residence permit in the form of a document, or shall reject the application by way of a resolution.

(4) Upon receipt of an application for national, interim or EC permanent residence permit, the competent immigration authority shall issue a long-term residence permit in the form of a document, or shall reject the application by way of a resolution.

(5) The immigration authority shall deliver the decision worded in the form of a separate document, record it in a report or enter it on the case file.

(6) In the cases under Subsections (2)-(5), if the competent immigration authority approves a visa application, an application for residence permit, national, interim or EC permanent residence permit on the whole, it shall suffice to indicate on the case file that a decision had in fact been made. In that case, if a specialist authority had also been involved in the immigration proceedings, the immigration authority shall inform the specialist authority about the decision.

Section 87/M

(1) A decision shall contain all data and information required for the identification of the competent immigration authority, the client and the case, the operative part - including the authority's decision, the assessment of the specialist authority, information for seeking legal remedy and the procedural costs incurred -, and the ascertained facts of the case, the evidence available, explanation for the specialist authority's assessment, the reasons for deliberation and the decision, and the specific statutory provisions on the basis of which the decision was adopted.

(2) As regards the content of the decisions of the immigration authority, additional detailed provisions may be introduced with respect to certain types of cases by an act or government decree.

(3) If the resolution contains an obligation, a deadline or time limit shall be prescribed for the fulfillment of such obligation.

(4)⁴⁶⁶

(5) As regards the form and content requirements of decisions on return measure, the provisions of the Schengen Borders Code shall be applied.

⁴⁶⁶ Repealed by Paragraph b) of Section 58 of Act CXXXIII of 2018, effective as of 1 January 2019.

Delivery of Decisions

Section 87/N

(1)⁴⁶⁷ The immigration authority shall deliver its resolutions to the client, the representative, and the specialist authorities involved in the case. If the decision had been delivered to the client and the representative both, the legal effects shall transpire on the day of delivery previously.

(2) If the decision is entered on the case file, the immigration authority shall inform the client, the representative and the specialist authority about the decision.

(3) The immigration authority shall deliver the ruling to the parties in respect of whom it contains provisions and whose rights or legitimate interests are affected.

(4) Subject to the derogations provided for in this Act, the decisions adopted in immigration proceedings shall be delivered by service of process.

(5) The following shall be delivered orally to the client in his/her native language or in another language he/she understands:

a) resolutions;

b) the court's decision adopted in the administrative action brought with respect to a resolution;

c) the court's decision adopted during the hearing in connection with the extension of detention, or the decision ordering detention delivered via the immigration authority.

(6) The fact and time of oral delivery shall be recorded in a report and it must be signed by the client. The legal effects of a decision that was delivered orally shall apply also if the client refuses to sign the report.

(7) Decisions of the immigration authority of second instance shall be delivered through the immigration authority of first instance.

(8) If the client's whereabouts is unknown, the resolution and ruling shall be delivered by way of public notice. An administrator for service of process shall not be appointed. The public notice shall be posted only on the bulletin board of the immigration authority that has adopted the decision and shall be published on the website of the immigration authority.

(9) By way of derogation from Subsection (8), the separate decision ordering the exclusion measure, and the decision ordering expulsion and exclusion shall be delivered to a client whose whereabouts is unknown in the form of public notice by means of having the operative part of the decision posted on the website of the immigration authority. The separate decision ordering the exclusion measure, and the decision ordering expulsion and exclusion citing any risk to public order, public security or national security shall be considered served on the day of publication.

(10) Where in the case of a foreign address tracking of postal delivery is not possible, or the first attempt of delivery has failed, resolutions and rulings shall be delivered in accordance with the rules of posted notice.

Rules of Delivery

Section 87/O

⁴⁶⁷ Amended by Paragraph f) of Section 57 of Act CXXXIII of 2018.

(1) If the addressee is not a natural person, an objection may be filed by the client or his/her authorized legal counsel only if service took place unlawfully.

(2)⁴⁶⁸ Except for third-country nationals holding a national permanent residence permit granted in the interest of the national economy, or their family members, an agent for service of process may not be involved in immigration proceedings. The legal counsel shall function as agent for service of process.

Title 4

Official Instruments, Certificates and Records and Registers

Official Instruments

Section 88

(1) Official instruments are construed as resolutions.

(2) The immigration authority shall issue, at the client's request, official instruments for the verification of alien status, with the purpose of use indicated.

(3) The immigration authority shall refuse to issue an official instrument if the client requests verification of any data that is untrue, or in connection with which the immigration authority has no information available.

Official Certificates

Section 88/A

(1) Official certificates are construed as resolutions.

(2) The immigration authority shall issue an official certificate in cases provided for by law - containing the information prescribed therein - as regular proof of the data or rights of the client.

(3) If an authority or public official duly authorized to check the official certificate determines that the official certificate or the data it contains is false or untrue, the official certificate shall be confiscated for further action against a receipt issued.

Official Records and Registers

Section 88/B

(1) The immigration authority shall maintain an official public register on data specified by law, as provided for by law.

(2) Entries made into the registers the immigration authority maintains in accordance with the

⁴⁶⁸ Established by Section 29 of Act XL of 2018, effective as of 26 July 2018.

law shall be construed resolutions.

(3) Pending proof to the contrary, data contained in the official registers maintained by the immigration authority shall be presumed to exist, and data deleted from the official registers maintained by the immigration authority shall be presumed not to exist.

Title 5

Regulatory Inspections Conducted by the Immigration Authority

Objectives of Regulatory Inspections Conducted by the Immigration Authority

Section 88/C

(1) The provisions of this Act applicable to immigration proceedings shall apply to the regulatory inspections of the immigration authority with the derogations set out below.

(2) In immigration proceedings the immigration authority shall monitor compliance with legal requirements, as well as the exercise of the right of entry and exit, and the right of residence granted to third-country nationals in accordance with the relevant legislation.

(3) The objective of the regulatory inspections conducted by the immigration authority is to examine compliance with the requirements and obligations prescribed by law, and to enable the immigration authority to identify and prove such facts, circumstances and data which are necessary for determining cases pending before the immigration authority, and on the basis of which any infringement or abuse of rights can be established.

(4) Means of regulatory inspections conducted by the immigration authority:

a) data disclosure, submission of documents and other forms of information and statements requested for the purposes of inspection; or

b) site inspections.

Site Inspections

Section 88/D

(1) The immigration authority shall be entitled to carry out site inspections, within the context of regulatory inspection, in the process of ascertaining the relevant facts of the case underlying the right of residence.

(2) In carrying out site inspections the immigration authority shall have discretionary powers to decide which person, activity, conduct or circumstance to examine within the framework of immigration proceedings in clarifying the relevant facts of the case.

(3) In the context of site inspection the immigration authority shall be entitled to examine:

a) the authenticity of statements submitted;

b) the authenticity of contracts, documents and other instruments enclosed with the application;

c) proposed and existing working conditions and circumstances of foreign workers;

- d) the conditions for the legal employment of foreign workers;
- e) the circumstances and conditions in relation to entrepreneurship;
- f) the conditions, circumstances of family reunification;
- g) living conditions, circumstances;
- h) means of subsistence.

General Provisions Relating to Site Inspections

Section 88/E

(1) Where ascertaining the relevant facts of a case requires the inspection or surveillance of any movable property, real estate property (hereinafter referred to collectively as “subject-matter of the inspection”), or a person, the immigration authority may order a site inspection. The inspection shall be carried out within twenty days following the receipt of the relevant request and the requesting party shall be informed of the outcome thereof.

(2) The holder of the subject-matter of the inspection and the person mentioned in Subsection (1) shall be notified in advance - at least three days before planned site inspection - of the inspection, if it does not endanger the success of the inspection.

(3) If the holder of the subject-matter of the inspection is absent, it shall not prevent the inspection, provided that his presence is not necessary.

(4) The client affected may attend the site inspection, except where the natural identification data and home address of the holder of the subject-matter of the inspection is handled confidentially.

Opening and Conduct of Site Inspections

Section 88/F

(1) Site inspections may be carried out by government officials of the immigration authority holding a service identification card.

(2) Site inspections shall be conducted between 08:00 and 20:00 hours, however, the immigration authority shall be allowed to carry out inspections at other times in justified cases.

(3) In the context of site inspections the person inspected, and the owner, holder of the movable property, real estate property shall perforce tolerate the inspection and shall refrain from engaging in any conduct to prevent the inspection.

(4) In the home of a private individual the immigration authority shall be allowed to perform an inspection if the property is or has been or will be used as the home, habitual residence or place of accommodation of the client or his/her close relative, or there is reason to believe that the client can be found there.

(5) During the site inspection the officer of the authority on the scene shall - in particular - be empowered:

- a) to enter the inspected area, building and other establishment, including business, administration and other premises deemed necessary for the inspection of economic activities;
- b) to examine any document, article or work process;
- c) to photograph the site, movable property, real estate property, private individual and the

activities, work processes, or to make audiovisual recording;

d) to request information; and/or

e) to take other evidence.

(6) Any person who obstructs the site inspection in any way shall be subject to an administrative penalty.

Measures That May be Adopted by the Immigration Authority During Regulatory Inspections

Section 88/G

(1) In carrying out the tasks prescribed in this Act and in the government decree implementing this Act, the immigration authority shall have powers to order:

a) a foreign national, or

b) any private individual if there is reason to believe based on the prevailing circumstances that the private individual is in contact with the foreign national or involved in his/her conduct, to produce proof of identity.

(2) A person required to identify him/herself shall produce authentic proof of his/her personal identification data. A personal identification document, passport, document evidencing right of residence shall be construed as the principal means of identification. With the exception of foreign nationals, any document providing conclusive evidence of the identity of the person may be accepted, and/or the authority may accept a statement of verification provided by another person present whose identity has been properly established.

(3) If during the identity check the immigration authority finds that the foreign national is unable to present any proof of his/her lawful residence in Hungary, the immigration authority may ask for police assistance. Until the police arrives, the immigration authority shall have power to apprehend the person affected.

(4) In the event of refusal to produce proof of identification, the immigration authority may request the assistance of the police to enforce compliance. The immigration authority shall have power to apprehend the person affected until the police arrives.

(5) The identity check may only last for the time it takes to establish identity. The person whose identity is being checked shall be informed of the reason therefor.

(6) If the client, his representative or witness fails to meet his obligation to attend in person despite being duly summoned, and upon his failure to provide a reasonable excuse for his absence, the head of the competent immigration authority may order the arrest of such person. The arrest warrant shall be approved by the public prosecutor in advance.

Rights and Obligations of the Immigration Authority During Regulatory Inspections

Section 88/H

(1) Before commencing the inspection, the person carrying out the regulatory inspection shall proactively identify himself and produce his service identification card so as to verify his entitlement to conduct the inspection.

(2) The person carrying out the regulatory inspection shall evaluate the facts, circumstances and data, and - in the case of immigration proceedings opened ex officio - shall inform the client concerning the findings of the inspection.

(3) Where a site inspection has been ordered, the immigration authority shall be obligated to clarify the facts of the case during the inspection and to prove its findings to the extent required for bringing a decision, unless the burden of proof is conferred upon the client by law.

(4) Documents, expert opinions, statements made by the client, his representative, testimonial evidence, site inspection reports, memorandum, simplified reports, data from the records of other authorities or electronic data and information shall, in particular, be construed as admissible means of evidence and proof.

(5) In the course of clarifying the relevant facts of the case, the immigration authority shall also investigate facts to the client's benefit.

Rights and Obligations of Clients in Regulatory Inspections

Section 88/I

(1) The client under inspection shall be required to cooperate with the immigration authority during the inspection, and shall provide the necessary conditions for the regulatory inspection.

(2) The client shall have the right:

a) to confirm the identity of the person carrying out the inspection;

b) to attend the procedures of the inspection;

c) to provide for proper representation.

(3) The client exercising the right provided for in Paragraph c) of Subsection (2) should not compromise the successful conclusion of the regulatory inspection within a reasonable timeframe.

(4) In immigration proceedings opened upon request the client shall have the right of access to the documents of the inspection.

(5) In immigration proceedings opened ex officio the client shall have the right of access to the documents of the inspection, to request information concerning the findings of the inspection, comment on such findings, read the inspection report and the memorandum, and make comments electronically within three days of receipt of the report, records.

Recording Procedural Steps

Section 88/J

(1) An oral request - if not promptly executed - and any procedural step performed with a view to ascertaining the relevant facts of the case shall be recorded in a report if the relevant conditions are met, or shall be recorded in a memorandum in other cases.

(2) If at the venue of the regulatory inspection:

a) no person who can be heard as client or witness is in attendance, or

b) interviewing those in attendance as client or witness is not possible on account of the presence of specific circumstances, or

c) the case officer does not speak the language used by the client present or by the person to be

heard as witness, or an interpreter cannot be made available, the officer of the competent immigration authority shall draft a memorandum on the regulatory inspection.

(3) If the conditions for drawing up the report are not available on site, at least two public officials must be in attendance at the site inspected for verifying the contents of the memorandum drafted subsequently.

(4) The memorandum shall contain the place and the date where and when drawn up, data required for the identification of the persons who were in attendance at the place of the procedural action, the essence of their statements, and the findings made while carrying out the action relating to ascertaining the relevant facts of the case. Additionally, the report shall contain an indication of rights and obligations.

(5) The memorandum shall be signed by the two public officials in attendance, and the report shall be signed by the case officer and persons who participated in the procedural action.

(6) The immigration authority shall be entitled to make video and sound recordings on specific procedural actions. If recorded in that fashion, it shall suffice to indicate in the memorandum drafted subsequently the data required for the identification of the persons who participated in the procedural action, and the place and the date where and when it was made.

(7) The client and other parties to the immigration proceedings shall have access to the memorandum for the purpose of inspection during the proceedings.

Title 6

Own Motion Proceedings

Section 88/K

(1) In respect of own motion immigration proceedings, the provisions of this Act on requested immigration proceedings shall apply subject to the derogations set out in this Title.

(2) When the immigration authority considers that a breach of the rights and obligation provided for by law has been committed, it shall open immigration proceedings of its own motion when it acquires knowledge of facts giving rise to initiating proceedings.

(3) The immigration authority shall launch own motion proceedings also if:

- a) so ordered by the court;
- b) so instructed by its supervisory body;
- c) otherwise prescribed by law.

(4) Where own motion immigration proceedings are opened against a client who is not present before the immigration authority, the immigration authority shall summon such client to appear before the immigration authority, indicating also the reason therefor. The provisions of this Act shall apply to such summons.

(5) The immigration authority shall inform the client when appeared before the immigration authority concerning the reasons for the opening of own motion immigration proceedings against him/her, and also about his/her procedural rights and obligations.

(6) In own motion proceedings the client shall - when requested by the authority - disclose the data necessary for reaching a decision on the merits. Failure to comply with the obligations of disclosure, or if supplying false information, may be sanctioned on the strength of an act or

government decree. Data disclosure may be refused by the client if he would have the right to refuse to testify under the same circumstances.

Title 7

Enforcement Measures

Sequestration

Section 88/L

(1) If there is no other way to ascertain the relevant facts of the case or it would take an unreasonably long time, or if discounting sequestration may endanger the success of ascertaining the relevant facts of the case, the immigration authority shall have power to remove one's property from one's possession (hereinafter referred to as "sequestration").

(2) The ruling ordering sequestration, and the ruling declining a request for the termination of the effect of sequestration may not be appealed.

Section 88/M

The immigration authority shall request expert assistance for gaining access to data stored in a sequestered device. If the stored data contain any personal data, the immigration authority shall be allowed to use and store such data for the time and to the extent required for establishing identity in the immigration proceedings. The immigration authority and the expert in its employ may not delete any data from the sequestered device, and shall use the device properly in the interest of extracting data from it.

Section 88/N

(1) If the sequestered article is a false or forged paper or document, it may not be released even after the conclusion of the immigration proceedings.

(2) Where money has been sequestered from a client, it may be withheld in security for any cash payment for which the client is liable.

(3) If the money sequestered from the client cannot be returned to the client for reasons within his/her control, after one year from the time of attempted return the immigration authority shall have the right to dispose of the sum thus remaining in its possession.

Title 8

Remedies

Rules on Remedies

Section 88/O

The provisions of this Act shall apply to redress procedures subject to the derogations provided for in this Title.

Section 88/P

(1) Unless otherwise provided for by an act, the resolutions adopted by the immigration authority may be subject to remedy.

(1a)⁴⁶⁹ There shall be no remedy against the immigration authority's decision in favor of the application in residence permit proceedings.

(2) A ruling of the immigration authority may be subject to individual remedy if permitted by this Act. In other cases the right to seek remedy against rulings may be exercised within the framework of remedies available against resolutions, or failing this against rulings for the termination of the proceedings.

Appeal

Section 88/Q

(1) Unless an act or government decree provide otherwise, an appeal may be lodged within fifteen days from the date of delivery of the decision at the competent immigration authority of first instance, save as otherwise provided by legislation.

(2) In the appeal no new evidence may be introduced, of which the client was aware before the decision was adopted. The appeal shall be reasoned.

(3) An appeal may be lodged independently against a ruling of first instance:

a) on refusing the application without examination as to merits;

b) on the termination of the proceedings, unless otherwise provided by this Act;

c) on a payment obligation provided for in this Act;

d) on imposing an administrative penalty;

e) on the refusal of justification for failure to observe the deadline for filing an appeal;

*f)*⁴⁷⁰ on the restriction of exercising the right of access to documents or on the refusal of a request for exercising the right of access.

(4) The immigration authority of first instance shall forward the appeal together with the documents of the case to the authority of second instance within ten days following the time limit for appeal - or within fifteen days where a specialist authority is involved -, unless the immigration authority has withdrawn or supplemented the appealed decision or made the requested amendment or correction, or if refuses the appeal without any examination as to merits, and also if the appeal is withdrawn before being forwarded. In the process of forwarding the appeal the immigration authority of first instance shall make known its position on the appeal.

(5) If the client lodged an application for justification for failure to observe the time limit for appeal, the time limit shall begin after the decision allowing for such justification becomes

⁴⁶⁹ Enacted by Section 47 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁷⁰ Established by Section 48 of Act CXXXIII of 2018, effective as of 1 January 2019.

definitive. If the client submitted an application for cost exemption, the time limit shall begin after the decision becomes definitive. If the appeal is submitted to the immigration authority of appellate jurisdiction, the time limit for forwarding shall begin when the appeal is received by the immigration authority of first instance.

(6) The immigration authority of first instance shall forward the appeal to the specialist authority. If the appeal is not concerned with the assessment of the specialist authority, the authority of first instance shall not forward the appeal to the specialist authority. The specialist authority may modify or withdraw its assessment based on the appeal.

(7) The time limit for determining an appeal lodged against a resolution shall be twenty-one days, and the time limit for determining an appeal lodged against a ruling shall be eight days.

(8) If the decision of the competent immigration authority can be appealed under this Act and the available data and information is insufficient to adopt a decision in the second instance, or new facts are presented after the decision has been adopted in the first instance, or if further evidence is required to ascertain the relevant facts of the case, the immigration authority of second instance may annul the decision and order - by means of a ruling - the immigration authority of first instance to reopen the case, or shall proceed to obtain additional evidence on its own accord, and shall adopt a decision accordingly.

(9) The rulings adopted in the first instance by the immigration authority of second instance may not be appealed.

(10) The immigration authority of first instance shall refuse without any examination as to merits:

- a) any appeal that is lodged beyond the relevant deadline;
- b) any appeal that is filed by a person without proper entitlement;
- c) any appeal lodged against a ruling that cannot be appealed independently; and
- d) any appeal lodged in breach of the provisions set out in Subsection (2).

(11) Where a client submits an application for cost exemption inside the time limit specified in Subsection (12) for remedying deficiencies, it shall be determined by the authority of first instance.

(12) The authority of first instance shall, furthermore, refuse the appeal without any examination as to merits if the client failed to comply within the prescribed time limit with the obligation of payment of duties or an administrative service fee charged for the appellate procedure, in spite of being notified by the authority of first instance, and is not exempted from the payment of costs.

Administrative Actions

Section 88/R

(1) In administrative actions brought in immigration matters the court shall - unless otherwise provided for by this Act - deliver its decision within sixty days from the time of receipt of the statement of claim.

(2) Except for the proceedings governed under Chapter VIII, the resolutions of the immigration authority may not be overturned by the court.

Title 9

Rules of Enforcement

Section 89

- (1) If the client fails to comply with the immigration authority's instruction set out in its definitive decision, it shall be deemed enforceable. Enforcement shall be ordered by means of a ruling, unless otherwise provided by this Act.
- (2) The ruling ordering the enforcement may not be appealed.
- (3) The immigration authority shall order enforcement of its own motion.

Section 89/A

Enforcement of a payment obligation ordered under this Act shall be carried out by the state tax authority, unless an act or government decree provide otherwise.

Section 89/B

- (1) Unless otherwise provided for by this Act, the term of limitation of a payment obligation provided for by an act or implementing decree an enforcement order shall expire after three years from the last day of the time limit for performance.
- (2) An administrative penalty may not be enforced after one year from the date when the decision on levying the administrative penalty became definitive. The period of limitation shall not include any period of deferment or installment plan granted for payment of the administrative penalty.
- (3) The period of limitation shall be interrupted by any action taken for the enforcement of any unpaid administrative penalty. The period of limitation shall restart on the day of the interruption.
- (4) The resolution on imposing the administrative penalty may not be enforced after two years from the date when the resolution on levying the administrative penalty became definitive.
- (5)⁴⁷¹ The immigration authority shall ex officio suspend the enforcement of a ruling against a third-country national whose whereabouts are unknown or who resides abroad and who has been excluded, for the recovery of refundable financial aid received from the State of Hungary for as long as the exclusion order is in effect. The term of limitation shall be dormant for the duration of suspension of the enforcement procedure.

Section 90

- (1) Any other obligation - other than a payment obligation - ordered by the immigration authority shall expire after five years from the date when the relevant decision became definitive.
- (2) The term of limitation of a right of enforcement shall be interrupted by any act of enforcement.
- (3) The term of limitation shall be dormant for the duration of suspension of the enforcement procedure.
- (4) Ten years after the time specified in Subsection (1) the resolution may not be executed.

⁴⁷¹ Enacted by Section 49 of Act CXXXIII of 2018, effective as of 1 January 2019.

Section 91

The authority ordering the enforcement shall terminate the enforcement procedure if:

- a) the debt was time-barred, and termination of enforcement was requested by the obligor; or
- b) further procedural steps are not expected to bring any results.

Title 10

Costs of Proceedings, Bearing and Prepayment of Costs

Section 92

- (1) Procedural costs shall cover all costs arising over the course of immigration proceedings.
- (2) The fees for immigration proceedings subject to application shall be determined by specific other legislation.
- (3) Procedural costs that cannot be charged to anyone shall be borne by the competent immigration authority.
- (4) The costs of the procedure for taking evidence shall be advanced by the party requesting the evidence.
- (5) The authority shall decide concerning prepayments at the time of occurrence of the costs, however, where the costs will be substantial, or if so justified by other reasons, the authority may order the client affected to deposit beforehand the sum estimated to cover such costs with the authority.
- (6)⁴⁷² In immigration proceedings, if the administrative service fee provided for by specific other legislation was not determined, the relevant provisions of Act XCIII of 1990 on Duties shall apply.

Title 11

Legal Aid

Section 92/A

In immigration proceedings relating to expulsion, third-country nationals shall have the opportunity to seek legal advice at their own expense, and to retain the services of legal counsel. The authority shall provide assistance in connection with legal advice, where deemed necessary, by means of providing an interpreter.

Section 92/B

- (1) Third-country nationals shall have access to free legal aid - upon request - covered by

⁴⁷² Enacted by Section 50 of Act CXXXIII of 2018, effective as of 1 January 2019.

specific other legislation in connection with bringing administrative action for challenging a resolution containing the order for immigration expulsion measure.

(2) The immigration authority shall deliver to the legal assistance service the application for legal aid for challenging the definitive resolution on immigration expulsion measure without delay, by means of electronic communication equipment (such as phone, electronic mail), with a copy of the resolution on expulsion enclosed.

Title 12

Other Procedural Rules

Section 92/C

In proceedings governed under this Act the following provisions of the Administrative Procedure Act shall apply, with the derogations laid down in this Act:

1. Sections 1-6;
2. Subsections (1) and (4) of Section 20;
3. Section 22;
4. Subsections (1)-(3) and (5) of Section 23;
5. Sections 24-28;
6. Sections 33-34;
7. Subsections (1)-(3) and (5)-(6) of Section 52;
8. Subsections (1), (4) and (5) of Section 53;
9. Section 54;
10. Sections 58-62;
11. Subsection (2) of Section 66;
12. Subsections (1)-(4) and (6) of Section 67;
13. Sections 71-73;
14. Subsections (2) and (3) of Section 77;
15. Section 78;
16. Section 82;
17. Section 84;
18. Subsection (5) of Section 85;
19. Section 86;
20. Subsection (2) of Section 88;
21. Sections 90-91;
22. Sections 108-110;
23. Sections 113-115;
24. Sections 120-123;
25. Sections 131-136;
- 26.⁴⁷³ Paragraph *a*) of Subsection (2) of Section 81.

Chapter X

⁴⁷³ Enacted by Section 51 of Act CXXXIII of 2018, effective as of 1 January 2019.

Regulations Relating to the Processing of the Data of Third-Country Nationals

Section 93

The immigration authority shall process the personal data of third-country nationals obtained within the framework of this Act in the central immigration register for the purpose of establishing their identity, for checking the authenticity of documents, to determine the duration of lawful residence and to avoid any overlap in procedures.

Section 93/A⁴⁷⁴

The immigration authority shall entrust the data processing duties related to the central immigration register exclusively to government agencies, the bureau of forensic records specified in the Act on the Penal Register or business associations owned by the State exclusively.

Section 94

The central immigration register shall contain the following natural identification data of the persons falling within the scope of immigration sub-registers (hereinafter referred to as "natural identification data"):

- a)* surname and forename (names);
- b)* surname and forename (names) at birth;
- c)* any previous surname and forename (names);
- d)* place and date of birth;
- e)* sex;
- f)* mother's surname and forename (names) at birth;
- g)* nationality (nationalities) or stateless status.

Section 94/A⁴⁷⁵

The registers referred to in Subsection (1) of Section 95, Subsection (1) of Section 96, Subsection (1) of Section 97, Subsection (1) of Section 98, Subsection (1) of Section 99, Subsection (1) of Section 99/A, Subsection (1) of Section 100, Subsection (1) of Section 101, Subsections (1) and (2) of Section 102, Subsection (1) of Section 103 and in Subsection (1) of Section 104 shall be construed as official public registers, with the exception of natural identification data and home addresses.

Section 95

(1) The immigration authority shall process the following data of third-country nationals in connection with visa applications and the visa issued, or document in place of visas (in this

⁴⁷⁴ Enacted: by paragraph (2) Section 21 of Act CLVII of 2010. In force: as of 23. 12. 2010.

⁴⁷⁵ Established by Subsection (1) of Section 18 of Act LV of 2019, effective as of 27 July 2019.

Section hereinafter referred to collectively as "visa"):

- a) natural identification data;
- b) facial photograph;
- c) travel document particulars;
- d)⁴⁷⁶ the purpose of entry and the planned duration of stay, and the country of previous usual residence;
- e) particulars of the documents provided in support of the conditions required for entry and stay;
- f) the fact and reasons for the refusal of a new visa or for the renewal of an existing one, and for the withdrawal of a visa;
- g)⁴⁷⁷ the number and validity period of the visa issued (extended) and information relating to restricted territorial access;
- h)⁴⁷⁸ the date and place of entry and exit, and the country of next usual residence;
- i) address of the place of accommodation;
- j)⁴⁷⁹ the technical catalogue number assigned to each facial image, as provided in the Act on the Facial Images Analysis Database and on the Facial Recognition System.

(2) The immigration authority shall process the data referred to in Subsection (1) for five years in connection with the refusal of a visa application from the date when refused, in connection with a visa issued (extended) from the date of expiry or the date of withdrawal.

(3)⁴⁸⁰ In connection with visa applications submitted at any land, air or water border crossing points of Hungary under Chapter VI of the Visa Code, the competent immigration authority shall take the applicant's fingerprint and shall forward it to the immigration authority in charge for the assessment of visa applications for having the immigration authority in charge for the assessment of visa applications to enter the data in the Visa Information System in accordance with Article 9 of the VIS Regulation.

(4)⁴⁸¹ The immigration authority having collected the fingerprint shall be authorized to process such fingerprint data until it is forwarded to the immigration authority in charge for the assessment of visa applications. Thereafter the fingerprint data must be deleted without delay.

(5)⁴⁸² The immigration authority in charge for the assessment of visa applications shall be

⁴⁷⁶ Established: by paragraph (1) Section 108 of Act CV of 2011. In force: as of 1. 08. 2011.

⁴⁷⁷ Amended: by subparagraph j) paragraph (2) Section 109 of Act II of 2007.

⁴⁷⁸ Established: by paragraph (2) Section 108 of Act CV of 2011. In force: as of 1. 08. 2011.

⁴⁷⁹ Enacted by Subsection (1) of Section 26 of Act CLXXXVIII of 2015, effective as of 1 January 2016.

⁴⁸⁰ Enacted: by paragraph (1) Section 31 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴⁸¹ Enacted: by paragraph (1) Section 31 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

⁴⁸² Enacted: by paragraph (1) Section 31 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the

authorized to process the fingerprint data until it is entered in the Visa Information System. Thereafter the fingerprint data must be deleted without delay.

Section 96

(1)⁴⁸³ The immigration authority shall process the following data of third-country nationals in connection with applications for residence permits, mobility notifications and the residence permits issued, and with mobility certificates:

- a)* natural identification data;
- b)* facial photograph;
- c)* particulars of the travel document;
- d)* the purpose of entry and the planned duration of stay, and the country of previous usual residence;
- e)* particulars of the documents provided in support of the conditions required for entry and stay;
- f)* the fact and reasons for the refusal of a new residence permit and mobility certificate, or for the extension of an existing one, including any objection, and for the withdrawal of a residence permit or mobility certificate;
- g)* the number, serial number and validity period of the residence permit, and mobility permit issued (extended);
- h)* the date of first entry and final exit, and the country of next usual residence;
- i)* address of the place of accommodation;
- j)* facial likeness and fingerprint provided for in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals, and Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals;
- k)* the technical catalogue number assigned to each facial likeness, as provided in the Act on the Facial Images Analysis Database and on the Facial Recognition System.

(2)⁴⁸⁴ The immigration authority shall process the data referred to in Paragraphs *a)-i)* of Subsection (1) for five years in connection with the refusal of an application for residence permit, or any objection against notification for mobility from the date when refused, in connection with a residence permit issued (extended) or mobility certificate from the date of expiry, or from the date of withdrawal.

(3)⁴⁸⁵ The immigration authority shall be allowed to process the data referred to in Paragraph

system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

⁴⁸³ Established by Subsection (1) of Section 52 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁸⁴ Established by Subsection (2) of Section 52 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁴⁸⁵ Enacted by paragraph (3) Section 74 of Act CXXXV of 2010. Amended by subparagraph b) Section 82 of Act XCIII of 2013, Paragraph d) of Section 55 of Act CXLIII of 2017.

j) of Subsection (1) insofar as the definitive and enforceable decision is adopted relating to the application for residence permit, or until the humanitarian residence permit specified in Paragraphs *a*)-*b*) and *d*)-*f*) of Subsection (1) and Subsection (1a) of Section 29 is issued, after which the data in question must be deleted immediately.

(4)⁴⁸⁶ For the purposes of single application procedures the particulars referred to in Paragraph *e*) of Subsection (1) shall in particular include:

- a*) employer information (name, address, registered address, place of business, company form, tax number, KSH number);
- b*) the place of employment;
- c*) job description (FEOR code); and
- d*) duration of the employment relationship.

*Section 96/A*⁴⁸⁷

The immigration authority shall be allowed to process the facial images and fingerprint images taken for the purposes of local border traffic permits in accordance with Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals insofar as the definitive and enforceable decision is adopted relating to the application for local border traffic permit, after which the data in question must be deleted immediately.

Section 97

(1) The immigration authority shall process the following data of the host and the invited third-country national:

- a*) the natural identification data of the host, if a natural person, or the corporate name of the host if a legal person or business association lacking the legal status of a legal person;
- b*) the host's home address if a natural person, or the host's registered office (place of business) if a legal person or business association lacking the legal status of a legal person;
- c*) the natural identification data of the invited third-country national;
- d*) the duration of commitment;
- e*) the serial number of the letter of invitation with an official certificate affixed;
- f*) if the official certificate is refused, the reasons therefor.

(2) The immigration authority shall process the data referred to in Subsection (1) for five years following the expiration of the commitment.

Section 98

(1) The immigration authority shall process the following data of third-country nationals in connection with certificates of temporary residence:

⁴⁸⁶ Enacted: by Section 75 of Act XCIII of 2013. In force: as of 1. 01. 2014.

⁴⁸⁷ Enacted by paragraph (4) Section 74 of Act CXXXV of 2010. Amended by Paragraph d) of Section 55 of Act CXLIII of 2017.

- a) natural identification data;
 - b) facial photograph;
 - c) travel document particulars;
 - d) the reason for the issue of the certificate of temporary residence;
 - e) any extension of the certificate of temporary residence, and its withdrawal including the fact and reasons therefor;
 - f) the number, serial number and validity period of the certificate of temporary residence issued (extended);
 - g) address of the place of accommodation;
 - h)⁴⁸⁸ the technical catalogue number assigned to each facial image, as provided in the Act on the Facial Images Analysis Database and on the Facial Recognition System.
- (2) The immigration authority shall process the data referred to in Subsection (1) for five years in connection with the certificate of temporary residence issued (extended) from the date of expiry, or from the date of withdrawal.

Section 99

(1) The immigration authority shall process the following data of third-country nationals in connection with applications for immigration permits and permanent residence permits, interim permanent residence permits, national permanent residence permits or EC permanent residence permits, and the interim permanent residence permits, national permanent residence permits or EC permanent residence permits issued:

- a) natural identification data;
- b) facial photograph;
- c) travel document particulars;
- d) particulars of the documents provided in support of the conditions required for these permits;
- e) the fact and reasons for the refusal of these permits or for the extension of existing ones, and for the withdrawal of these permits;
- f) the number, serial number and validity period of the permits issued (extended);
- g)⁴⁸⁹ the date of first entry and final exit, the country of previous usual residence and the country of next usual residence.
- h) home address;
- i) personal identification number;
- j) number of personal identification document;
- k)⁴⁹⁰ facial images and fingerprint images taken in accordance with Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals;
- l)⁴⁹¹ the technical catalogue number assigned to each facial image, as provided in the Act on

⁴⁸⁸ Enacted by Subsection (3) of Section 26 of Act CLXXXVIII of 2015, effective as of 1 January 2016.

⁴⁸⁹ Established: by Section 110 of Act CV of 2011. In force: as of 1. 08. 2011.

⁴⁹⁰ Enacted: by paragraph (1) Section 75 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

⁴⁹¹ Enacted by Subsection (4) of Section 26 of Act CLXXXVIII of 2015, effective as of 1

the Facial Images Analysis Database and on the Facial Recognition System.

(1a)⁴⁹² The immigration authority shall process the data referred to in Paragraphs *h)-j)* of Subsection (1) solely in the cases covered by Act LXVI of 1992 on Records of the Personal Data and Addresses of Citizens.

(2)⁴⁹³ The immigration authority shall process the data referred to in Paragraph *a)-j)* of Subsection (1) for twenty years in connection with the refusal of an application for these permits from the date when refused, or from the date of termination of the legal status in question.

(3)⁴⁹⁴ The immigration authority shall be allowed to process the data referred to in Paragraph *k)* of Subsection (1) insofar as the definitive and enforceable decision is adopted relating to the application for the permit aforementioned, after which the data in question must be deleted immediately.

*Section 99/A*⁴⁹⁵

(1) The foreign missions of Hungary and the immigration authority shall process the following data of third-country nationals applying for travel document or single-entry travel document:

- a)* natural identification data;
- b)* number and validity of the document evidencing immigrant, permanent resident, stateless status;
- c)* address of place of accommodation or home address, and e-mail address and phone number subject to the prior consent;
- d)* the citizen's facial image and handwritten signature;
- e)* personal data, personal identification code of the legal representative if a minor or a citizen placed under conservatorship precluding legal competency, including the number of the legal representative's official identification certificate and handwritten signature;
- f)* in the case of minors, the particulars of the statement of consent for outbound travel, and of the details of the final decision on the cessation or suspension of the parent's right of custody, the name of the court or authority, the case number, date of the decision, the period of suspension, and the starting date of termination;
- g)* type, number and validity of the travel document issued;
- h)* details for the exchange or replacement of the travel document;
- i)* information on the processing of an alert to be issued in the Schengen Information System (hereinafter referred to as "SIS alert");
- j)* individual identifier of the officer of the relevant passport authority;
- k)* an indication of any outbound travel restriction, or the lifting of such restriction;
- l)* the reasons for the refusal of an application for travel document.

(2) The immigration authority shall process the data referred to in Subsection (1) for ten years in connection with the refusal of an application for travel document from the date when refused, in connection with a travel document issued from the date of expiry or the date of withdrawal.

January 2016.

⁴⁹² Enacted by Section 63 of Act XXXIX of 2016, effective as of 1 July 2016.

⁴⁹³ Established: by paragraph (2) Section 75 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁴⁹⁴ Enacted by paragraph (3) Section 75 of Act CXXXV of 2010. Amended by Paragraph d) of Section 55 of Act CXLIII of 2017.

⁴⁹⁵ Enacted by Subsection (2) of Section 18 of Act LV of 2019, effective as of 27 July 2019.

Section 100

(1) The immigration authority shall process the following data of third-country nationals whose travel document or document evidencing right of residence was reported lost or stolen:⁴⁹⁶

- a)* natural identification data;
- b)*⁴⁹⁷ type of travel document or document evidencing right of residence reported lost, stolen or destroyed, and its particulars, and an indication if an alert has been issued in the Schengen Information System;
- c)* the date and time when reported;
- d)* place and date of first entry;
- e)* address of the place of accommodation, home address;
- f)* name of the authority to which the report was filed;
- g)* the number and validity of the certificate evidencing residence and the name of the issuing authority;
- h)* the type, number and validity of the new travel document.

(2)⁴⁹⁸ The immigration authority shall process the data referred to in Subsection (1) until the travel document is found, or for a maximum period of ten years from the date of data-capture.

Section 101

(1) The immigration authority shall process the following data of third-country nationals in connection with the registration of their place of accommodation or place of abode:

- a)* natural identification data;
- b)* the date of entry (arrival);
- c)* address of the place of accommodation, home address.

(2) The immigration authority shall process the data referred to in Subsection (1) for five years following the date of registration of the place of accommodation or place of abode, or from the date when the guestbook is surrendered.

Section 102

(1)⁴⁹⁹ The immigration authority shall process the following data of a third-country national who has been ordered to leave the territory of Hungary or the territory of all Member States of the European Union, or who is subject to compulsory confinement, expulsion ordered under immigration laws, expulsion ordered by the refugee authority, expulsion by court order, detention prior to expulsion or detention under immigration laws:

- a)* natural identification data;
- b)* facial photograph and fingerprint;
- c)* name of the ordering authority and the number of the relevant decision; and
- d)* the legal grounds for the measure, order or decision, and the related deadline or duration.

⁴⁹⁶ Amended: by paragraph (15) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁴⁹⁷ Established: by paragraph (9) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁴⁹⁸ Established: by paragraph (10) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁴⁹⁹ Established by Section 16 of Act CXXVII of 2015, effective as of 1 August 2015.

(2) The immigration authority shall process the following data of third-country nationals in connection with requesting assistance relating to or the authorization of transit for the purposes of expulsion by air:

- a) natural identification data;
- b) the type, number and validity of the travel document;
- c) particulars of direct flight or flights used for the purpose of expulsion (flight number, place of departure and arrival, time of departure and arrival);
- d) the reasons for official escort, if any;
- e) information relating to medical treatment and to contagious diseases that can be identified;
- f) information concerning any previous failed attempt for expulsion.

(3) The immigration authority shall process the data specified in Subsection (1) for five years after the expulsion or exclusion is lifted.

(4) The immigration authority shall process the data specified in Subsection (2) for five years following the date when the request for transit was received.

Section 103⁵⁰⁰

(1) The immigration authority shall process the following data of third-country nationals subject to outbound travel restriction:

- a) the natural identification data of third-country nationals; and
 - b) the name of the authority ordering the outbound travel restriction;
 - c)⁵⁰¹ type, number and validity of the third-country national's travel document.
- (2)⁵⁰² The immigration authority shall process the data specified in Subsection (1) for three years after the restriction is lifted.

Section 104

(1)⁵⁰³ In conjunction with commitments of Hungary conferred in international treaties and conventions, the immigration authority shall process the following data of third-country nationals detained, arrested or taken into custody in Hungary, or affected by some extraordinary event (i.e. death, accident resulting in serious injury, etc.):⁵⁰⁴

- a) natural identification data;
- b) address of the place of accommodation, home address;
- c) information on the criminal proceedings (degree and description of the crime), name of the acting authority and the case number;
- d) information on the extraordinary event, name of the acting authority and the case number.

(2) The immigration authority shall process the data specified in Subsection (1) for three years after the information obligation is discharged.

Section 105

⁵⁰⁰ Established: by Section 76 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁵⁰¹ Enacted by Subsection (3) of Section 18 of Act LV of 2019, effective as of 27 July 2019.

⁵⁰² Amended by Subsection (4) of Section 18 of Act LV of 2019.

⁵⁰³ Amended by Paragraph c) of Section 246 of Act CXCVII of 2017.

⁵⁰⁴ Amended: by subparagraph f) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

The immigration authority shall process the data specified in Article 8 (1) of 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.

Section 105/A⁵⁰⁵

The immigration authority shall process the following data of host entities:

- a) the host entity's name, registered office and tax number;
- b) the name and the beginning and end of the traineeship program;
- c) in the case of host entities banned from the continuation of the traineeship program, the date of the beginning and end of the ban, including the reason for the ban.

Section 106

(1) The immigration authority may disclose data of the type of data specified by law from the immigration sub-registers to the following bodies to the extent required to discharge their duties conferred upon them by legal regulation:

- a) law enforcement agencies;
- b)⁵⁰⁶ the investigating authority and the body conducting preliminary proceedings;
- c) national security services;
- d) the refugee authority;
- e) tax authorities;
- f) the authorities participating in immigration proceedings;
- g) the customs authority;
- h)⁵⁰⁷ the body in charge of naturalization and nationality matters and the minister in charge of naturalization and nationality;
- i) the body operating the register of personal data and address records of citizens;
- j) the employment and labor authority;
- k) the occupational safety authority; and
- l) the public health authority;
- m)⁵⁰⁸ the pension insurance administration agency;
- n)⁵⁰⁹ the bodies of municipal governments vested with regulatory capacity; and
- o)⁵¹⁰ district (Budapest district) offices of Budapest and county government agencies;
- p)⁵¹¹ misdemeanor authorities and the authorities conducting misdemeanor preliminary hearings so as to verify the identity of the respondent in the misdemeanor proceedings;
- q)⁵¹² penal institutions in the process of reception for the purpose of verifying the identity of

⁵⁰⁵ Enacted by Section 53 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵⁰⁶ Amended by Paragraph d) of Section 246 of Act CXCVII of 2017.

⁵⁰⁷ Amended: by Section 81 of Act CCVII of 2012. In force: as of 1. 03. 2013.

⁵⁰⁸ Enacted: by Section 76 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵⁰⁹ Enacted: by Section 76 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵¹⁰ Enacted: by Section 76 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by Section 66 of Act XCIII of 2012. In force: as of 1. 01. 2013.

⁵¹¹ Enacted: by Section 77 of Act XCIII of 2013. In force: as of 1. 09. 2013.

⁵¹² Enacted by Section 5 of Act CLII of 2015, effective as of 1 January 2016.

convicted persons;

r)⁵¹³ stemming from Article 27 of Regulation (EU) No. 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, the Responsible Authority provided for in the Government Decree on the Appropriation of Aids from the Internal Security Fund and the Asylum, Migration and Integration Fund During the 2014-2020 Program Period (hereinafter referred to as “Responsible Authority”) for the purpose of monitoring the appropriation of European Union financial assistance;

s)⁵¹⁴ the company information and electronic company registration service for checking the identity of persons shown in the register of companies.

(1a)⁵¹⁵ The immigration authority may disclose data from the immigration sub-register to the Terrorelhárítási Információs és Bűnügyi Elemző Központ (*Counter Terrorism Center for Information and Criminal Analysis*) for the purpose of risk analysis of passenger data.

(1b)⁵¹⁶ In procedures for clemency the Prosecutor General and/or the minister in charge of the judicial system may request data from the registers provided for in Paragraphs a), c) and d) of Subsection (1) of Section 102 and in Subsection (1) of Section 104. The minister in charge of the judicial system may request data from the immigration sub-registers in composition procedures for awarding monetary compensation due to delays in court proceedings and in simplified compensation procedures for unlawful restriction of liberty, covering natural identification data, address data and contact address to the extent required for conducting the said procedures.

(1c)⁵¹⁷ The immigration authority shall provide direct access to the central immigration register with respect to data and information relating to expulsion, exclusion orders, immigrant or permanent resident status for the authority of competence to adjudge applications for Hungarian Nationality Cards and Hungarian Ethnicity Cards, to the extent required for the procedures for examining such applications in terms of conditions for eligibility and for determining whether any grounds for revocation exist in the proceedings opened for the revocation of such cards.

(2)⁵¹⁸ The immigration authority shall maintain data transfer records on the disclosures of data specified in Subsections (1)-(1c), indicating the body to which the data was disclosed and for what purpose. The immigration authority shall process the data contained in the data transfer records for five years following the time of transfer.

(3) If justified on the grounds of national security or criminal investigation, the immigration authority may refuse to disclose any information from the data transfer records.

(4) The immigration authority may request data in connection with its proceedings conducted

⁵¹³ Enacted by Section 64 of Act XXXIX of 2016, effective as of 1 June 2016.

⁵¹⁴ Enacted by Subsection (1) of Section 46 of Act CLXXXVI of 2017, effective as of 1 July 2018.

⁵¹⁵ Enacted by paragraph (6) Section 13 of Act CXCVIII of 2013. Amended by Subsection (5) of Section 74 of Act LXIX of 2016.

⁵¹⁶ Established by Subsection (1) of Section 54 of Act CXXXIII of 2018, effective as of 1 July 2019.

⁵¹⁷ Enacted by Subsection (2) of Section 46 of Act CLXXXVI of 2017, effective as of 1 July 2018.

⁵¹⁸ Amended by Section 45 of Act LXXII of 2014, Section 47 of Act CLXXXVI of 2017.

under this Act from the following:

- a) the register of personal data and address records of citizens;
- b) the register of convicted criminals, the register of persons incarcerated and the register of individuals indicted under criminal charges;
- c)⁵¹⁹ the watch list by way of direct access;
- d) the register of persons with work permits;
- e) the register of companies;
- f)⁵²⁰ the register of private entrepreneurs; and
- g) the public health authority;
- h)⁵²¹ the register of taxpayers free of tax debt obligations;
- i)⁵²² the higher education information system maintained by the body operating the higher education information system;
- j)⁵²³ the tax authority in cases provided for by an act;
- k)⁵²⁴ the data file management authority provided for in the Act on Social Administration and Social Welfare Benefits regarding benefits provided under the Act on Social Administration and Social Welfare Benefits;
- l)⁵²⁵ the national security and law enforcement agencies of Hungary above and beyond the specialist authority procedures provided for in this Act.

(5)⁵²⁶ The immigration authority shall make available to the facial profile register the facial images of persons falling under the scope of the sub-registers provided for in Sections 95, 96, 98 and 99, together with the technical catalogue number of each facial image, for the purpose of creating and registration of facial profiles.

(6)⁵²⁷ The organs provided access under the Act on the Facial Images Analysis Database and on the Facial Recognition System may request information - subject to the conditions set out in this Act - from the register also by means of the technical catalogue number assigned to the facial image, provided for in the Act on the Facial Images Analysis Database and on the Facial Recognition System.

(7)⁵²⁸ The immigration authority shall supply information without delay to the body delegated

⁵¹⁹ Established by Subsection (2) of Section 54 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵²⁰ Amended: by Section 89 of Act CXV of 2009. In force: as of 1. 01. 2010.

⁵²¹ Enacted: by paragraph (11) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁵²² Enacted by Subsection (3) of Section 54 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵²³ Enacted by Subsection (3) of Section 54 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵²⁴ Enacted by Subsection (3) of Section 54 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵²⁵ Enacted by Subsection (3) of Section 54 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵²⁶ Established by Subsection (5) of Section 26 of Act CLXXXVIII of 2015, effective as of 1 January 2016.

⁵²⁷ Enacted by Subsection (5) of Section 26 of Act CLXXXVIII of 2015, effective as of 1 January 2016.

⁵²⁸ Enacted by Subsection (5) of Section 26 of Act CLXXXVIII of 2015, effective as of 1

to maintain the facial profile register about the registration of the facial images of persons falling under the scope of the sub-registers provided for in Sections 95, 96, 98 and 99, using the technical catalogue numbers of the facial images defined in the Act on the Facial Images Analysis Database and on the Facial Recognition System, for the purpose of creating and registration of facial profiles, including any subsequent changes in such data.

(8)⁵²⁹ The immigration authority shall make available for the list of wanted persons the facial images of persons falling under the scope of the sub-registers provided for in Sections 95, 96, 98 and 99 in accordance with the Act on the List of Wanted Persons, for the purpose of registration of facial images.

(9)⁵³⁰ In its proceedings provided for in this Act, the immigration authority shall be permitted to obtain and process personal data from the records of the International Criminal Police Organization accessible publicly through the INTERPOL FIND alerts on persons mobile networked database, which data can be processed in accordance with this Act.

Section 107

(1) The immigration authority may disclose data from the immigration sub-registers to foreign law enforcement agencies, border authorities, immigration and law enforcement authorities, international organizations, to Community bodies established on the strength of directly applicable Community legislation pursuant to directly applicable Community legislation or international agreement, to the extent specified therein.

(2) The immigration authority may receive data from the bodies and organizations specified in Subsection (1) pursuant to directly applicable Community legislation or international agreement, to the extent specified therein.

(2a)⁵³¹ The Nemzetközi Bűnügyi Együttműködési Központ (*International Law Enforcement Cooperation Center*), and the Hungarian law enforcement agency authorized under the Act on the International Cooperation of Law Enforcement Authorities to exchange information shall be entitled to disclose information from the immigration sub-registers to the law enforcement agencies of EEA Member States or third countries under international agreement, to the extent and for the purposes defined therein, promulgated by an act of Parliament on the international cooperation of law enforcement authorities.

(3)⁵³² The immigration authorities delegated by the Government in a decree shall have direct access to the Visa Information System for the purposes referred to in Articles 15-20 of the VIS Regulation.

(4)⁵³³ In proceedings relating to the issue of interim and EC permanent residence permits, and relating to expulsion orders, in connection with the requests made according to Subsections (9)-(10) of Section 34 and Subsection (2b) of Section 45 the immigration authority shall be authorized to receive from the Member State of the European Union affected the third-country national's personal data specified in Section 94, and information concerning refugee status and

January 2016.

⁵²⁹ Enacted by Section 44 of Act XXXIII of 2017, effective as of 1 December 2017.

⁵³⁰ Enacted by Section 51 of Act CXLIII of 2017, effective as of 1 January 2018.

⁵³¹ Enacted: by paragraph (1) Section 78 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁵³² Established: by paragraph (2) Section 78 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁵³³ Established: by paragraph (2) Section 78 of Act XCIII of 2013. In force: as of 1. 07. 2013.

subsidiary protection.

*Section 108*⁵³⁴

(1) The data processed on the basis of this Act may be used for statistical purposes and such data may be supplied by the body operating the central immigration register for statistical purposes, in a manner so as not to allow the identification of specific individuals.

(2) Data may be released from sub-registers specified in Subsection (1) of Section 95, Subsection (1) of Section 96, Subsection (1) of Section 98, and Subsection (1) of Section 99 for the Központi Statisztikai Hivatal (*Central Statistics Office*) for statistical purposes in a manner allowing for the identification of individuals.

*Section 108/A*⁵³⁵

(1) The Responsible Authority provided for in Article 25(1)a) of Regulation (EU) No. 514/2014 of the European Parliament and of the Council shall maintain a register on persons participating in programs financed by the Asylum, Migration and Integration Fund (hereinafter referred to as “Fund”) for the purpose of monitoring the appropriation of aids.

(2) The register shall contain the following particulars of persons belonging to the target group provided for in the government decree on the appropriation of aids from the Asylum, Migration and Integration Fund, as supplied by the beneficiaries financed by the Fund:

- a) surname and forename;
- b) place of birth;
- c) date of birth;
- d) sex;
- e) nationality;
- f) legal title of residence in Hungary;
- g) an indication if preferential treatment of a person belonging to the target group is in order, also if such person is an unaccompanied minor;
- h) number of document made out in Hungary for the person belonging to the target group.

(3) The data registered in accordance with Subsection (2) may be accessed by the body responsible for monitoring the appropriation of European Union financial assistance.

(4) The data contained in the register may be used for statistical purposes and may be disclosed for statistical use in a manner so as not to allow the identification of specific individuals.

(5) The data provided for in Subsection (2) may be processed for a period of ten years following the closing of the eligibility period relating to the funds available to the Fund from the EU budget for the 2014-2020 period.

*Section 108/B*⁵³⁶

(1) The minister in charge of foreign policies shall have authority to carry out the processing of the particulars of diplomatic and consular missions - directed by a career consulate officer - operating in Hungary, international organizations, including their Hungarian branches, posts,

⁵³⁴ Established: by Section 77 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵³⁵ Enacted by Section 65 of Act XXXIX of 2016, effective as of 1 June 2016.

⁵³⁶ Enacted by Subsection (2) of Section 11 of Act XLV of 2017, effective as of 2 June 2017.

offices, as well as organizations benefiting from privileges and immunities granted under international treaty by virtue of law (hereinafter referred to collectively as “representation office”), and the following data of members - including their family members - of such entities and organizations benefiting from immunities under international treaty:

- a)* surname and forename, place and date of birth, sex, nationality, diplomatic rank, military rank, facial image;
- b)* passport or personal identification document particulars, and a photocopy thereof;
- c)* name of the diplomatic mission where employed, showing also their title, position;
- d)* status (whether a seconded officer or a family member);
- e)* the length of the service period (date of beginning and estimated date of ending);
- f)* place of abode in Hungary;
- g)* address shown in the identification documents;
- h)* the following particulars of family members living in their household in Hungary:
 - ha)* surname and forename,
 - hb)* place and date of birth,
 - hc)* nationality,
 - hd)* relationship,
 - he)* number of personal identification document or passport, facial image,
- i)* the particulars provided for in Subparagraphs *ha)*, *hb)* and *hc)* of Paragraph *h)* of foreign nationals employed by the above-specified persons solely in private employment.

(2) In the interest of performance of international commitment, the minister in charge of foreign policies shall have authority to carry out the processing of the following data in addition to those mentioned in Subsection (1):

- a)* the particulars provided for in Subparagraphs *ha)*, *hb)* and *hc)* of Paragraph *h)* of Subsection (1) of members of consular missions in Hungary, directed by an honorary consul;
- b)* the particulars of motor vehicles bearing a special registration plate, used by the persons and institutions referred to in Subsection (1); and
- c)* the particulars of motor vehicles used for official purposes by the missions specified in Paragraph *a)*.

*Section 108/C*⁵³⁷

The purpose of the register provided for in Section 108/B is to ascertain the status of the organizations and persons referred to in Subsection (1) of Section 108/B stemming from international treaties and granted by Hungarian legislation in conformity with the generally recognized principles of international law. Unless a longer period is granted by law, the data above-specified may be processed for thirty years.

*Section 108/D*⁵³⁸

(1) The minister in charge of foreign policies shall make available the data provided for in Paragraphs *a)*, *c)*, *d)* and *e)*, Subparagraphs *ha)*, *hb)*, *hc)* and *hd)* of Paragraph *h)*, and Paragraph *i)* of Subsection (1) of Section 108/B, for procedures affecting the data subject, or the legitimate interests of the data subject, to:

⁵³⁷ Enacted by Subsection (2) of Section 11 of Act XLV of 2017, effective as of 2 June 2017.

⁵³⁸ Enacted by Subsection (2) of Section 11 of Act XLV of 2017, effective as of 2 June 2017.

- a) the competent court;
 - b) the acting public prosecutor's office;
 - c) the acting investigating authority;
 - d) the competent misdemeanor authority;
 - e) the notary public conducting the non-contentious proceeding;
 - f) the immigration authority;
 - g) the state tax and customs authority;
 - h) with regard to the persons referred to above with no address card, the notary of the municipal government where the Hungarian habitual residence is situated, or the district (Budapest district) offices of the competent Budapest and county government agency;
 - i) the national security services for the fulfillment of national security and defense related functions under specific other legislation, for intelligence gathering operations, furthermore, for investigations with a view to protecting national security and internal security, and for reasons of crime prevention;
 - j) at the request of persons or organizations provided for in Section 108/B, the bodies empowered to set the conditions of proceedings or legal acts in connection with applications for address cards or for registration deemed necessary for financing or education, or other reasons considered essential for everyday life, to the extent indicated in the application.
- (2) Additionally, the data disclosure referred to in Subsection (1) shall be carried out on condition that the requesting body is able to verify the purpose of the intended processing, including its entitlement, with respect to the data requested.
- (3) The minister in charge of foreign policies shall keep records of all data transferred under Subsection (1).

Section 108/E⁵³⁹

The minister in charge of foreign policies shall have authority to issue documents evidencing the legal status of persons or organizations provided for in Section 108/B in Hungary, their data and entitlements, and to determine the form in which to provide them in due consideration of the statutory provisions on the mandatory layout of such documents, as well as the procedure of issue. Said document shall be treated as authentic proof of the data therein contained.

Chapter XI

Closing Provisions

Entry into Force

Section 109

(1) This Act - subject to the exceptions set out in Subsections (2)-(5) - shall enter into force on 1 July 2007.

⁵³⁹ Enacted by Subsection (2) of Section 11 of Act XLV of 2017, effective as of 2 June 2017.

(2) The following provisions of this Act shall enter into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full:

- a) Paragraph *j*) of Section 2,
- b) Subsections (4)-(5) and (7) of Section 9,
- c) Sections 10-12,
- d) Paragraph *i*) of Subsection (1) of Section 13,
- e) in Subsection (1) of Section 16 the passage "in possession of a long-term visa or a residence permit",
- f) Subsection (2) of Section 18,
- g) in Paragraph *c*) of Subsection (2) of Section 33 the passage "or for whom an alert has been issued in the SIS for the purposes of refusing entry",
- h) in Paragraph *a*) of Subsection (4) of Section 42 the passage "or for whom an alert has been issued in the SIS for the purposes of refusing entry",
- i) Subsection (3) of Section 65, and
- j) in Paragraph *g*) of Subsection (1) of Section 95 the passage "and information relating to restricted territorial access".

(3) On the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full:

a)⁵⁴⁰ the following provision shall replace Paragraph *a*) of Subsection (1) of Section 14 of this Act:

„a) visa for entitlement to receive a residence permit, for single entry into the territory of the Republic of Hungary for the purpose of collecting the residence permit and for stay for a period not to exceed thirty days;”;

b)⁵⁴¹ the following provisions shall replace Section 15 of this Act:

„Section 15

(1) Visas for entitlement to receive a residence permit may be granted to third-country nationals who have been authorized to receive a residence permit.

(2) The visa for entitlement to receive a residence permit shall be cancelled if the underlying residence permit had been or should be withdrawn.

(3) Seasonal employment visas or national visas may be granted to third-country nationals who satisfy the requirements set out in Paragraphs *a*), *c*)-*i*) of Subsection (1) of Section 13.

(4) Seasonal employment visas and national visas shall be refused, or shall be withdrawn if already issued from the third-country nationals:

a) who fail to comply with either of the requirements set out in Paragraphs *a*), *c*)-*i*) of Subsection (1) of Section 13;

b) who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence.

(5) The resolution adopted in connection with applications for seasonal employment visas and national visas, or for the cancellation of such visas may not be appealed.”;

c)⁵⁴² the following provisions shall replace Section 17 of this Act:

⁵⁴⁰ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴¹ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

„Section 17

(1) Unless otherwise prescribed in this Act, residence permits may be issued to third-country nationals who satisfy the requirements set out in Paragraphs *a)*, *c)-i)* of Subsection (1) of Section 13, and

a) have a valid national visa if applying for a national residence permit, or

b) have a valid residence permit in the case of applications for the extension of residence permits.”;

*d)*⁵⁴³ the following provision shall replace Subsection (3) of Section 26 of this Act:

„(3) A residence permit issued for the purpose of voluntary service activities may not be extended.”

(4) On the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full:

*a)*⁵⁴⁴ in Subsection (1) of Section 9 of this Act the passage "*a)*, *c)* and *e)*" shall be replaced by "*a)* and *c)-e)*"

*b)*⁵⁴⁵ in Paragraph *a)* of Subsection (3) of Section 9 of this Act the passage "*a)*, *c)* or *e)*" shall be replaced by "*a)* or *c)-e)*";

*c)*⁵⁴⁶ in Paragraph *a)* of Subsection (1) of Section 18 of this Act the passage "*c)-h)*" shall be replaced by "*c)-i)*";

*d)*⁵⁴⁷ in Subsection (1) of Section 26 of this Act the passage "Long-term visa" shall be replaced by "A residence permit";

*e)*⁵⁴⁸ in Subsection (2) of Section 26 of this Act the passage "long-term visa" shall be replaced by "residence permit";

*f)*⁵⁴⁹ in Subsection (1) of Section 28 of this Act the passage "*c)-h)*" shall be replaced by "*c)-i)*".

(5) Effective as of the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full the following provisions of this Act shall be repealed:

a) Subsection (2) of Section 9;

b) in Subsection (1) of Section 19 the passage "long-term visa or a", and the passage "long-term visa,";

⁵⁴² Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴³ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴⁴ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴⁵ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴⁶ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴⁷ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴⁸ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

⁵⁴⁹ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

- c)* in Subsections (2), (4), (5) and (6) of Section 19 the passage "a long-term visa or";
 - d)* in Subsection (8) of Section 19 the passage "long-term visa,";
 - e)* in Subsection (10) of Section 19 the passage "long-term visa or" in both instances;
 - f)* in Subsection (1) of Section 20, Subsection (1) of Section 21, Subsection (1) of Section 22, Subsection (1) of Section 23, Subsection (1) of Section 24, Subsection (1) of Section 25, and in Subsection (1) of Section 28 the passage "long-term visa or";
 - g)* in Subsection (2) of Section 20 the passage "long-term visa or a";
 - h)* in Subsection (3) of Section 20 the passage "long-term visa or";
 - i)* in Subsection (5) of Section 20 the passage "a long-term visa or";
 - j)* in Paragraph *a)* of Subsection (1) of Section 30 the passage "long-term visa,";
 - k)* in Paragraph *b)* of Subsection (1) of Section 30 the passage "long-term visa";
 - l)* in Subsection (3) of Section 30 the passage "long-term visa or";
 - m)* and in Subsection (1) of Section 35 the passage "long-term visa,".
- (6) Simultaneously with this Act entering into force the following provisions shall be repealed:
- a)* Act XXXIX of 2001 on the Entry and Stay of Foreign Nationals;
 - b)*⁵⁵⁰
 - c)* Sections 57-80 of Act XXIX of 2004 on Amendments and Repeals of Legal Regulations and other Legislative Changes Related to Hungary's Accession to the European Union, the preceding title "CHAPTER EIGHT" and the title "on the Amendment of Act XXXIX of 2001 on the Entry and Stay of Foreign Nationals", furthermore, Section 145;
 - d)*⁵⁵¹
 - e)* Sections 10-31, Paragraphs *a)*-*f)* of Section 32, and in the introductory sentence to Subsection (1) of Section 32 of Act XLVI of 2005 on the Amendment of Act LV of 1993 on Hungarian Citizenship and Act XXXIX of 2001 on the Entry and Stay of Foreign Nationals the passage "Simultaneously:";
 - f)*⁵⁵²

Transitional Provisions

Section 110

- (1) The visas, residence permits, certificate of temporary residences issued before the time of this Act entering into force shall constitute the right of stay contained therein within their period of validity.
- (2) The immigration permits and permanent residence permits issued before the time of this Act entering into force shall constitute the right of stay contained therein within their period of validity.

⁵⁵⁰ Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007.

⁵⁵¹ Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007.

⁵⁵² Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007. Repealed: by subparagraph h) paragraph (4) Section 20 of Act XC of 2007. No longer in force: as of 01. 01. 2008.

(3)⁵⁵³ The applications for visas and residence permits submitted before the time of this Act entering into force, and still pending definitive decision, shall be assessed based on the provisions of this Act, with the exception that the applications submitted by third-country nationals for residence permits shall be treated - relying on their statements - as if they were submitted for interim permanent residence permits.

(4)⁵⁵⁴ The applications submitted for permanent residency before the time of this Act entering into force, and still pending definitive decision, shall be assessed based on the provisions of this Act pertaining to national residence permits and EC residence permits, relying on the applicants' statements.

(5) The detention of third-country nationals prior to expulsion ordered before the time of this Act entering into force shall be governed by the provisions of this Act pertaining to detention subject to expulsion, and the detention prior to removal and detention under immigration laws ordered before the time of this Act entering into force shall be governed by the provisions of this Act pertaining to detention under immigration laws.

(6)⁵⁵⁵ Detention in immigration proceedings ordered before 1 July 2013 for the purpose of carrying out the transfer or return under the Dublin process shall be terminated, if in progress, on 1 July 2013. At the same time, the refugee authority shall monitor the implementation of measures intended to ensure statutory availability.

(7)⁵⁵⁶ The provision set out in Subsection (10) of Section 47 may be applied in connection with expulsions ordered before 1 July 2013.

(8)⁵⁵⁷ Third-country nationals ordered before 1 September 2013 to stay at an assigned place in a community hostel and reception center shall be allowed to remain at the community hostel or reception center until 31 October 2013 based on the resolution adopted therefor.

(9)⁵⁵⁸ The immigration authority shall examine - with respect to the third-country nationals referred to in Subsection (8) - by 31 October 2013 whether the circumstances for ordering their stay at an assigned place continue to prevail, and - if so - shall assign another place.

(10)⁵⁵⁹ In cases for the issue or renewal of residence permits opened after 31 December 2013, if the third-country national has a work permit issued before the date of entry into force, a single permit shall be issued to such third-country national if the conditions for residence are satisfied, and the procedure shall not cover the upholding of the requirement where the third-country national's employment is justified in line with specific guidelines laid down by the relevant legislation, or on grounds of domestic employment policy considerations.

(11)-(17)⁵⁶⁰

(18)⁵⁶¹ The provisions of this Act established by Act XXXIX of 2016 on the Amendment of Certain Acts Relating to Migration and Other Related Acts shall apply to cases opened after the time of entry into force thereof.

⁵⁵³ Amended by Paragraph f) of Section 55 of Act CXLIII of 2017.

⁵⁵⁴ Amended by Paragraph f) of Section 55 of Act CXLIII of 2017.

⁵⁵⁵ Enacted: by paragraph (1) Section 79 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁵⁵⁶ Enacted: by paragraph (1) Section 79 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁵⁵⁷ Enacted: by paragraph (2) Section 79 of Act XCIII of 2013. In force: as of 1. 09. 2013.

⁵⁵⁸ Enacted: by paragraph (2) Section 79 of Act XCIII of 2013. In force: as of 1. 09. 2013.

⁵⁵⁹ Enacted: by paragraph (3) Section 79 of Act XCIII of 2013. In force: as of 1. 01. 2014.

⁵⁶⁰ Repealed by Point 3 of Section 32 of Act XL of 2018, effective as of 26 July 2018.

⁵⁶¹ Established by Section 30 of Act XL of 2018, effective as of 26 July 2018.

(19)⁵⁶² Subsection (10) of Section 71 and Subsection (2) of Section 74/A of this Act, as established by Act CXXI of 2016 on the Amendment of Regulations Required for Setting Up the Single Electronic Administration System, shall apply until 31 December 2017 only if the competent authority agreed before 1 January 2018 to communicate electronically in accordance with Subsection (2) of Section 108 of Act CCXXII of 2015 on the General Rules for Trust Services for Electronic Transactions. In the absence of such agreement, as regards electronic communication the provisions of this Act in effect on 31 December 2016 shall apply to the competent authority until 31 December 2017.

(20)⁵⁶³ The provisions of this Act established by Act XX of 2017 on the Amendments Required for Streamlining Procedures Conducted at Border Zones (hereinafter referred to as “Act XX/2017”) shall also apply to cases in progress at the time of Act XX/2017 entering into force.

Section 110/A⁵⁶⁴

(1) The provisions of this Act established by Act CXLIII of 2017 on the Amendment of Certain Acts Relating to Migration (hereinafter referred to as “Act CXLIII/2017”) shall apply to proceedings opened after the date of entry into force of Act CXLIII/2017 and to reopened cases.

(2) The provisions of this Act established by Act CXLIII/2017, relating to implementation shall also apply to enforcement procedures:

- a)* not yet ordered at the time of Act CXLIII/2017 entering into force; and
- b)* in progress at the time of Act CXLIII/2017 entering into force.

(3) Final decisions of authorities issued before the time of entry into force of Act CXLIII/2017 shall be construed as definitive decisions for the purposes of this Act.

Section 110/B⁵⁶⁵

(1) In proceedings opened before the date of entry into force of the provisions of this Act established by Act XL of 2018 on Establishing the Foundations for the 2019 Budget of Hungary on the basis of applications submitted for national permanent residence permit alleging the interest of the national economy, if the court orders the immigration authority to open new proceedings in an administrative action brought for the review of a decision of the immigration authority, the regulations in effect at the time the application for national permanent residence permit was submitted shall apply to the new proceedings.

(2) The grounds for revocation under Paragraph *c)* of Subsection (1) of Section 37 shall not apply to national residence permits issued in the interest of the national economy or to national permanent residence permits of the family members of third-country nationals holding a national permanent residence permit granted under the same pretenses.

(3) In order to monitor the right of residence or permanent residence, the immigration authority shall process the data compilations supplied before the date of entry into force of the provisions of this Act established by Act XL of 2018 on Establishing the Foundations for the 2019 Budget

⁵⁶² Enacted by Subsection (3) of Section 53 of Act CXXI of 2016, effective as of 1 January 2017.

⁵⁶³ Enacted by Section 4 of Act XX of 2017, effective as of 28 March 2017.

⁵⁶⁴ Enacted by Section 52 of Act CXLIII of 2017, effective as of 1 January 2018.

⁵⁶⁵ Enacted by Section 31 of Act XL of 2018, effective as of 26 July 2018.

of Hungary by the companies approved by the Parliamentary Standing Committee for Economic Affairs for a period of six years. The data disclosed shall contain the number of securities issued during the month, the natural identification data of the holders of such securities or of the majority owners of the business association, where applicable, including the amount of government bonds subscribed by the company, and an indication of the applicants who provided the funds for the subscription.

(4) The company authorized by the Parliamentary Standing Committee for Economic Affairs shall provide data compilations to the immigration authority by 30 September 2018, containing the amount and serial numbers of the government bonds subscribed, the date of purchase of government securities, the natural identification data of the third-country national or of the majority owners of the business association, where applicable, to whom the securities of given serial numbers were sold, the amount and serial numbers of the securities issued, and the date of sale.

Authorizations

Section 111

(1) The Government is hereby authorized to decree:

a) the authorities vested with competence in connection with immigration proceedings, with the registration of accommodations and home addresses, and the data of third-country nationals that may be processed on the strength of this Act, their scope of jurisdiction and the detailed regulations for their proceedings;

b) the immigration related tasks and duties and the powers and authorizations of visa authorities, the detailed regulations for the issue of visas, the type of documents evidencing the right of entry and residence without a visa, and the prescribed form of visas;

*c)*⁵⁶⁶ the conditions for issuing residence permits, certificates of temporary residence, interim permanent residence permits, national residence permits, EC residence permits and EU Blue Cards, and the formal requirements for these documents;

d) the travel documents recognized;

e) the detailed regulations concerning the issue, renewal and withdrawal of residence permits granted on humanitarian grounds, and the detailed regulations for cooperation between the immigration, national security and law enforcement agencies;

f) the conditions for providing official certificates for letters of invitation, and the detailed regulations for such proceedings;

g) the regulations concerning detention prior to expulsion or ordered under immigration laws, and for setting up and the designation of a compulsory place of confinement, and the detailed regulations for the provision of healthcare services and other assistance to third-country nationals in detention;

*h)*⁵⁶⁷ the healthcare services provided to third-country nationals, and the financial requirements for healthcare services and the means of verification thereof;

i) the amount limits of the financial penalties to be imposed on carriers and employers under

⁵⁶⁶ Established: by Section 111 of Act CV of 2011. In force: as of 1. 08. 2011.

⁵⁶⁷ Established by Section 126 of Act CXI of 2014, effective as of 1 January 2015.

this Act, and the procedure for levying them;

j) the rules of conduct for persons placed under compulsory confinement;

k) the regulations for the provisions to third-country nationals ordered to stay in the airport transit zone;

*l)*⁵⁶⁸ the regulations for the provisions and support granted to persons residing in community hostels and refugee centers, and to third-country nationals who are victims of trafficking in human beings;

m) the requirements set out for community hostels and the house rules of community hostels;

n) the detailed regulations for the entry and stay in Hungary of civilian personnel under the NATO-SOFA Agreement and of the relatives of such personnel;

o) the detailed regulations for recognition and enforcement of expulsion orders adopted by Member States;

p) the detailed regulations concerning the proceedings for the recognition of stateless status;

q) the detailed regulations for the issue of travel documents to third-country nationals;

*r)*⁵⁶⁹ the designation of the law enforcement agencies vested with powers to initiate exclusion independently and to make recommendations as to the duration of exclusions;

*s)*⁵⁷⁰ the content requirements for single permits and the conditions for their issue, and the rules for the single application procedure;

*t)*⁵⁷¹ the scope of employers authorized to submit applications for the issue and extension of residence permits;

*u)*⁵⁷² the detailed provisions relating to the submission of applications through the electronic platform designated for opening immigration cases.

(1a)⁵⁷³ The Government is hereby authorized to designate the authorities appointed to carry out the authentication of storage mediums containing the biometric data of documents evidencing right of residence issued under Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals, as well as the law enforcement agencies acting as special authorities in immigration proceedings.

(1b)⁵⁷⁴ The Government is hereby authorized to:

a) designate the specialist authorities required to participate in proceedings of the immigration authority by means of a decree;

b) decree the competence of special authorities within the framework of which they are required to provide an assessment in proceedings of the immigration authority;

c) decree the requirements as to the contents of any provision or condition prescribed by the specialist authority in proceedings of the immigration authority, the criteria under which the

⁵⁶⁸ Established by Subsection (1) of Section 67 of Act XXXIX of 2016, effective as of 1 June 2016.

⁵⁶⁹ Enacted: by paragraph (1) Section 78 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵⁷⁰ Enacted: by Section 80 of Act XCIII of 2013. In force: as of 1. 01. 2014.

⁵⁷¹ Enacted by Subsection (2) of Section 67 of Act XXXIX of 2016, effective as of 1 July 2016.

⁵⁷² Enacted by Subsection (1) of Section 55 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵⁷³ Enacted: by paragraph (2) Section 78 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵⁷⁴ Enacted by Section 53 of Act CXLIII of 2017, effective as of 1 January 2018.

specialist authority is required to provide its assessment;

d) decree the regulations concerning the participation of specialist authorities in proceedings of the immigration authority, and the detailed procedures for cooperation between the authority of competence to adopt a decision on the merits of the case and the specialist authority.

(1c)⁵⁷⁵ The Government is hereby authorized to decree limitations regarding future applications for permits for the purpose of gainful activity, employment or for residence permits for unspecified purposes by nationals of a certain specific country or countries, if the number thereof is likely to pose risk to public security or national security in Hungary.

(2) The minister in charge of immigration is hereby authorized to decree, in agreement with the ministers concerned:

a) the content specifications and enclosures of the forms and documents prescribed by this Act;
b) the fees for the procedures relating to the entry, exit and residence of third-country nationals, and for the procedures relating to the issue of travel documents to third-country nationals;

c) the financial resources deemed adequate for entry and residence;
d) the rules for covering the costs of immigration related procedures;
e) the form of travel documents issued to third-country nationals.

(3) The minister in charge of foreign policies is hereby authorized to decree, in agreement with the minister in charge of immigration, the detailed regulations concerning the entry and exit and the right of residence of persons enjoying diplomatic or other type of immunity.

(4)⁵⁷⁶ The minister in charge of immigration is hereby authorized to decree, in agreement with the minister in charge of the judicial system, the regulations for the execution of detention and deportation by order of the immigration authority.

(5) The minister in charge of the healthcare system is hereby authorized to decree, in agreement with the minister in charge of immigration, the types of diseases which are potentially dangerous to public health.

(6)⁵⁷⁷ The minister in charge of immigration is hereby authorized to decree - in agreement with the minister in charge of foreign policies, the minister in charge of supervising the national security services and the minister overseeing civil intelligence activities - the cases where, for reasons of public security and national security, and for assessment of the risks of illegal immigration and the prevention and identification of abuses and fraud as provided for in the Visa Code:

a) the consent of the central visa authority is required for the issue of a visa for a planned duration not exceeding ninety days; and

b) the central visa authority is required to consult with the central authorities of other Schengen States requesting consultation prior to granting consent for the issue of a visa for a planned duration not exceeding ninety days.

(7)⁵⁷⁸ The minister in charge of immigration is hereby authorized to decree, in agreement with

⁵⁷⁵ Established by Subsection (2) of Section 55 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁵⁷⁶ Established by Subsection (3) of Section 67 of Act XXXIX of 2016, effective as of 1 July 2016.

⁵⁷⁷ Established by Subsection (4) of Section 67 of Act XXXIX of 2016, effective as of 1 July 2016.

⁵⁷⁸ Enacted: by paragraph (2) Section 34 of Act XL of 2010. In force: as of 5. 04. 2010.

the minister in charge of foreign policies, the minister in charge of supervising the national security services, and the minister overseeing civil intelligence activities, the list of third countries whose nationals are required to hold airport transit visas in accordance with Article 3(2) of the Visa Code.

(8)⁵⁷⁹ The minister in charge of immigration is hereby authorized to decree - in agreement with the minister in charge of foreign policies, the minister in charge of supervising the national security services and the minister overseeing civil intelligence activities - the list of third countries, where the central visa authority is to request information of visas issued to the nationals of such third countries in accordance with Article 31(1) of the Visa Code.

(9)⁵⁸⁰

(10)⁵⁸¹ The minister in charge of foreign policies is hereby authorized to decree the detailed provisions relating to the form, and the procedure for the issue of documents evidencing the legal status, data and entitlements of persons or organizations provided for in Section 108/B.

*Compliance with the Majority Requirement Set Out in the Fundamental Law*⁵⁸²

*Section 112*⁵⁸³

Of this Act:

a) Section 86/A;

b) Section 86/E;

c) Section 86/I;

d) Section 86/J;

e) Sections 86/L-86/M;

f) Section 87;

g) Sections 87/L-87/M;

h) Subsection (1) of Section 87/N;

shall be considered cardinal pursuant to Article XIV(1) of the Fundamental Law.

*Section 113*⁵⁸⁴

*Section 114*⁵⁸⁵

Amended: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵⁷⁹ Enacted: by paragraph (2) Section 34 of Act XL of 2010. In force: as of 5. 04. 2010.

Amended: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵⁸⁰ Repealed by Point 4 of Section 32 of Act XL of 2018, effective as of 26 July 2018.

⁵⁸¹ Enacted by Subsection (3) of Section 11 of Act XLV of 2017, effective as of 2 June 2017.

⁵⁸² Enacted by Subsection (2) of Section 6 of Act VI of 2018, effective as of 1 July 2018.

⁵⁸³ Established by Subsection (2) of Section 6 of Act VI of 2018, effective as of 1 July 2018.

⁵⁸⁴ Integrated under Paragraph b) of Subsection (1) of Section 10 of Act CXXXIX of 1997.

⁵⁸⁵ Repealed: by subparagraph i) paragraph (4) Section 16 of Act CXIII of 2008. No longer in force: as of 28. 06. 2009.

Sections 115-119⁵⁸⁶

Compliance with the Acquis

Section 120

(1) This Act serves the purpose of partial compliance with the following legislation of the Communities:

a) Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985;

b) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;

c) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

d) Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;

e) Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;

f) Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data;

*g)*⁵⁸⁷

*h)*⁵⁸⁸

i) Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K. 3 (2) of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State;

j) Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons;

k) Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control;

l) Council Recommendation of 4 March 1996 relating to a common position in connection with airport transit zone measures;

m) Council Recommendation of 4 March 1996 relating to local consular cooperation regarding visas;

n) Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;

o) Council Resolution of 4 December 1997 on measures to be adopted on the combating of

⁵⁸⁶ Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007.

⁵⁸⁷ Repealed by Paragraph c) of Section 56 of Act CXLIII of 2017, effective as of 1 January 2018.

⁵⁸⁸ Repealed by Paragraph c) of Section 56 of Act CXLIII of 2017, effective as of 1 January 2018.

marriages of convenience.

p)⁵⁸⁹ 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.

q)⁵⁹⁰ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;

r)⁵⁹¹ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

s)⁵⁹² Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection [Section 5, Subsection (5) of Section 32, Subsections (9) and (10) of Section 34, Paragraphs *d*), *f*) and *g*) of Subsection (2) of Section 38, Subsection (5a) of Section 38, Subsection (1a) of Section 39, Subsections (2a)-(2e) of Section 45 and Subsection (4) of Section 107];

t)⁵⁹³ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;

u)⁵⁹⁴ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;

v)⁵⁹⁵ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

w)⁵⁹⁶ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

(1a)⁵⁹⁷ This Act serves the purpose of compliance with:

a) Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers;

b) Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer;

c)⁵⁹⁸ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016

⁵⁸⁹ Enacted: by paragraph (1) Section 79 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁵⁹⁰ Enacted: by paragraph (1) Section 112 of Act CV of 2011. In force: as of 1. 08. 2011.

⁵⁹¹ Enacted: by paragraph (1) Section 112 of Act CV of 2011. In force: as of 1. 08. 2011.

⁵⁹² Enacted: by Section 11 of Act XXVII of 2012. In force: as of 20. 05. 2012.

⁵⁹³ Enacted: by paragraph (12) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁵⁹⁴ Enacted: by paragraph (12) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁵⁹⁵ Enacted: by paragraph (12) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁵⁹⁶ Enacted: by Section 81 of Act XCIII of 2013. In force: as of 1. 01. 2014.

⁵⁹⁷ Enacted by Subsection (3) of Section 68 of Act XXXIX of 2016, effective as of 30

September 2016.

⁵⁹⁸ Established by Subsection (1) of Section 56 of Act CXXXIII of 2018, effective as of 1

on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

(2)⁵⁹⁹ This Act contains provisions for the implementation of the following legislation of the Communities:

*a)*⁶⁰⁰ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders [Sections 6 and 40];

*b)*⁶⁰¹ Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals, and Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals (Section 53, Section 67, Section 96, Section 99, Section 111);

c) Articles 6, 9, 19 and 20 of Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) [Sections 67/A and 95];

d) Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) [Sections 2, 8, 9, 12 and 111];

*e)*⁶⁰² Regulation (EC) No. 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection;

*f)*⁶⁰³ Article 48 of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No. 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No. 2007/2004 and Council Decision 2005/267/EC (Section 107);

*g)*⁶⁰⁴ Council Regulation (EC) No. 343/2003 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;

*h)*⁶⁰⁵ Council Regulation (EC) No. 2725/2000 of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention;

January 2019.

⁵⁹⁹ Established: by paragraph (2) Section 79 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁶⁰⁰ Established by Subsection (1) of Section 38 of Act CXVI of 2016, effective as of 26 November 2016.

⁶⁰¹ Established by Subsection (2) of Section 56 of Act CXXXIII of 2018, effective as of 1 January 2019.

⁶⁰² Enacted: by paragraph (2) Section 112 of Act CV of 2011. In force: as of 1. 08. 2011.

⁶⁰³ Established by Section 45 of Act XXXIII of 2017, effective as of 5 May 2017.

⁶⁰⁴ Enacted: by paragraph (13) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

⁶⁰⁵ Enacted: by paragraph (13) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

*i)*⁶⁰⁶ Articles 20-30 of Regulation (EC) No. 1987/2006 of the European Parliament and of the Council, 20 December 2006, on the establishment, operation and use of the second generation Schengen information system (SIS II);

*j)*⁶⁰⁷ Articles 38-39 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen information system (SIS II);

*k)*⁶⁰⁸ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), Regulation (EU) No. 610/2013 of the European Parliament and of the Council of 26 June 2013 amending the Convention implementing the Schengen Agreement, Council Regulations (EC) No. 1683/95 and (EC) No. 539/2001 and Regulations (EC) No. 767/2008 and (EC) No. 810/2009 of the European Parliament and of the Council;

*l)*⁶⁰⁹ 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;

*m)*⁶¹⁰ 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;

*n)*⁶¹¹ Regulation (EU) No. 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management;

*o)*⁶¹² Council Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, and Regulation (EU) No. 509/2014 of the European Parliament and of the Council amending it.

⁶⁰⁶ Enacted: by paragraph (14) Section 60 of Act CLXXXI of 2012. Shall enter into force through the procedure set out in Article 55(2) of Regulation SIS II, on the day specified in Council Decision .../2012/EU, as of 9. 04. 2013. Amended: by paragraph (8) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁶⁰⁷ Enacted: by paragraph (14) Section 60 of Act CLXXXI of 2012. Shall enter into force through the procedure set out in Article 55(2) of Regulation SIS II, on the day specified in Council Decision .../2012/EU, as of 9. 04. 2013.

⁶⁰⁸ Established by Subsection (2) of Section 38 of Act CXVI of 2016, effective as of 26 November 2016.

⁶⁰⁹ Enacted by Section 17 of Act CXXVII of 2015, effective as of 1 August 2015.

⁶¹⁰ Enacted by Section 17 of Act CXXVII of 2015, effective as of 1 August 2015.

⁶¹¹ Enacted by Subsection (2) of Section 68 of Act XXXIX of 2016, effective as of 1 June 2016.

⁶¹² Enacted by Subsection (1) of Section 68 of Act XXXIX of 2016, effective as of 1 July 2016.