

Last amendment: 1 September 2019

Government Decree 114/2007 (V. 24.) Korm.

on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals

Pursuant to the authorization conferred under Paragraphs *a)-c)* and *e)-q)* of Subsection (1) of Section 111 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter referred to as "RRTN"), the Government has adopted the following Decree:

Chapter I

GENERAL PROVISIONS

Section 1

The administrative proceedings specified in the RRTN (hereinafter referred to as "immigration proceedings") shall be conducted by the following authorities (hereinafter referred to as "immigration authorities"):

- a)* the minister in charge of immigration;
- b)* the minister in charge of foreign policies;
- c)*¹ the Országos Idegenrendészeti Főigazgatóság (*National Directorate General for Immigration*) (hereinafter referred to as "Directorate General");
- d)*² the directorate of the Directorate General (hereinafter referred to as "regional directorate");
- e)* the consulate officer of Hungary authorized to issue visas (hereinafter referred to as "consulate officer");
- f)*³ the body established for carrying out official police business (hereinafter referred to as "Police");
- g)*⁴ in the application of Chapter V, the refugee authority in connection with expulsion, voluntary departure, deportation and exclusion measures it has ordered.

Section 2

¹ Established by Subsection (1) of Section 13 of Government Decree 126/2019 (V. 30.) Korm., effective as of 1 July 2019.

² Amended by Paragraph a) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

³ Established: by Section 9 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

⁴ Enacted by Section 3 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

(1) In immigration proceedings Hungarian citizenship may be verified by a valid personal identification document, a valid Hungarian passport, or a certificate of citizenship issued within one year to date.

(2) In immigration proceedings the immigration authority shall consult the register of personal data and address records to verify the existence of Hungarian citizenship.

(3)⁵ Where there is any doubt, the immigration authority shall request the body in charge of naturalization and nationality matters to determine the existence of Hungarian citizenship.

Chapter II

Regulations for the Right of Residence for an Intended Duration of No More Than Ninety Days Within any One Hundred Eighty Day Period⁶

General Provisions

Section 3

(1)⁷ Prior to the admission of third-country nationals into the territory of Hungary the Police shall check compliance with the requirements set out in Regulation 2016/399/EU of the European Parliament and of the Council (hereinafter referred to as “Schengen Borders Code”).

(2)⁸ Where the entry and residence of a third-country national for an intended stay of no more than ninety days within any one hundred eighty day period is not subject to a visa requirement, his/her travel document shall satisfy the following criteria:

a) its validity shall extend at least three months after the intended date of departure from the territory of Hungary; and

b) it shall have been issued within the previous ten years.

(3)⁹ The Police may grant an exemption - in exceptional cases - from compliance with what is contained in Subsection (2) on humanitarian grounds, on grounds of national interest or because of international obligations.

Section 4¹⁰

⁵ Amended by Paragraph a) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

⁶ Established: by paragraph (1) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁷ Established by Section 11 of Government Decree 441/2016 (XII. 16.), effective as of 17 December 2016.

⁸ Established: by paragraph (2) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁹ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

¹⁰ Established: by Section 10 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5.

Taking into consideration of what is contained in Council Regulation 539/2001/EC, the right of entry for the purpose of residence for an intended duration of no more than ninety days within any one hundred eighty day period without a visa and authorization to stay for an intended duration of no more than ninety days within any one hundred eighty day period shall be granted:¹¹

a) to third-country nationals who have been granted asylum or treatment as stateless persons and holding a travel document listed under Annex II of Council Regulation 539/2001/EC;

b) to third-country nationals who are crew members of an air transport vehicle participating in aid or rescue operations in natural disasters and other similar events, and to third-country nationals participating in such rescue operations;

c) to third-country nationals holding a travel document issued by the United Nations Organization, Council of Europe or the International Court of Justice;

d) to crew members of non-military aircraft and flight attendants;

e) to crew members of seagoing vessels; and

f) to crew members of commercial ships and watercraft used on international waters.

Section 5¹²

Section 6¹³

Visas for an Intended Stay of No More Than Ninety Days Within Any One Hundred Eighty Day Period¹⁴

Section 7¹⁵

The proceedings for issuing a visa for a planned duration not exceeding ninety days within a one hundred eighty day period under Regulation (EC) No. 810/2009 of the European Parliament and of the Council (hereinafter referred to as “Visa Code”) is delegated under the competence of:

a) the minister in charge of foreign policies;

b) the competent consulate officer;

c)¹⁶ the Directorate General;

04. 2010.

¹¹ Amended: by paragraph (3) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹² Repealed: by Section 25 of Government Decree 96/2010 (III. 31.) Korm. No longer in force: as of 5. 04. 2010.

¹³ Repealed: by subparagraph a) paragraph (5) Section 182 of this Decree. No longer in force: as of 21. 12. 2007.

¹⁴ Amended: by paragraph (5) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹⁵ Established by Section 19 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

d) the Nyugat-dunántúli Regionális Igazgatóság (*Regional Directorate of Western Hungary*) of nation-wide jurisdiction (hereinafter referred to as “Directorate”) (hereinafter referred to collectively as “visa authority”).

Section 8¹⁷

Section 9¹⁸

Issuing visas for an intended stay of no more than ninety days within any one hundred eighty day period to persons enjoying diplomatic immunity or some other privilege under international law, and their family members, visitors of members of international organizations and members of diplomatic and consular representations in Hungary, and to persons whose entry is desirable for political reasons shall fall within the competence of the minister in charge of foreign policies as laid down in specific other legislation.

Section 10¹⁹

(1)²⁰ Applications for visas for an intended stay of no more than ninety days within any one hundred eighty day period - governed under Chapter VI of the Visa Code - may be submitted at land, air or water border crossing points of Hungary (hereinafter referred to collectively as “border crossing points”) or at the Police.

(2)²¹ The Police shall forward applications for visas for an intended stay of no more than ninety days within any one hundred eighty day period submitted at border crossing points - by way of electronic means - without delay to the Directorate.

(3)²² The Directorate shall promptly adopt a decision concerning the aforesaid applications, not to exceed three hours, and shall notify the applicant of its decision via the Police.

(4)²³ If the application is approved, the visa for an intended stay of no more than ninety days

¹⁶ Established by Subsection (2) of Section 13 of Government Decree 126/2019 (V. 30.) Korm., effective as of 1 July 2019.

¹⁷ Repealed: by Section 25 of Government Decree 96/2010 (III. 31.) Korm. No longer in force: as of 5. 04. 2010.

¹⁸ Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹⁹ Established: by Section 12 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

²⁰ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

²¹ Established: by paragraph (2) Section 24 of Government Decree 282/2011 (XII. 21.) Korm. In force: as of 1. 01. 2012. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

²² Amended: by Section 25 of Government Decree 282/2011 (XII. 21.) Korm. In force: as of 1. 01. 2012.

²³ Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In

within any one hundred eighty day period shall be issued to the applicant by the Police.

(5)²⁴ Decisions adopted for the refusal of applications submitted at border crossing points for visas for an intended stay of no more than ninety days within any one hundred eighty day period may be appealed within three days following delivery of the decision, submitted at the border crossing point, at the Directorate or the Directorate General.

(6)²⁵ The Police shall forward the appeals submitted at border crossing points to the Directorate without delay. The Directorate shall forward the appeal to the Directorate General by way of priority.

(7)²⁶ The Directorate General shall render a decision within five days.

Sections 11-13²⁷

Section 14²⁸

The following applications shall be assessed immediately, within not more than ten days:

a) applications of minors and their accompanying legal guardians, if the substantiated purpose of travel is medical treatment for the minor;

b) visa applications of persons with custody of an unaccompanied minor who are arriving to escort the minor home; and

c)²⁹ applications for visas for an intended stay of no more than ninety days within any one hundred eighty day period if the entry and stay of the applicant is desired on the grounds of substantial national interest of Hungary in the field of economics, culture, science or sports.

Section 15

force: as of 29. 11. 2013.

²⁴ Enacted by Section 30 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Section 25 of Government Decree 282/2011 (XII. 21.) Korm., paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm., Paragraph b) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

²⁵ Enacted by Section 30 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Section 25 of Government Decree 282/2011 (XII. 21.) Korm., Paragraph c) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

²⁶ Enacted by Section 30 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Section 25 of Government Decree 282/2011 (XII. 21.) Korm., Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

²⁷ Repealed: by Section 25 of Government Decree 96/2010 (III. 31.) Korm. No longer in force: as of 5. 04. 2010.

²⁸ Established: by Section 13 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

²⁹ Amended: by paragraph (3) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

(1)³⁰ The minister in charge of foreign policies, and the competent consulate officer in cases falling within his competence, may request the opinion of the Agency for Constitutional Protections and the Counter-Terrorism Center concerning applications for an intended stay of no more than ninety days within any one hundred eighty day period.

(2)³¹ The Agency for Constitutional Protections and the Counter-Terrorism Center shall provide the aforementioned opinion:³²

a)³³ within eight days in the case described under Section 14;

b)³⁴ within ten days in all other cases.

Sections 16³⁵

(1)³⁶ An appeal against a decision adopted for the refusal of an application for visa for a planned duration not exceeding ninety days within a one hundred eighty day period may be submitted to the competent consulate officer in writing within eight days. If the applicant is illiterate and appears before the consulate officer in person, the appeal lodged by such applicant shall be recorded by the consulate officer in a report, and the applicant shall initial each page of that report.

(2) The appeal shall be decided by the minister in charge of foreign policies within fifteen days.

(3)³⁷ If the visa application was refused pursuant to Subsection (1) of Section 9 of the RRTN, in the proceedings of the second instance the minister in charge of foreign policies shall contact the Directorate General to obtain the prior consent prescribed in Subsection (1) of Section 9 of the RRTN. The Directorate General shall notify the minister in charge of foreign policies on the granting or refusal of the prior consent within seven days following receipt of the request. If the Directorate General decided not to grant its prior consent in the proceedings of the second

³⁰ Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

³¹ Established: by paragraph (2) Section 546 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Shall apply to proceedings opened after the time of time of entry into force and to reopened proceedings.

³² Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³³ Established: by Section 14 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010. Amended: by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁴ Amended: by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁵ Established: by Section 31 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 5. 04. 2011.

³⁶ Established by Section 15 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

³⁷ Amended by paragraph (6) Section 5 of Government Decree 447/2013 (XI. 28.) Korm., Paragraphs e), f) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

instance, the issue of a visa for an intended stay of no more than ninety days within any one hundred eighty day period may not be authorized.

Section 17-19³⁸

Section 20³⁹

(1)⁴⁰ The decision for the annulment or revocation of a visa for a planned duration not exceeding ninety days within a one hundred eighty day period before entry to the territory of Hungary lies with the consulate officer who issued the visa.

(2)⁴¹ The decision for the annulment or revocation - in accordance with Part A of Annex V to Schengen Borders Code - of a visa for a planned duration not exceeding ninety days within a one hundred eighty day period lies with the Police.

(3)⁴² The decision for the annulment or revocation of the visa for an intended stay of no more than ninety days within any one hundred eighty day period held by a third-country national who resides in the territory of Hungary lies with the competent regional directorate of jurisdiction by reference to the place where the accommodation of the third-country national is located.

Section 20/A⁴³

(1)⁴⁴ If the decision for the annulment or revocation of a visa for a planned duration not exceeding ninety days within a one hundred eighty day period was adopted by a consular officer, an appeal against such decision may be submitted within three days to the competent consulate officer.

(2)⁴⁵ The appeal shall be adjudged by the minister in charge of foreign policies within eight days.

(3) If the decision rendered by the minister in charge of foreign policies is in favor of the

³⁸ Repealed: by Section 25 of Government Decree 96/2010 (III. 31.) Korm. No longer in force: as of 5. 04. 2010.

³⁹ Established: by Section 15 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

⁴⁰ Established by Section 20 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁴¹ Established by Section 12 of Government Decree 441/2016 (XII. 16.), effective as of 17 December 2016.

⁴² Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁴³ Enacted: by Section 32 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 5. 04. 2011.

⁴⁴ Established by Subsection (1) of Section 16 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁴⁵ Established by Subsection (1) of Section 16 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

appeal filed against the decision for the annulment or revocation of a visa, the consulate officer shall make out a new visa for the third-country national affected.

Section 20/B⁴⁶

(1)⁴⁷ Decisions adopted for the annulment or revocation - under Subsection (2) of Section 20 - of visas for an intended stay of no more than ninety days within any one hundred eighty day period may be submitted at the Police following delivery of the decision, in any event within not more than three days.

(2)⁴⁸ The appeal shall be decided by the Police department of second instance within eight days.

(3) If the decision rendered by the police department of the second instance is in favor of the appeal filed against the decision for the annulment or revocation of a visa under Subsection (2) of Section 20, the Police shall issue a new visa for the third-country national affected.

Section 20/C⁴⁹

(1)⁵⁰ If the decision for the annulment or revocation of a visa for an intended stay of no more than ninety days within any one hundred eighty day period was adopted by a regional directorate, an appeal against such decision may be submitted within three days to the competent regional directorate. The regional directorate shall forward the appeal to the Directorate General without delay.

(2)⁵¹ The appeal shall be adjudged by the Directorate General within eight days.

(3)⁵² If the decision rendered by the Directorate General is in favor of the appeal filed against the decision for the annulment or revocation of a visa, the regional directorate shall make out a new visa for the third-country national affected.

Section 21

(1)⁵³ The duties conferred upon the central visa authority by Regulation (EC) No. 767/2008 of

⁴⁶ Enacted: by Section 32 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 5. 04. 2011.

⁴⁷ Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁴⁸ Established by Subsection (2) of Section 16 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁴⁹ Enacted: by Section 32 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 5. 04. 2011.

⁵⁰ Amended by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm., Paragraph g) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵¹ Established by Subsection (3) of Section 16 of Government Decree 411/2017 (XII. 15.) Korm. Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵² Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵³ Established by Section 16 of Government Decree 96/2010 (III. 31.) Korm. Amended by

the European Parliament and of the Council (hereinafter referred to as “VIS Regulation”), by the Visa Code and the RRTN shall be discharged by the Directorate General.

(2)⁵⁴ If - according to Subsection (1) of Section 9 of the RRTN - the consent of the central visa authority is required for the issue of a visa for a planned duration not exceeding ninety days within a one hundred eighty day period, the competent consulate officer shall forward the application for such visa without delay upon receipt to the central visa authority. In the absence of the express consent of the central visa authority the visa may not be issued.

(2a)⁵⁵ If the central visa authority granted consent for the issue of the visa, however, before the visa is issued, any data, information or document is brought to the consulate officer’s attention that does not allow the visa to be issued, the consulate officer shall refuse the visa application pursuant to the Visa Code and shall notify the central visa authority of such decision.

(3)⁵⁶ The central visa authority shall inform the competent consulate officer of its decision to grant or refuse consent for the issue of a visa for an intended stay of no more than ninety days within any one hundred eighty day period:⁵⁷

a) within seven days upon receipt of the visa application if the consultation referred to in Subsection (2) of Section 9 of the RRTN is not required, or if the central visa authority decided to avoid the consultation procedure, or if consultation is carried out by the representing Member State according to the representation arrangements under Article 8 of the Visa Code;

b) immediately upon receipt of all replies or following the time limit prescribed for such replies in connection with the consultation referred to in Subsection (7) of Section 9 of the RRTN.

Section 22

(1)⁵⁸ The central visa authority may avoid the consultation procedure specified in Subsection (2) of Section 9 of the RRTN if it comes to the conclusion following receipt of an application for a visa for a planned duration not exceeding ninety days within a one hundred eighty day period that it has to be refused.

(2)⁵⁹ If according to the assessment of the central visa authority there are no grounds for the refusal of an application for a visa for an intended stay of no more than ninety days within any one hundred eighty day period, it shall contact following submission of the visa application the central authorities of the Schengen States requesting consultation, to declare their position in

Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁴ Established by Subsection (1) of Section 21 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁵⁵ Enacted by Subsection (2) of Section 21 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁵⁶ Established: by Section 17 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

⁵⁷ Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁵⁸ Established by Section 22 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁵⁹ Amended: by paragraph (7) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

connection with granting consent for the issue of the visa for an intended stay of no more than ninety days within any one hundred eighty day period.

(3)-(5)⁶⁰

Section 23⁶¹

Section 24

(1)⁶² The central visa authority, prior to granting the consent under Subsection (1) of Section 9 of the RRTN and before the reply made upon consultation as specified in Paragraph *b*) of Subsection (6) of Section 111 of the RRTN, shall request the opinion of the Agency for Constitutional Protections and the Counter-Terrorism Center.

(2)⁶³ The Agency for Constitutional Protections and the Counter-Terrorism Center shall comply with the request of the central visa authority and provide the aforesaid opinion within six days.

Section 25⁶⁴

(1)⁶⁵ The extension of visas for an intended stay of no more than ninety days within any one hundred eighty day period is conferred under the competence of the regional directorate of jurisdiction by reference to the place where the third-country national's accommodation is located.

(2)⁶⁶ The regional directorate shall adopt a decision concerning the renewal of visas for an intended stay of no more than ninety days within any one hundred eighty day period immediately.

(3)⁶⁷ If the regional directorate refused an application for the renewal of a visa for an intended

⁶⁰ Repealed: by Section 25 of Government Decree 96/2010 (III. 31.) Korm. No longer in force: as of 5. 04. 2010.

⁶¹ Repealed: by Section 25 of Government Decree 96/2010 (III. 31.) Korm. No longer in force: as of 5. 04. 2010.

⁶² Amended: by subparagraph l) paragraph (2) Section 182 of this Decree. In force: as of 21. 12. 2007. Amended: by subparagraph c) Section 24 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010. Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁶³ Amended: by subparagraph d) Section 24 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010. Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁶⁴ Established: by Section 18 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

⁶⁵ Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁶⁶ Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁶⁷ Enacted by Section 33 of Government Decree 290/2010 (XII. 21.) Korm. Amended by

stay of no more than ninety days within any one hundred eighty day period, an appeal against such decision may be submitted within three days to the competent regional directorate. The regional directorate shall forward the appeal to the Directorate General without delay.

(4)⁶⁸ The appeal shall be decided by the Directorate General within three days.

Section 26⁶⁹

Sections 27-28

Local Border Traffic Permit⁷⁰

Section 28/A⁷¹

(1) The administrative proceedings for the issue of a local border traffic permit under Regulation (EC) No. 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention as specified in the relevant international agreement (hereinafter referred to as “local border traffic permit”) shall fall within the competence of the consular officer of the consular post specified in the international agreement.

(2)⁷² The local border traffic permit shall be made out in the form specified in Point 2 of Schedule No. II.

Section 28/B⁷³

(1) Applications for local border traffic permit shall be submitted on a standard form prescribed in specific other legislation.

(2)⁷⁴ When lodging an application for a local border traffic permit the applicant shall present

paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm., Paragraph g) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁶⁸ Enacted by Section 33 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁶⁹ Repealed by Paragraph a) of Section 35 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁷⁰ Enacted: by Section 5 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 15. 12. 2007.

⁷¹ Enacted: by Section 5 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 15. 12. 2007.

⁷² Amended: by subparagraph e) Section 24 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

⁷³ Enacted: by Section 5 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 15. 12. 2007.

⁷⁴ Established: by Section 10 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1.

his/her valid travel document. The validity period of the travel document must not be less than one year from the date of submission of the application, plus thirty days.

(3) Applications for local border traffic permit must have enclosed:

- a) one facial photograph;
- b) a document in proof of lawful residence in a border area as defined in the relevant international agreement.

Section 28/C⁷⁵

(1) A local border traffic permit must be refused, or an existing local border traffic permit shall be withdrawn if the applicant or the holder of the local border traffic permit:

- a) fails to comply with the requirements for the issue of a local border traffic permit;
- b) has supplied false or untrue information in his/her application for a local border traffic permit;
- c) has made an attempt to mislead the competent authority as far as the purpose of entry and residence is concerned.

(2) A local border traffic permit may be withdrawn if the third-country national leaves the border area defined in the relevant international agreement without authorization.

(3)⁷⁶ The decision for the withdrawal of the local border traffic permit lies with the authority that has issued the local border traffic permit before entry to the territory of Hungary, or with the Police in the process of entry into or exit from the territory of Hungary, or if held by a third-country national who resides in Hungary, with the competent regional directorate of jurisdiction by reference to the place where the circumstance underlying the withdrawal has occurred.

(4) A local border traffic permit shall be considered cancelled if:

- a)⁷⁷ the local border traffic permit was withdrawn by definitive decision;
- b) the data and information it contains are no longer legible;
- c) it contains false or untrue information or has been forged;
- d) the holder has died.
- e)⁷⁸ the holder was granted Hungarian citizenship.
- f)⁷⁹ the holder was given the right of residence on other grounds.

(5)⁸⁰ An appeal against a decision adopted in connection with the issue of a local border traffic permit, or its withdrawal by the consulate officer who issued the visa, may be submitted to the competent consulate officer.

07. 2013.

⁷⁵ Enacted: by Section 5 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 15. 12. 2007.

⁷⁶ Established by Subsection (1) of Section 24 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁷⁷ Amended by Paragraph b) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

⁷⁸ Enacted: by paragraph (1) Section 34 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁷⁹ Enacted by Section 12 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

⁸⁰ Established by Subsection (2) of Section 24 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

(6)⁸¹ The consulate officer shall forward the appeal to the minister in charge of foreign policies without delay.

(7)⁸² The appeal shall be decided by the minister in charge of foreign policies.

(8)⁸³ If the decision for the withdrawal of the local border traffic permit was made by the Police, the appeal against such decision shall be submitted to the Police.

(9)⁸⁴ The appeal shall be decided by the Police department of the second instance.

(10)⁸⁵ If the decision for the withdrawal of the local border traffic permit was made by the regional directorate, the appeal against such decision shall be submitted to the competent regional directorate. The regional directorate shall forward the appeal to the Directorate General without delay.

(11)⁸⁶ The appeal shall be decided by the Directorate General.

Chapter III

Provisions Governing the Right of Residence for a Duration of More Than Ninety Days Within any One Hundred Eighty Day Period⁸⁷

General Rules

Section 29

(1)⁸⁸ The continued travel or the return trip of a third-country national shall be deemed ensured if the visa for a validity period of more than ninety days or a residence permit held by the person in question to enter the destination country or to return to his country of origin will remain valid beyond the expiration of his residence permit, and if having a valid travel ticket or sufficient financial means to purchase one, or a means of transport that is in the legitimate use of

⁸¹ Enacted: by paragraph (2) Section 34 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 5. 04. 2011.

⁸² Enacted: by paragraph (2) Section 34 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 5. 04. 2011.

⁸³ Enacted by Subsection (3) of Section 24 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁸⁴ Enacted by Subsection (3) of Section 24 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁸⁵ Enacted by Subsection (3) of Section 24 of Government Decree 113/2016 (V. 30.). Amended by Paragraph g) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁸⁶ Enacted by Subsection (3) of Section 24 of Government Decree 113/2016 (V. 30.). Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁸⁷ Amended: by paragraph (8) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁸⁸ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

the foreign national with adequate insurance coverage.

(2)⁸⁹ The purpose of entry and residence shall be considered justified if the applicant wishes to reside in the territory of Hungary for either of the reasons described in Sections 19-28 of the RRTN, and if able to produce documentary evidence to support his/her reasons.

(3)⁹⁰ The requirement of accommodation is considered satisfied if:

a) the third-country national is the owner of the residential property registered in the real estate register as a detached house or a residential suite, or if entitled to use such property under any title, and

b) the residential property has at least six square meters of living space per inhabitants.

(3a)⁹¹ If the requirement under Paragraph *b)* of Subsection (3) is not satisfied, the regional directorate may nevertheless approve the third-country national's living conditions under special and equitable circumstances.

(4) In proceedings for the issue of visas for a validity period of more than ninety days and for residence permits, the requirement of accommodation may be verified by the following documentary evidence:⁹²

a) abstract of title issued within thirty days to date, establishing the applicant's title to a residential real estate property in Hungary;

b) a residential lease contract in proof of the rental of a residence;

c) a valid letter of invitation with an official certificate affixed;

d) documentary evidence to verify the reservation of accommodation and payment;

*e)*⁹³ a notarized statement made by a family member with the right of residence in the territory of Hungary as holding a long-term visa or residence permit, with immigrant or permanent resident status, holding a residence card or a permanent residence card in accordance with specific other legislation, or with refugee status, promising a place of abode to the applicant; or

f) other reliable means.

(5)⁹⁴ A third-country national shall be construed to have sufficient resources to cover his/her subsistence for residence for a period of more than ninety days if his/her lawful income or assets or his/her family member's income or assets is sufficient to cover their living expenses, including accommodation, return travel, and if necessary, health care.

(6) In proceedings for the issue of visas for a validity period of more than ninety days and for residence permits, the requirement of subsistence may be verified by the following:⁹⁵

⁸⁹ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁹⁰ Established: by paragraph (1) Section 35 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁹¹ Enacted: by paragraph (2) Section 35 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁹² Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁹³ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁹⁴ Established: by paragraph (3) Section 35 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010. Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁹⁵ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In

a)⁹⁶ the national currency of Hungary, or the national currency of any other country that may be converted at a Hungarian credit institution;

b)⁹⁷ documentary evidence entitling the third-country national to withdraw cash at a Hungarian payment service provider (payment account agreement, deposit book, etc.) and a statement from the credit institution to certify the availability of funds;

c)⁹⁸ cash substitute payment instruments which are accepted in commercial circulation in Hungary (check, credit card, etc.) and a statement from the credit institution to certify the availability of funds;

d) a valid letter of invitation with an official certificate affixed;

e) documentary evidence to verify the reservation of accommodation and payment;

f) an authentic instrument or a private document with full probative force in proof of the applicant's financial assets (tangible or intangible) whereby to ensure subsistence in Hungary;

g)⁹⁹ a certificate of income from lawful gainful employment in which the applicant plans to engage in the territory of Hungary or is already engaged;

h) a certificate in proof of regular income received from abroad;

i)¹⁰⁰ a notarized statement made by a family member with the right of residence in the territory of Hungary as holding a long-term visa or residence permit, with immigrant or permanent resident status, holding a residence card or a permanent residence card in accordance with specific other legislation, or with refugee status, promising support to the applicant along with a document in proof of the family member's ability to provide such support; or

j) other reliable means.

(7) Verification of compliance with the conditions set out in Paragraph g) of Subsection (1) of Section 13 of the RRTN, if the third-country national in question is able to prove compliance with either of the following requirements for the entire duration of his/her stay in the territory of Hungary:¹⁰¹

a) in accordance with the Act on Social Security Benefits, the applicant:

aa) is insured; or

ab) has acquired access to Hungarian health insurance services by virtue of an agreement, or financing for services similar to what is provided to Hungarian residents is ensured under international convention or agreement; or

ac) is entitled to receive medical services only;

b) the applicant is entitled to health care services similar to those provided to persons under the

force: as of 29. 11. 2013.

⁹⁶ Amended: Section 45 of Government Decree 314/2009 (XII. 28.) Korm. In force: as of 31. 12. 2009.

⁹⁷ Amended: Section 45 of Government Decree 314/2009 (XII. 28.) Korm. In force: as of 31. 12. 2009.

⁹⁸ Amended: Section 45 of Government Decree 314/2009 (XII. 28.) Korm. In force: as of 31. 12. 2009.

⁹⁹ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹⁰⁰ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹⁰¹ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

scope of specific other legislation by virtue of a private accident and health insurance plan from an insurance company outside the compulsory social security system;

c) by virtue of international convention or agreement the applicant is entitled to health care services similar to those provided to Hungarian residents;

d) the applicant is able to cover his/her costs of health care services as verified by the documentary evidence on his/her subsistence.

(8)¹⁰² Subsection (4) of Section 13 of the RRTN shall be considered satisfied if the third-country national in question is able to verify parental consent by means of a statement executed in a private document representing conclusive evidence or an authentic instrument, with Hungarian or English translation.

(9)¹⁰³ The statement referred to in Subsection (8) shall contain:

a) the natural identification data provided for in Section 94 of the RRTN of the minor, the person or persons who has parental custody, and/or any possible escort;

b) the number of the minor's travel document;

c) the purpose, location and duration of the journey, the expected date of exit and/or return travel;

d) the declaration of intent by the person or persons who has parental custody giving explicit consent for the minor third-country national's residence in Hungary.

Section 30

(1)¹⁰⁴ Prior to the admission of third-country nationals into the territory of Hungary the Police shall check their compliance with the requirements set out in Section 13 of the RRTN.

(2)¹⁰⁵ Where a third-country national fails to comply with the requirements set out in Sections 13 of the RRTN he/she shall be treated as seeking entry for the purpose of residence in the territory of Hungary for an intended duration of no more than ninety days within any one hundred eighty day period, and shall be checked for compliance with the requirements on entry for the purpose of residence for an intended duration of no more than ninety days within any one hundred eighty day period.

Visas for a Validity Period of More Than Ninety Days¹⁰⁶

¹⁰² Enacted by Section 17 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁰³ Enacted by Section 17 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁰⁴ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008. Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹⁰⁵ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. Amended: by paragraph (7) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹⁰⁶ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

Section 31

The immigration proceedings for the issue of visas for a validity period of more than ninety days is conferred under the competence of:¹⁰⁷

a) the competent consulate officer;

b)¹⁰⁸ the Directorate General;

c) the regional directorate;

(for the purposes of this Chapter hereinafter referred to collectively as "visa authority").

Section 32¹⁰⁹

Applications for visas for a validity period of more than ninety days are adjudged:¹¹⁰

a) by the regional directorate in the case of visas for entitlement to collect a residence permit,

b)¹¹¹ by the Directorate General in the case of national visas;

c)¹¹²

Section 33

(1) Third-country nationals may apply for an entry visa for entitlement to collect the residence permit before admission to the country in the application for residence permit, without having to lodge a separate application.

(2) The decision concerning an application for a visa for entitlement to receive a residence permit lies with the regional directorate that issued the residence permit.

(3) If the decision of the regional directorate is in favor of the application for residence permit, it shall constitute approval for the issue of a visa for entitlement to collect the residence permit, of which the competent consulate officer shall be notified.

(4) The visa for entitlement to collect the residence permit shall be issued by the competent consulate officer based on the regional directorate's decision.

(5)¹¹³ If a third-country national who is not residing in Hungary submits an application for residence permit through the employer provided for in Subsection (4) of Section 86/J of the

¹⁰⁷ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹⁰⁸ Established by Subsection (3) of Section 13 of Government Decree 126/2019 (V. 30.) Korm., effective as of 1 July 2019.

¹⁰⁹ Established by Paragraph c) of Subsection (3) of Section 182 of this Decree, effective as of the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full. In force: as of 21. 12. 2007.

¹¹⁰ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹¹¹ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

¹¹² Repealed by Paragraph a) of Subsection (5) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

¹¹³ Enacted by Section 25 of Government Decree 113/2016 (V. 30.). Amended by Paragraph c) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

RRTN, the regional directorate shall notify the consulate officer if the application is approved. The visa for entitlement to collect the residence permit shall be issued by the competent consulate officer based on the regional directorate's decision, following identification and after the data provided for in Subsection (1a) of Section 53 of the RRTN are recorded.

Section 34

(1)¹¹⁴ With the exception set out in Subsection (2), applications for national visas may be submitted to any consulate officer of Hungary, or at any other place authorized to accept such applications located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin.

(2)¹¹⁵ Applications for national visas may also be submitted at consular posts situated in a country other than those specified in Subsection (1), or at any other place authorized to accept such applications located in a country where the applicant lawfully resides, provided that:¹¹⁶

a) Hungary does not have a consular post or another place authorized to accept such visa applications in the country specified in Subsection (1); or

b) the applicant is able to justify the reasons for submitting the application in a country other than where his/her permanent or temporary residence is located; or

c)¹¹⁷ the entry and stay of the applicant is desired on the grounds of substantial national interest of Hungary in the field of economics, culture, science or sports.

(3)¹¹⁸

Section 35

(1)¹¹⁹ Applications for national visas shall be submitted on a standard form prescribed in specific other legislation.

(2)¹²⁰ When lodging applications for national visas the applicant shall present his/her valid travel document. The validity period of the travel document - with the exception set out in Subsections (3) and (4) - must exceed the planned date of exit from the territory of the Schengen States by at least three months and must have at least one suitable page where the visa can be installed.

¹¹⁴ Amended by subparagraph b) paragraph (4) Section 182 of this Decree, Subsection (2) of Section 56 of Government Decree 113/2016 (V. 30.).

¹¹⁵ Amended by Subsection (2) of Section 56 of Government Decree 113/2016 (V. 30.).

¹¹⁶ Amended: by subparagraph b) paragraph (4) Section 182 of this Decree. In force: as of 21. 12. 2007.

¹¹⁷ Amended: by paragraph (3) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹¹⁸ Repealed: by subparagraph c) paragraph (5) Section 182 of this Decree. No longer in force: as of 21. 12. 2007.

¹¹⁹ Amended by subparagraph b) paragraph (4) Section 182 of this Decree, Subsection (2) of Section 56 of Government Decree 113/2016 (V. 30.).0.).

¹²⁰ Amended by subparagraphs a) and b) paragraph (4) Section 182 of this Decree, Subsection (2) of Section 56 of Government Decree 113/2016 (V. 30.).

(3)¹²¹

(4)¹²² The competent visa authority may grant an exception from the requirement set out in Subsection (2) concerning the validity period if the travel document - in exceptional cases - on humanitarian grounds, on grounds of national interest or because of international obligations, on condition that the validity period of the travel document exceeds the planned date of exit from the territory of the Schengen States.

(5)¹²³ Unless otherwise prescribed in this Decree, applications for national visas must have enclosed:¹²⁴

a) one facial photograph; and

b) documentary evidence verifying compliance with the requirements set out in Paragraphs c)-g) of Subsection (1) of Section 13 of the RRTN.

(6) Where it is necessary to clarify the relevant facts concerning the applicant's stay, the visa authority may request the applicant to produce documentary evidence in addition to those specified in Subsection (5).

Section 36¹²⁵

In connection with applications for visas for a validity period of more than ninety days the visa authority shall record in the applicant's passport - with the exception of diplomatic, service and other official passports - the fact of application and the date and place when and where submitted, the code of the visa requested, and the name of the authority receiving the application.

Section 37

(1)¹²⁶ The competent consulate officer shall forward national visa applications to the Directorate General upon receipt without delay.

(2)¹²⁷

Section 38¹²⁸

¹²¹ Repealed: by subparagraph d) paragraph (5) Section 182 of this Decree. No longer in force: as of 21. 12. 2007.

¹²² Amended: by subparagraph a) paragraph (4) Section 182 of this Decree. In force: as of 21. 12. 2007.

¹²³ Amended by Subsection (2) of Section 56 of Government Decree 113/2016 (V. 30.).

¹²⁴ Amended: by subparagraph b) paragraph (4) Section 182 of this Decree. In force: as of 21. 12. 2007.

¹²⁵ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹²⁶ Amended by subparagraph e) paragraph (5) Section 182 of this Decree, Paragraph c) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

¹²⁷ Repealed: by subparagraph f) paragraph (5) Section 182 of this Decree. No longer in force: as of 21. 12. 2007.

¹²⁸ Established by paragraph (3) Section 546 of Government Decree 182/2009 (IX. 10.) Korm. Amended by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm.,

The visa authority shall adopt a decision concerning national visas within fifteen days.

Section 39

(1)¹²⁹ The visa authorities shall request the opinion of the Agency for Constitutional Protections and the Counter-Terrorism Center concerning applications for national visas for reasons of public security and national security.

(2)¹³⁰ The Agency for Constitutional Protections and the Counter-Terrorism Center shall provide the aforementioned opinion within ten days.

*Section 40*¹³¹

*Section 41*¹³²

Visas for a validity period of more than ninety days shall be issued in the form and with the content specified in Point 1 of Schedule No. II to this Decree.

*Section 42*¹³³

The decision for the withdrawal of a visa for a validity period of more than ninety days lies with the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country national is located.

Section 43

A visa for a validity period of more than ninety days shall be considered cancelled if:¹³⁴

a)¹³⁵ the visa is no longer valid for entry into Hungary and residence in the territory of

Subsection (2) of Section 56 of Government Decree 113/2016 (V. 30.).

¹²⁹ Amended: by subparagraph e) paragraph (5) Section 182 of this Decree. In force: as of 21. 12. 2007. Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹³⁰ Established: by paragraph (4) Section 546 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Shall apply to proceedings opened after the time of time of entry into force and to reopened proceedings. Amended: by paragraphs (6) and (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹³¹ Repealed by Paragraph b) of Subsection (5) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

¹³² Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹³³ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹³⁴ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹³⁵ Amended: by paragraphs (1) and (4) Section 11 of Government Decree 276/2011 (XII. 20.)

Hungary in light of its validity period and/or the number of days and the number of entries authorized;

*b)*¹³⁶ the visa for a validity period of more than ninety days was withdrawn by definitive decision;

c) the third-country national was issued a new visa in a proceedings for the exchange or replacement of the visa;

d) the data and information it contains are no longer legible;

e) it contains false or untrue information or has been forged;

*f)*¹³⁷ the holder was given the right of residence on other grounds;

g) the holder has died;

*h)*¹³⁸ the holder was granted Hungarian citizenship.

Residence Permit

Section 44

The immigration proceedings for the issue and extension of residence permits is conferred under the competence of:

a) the minister in charge of foreign policies,

b) the regional directorate.

*Section 45*¹³⁹

(1) Applications of third-country nationals for the issue and extension of residence permits (hereinafter referred to collectively as “application for residence permit”) are decided by the regional directorate, with the exception set out in Section 46.

(2)¹⁴⁰

Section 46

Issuing residence permits to persons enjoying diplomatic immunity or some other privilege under international law, and their family members, visitors of members of international organizations and members of diplomatic and consular representations in Hungary, and to

Korm. In force: as of 1. 01. 2012.

¹³⁶ Amended by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm., Paragraph b) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

¹³⁷ Established by Section 13 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

¹³⁸ Enacted: by Section 36 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹³⁹ Established by Section 1 of Government Decree 382/2015 (XII. 8.) Korm., effective as of 9 December 2015.

¹⁴⁰ Repealed by Paragraph a) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

persons whose entry is desirable for political reasons, shall fall within the competence of the minister in charge of foreign policies as laid down in specific other legislation.

Section 47¹⁴¹

(1)¹⁴² With the exception set out in Subsection (2), applications for residence permits may be submitted at any consulate officer of Hungary, or any other agency authorized to accept such applications for residence permit in the country where the permanent or temporary residence of the applicant is located or in the country of the applicant's nationality.

(2) Applications for residence permits may be submitted at the consulate officers of Hungary, or any other agency authorized to accept such applications for residence permit in countries other than the ones referred to in Subsection (1), in which the applicant is lawfully residing, provided that:

a) in the country specified in Subsection (1) there is no consulate officer or any other agency authorized to accept such applications for residence permit; or

b) the applicant is able to provide documentary evidence to verify the reasons to submit his/her application in a country other than where his/her permanent or temporary residence is located; or

*c)*¹⁴³ the entry and stay of the applicant is desired on the grounds of substantial national interest of Hungary in the field of economics, culture, science or sports.

(2a)¹⁴⁴ Other entities authorized to accept applications for residence permit shall mean honorary consuls or commercial representation office, or independent contractors authorized to receive applications.

(3)¹⁴⁵ The competent consulate officer shall forward applications for residence permit, as well as mobility applications and notifications to the regional directorate of jurisdiction by reference to the future residence in Hungary of the third-country national affected without delay after the application or notification is submitted.

(4)¹⁴⁶ Third-country nationals residing in the territory of Hungary may lodge their applications for a residence permit at the regional directorate of jurisdiction by reference to their place of accommodation in accordance with Section 17/A of the RRTN.

(4a)¹⁴⁷

¹⁴¹ Established by Paragraph e) of Subsection (3) of Section 182 of this Decree, effective as of the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full. In force: as of 21. 12. 2007.

¹⁴² Established by Subsection (1) of Section 26 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁴³ Amended: by paragraph (3) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹⁴⁴ Enacted: by paragraph (1) Section 37 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹⁴⁵ Established by Section 18 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁴⁶ Established by Subsection (2) of Section 26 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁴⁷ Repealed by Paragraph b) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

(5)¹⁴⁸ With the exception set out in Section 46, third-country nationals shall submit applications for the extension of their residence permit to the regional directorate by reference to the place where the third-country national's accommodation is located.

(5a)¹⁴⁹

(5b)¹⁵⁰

(6) Applications for the extension of a residence permit and for the issue of a national residence permit shall be submitted on a standard form prescribed in specific other legislation within thirty days prior to the expiry of the residence permit or national residence permit underlying the application for a residence permit.

(7) When lodging the application for a residence permit the applicant shall present his/her valid travel document.

(8) Unless otherwise prescribed in this Decree, applications for a residence permit must have enclosed:

a) one facial photograph; and

*b)*¹⁵¹ documentary evidence verifying compliance with the requirements set out in Paragraphs *c)*-*g)* of Subsection (1) of Section 13 of the RRTN, and in Paragraphs *a)* and *d)* of Subsection (1) of Section 13 of the RRTN in the case of applications for EU Blue Cards;

*c)*¹⁵² the third-country national's statement undertaking the commitment of voluntary departure from the territory of the Member States of the European Union in accordance with Subsection (3) of Section 42 of the RRTN if the application is refused.

(9) Where it is necessary to clarify the relevant facts concerning the applicant's stay, the visa authority may request the applicant to produce documentary evidence in addition to those specified in Subsection (8).

(10)¹⁵³ If any of the circumstances that served as the basis for issuing a long-term visa or a previous residence permit issued in Hungary did not change by the time the application for the extension of a residence permit was submitted, documents to support such unaltered conditions need not be recurrently attached to the application.

*Section 47/A*¹⁵⁴

(1) Third-country nationals shall submit the application for residence permit for the purpose of job-searching or entrepreneurship at the regional directorate of jurisdiction by reference to the

¹⁴⁸ Established: by Section 11 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

¹⁴⁹ Repealed by Paragraph b) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁵⁰ Repealed by Paragraph b) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁵¹ Established: by Section 8 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

¹⁵² Enacted: by paragraph (3) Section 37 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹⁵³ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹⁵⁴ Enacted by Section 19 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

place of their accommodation using the standard form prescribed by specific other legislation for that purpose, fifteen days before the date of expiry of their residence permit for the purpose of research or studies.

(2) When lodging the application for a residence permit provided for in Section 22/C of the RRTN the applicant shall provide:

- a) one facial photograph;
- b) documentary evidence verifying compliance with the requirements set out in Paragraphs a), f), g) and h)-i) of Subsection (1) of Section 13 of the RRTN;
- c) reliable form of evidence of seeking employment or launching a business in Hungary; and
- d) the third-country national's statement undertaking the commitment of voluntary departure from the territory of the Member States of the European Union in accordance with Subsection (3) of Section 42 of the RRTN if the application is refused.

(3) The following, in particular, shall be construed as reliable form of evidence referred to in Paragraph c) of Subsection (2):

- a) certificate of registration by the competent government employment agency upon applying for services;
- b) document made out and duly signed by a business association registered in Hungary evidencing that the third-country national has signed up to commence employment within three months following the date of submission of the application;
- c) application for registration stamped by the court of registry of a company where the third-country national is shown as managing director or as member with authorization to represent the company.

(4) If the evidence of having obtained a higher education diploma, certificate or other evidence of formal qualifications or the confirmation by the research organization of the completion of the research activity are not available to the third-country national at the time the application is submitted, the immigration authority shall call upon the third-country national to produce such document within the prescribed time limit of at least twenty days.

Section 47/B¹⁵⁵

(1) Third-country nationals shall submit the application for student mobility residence permit at the regional directorate of jurisdiction by reference to their future place of accommodation, or to the consulate officer located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin, using the standard form prescribed by specific other legislation for that purpose, during the validity period of the residence permit issued by the first Member State for the purpose of studies.

(2) When lodging the application referred to in Subsection (1) the applicant shall present his/her valid travel document and his/her valid residence permit issued by the first Member State for the purpose of studies.

(3) Third-country nationals shall submit the application for long-term mobility residence permit for the purpose of research at the regional directorate of jurisdiction by reference to their future place of accommodation, or to the consulate officer located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin, using the standard form prescribed by specific other legislation for that purpose, during the

¹⁵⁵ Enacted by Section 19 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

validity period of the residence permit issued by the first Member State for the purpose of research.

(4) When lodging the application referred to in Subsection (3) the applicant shall present his/her valid travel document and his/her valid residence permit issued by the first Member State for the purpose of research.

Section 47/C¹⁵⁶

(1) Third-country nationals shall submit the notification for student mobility at the regional directorate of jurisdiction by reference to their future place of accommodation, or to the consulate officer located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin, using the standard form prescribed by specific other legislation for that purpose, during the validity period of the residence permit issued by the first Member State for the purpose of studies.

(2) When lodging the notification referred to in Subsection (1) the third-country national shall present his/her valid travel document and his/her valid residence permit issued by the first Member State for the purpose of studies.

(3) The regional directorate shall make out a student mobility certificate provided for in Annex IV to this Decree on the acceptance of the notification referred to in Subsection (1).

(4) Third-country nationals shall submit the notification for short-term mobility of researchers at the regional directorate of jurisdiction by reference to their future place of accommodation, or to the consulate officer located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin, using the standard form prescribed by specific other legislation for that purpose, during the validity period of the residence permit issued by the first Member State for the purpose of research.

(5) When lodging the notification referred to in Subsection (4) the third-country national shall present his/her valid travel document and his/her valid residence permit issued by the first Member State for the purpose of research.

(6) The regional directorate shall make out a short-term researcher mobility certificate provided for in Annex IV to this Decree on the acceptance of the notification referred to in Subsection (4).

Section 47/D¹⁵⁷

(1) In the case of researchers who are third-country nationals and who submitted a notification for short-term mobility of researchers, the family members of such third-country nationals with a residence permit issued by the first Member State on the basis of family relationship shall submit the notification for short-term mobility of researchers at the regional directorate of jurisdiction by reference to their future place of accommodation, or to the consulate officer located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin, using the standard form prescribed by specific other legislation for that purpose, during the validity period of the residence permit issued by the first Member State on

¹⁵⁶ Enacted by Section 19 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁵⁷ Enacted by Section 19 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

the basis of family relationship.

(2) When lodging the notification referred to in Subsection (1) the third-country family member shall present his/her valid residence permit issued by the first Member State.

(3) The regional directorate shall make out a short-term researcher mobility certificate provided for in Annex IV to this Decree on the acceptance of the notification referred to in Subsection (1).

(4) In the case of researchers who are third-country nationals and who has submitted an application for long-term mobility residence permit for the purpose of research, the family members of such third-country nationals with a residence permit issued by the first Member State on the basis of family relationship shall submit the application for long-term mobility residence permit for the purpose of research at the regional directorate of jurisdiction by reference to their future place of accommodation, or to the consulate officer located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin, using the standard form prescribed by specific other legislation for that purpose, during the validity period of the residence permit issued by the first Member State on the basis of family relationship.

(5) When lodging the application referred to in Subsection (4) the third-country family member shall present his/her valid residence permit issued by the first Member State.

Section 47/E¹⁵⁸

(1) The regional directorate shall notify the national contact point provided for in this Section concerning the objections it has lodged pursuant to Subsection (5) of Section 21/A and/or Subsection (3) or (6) of Section 22/A of the RRTN in writing, as well as the third-country national having submitted the notification.

(2)¹⁵⁹ With regard to the procedures provided for in Section 21/A, Sections 22/A-22/B, Section 41/A, Subsection (8c) of Section 45 and Sections 47/B-47/D of the RRTN, relating to the authorization and/or certification of the mobility of researchers and their family members, and the mobility of students within the European Union, the Directorate General shall function as the contact point for informing the competent authorities of the Member States concerned and for the purpose of cooperation in such cases.

(3) After the national contact point has been notified in accordance with Subsection (1) about the objections lodged against notifications for mobility, the national contact point shall forthwith notify the national contact point of the Member State which issued the residence permit in writing, by way of electronic means, and/or shall forward the notification received from the national contact point of the Member State having lodged such objection to the regional directorate which issued the residence permit.

Section 48

(1) Applications for residence permits shall contain a statement from the applicant

¹⁵⁸ Enacted by Section 19 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁵⁹ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

third-country national as to whether or not he/she suffers from a disease or disorder specified in a decree issued by the minister in charge of the healthcare system, or is suffering from a contagious or pathogenic condition, or if he/she receives compulsory and regular treatment for any disease that constitute a potential threat to public health, or for a contagious or pathogenic condition.

(2) If according to the third-country national's statement, the health condition specified in Subsection (1) exists, the regional directorate shall notify the government body in charge of the healthcare system competent according to the third-country national's Hungarian place of domicile.

(3) The government body referred to in Subsection (2) that is in charge of the healthcare system may compel the third-country national to attend the necessary medical examinations, or to present an official medical report issued by the competent authority of his/her country of origin bearing the contents specified in specific other legislation.

(4) If the government body referred to in Subsection (2) that is in charge of the healthcare system finds that the third-country national suffers from a disease that constitutes a potential threat to public health, and he/she is in violation of the rules of conduct, official resolutions and legal regulations concerned with medical treatment or therapy, the said government body shall notify the regional directorate without delay.

(5) If the regional directorate issues a new residence permit or an extension in spite of what is contained in Subsection (4), it shall notify the government body referred to in Subsection (2) that is in charge of the healthcare system so as to take the necessary disease control measures.

Section 49

(1)¹⁶⁰

(2) The following applications shall be evaluated immediately within not more than eight days:¹⁶¹

a) applications of minors and their accompanying legal guardians for a residence permit, if the substantiated purpose of travel is medical treatment for the minor;

b) applications for a residence permit of persons with custody of an unaccompanied minor who are arriving to escort the minor home;

*c)*¹⁶² applications for a residence permit, if the entry and stay of the applicant is desired on the grounds of substantial national interest of Hungary in the field of economics, culture, science or sports.

(3) The applications for a residence permit of third-country nationals shall be adjudged within fifteen days if the purpose of entry is:¹⁶³

¹⁶⁰ Repealed by Paragraph b) of Section 35 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁶¹ Amended: by Section 547 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Amended: by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹⁶² Amended: by paragraph (3) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹⁶³ Amended: by Section 547 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Amended: by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.)

- a) the pursuit of studies; or
 - b) research;
 - c)¹⁶⁴ seasonal employment, provided that the third-country national stayed in Hungary at least once over a period of five years before the time of submission of the application for the purpose of seasonal employment and did not commit any infringement of immigration and labor laws;
 - d)¹⁶⁵ job-searching or entrepreneurship.
- (4)¹⁶⁶ The following applications shall be adjudged within fifteen days:
- a) applications of third-country nationals for student mobility residence permit;
 - b) applications of third-country nationals for long-term mobility residence permit for the purpose of research;
 - c) applications of third-country family members for long-term mobility residence permit for the purpose of research.

Section 50¹⁶⁷

(1) The regional directorate shall request the opinion of the Alkotmányvédelmi Hivatal (*Agency for Constitutional Protections*), the Terrorelhárítási Központ (*Counter-Terrorism Center*) and the Police concerning applications for a residence permit for reasons of public security and national security.

(2) The Alkotmányvédelmi Hivatal, the Terrorelhárítási Központ and the Police shall provide the aforementioned opinion:

- a) within five days in the case described under Subsection (2) of Section 49;
- b) within eight days in the case described under Subsection (3) of Section 49;
- c) within fifteen days in all other cases.

Section 51

(1) The regional directorate shall determine the validity period of residence permits - within the limits defined in the RRTN - on the basis of the documents enclosed with the application, the verifiable purpose and the planned duration of residence, and based on all other information available regarding the circumstances of residence, taking also into consideration the applicant's personal and particular circumstances.

(2) The authorized duration of residence shall be determined - with the exceptions set out in Subsections (3) and (4) - so that the validity period of the third-country national's travel document shall have at least three months remaining at the time the authorized duration of residence expires.

Korm. In force: as of 24. 12. 2010.

¹⁶⁴ Enacted by Section 27 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

¹⁶⁵ Enacted by Subsection (1) of Section 20 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁶⁶ Enacted by Subsection (2) of Section 20 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁶⁷ Established by Section 28 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

(3)¹⁶⁸ Where the purpose of residence of a third-country national is the pursuit of studies or research, family reunification, or the pursuit of gainful employment in possession of an EU Blue Card, the validity period of his/her travel document shall cover only the authorized duration of residence.

(4) The regional directorate may grant an exception from the requirement set out in Subsection (2) concerning the validity period of the travel document - in exceptional cases - on humanitarian grounds, on grounds of national interest or because of international obligations, on condition that the validity period of the travel document exceeds the authorized duration of residence.

(5)¹⁶⁹ Where an application for residence permit is submitted during the validity period for a residence permit for reasons of altering the purpose of residence, the regional directorate may set the validity of the residence permit for a period shorter than the validity period of the previous residence permit. However, the validity period of the residence permit may not exceed the time limit specified by the RRTN with regard to the modified purpose of residence. The regional directorate shall invalidate the previous residence permit.

Section 52¹⁷⁰

If the application of a third-country national for a residence permit is approved, the residence permit shall be issued - with the exception set out in Section 72/I - in the form and with the content specified in Point 2 of Schedule No. II.

Section 53

A residence permit shall be considered cancelled if:

- a) the authorized duration of residence has expired;
- b)¹⁷¹ the residence permit was withdrawn by definitive decision;
- c) the third-country national was issued a new residence permit in a proceedings for the exchange or replacement of the residence permit, or for the extension of the residence permit;
- d) the data and information it contains are no longer legible;
- e) it contains false or untrue information, or has been forged;
- f)¹⁷² the holder was given the right of residence on other grounds;
- g) the holder has died.
- h)¹⁷³ the holder was granted Hungarian citizenship.

¹⁶⁸ Established: by Section 12 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

¹⁶⁹ Enacted: by Section 38 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹⁷⁰ Established: by Section 4 of Government Decree 446/2013 (XI. 28.) Korm. In force: as of 1. 01. 2014.

¹⁷¹ Amended by Paragraph b) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

¹⁷² Established by Section 14 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

¹⁷³ Enacted: by Section 40 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

Section 53/A¹⁷⁴

Third-country nationals shall return the invalid residence permit document to the authority which issued the document within eight days after the time of occurrence of the reason of invalidity.

Section 54

(1)¹⁷⁵ The regional directorate may issue a residence permit or a visa for a validity period of more than ninety days on the grounds specified in Subsection (2) of Section 18 of the RRTN to a third-country national for whom an alert has been issued in the SIS for the purposes of refusing entry and residence, or may renew the residence permit of such third-country national only upon consultation held before adopting a decision with the competent authority of the Schengen State that has issued the alert, through the SIRENE Office.

(2)¹⁷⁶ If any Schengen State issues an alert in the SIS for the purposes of refusing entry and residence for a third-country national with a residence permit, the regional directorate shall consult with the competent authority of the Schengen State that has issued the alert via the SIRENE Office.

(3) Following consultation as specified in Subsections (1) and (2) the regional directorate shall elaborate whether or not to adopt the decision referred to in Subsection (2) of Section 18 of the RRTN taking, in particular, into consideration the reasons for issuing the alert in the SIS for the purposes of refusing entry and residence, whether the third-country national affected represents any threat to public policy or public security in the Schengen State in question, and the duration of the alert.

(4) The regional directorate shall inform the competent authority of the Schengen State affected via the SIRENE Office.

(5)¹⁷⁷ When the visa for a validity period of more than ninety days or the residence permit is issued, the SIS alert shall be deleted.

Section 55¹⁷⁸

(1) An appeal against a decision adopted in connection with an application for a residence permit, or for the withdrawal of a residence permit may be lodged within eight days.

¹⁷⁴ Enacted by Section 21 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁷⁵ Established: by paragraph (1) Section 35 of Government Decree 15/2013 (I. 28.) Korm. In force: as of 9. 04. 2013. Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹⁷⁶ Amended: by Section 547 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009.

¹⁷⁷ Enacted: by paragraph (2) Section 35 of Government Decree 15/2013 (I. 28.) Korm. In force: as of 9. 04. 2013. Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹⁷⁸ Established: by Section 41 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

(2) In connection with applications for residence permits, and the withdrawal of the residence permit before the date of the third-country national's first entry, the third-country national affected may submit the appeal to the competent consulate officer as well. The consulate officer shall forward the appeal to the competent regional directorate without delay.

(3)¹⁷⁹ The appeal shall be decided by the Directorate General within twenty-one days.

Special Regulations Relating to Stays for a Period of More Than Ninety Days¹⁸⁰

Section 56

(1) Where the purpose of entry and residence is family reunification, the third-country nationals may verify compliance with the requirements set out in Paragraph *d*) of Subsection (1) of Section 13 of the RRTN with the following:

- a*) birth certificate,
- b*) marriage certificate,
- c*) adoption document, or
- d*) other reliable means.

(2)¹⁸¹ Any reference made in this Decree to a registrar certificate shall also mean a similar or equivalent document issued by a foreign authority. A marriage certificate submitted by a family member of a Hungarian citizen who is a third-country national may be recognized after being recorded in the Hungarian registry.

Section 57¹⁸²

(1)¹⁸³ The refugee authority shall be notified of any application filed by a family member of a person with refugee status or a beneficiary of subsidiary protection for a visa for entitlement to receive a residence permit or for a residence permit.

(2) Family relationship for the purpose of reunification with a person with refugee status or a beneficiary of a subsidiary protection may be verified by any reliable means, specifically by DNA analysis.

(3) A sample for DNA analysis shall be taken in the presence of an officer of the regional directorate, or the competent consulate officer.

(4)¹⁸⁴ If the third-country national verifies family relationship by means of a DNA analysis

¹⁷⁹ Established by Section 15 of Government Decree 409/2012 (XII. 28.) Korm. Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

¹⁸⁰ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

¹⁸¹ Established by Section 15 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

¹⁸² Established: by Section 42 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

¹⁸³ Amended: by Section 11 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

¹⁸⁴ Amended by Section 12 of Government Decree 350/2016 (XI. 18.).

performed abroad, the regional directorate shall contact the Nemzeti Szakértői és Kutató Központ (*National Institute for Science and Research*) requesting an expert assessment with a view to verifying the admissibility of such proof.

(5) All costs related to such DNA analysis shall be borne by the applicant.

(6)¹⁸⁵ The family members of third-country nationals with refugee status shall verify their compliance with the requirements set out in Paragraphs *e)-g)* of Subsection (1) of Section 13 of the RRTN if more than three months have lapsed between the time when refugee status was granted and the time when the request for family reunification was lodged.

(7) The concessions referred to in Subsection (6) shall not be available in connection with applications for residence permit submitted by the family members of third-country nationals who has been granted subsidiary protection status.

Section 58

Any third-country national who received his/her long-term visa or residence permit for reasons of family reunification shall be required to report to the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country nationals is located if his/her marriage is dissolved or in the event of the death of his/her spouse within thirty days following the spouse's death or the final court ruling for the dissolution of the marriage with the relevant documents attached.

*Section 59*¹⁸⁶

(1) If the purpose of entry and residence is to engage in gainful activity, the applicant shall supply the following proof for compliance with the requirements set out in Paragraph *d)* of Subsection (1) of Section 13 of the RRTN:

- a)* a private entrepreneurial license, or failing this a private entrepreneur register number;
- b)* a small-scale agricultural producer's license;
- c)* a business plan for the economic activities;
- d)* a personal service contract, contract for professional services or a use contract entered into as a private individual; or
- e)* other reliable means.

(2) The purpose of entry and residence specified in Paragraph *b)* of Subsection (1) of Section 20 of the RRTN shall be considered verified if:

- a)*¹⁸⁷ the business association, cooperative society or other legal entity established to engage in gainful operations (for the purposes of this Subsection hereinafter referred to collectively as "business association") actually employs at least three Hungarian citizens or persons with the right of free movement and residence in full time employment for at least six consecutive months, legitimately, without any interruption; or
- b)* the residence of the applicant third-country national in the territory of Hungary is essential

¹⁸⁵ Established by Section 29 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁸⁶ Established by Section 30 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁸⁷ Amended by Paragraph *d)* of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

for the business association, and the business plan enclosed with the application contains sufficient information to ascertain that the business association will prosper to ensure the applicant's subsistence.

(3) The contents of the business plan referred to in Paragraph *b*) of Subsection (2) must be verified by credible means, such as, in particular, by supplying a contract for professional services, a personal services contract, an agreement, or a supply or sales contract.

(4) If the purpose of entry and residence is to take up employment, the applicant shall supply the prior agreement concluded with a view to entering into a contract for employment relationship, or a document verifying the employment relationship in proof of compliance with the requirements set out in Paragraph *d*) of Subsection (1) of Section 13 of the RRTN.

(5) In the case under Paragraph *b*) of Subsection (2) of Section 20 of the RRTN, the regional directorate may request proof of compliance with the requirements set out in Subsections (2) and (3) hereof in addition to the document provided for in Subsection (4).

Section 59/A¹⁸⁸

If the purpose of entry and residence is to take up seasonal employment, the applicant shall supply the prior agreement concluded with a view to entering into a contract for employment relationship, or a document verifying the employment relationship in proof of compliance with the requirements set out in Paragraph *d*) of Subsection (1) of Section 13 of the RRTN.

Section 60

(1) If the purpose of entry and residence is the pursuit of studies, the applicant third-country national may verify compliance with the requirement set out in Paragraph *d*) of Subsection (1) of Section 13 of the RRTN by the following:

- a*) a certificate from the relevant educational institution;
- b*) a document to verify his/her student status; or
- c*) other reliable means.

(2)¹⁸⁹ A residence permit issued for the purpose of attending a preparatory course prior to education may be extended for the purpose of pursuing studies only if the third-country national in question is admitted into a State-recognized institution of higher education in Hungary or a foreign higher education institution authorized to operate in the territory of Hungary following the aforesaid preparatory course.

(3)¹⁹⁰ Third-country nationals may verify the linguistic knowledge referred to in Subsection (1) of Section 21 of the RRTN by way of the following means:

- a*) a language certificate in proof of language proficiency examination,
- b*) on official diploma in proof of studies in a foreign language, or
- c*) other reliable means.

¹⁸⁸ Enacted by Section 31 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

¹⁸⁹ Established by Section 32 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁹⁰ Enacted: by Section 44 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

(4)¹⁹¹ The third-country national's compliance with the obligation of payment of the fee specified in Paragraph *c*) of Subsection (1) of Section 21 of the RRTN shall be verified by means of a certificate issued by the host institution.

(5)¹⁹² The regional directorate shall issue the residence permit for the purpose of study in the form and with the content specified in Point 2 of Annex II. The regional directorate shall enter the following in the "Megjegyzések" ("*Comments*") section on the back of the residence permit: "Tanulmányokat folytat [oktatási intézmény rövidített neve]-nál/nél/Entitled to study at [short name of institution for education]

(6)¹⁹³ Where a residence permit for the purpose of studies is issued to a third-country national who is pursuing studies in Hungary under a Hungarian State scholarship program or under education assistance program funded by the minister in charge of education, the regional directorate shall make out the residence permit for the purpose of studies in the form and with the content specified in Point 2 of Annex II and shall enter the following in the "Megjegyzések" ("*Comments*") section on the back of the residence permit: "Tanulmányokat folytat [oktatási intézmény rövidített neve]-nál/nél [az ösztöndíjprogram rövidített neve] ösztöndíj keretében/Entitled to study at [short name of institution for education] part of [short name of scholarship]".

*Section 60/A*¹⁹⁴

(1) Third-country nationals shall enclose with the application for extension of the residence permit for the purpose of studies a document made out by the education establishment on his/her progress in the relevant studies.

(2) The document referred to in Subsection (1) shall specify the number of semesters the given course of higher education contains - under the relevant legislation and based on the basic academic and examination requirements -, the number of active semesters the foreign national has in that training course, indicating the specific semesters.

(3) The immigration authority shall be entitled to consult the body operating the higher education information system with a view to verifying the requirements set out in Paragraph *b*) of Subsection (2) of Section 18/A. The requested body shall provide information concerning the third-country national's progress in his/her studies.

Section 61

If the purpose of entry and residence is to carry out a research project, the applicant third-country national may verify compliance with the requirement set out in Paragraph *d*) of Subsection (1) of Section 13 of the RRTN by producing a hosting agreement concluded with the

¹⁹¹ Enacted by Subsection (1) of Section 22 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁹² Enacted by Subsection (1) of Section 22 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁹³ Enacted by Subsection (1) of Section 22 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

¹⁹⁴ Enacted by Subsection (2) of Section 22 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

relevant research organization.

Section 61/A¹⁹⁵

(1) Where the purpose of entry and residence is the pursuit of traineeship, the third-country nationals may verify compliance with the requirements set out in Paragraph *d*) of Subsection (1) of Section 13 and Subsection (1) of Section 22/D of the RRTN with the following:

- a*) a training agreement with an approved host entity defined by specific other act; and
- b*) a diploma of higher education or a document made out by a higher education institution evidencing active student relationship; and
- c*) a language certificate in proof of language proficiency examination or an official diploma, certificate in proof of studies in a foreign language, or by other reliable means.

(2) The training agreement provided for in Paragraph *a*) of Subsection (1) shall contain:

- a*) a description of the training program, including the educational objective or learning components;
- b*) the duration of the traineeship;
- c*) the placement and supervision conditions of the traineeship;
- d*) the traineeship hours;
- e*) the legal relationship between the trainee and the host entity; and
- f*) evidence that the host entity accepts responsibility for the third-country national throughout the stay in the territory of Hungary, in particular as regards subsistence and accommodation costs.

(3) The regional directorate shall issue the residence permit for the purpose of traineeship in the form and with the content specified in Point 2 of Annex II. The regional directorate shall enter the following in the “Megjegyzések” (“*Comments*”) section on the back of the residence permit document: “Gyakornok [munkáltató neve]-nál/nél/Entitled to training at [name of company]”.

Section 62

If the purpose of entry and residence is medical treatment, the applicant third-country national may verify compliance with the requirement set out in Paragraph *d*) of Subsection (1) of Section 13 of the RRTN by a certificate from the medical institution providing the treatment.

Section 63

If the purpose of entry and residence is to visit, compliance with the requirements set out in Paragraphs *d*)-*g*) of Subsection (1) of Section 13 of the RRTN may be verified by a letter of invitation with an official certificate affixed (hereinafter referred to as "letter of invitation").

Section 64

(1) A request for a letter of invitation may be presented by:

¹⁹⁵ Enacted by Section 23 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

- a) a Hungarian citizen;
- b)¹⁹⁶ a third-country national with immigrant or permanent resident status, or recognized by Hungary as a refugee and holding a long-term visa or a residence permit;
- c) a person with the right of free movement and residence granted under specific other legislation; and
- d)¹⁹⁷ a legal person or business association lacking the legal status of a legal person that is established or registered in Hungary.

(2)¹⁹⁸ A request for a letter of invitation shall be submitted in person, or by the authorized representative if the host is a legal person, on a standard form, a model of which is contained in specific other legislation, at the regional directorate of jurisdiction by reference to the requesting person's permanent or temporary residence or place of accommodation, or the registered office of a legal person.

(3)¹⁹⁹ The regional directorate shall evaluate requests for a letter of invitation within fifteen days, or within eight days if the entry and stay of the invited third-country national is desired on the grounds of substantial national interest of Hungary in the field of economics, culture, science or sports.

Section 65

The person requesting a letter of invitation must be able to verify his/her compliance with the conditions to satisfy the commitment specified under Paragraph *l*) of Section 2 of the RRTN.

Section 66

(1)²⁰⁰ If the regional directorate approves the request for a letter of invitation, it shall grant consent for invitation and issue a letter of invitation to the requesting person. The host shall sign each copy of the letter of invitation.

(2) A letter of invitation shall be issued in the form and with the content specified in specific other legislation.

(3) The validity period of a letter of invitation shall be specified in days, determined with regard to all prevailing circumstances. The maximum validity period of a letter of invitation is 365 days.

(4) The responsibility to send the letter of invitation to the invited third-country national lies

¹⁹⁶ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

¹⁹⁷ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. The change does not effect the English version.

¹⁹⁸ Established by Section 33 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

¹⁹⁹ Amended: by Section 547 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Amended: by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010. Amended: by paragraph (3) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

²⁰⁰ Established: by Section 45 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

with the host.

Section 67

- (1) A request for a letter of invitation shall be refused if the requesting person:
- a)* is unable to satisfy the conditions for performance of the commitment;
 - b)* failed to perform his commitments associated with a previous letter of invitation;
 - c)* has supplied false or untrue information in his/her request.
- (2)²⁰¹ The host shall be informed that a letter of invitation shall not in itself constitute authorization for the third-country national to enter Hungary.

*Section 68*²⁰²

The following shall not be required to obtain a letter of invitation: the Parliament, the President of the Republic, the Government, their Budapest and county government agencies, the State Audit Office, the Commissioner for Fundamental Rights, the Constitutional Court, the ministries, the Hungarian Academy of Science, central administration authorities, the courts and the public prosecutors' offices, the Budapest and county government agencies, and minority self-governments.

Section 69

If the purpose of entry and residence is to engage in voluntary service activities, compliance with the requirements set out in Paragraph *d)* of Subsection (1) of Section 13 of the RRTN may be verified by the voluntary service agreement concluded between the third-country national and the hosting organization.

*Section 69/A*²⁰³

Section 70

- (1) A residence permit may be granted on humanitarian grounds ex officio, and shall be extended by:
- a)*²⁰⁴ the competent regional directorate granting stateless status, under Paragraph *a)* of Subsection (1) of Section 29 of the RRTN;

²⁰¹ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

²⁰² Amended by point 13 paragraph (1) Section 17 of Government Decree 318/2008 (XII. 23.) Korm, subparagraph a) Section 47 of Government Decree 174/2012 (VII. 26.) Korm., Section 390 of Government Decree 221/2014 (IX. 4.) Korm.

²⁰³ Repealed by Paragraph c) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²⁰⁴ Established by Section 34 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

*b)*²⁰⁵ the refugee authority under Paragraphs *b)* and *c)* of Subsection (1) of Section 29 of the RRTN;

*c)*²⁰⁶ the regional directorate of jurisdiction by reference to the place of accommodation of the unaccompanied minor under Paragraph *d)* of Subsection (1) of Section 29 of the RRTN, at the request of the district (Budapest district) office of the Budapest and county government agency acting in child protection and social services supervisory capacity (hereinafter referred to as “social services”);

d) the regional directorate of jurisdiction by reference to the place of accommodation of the third-country national under Paragraph *e)* of Subsection (1) of Section 29 of the RRTN.

*e)*²⁰⁷ the regional directorate of jurisdiction by reference to the place of accommodation of the third-country national under Paragraph *f)* of Subsection (1) of Section 29 of the RRTN, at the request of the court.

*f)*²⁰⁸ the regional directorate of jurisdiction by reference to the place of accommodation of the third-country national under Subsection (1a) of Section 29 of the RRTN.

(2) A residence permit shall be issued to a third-country national requesting asylum, or requesting any subsidiary form of protection or temporary protection from the refugee authority within three days from the date when the request is submitted.

(3)²⁰⁹ The third-country nationals referred to in Paragraphs *a)-f)* of Subsection (1) of Section 29 and in Subsection (1a) of Section 29 of the RRTN are required to fill out the residence permit application form or residence permit extension form prescribed in Decree No. 25/2007 (V. 31.) IRM on the Implementation of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence and Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence, and submit it with a facial photograph attached.

Section 71

(1)²¹⁰ Residence permits granted to third-country nationals on humanitarian grounds shall be issued - with the exception set out in Subsection (2) hereof and in Section 72/I - in the form and with the content specified in Point 2 of Schedule No. II.

(2) Residence permits granted to the third-country nationals referred to in Paragraph *c)* of Subsection (1) of Section 29 of the RRTN on humanitarian grounds shall be issued in the form and with the content specified in Point 3 of Schedule No. III to this Decree.

²⁰⁵ Established by Section 34 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

²⁰⁶ Amended by subparagraph a) Section 30 of Government Decree 296/2012 (X. 17.) Korm., Paragraph a) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

²⁰⁷ Enacted: by paragraph (1) Section 10 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

²⁰⁸ Enacted: by paragraph (1) Section 14 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

²⁰⁹ Established: by paragraph (2) Section 14 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

²¹⁰ Established: by Section 6 of Government Decree 446/2013 (XI. 28.) Korm. In force: as of 1. 01. 2014.

Section 72

(1) The immigration authority shall conduct immigration proceedings relating to a minor child who is a third-country national to investigate as to whether the provisions laid down in the RRTN and in this Decree pertaining to unaccompanied minors apply to the child in question. The inquiry shall, in particular, aim to determine:

a) whether the third-country national in question is in fact a minor;

b) if there is an adult who can be held responsible for him/her whether by law or custom.

(2)²¹¹ Where the data and information available at the time of the opening of the proceedings suggest that the client is an unaccompanied minor, for the protection of the rights of the unaccompanied minor, the immigration authority shall request the guardian authority without delay at the time of the opening of the proceedings to have a caretaker officer appointed. Until the caretaker officer is appointed, the unaccompanied minor may be requested in the procedure for taking evidence with a view to ascertaining the relevant facts of the case to undergo medical examination, and - in a manner that takes into account the mental state and maturity of the unaccompanied minor concerned - to disclose his or her name, place and date of birth, mother's name, home address, natural identification data and contact information of the person exercising parental supervision.

(2a)²¹² Interviewing an unaccompanied minor as client shall be carried out in an appropriate atmosphere, in a child-friendly manner. An interview in the absence of a caretaker officer may be carried out with a view to clarifying the unaccompanied minor's name, place and date of birth, mother's name, home address, natural identification data and contact information of the person exercising parental supervision over him or her. Where this is justified taking into account the best interests of the unaccompanied minor, the immigration authority may impose measures in the absence of a caretaker officer to provide for the temporary placement of the child, with the proviso that the immigration authority shall inform the guardian authority thereof.

(2b)²¹³ Transport for the unaccompanied minor to the location of temporary placement shall be provided by the police.

(3)²¹⁴ With a view to provide support and care for the unaccompanied minor the immigration authority shall contact the competent social services and the consular post of the country of origin of the minor in question in Hungary.

Provisions on Issuing EU Blue Cards²¹⁵

²¹¹ Established by Subsection (1) of Section 16 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

²¹² Enacted by Subsection (2) of Section 16 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

²¹³ Enacted by Subsection (2) of Section 16 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

²¹⁴ Amended by Section 547 of Government Decree 182/2009 (IX. 10.) Korm., Paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm., Subparagraph b) Section 30 of Government Decree 296/2012 (X. 17.) Korm., Paragraph b) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

²¹⁵ Enacted: by Section 11 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

Section 72/A²¹⁶

(1)²¹⁷

(2) In proceedings for the issue or extension of EU Blue Cards compliance with the requirements set out in Paragraph *d*) of Subsection (1) of Section 13 of the RRTN may be verified by a prior agreement concluded with a view to entering into a contract for employment relationship for a fixed period of not more than four years, or an existing employment contract entered into by the employer and the third-country worker for the purpose of highly qualified employment.

(3) The higher education qualifications required for the job to which the prior agreement concluded with a view to entering into a contract for employment relationship or the employment contract - enclosed with an application for an EU Blue Card - pertains may be verified by a certificate in proof of higher education or professional qualifications.

(4) In the notification of the accommodation indicated in the application for an EU Blue Card, the third-country national shall attach the accommodation registration form, on the standard form prescribed by specific other legislation, signed by the lawful holder of the real estate property.

(5) In proceedings for the issue and extension of EU Blue Cards, subsistence shall be considered verified if the applicant third-country national's salary reaches or exceeds the monthly salary, before taxes and deductions, defined by specific other legislation.

(6)²¹⁸ In proceedings for the issue and extension of EU Blue Cards, subsistence shall not be considered verified if the applicant third-country national does not have sufficient resources for himself and his family members not to become a burden on the social assistance system of Hungary during their period of residence.

(7) A person shall be considered to lack sufficient resources if drawing the following benefits under Act III of 1993 on Social Administration and Social Welfare Benefits:

- a*) social welfare for the elderly under Subsection (1) of Section 32/B,
- b*) benefits provided to persons of active age under Section 33, or
- c*) attendance allowance under Section 43/B,

for any period of more than three months.

(8) Subsection (7) shall be ignored if Paragraphs *e*) and *f*) of Subsection (1b) of Section 18 of the RRTN apply.

(9) Paragraph *e*) of Subsection (1) of Section 20/A of the RRTN shall be considered satisfied, if the third-country national in question is able to verify compliance with Subsection (7) of Section 29.

Section 72/B²¹⁹

²¹⁶ Enacted: by Section 11 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

²¹⁷ Repealed: by Section 11 of Government Decree 446/2013 (XI. 28.) Korm. No longer in force: as of 1. 01. 2014.

²¹⁸ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

²¹⁹ Repealed by Paragraph *d*) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

Section 72/C²²⁰

(1) The application referred to in Section 20/B of the RRTN shall be submitted with the documents in support of the conditions defined therein enclosed, within thirty days from the date of entry at the latest.

(2) The immigration authority shall notify concerning its decision adopted on the merits of the application mentioned in Subsection (1) the designated authority of the Member State of the European Union, where the residence permit for highly qualified employment was issued.

Provisions Relating to Temporary Residence Permits²²¹

Section 72/D²²²

(1) Immigration proceedings for the issue of residence permits under the Arrangement for the operation of a Working Holiday Scheme (hereinafter referred to as “temporary residence permit”) is conferred under the competence of the regional directorate.

(2) A temporary residence permit shall be issued to a third-country national who satisfies the conditions referred to in the international agreement, and who is able to produce documentary evidence thereof, and who satisfies the requirements set out in Paragraphs *h*) and *i*) of Subsection (1) of Section 13 of the RRTN.

(3) Where the international agreement contains provisions as to accommodation and maintenance, and medical and healthcare insurance, the provisions of Subsections (4)-(7) of Section 29 shall apply.

(4) At the time of submission of the application for temporary residence permit, the validity period of the applicant’s travel document must not be less than one year from the date of submission of the application, plus thirty days.

Section 72/E²²³

(1) The regional directorate shall issue the temporary residence permit in the form and with the content specified in Point 2 of Schedule No. 2. The immigration authority shall enter the following remark in the heading ‘Remarks’ of the temporary residence permit: “az ideiglenesen munkát vállaló turisták programjáról szóló nemzetközi szerződés szerint kiadva/issued in accordance with the agreement on a Working Holiday Scheme”.

(2) The number of temporary residence permits issued per annum may not exceed the limit set out in the international agreement.

(3) Temporary residence permits are not renewable.

²²⁰ Enacted: by Section 1 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

²²¹ Enacted: by Section 1 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 1. 11. 2012.

²²² Enacted: by Section 1 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 1. 11. 2012.

²²³ Enacted: by Section 1 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 1. 11. 2012.

Section 72/F²²⁴

The issue of temporary residence permits shall be refused, or temporary residence permits already issued shall be withdrawn from third-country nationals:

a) who do not satisfy or who no longer satisfy the requirements set out in the international agreement;

b) who fail to satisfy either of the requirements set out in Paragraph *h)* or *i)* of Subsection (1) of Section 13 of the RRTN; or

c) to whom Paragraph *b)* or *c)* of Subsection (1) of Section 18 of the RRTN apply.

Section 72/G²²⁵

In addition to what is contained in Sections 72/D-72/F, the provisions of Sections 47 and 48, Subsection (1) of Section 49, Section 50 and Sections 53-55 shall also apply to the issue of temporary residence permits.

Provisions Relating to the Single Application Procedure²²⁶

Section 72/H²²⁷

(1) In single application procedures the provisions of Section 31, Paragraph *a)* of Section 32, Section 33, Section 36, Sections 41-48, Subsection (1) of Section 49 and Sections 50-55 shall apply to the submission and evaluation of applications.

(2)²²⁸ Except for the cases provided for in Subsection (3a), in single application procedures, in the interest of determining whether or not to support a third-country national taking up employment in Hungary, the Government shall appoint the government agency of jurisdiction by reference to the place of work to function as the competent authority in the first instance and the minister in charge of employment and labor in the second instance.

(3)²²⁹ By way of derogation from the provisions laid down in Subsection (2), if:

a) work is to be performed within the territory of more than one county, the government agency responsible for the place where such work commences,

b) the employer intends to employ the third-country national in various business establishments which are located in the territory of more than one counties, the government

²²⁴ Enacted: by Section 1 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 1. 11. 2012.

²²⁵ Enacted: by Section 1 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 1. 11. 2012.

²²⁶ Enacted: by Section 7 of Government Decree 446/2013 (XI. 28.) Korm. In force: as of 1. 01. 2014.

²²⁷ Enacted: by Section 7 of Government Decree 446/2013 (XI. 28.) Korm. In force: as of 1. 01. 2014.

²²⁸ Established by Subsection (1) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²²⁹ Established by Subsection (2) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

agency responsible for the place where the employer has its registered office shall have jurisdiction.

(3a)²³⁰ The government agency provided for in Subsections (2) and (3) shall not participate as a specialist authority in the single application procedure, if the third-country national:

a) performs work within the framework of post-doctorate related employment, or under the Bolyai János Research Scholarship as part of the tender or within the framework of the scholarship program;

b) is a natural person in the service of an ecclesiastical legal entity of a listed church (ecclesiastical personnel) within the framework of a special ecclesiastical service relationship, under contract of employment or other similar relationship;

c) is a researcher working within the framework of an international agreement between Hungary and another State, provided that this is verified by a certificate issued by the Magyar Tudományos Akadémia (*Hungarian Academy of Sciences*);

d) is a researcher carrying out research in Hungary under a hosting agreement concluded with a research organization accredited according to the Government Decree on the Accreditation of Research Organizations Hosting Researchers Who Are Third-country Nationals, and on Hosting Agreements;

e) is a professional athlete involved in sporting activities within the framework of employment;

f) is a professional trainer engaged in activities to prepare professional athletes for sporting activities;

g) is a close relative of military personnel of Member States which are parties to 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, stationed in the territory of Hungary and of the civilian staff described under Paragraph a) and b) of Point 1 of Article I of the NATO-SOFA Agreement;

h) is a family member of a sponsor provided for in Section 19 of the RRTN, if lawfully resides in the territory of Hungary for at least one year before the submission of an application for residence permit within the framework of a single application procedure, holding a valid residence permit issued for the purpose of family reunification, and employment of the sponsor is exempt from work permit requirement;

i) is a family member of a person who has been granted refugee or subsidiary protection status, or is the parent of an unaccompanied minor recognized as a refugee, or his/her guardian in the absence thereof, provided that he/she holds a valid residence permit issued for the purpose of family reunification before the time of submission of an application for residence permit within the framework of a single application procedure; or

j)²³¹ is from a third country neighboring Hungary and is residing in that neighboring third country, and is working in any of the professions provided for in a communication by the minister in charge of employment and labor, including employment by way of temporary agency work as well.

²³⁰ Enacted by Subsection (2) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²³¹ Established by Subsection (1) of Section 24 of Government Decree 411/2017 (XII. 15.) Korm. Amended by Paragraph a) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

(4)²³² If the employment of a third-country national in the territory of Hungary under contract for employment relationship is exempt from authorization requirement, or if employment of the third-country national is undertaken irrespective of current trends in the labor market, and in the case provided for in Paragraph *c*) of Subsection (3) of Section 49 the government agency shall give an official assessment to the regional directorate within ten days, except in the case specified in Subsection (4a).

(4a)²³³ If employment of a third-country national in the territory of Hungary under contract for employment relationship is provided by an employer specified in Subsection (10) hereof and provided for in Subsection (4) of Section 86/J of the RRTN (hereinafter referred to as “preferred employer”), the government agency shall give an official assessment to the regional directorate within eight days.

(4b)²³⁴ If the employment of a third-country national in the territory of Hungary is not subject to assessment by the specialist authority pursuant to Subsection (3a), the regional directorate shall notify the government agency responsible for the place where the work is performed about the issue of the combined authorization accompanied by the following information:

- a*) the employer’s name, tax number, statistical code, TEÁOR number of its principle activity;
- b*) the third-country national’s citizenship, sex, age, education;
- c*) the place of work;
- d*) job description (FEOR code);
- e*) residence permit validity period;
- f*) the reason underlying the exemption under Subsection (3a).

(4c)²³⁵ The provisions contained in Subsection (4) of Section 87/A shall not apply to the specialist authority proceedings of the bodies specified in Subsections (2) and (3) hereof.

(5) In the event of any information arising during the proceedings, of which the competent authority has become aware after the official assessment is delivered concerning the employment of the third-country national, based on which the official assessment is to be revoked, the specialist authority shall forthwith send a new assessment to the regional directorate.

(6) If the third-country national holds a permit provided for in Subsection (3) of Section 29/A of the RRTN and wishes to enter into a contract for employment relationship with a specific employer, the notification provided for in Subsection (9) of Section 29/A of the RRTN shall be made at the regional directorate of jurisdiction by reference to place of accommodation.

(7)²³⁶ If the third-country national holds a permit provided for in Paragraphs *a*)-*c*) of Subsection (3) of Section 29/A of the RRTN, or has a residence permit issued for undertaking a gainful activity or employment and employment is set to take place at an employer other than the previous one, or under different conditions, he/she shall submit an application for residence

²³² Established by Subsection (4) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

²³³ Enacted by Subsection (5) of Section 35 of Government Decree 113/2016 (V. 30.). Amended by Paragraph *e*) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

²³⁴ Enacted by Subsection (5) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²³⁵ Enacted by Subsection (2) of Section 24 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

²³⁶ Established by Subsection (6) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

permit at the time of making the notification provided for in Subsection (9) of Section 29/A of the RRTN to the regional directorate of jurisdiction by reference to the place of accommodation for the issuance of a single permit.

(8) If the third-country national holds a permit provided for in Paragraph *d*) of Subsection (3) of Section 29/A of the RRTN, the regional directorate of jurisdiction by reference to the place of accommodation shall open proceedings *ex officio* for the issuance of a single permit after the notification requirement provided for in Subsection (9) of Section 29/A of the RRTN is satisfied. In the interest of issuing the permit referred to in Paragraph *d*) of Subsection (3) of Section 29/A of the RRTN in the form of a single permit, the third-country national is required to fill out the form prescribed in Decree No. 25/2007 (V. 31.) IRM on the Implementation of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence and Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence, and shall submit said form with a facial photograph attached.

(9)²³⁷ In the proceedings referred to in Subsections (6)-(8) hereof the third-country national shall enclose the document provided for in Subsection (4) of Section 59. If any of the circumstances provided for in Paragraphs *a*)-*c*) and *e*)-*g*) of Subsection (1) of Section 13 of the RRTN that served as the basis for issuing a residence permit did not change during the proceedings referred to in Subsection (7) hereof, documents to support such unaltered conditions need not be recurrently attached to the application.

(10)²³⁸ ‘Preferred employer’ shall mean:

a) an employer having signed a strategic partnership agreement with the Government;

b)²³⁹ any employer that plans to employ in Hungary a third-country national from a country neighboring Hungary in any of the professions provided for in a communication by the minister in charge of employment and labor;

c) any employer who implements an investment project of preferential status for national economy considerations;

d)²⁴⁰ any host entity that plans to provide employment to an intra-corporate transferee in Hungary.

Section 72/I²⁴¹

(1) The regional directorate shall issue the residence permit under the single application procedure in the form and with the content specified in Point 2 of Schedule No. 2. The regional directorate shall enter the following in the “Megjegyzések” (“Comments”) section on the back of the residence permit issued under the single application procedure: “Munkavégzésre jogosult [munkáltató neve]-nál/nél/Entitled to work at [name of company]”.

(2)²⁴² The Directorate General shall provide on its website for the verification of data

²³⁷ Established by Subsection (7) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²³⁸ Enacted by Subsection (8) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²³⁹ Amended by Paragraph *a*) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

²⁴⁰ Enacted by Subsection (9) of Section 35 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

²⁴¹ Enacted: by Section 7 of Government Decree 446/2013 (XI. 28.) Korm. In force: as of 1. 01. 2014.

processed pursuant to Subsection (4) of Section 96 of the RRTN that served as the basis for issuing the single permit by way of electronic means without prejudice to personal data.

Provisions on the Issue of Residence Permits for the Purpose of Intra-corporate Transfer and on Mobility²⁴³

*Section 72/J*²⁴⁴

(1) In proceedings for the issue of a residence permit for the purpose of intra-corporate transfer compliance with the requirement under Paragraph *d*) of Subsection (1) of Section 13 of the RRTN may be verified by a contract of employment between the third-country national and the business party established in a third country, or a letter of authorization that contains the duration provided for in Paragraph *c*) of Subsection (1) of Section 20/E of the RRTN.

(2) In addition to the requirements set out in Subsections (7) and (8) of Section 47, the application for residence permit for the purpose of intra-corporate transfer shall be accompanied by:

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

b) evidence, in the case of executive employees and specialists, that the third-country national has the university degree or vocational training, or in the case of trainee employees, the university degree required;

c) a statement issued by a Hungarian host entity evidencing that the executive employee or specialist has the experience needed for the intra-corporate transfer; and

d) a statement made out by the business party established in a third country of the planned duration of the intra-corporate transfer to Member State of the European Union having regard to the requirement provided for in Paragraph *d*) of Subsection (1) of Section 20/E of the RRTN.

(3) In the notification of the accommodation indicated in the application for residence permit for the purpose of intra-corporate transfer, the third-country national shall enclose the accommodation registration form, on the standard form prescribed by specific other legislation, signed by the lawful holder of the real estate property.

(4) In proceedings for the issue of a residence permit for the purpose of intra-corporate transfer, subsistence shall not be considered verified if the applicant third-country national does not have sufficient resources for himself and his family members not to become a burden on the social assistance system of Hungary during their period of residence.

(5) A person shall be considered to lack sufficient resources if drawing the following benefits under Act III of 1993 on Social Administration and Social Welfare Benefits:

a) social aid for the elderly under Subsection (1) of Section 32/B,

b) benefits provided to persons of active age under Section 33, or

²⁴² Amended by Paragraph *d*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

²⁴³ Enacted by Section 36 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

²⁴⁴ Enacted by Section 36 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

c) attendance allowance under Section 43/B,
for any period of more than three months.

(6) Paragraph g) of Subsection (1) of Section 20/E of the RRTN shall be considered satisfied, if the third-country national in question is able to verify compliance with Subsection (7) of Section 29.

(7) In proceedings for the issue of a residence permit for the purpose of intra-corporate transfer, the third-country national shall forthwith notify the competent regional directorate of any changes in the documents enclosed with the application in so far as the combined authorization is issued.

Section 72/K²⁴⁵

(1) The application referred to in Section 20/F of the RRTN shall be submitted with the documents in support of the conditions defined therein enclosed:

- a) at least twenty days before the long-term mobility starts; or
- b) at least twenty days before the right of residence under Subsection (3) of Section 6 of the RRTN expires.

(2) The immigration authority shall notify concerning its decision adopted on the merits of the application mentioned in Subsection (1) the designated authority of the Member State of the European Union, where the residence permit for the purpose of intra-corporate transfer was issued.

Section 72/L²⁴⁶

In the case under Subsection (3) of Section 6 of the RRTN the host entity shall fulfill the notification requirement provided for in Subsection (9) of Section 71 of the RRTN at the regional directorate responsible for the place where the place of accommodation of the third-country national is located, of which the regional directorate shall - without delay after the notification - inform the district office responsible for the place where the work is performed with the following information enclosed:²⁴⁷

- a) the third-country national's age, education, citizenship, job description, including FEOR number, form of employment relationship;
- b) the planned duration of the intra-corporate transfer to Hungary;
- c) the host entity's name, registered address, place of business, tax number, statistical code.

Aid and Support Granted to Third-Country Nationals Who Are Victims of Trafficking in Human Beings²⁴⁸

²⁴⁵ Enacted by Section 36 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

²⁴⁶ Enacted by Section 36 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

²⁴⁷ Amended by Section 9 of Government Decree 171/2017 (VI. 29.) Korm.

²⁴⁸ Amended by Paragraph a) of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.).

Section 73²⁴⁹

The Directorate General shall provide aid and support for the subsistence of third-country nationals who are victims of trafficking in human beings, and to whom a residence permit has been granted (hereinafter referred to as “third-country nationals who are victims of trafficking in human beings”).

Section 74²⁵⁰

(1)²⁵¹

*a)*²⁵²

b) third-country nationals who are victims of trafficking in human beings shall be entitled to receive provisions under the scope of personal care, including financial assistance.

(2) Provisions under the scope of personal care are:

a) room and board in a community hostel or the like; and

b) healthcare services.

(3)²⁵³ After moving out of the community hostel or reception center, third-country nationals who are victims of trafficking in human beings may be granted - if in need - aid provided upon request on a monthly basis for a period of twelve months from the date when the first residence permit was issued in the same amount as work-substitute benefits.

Section 75

(1)²⁵⁴ The financial provisions and financial assistance defined in Section 74 shall be provided to a third-country national - or his/her spouse, domestic partner, brother, sister and next of kin living in the same household - who is a victim of trafficking in human beings and who does not have any assets available in Hungary constituting sufficient means of subsistence, or whose income, or the combined monthly income of his family as distributed equally among all family members living in the same household, including his spouse and next of kin, is not more than the mandatory minimum old age pension.

(2) For the purposes of this Decree assets and income shall have the meaning as defined in Paragraphs *a)* and *b)* of Subsection (1) of Section 4 of Act III of 1993 on Social Administration and Social Provisions.

²⁴⁹ Established by Section 15 of Government Decree 221/2013 (VI. 24.) Korm. Amended by Paragraph *b)* of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.), Paragraph *h)* of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

²⁵⁰ Established: by Section 16 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 09. 2013.

²⁵¹ Established by Section 1 of Government Decree 62/2016 (III. 31.) Korm., effective as of 1 April 2016.

²⁵² Repealed by Paragraph *a)* of Subsection (3) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

²⁵³ Amended by Paragraph *a)* of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

²⁵⁴ Established by Section 47 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Paragraph *a)* of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

Section 76²⁵⁵

(1)²⁵⁶ Third-country nationals who are victims of trafficking in human beings requesting any of the aid defined in Section 74 shall be required to fill out the form contained in Schedule No. VI to declare their financial and income situation and submit it enclosed with the written request for aid.

(2)²⁵⁷ Requests submitted by third-country nationals who are victims of trafficking in human beings for aid shall be evaluated by the regional directorate of jurisdiction by reference to their place of accommodation.

(3)²⁵⁸ The Directorate General shall deliver the aid once a month, by post, to the place of accommodation.

(4)²⁵⁹ If the third-country national who is a victim of trafficking in human beings:

a) has any assets available constituting sufficient means of subsistence,

b) has income of the amount specified in Section 75, or

c) moved from his/her place of accommodation while receiving the aid referred to in Subsection (3) of Section 74,

shall so inform the regional directorate of jurisdiction by reference to his/her place of accommodation within fifteen days from the date when the change in his/her assets, income or address took place.

(5)²⁶⁰ The regional directorate may ex officio proceed to verify the entitlement of the third-country national who is a victim of trafficking in human beings to receive aid. In providing the aid and support under this Chapter, the regional directorate may request the third-country national who is a victim of trafficking in human beings to make the statement referred to in Subsection (1) and to provide proof of his/her assets and income; the person in question is required to comply with such request within fifteen days.

(6)²⁶¹ If the third-country national who is a victim of trafficking in human beings fails to comply with the obligations defined in Subsections (4) and (5), and if unable to offer a plausible explanation, the regional directorate shall suspend further payment of the aid as due, pending compliance with the said obligations. If the period of suspension exceeds thirty days, the aid otherwise due for the period of suspension shall not be paid, and further payment of the aid shall be terminated.

(7)²⁶² Third-country nationals who are victims of trafficking in human beings benefiting from the support shall notify the regional directorate of jurisdiction by reference to their place of accommodation concerning their residence abroad for a period of over thirty days, or if obstructed in receiving the aid in any other way, before leaving the country or immediately after the occurrence of the hindrance. Upon receipt of notice, further payment of the aid shall be

²⁵⁵ Established: by Section 17 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 09. 2013.

²⁵⁶ Amended by Paragraph b) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

²⁵⁷ Amended by Paragraph b) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

²⁵⁸ Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

²⁵⁹ Amended by Paragraph a) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

²⁶⁰ Amended by Paragraphs a), c) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

²⁶¹ Amended by Paragraph a) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

²⁶² Amended by Paragraph a), d) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

suspended for the duration of absence, or until the hindrance is eliminated. If the admitted third-country national or third-country national who is a victim of trafficking in human beings fails to comply with the obligation of notification, and if fails to collect the aid before the due date of the next payment, the regional directorate shall terminate further payment of the aid.

Section 77

(1)²⁶³ Third-country nationals who are victims of trafficking in human beings may be placed in reception centers or other places of accommodation maintained under contract for third-country nationals who are victims of trafficking in human beings (for the purposes of this Subtitle hereinafter referred to collectively as “community hostel”).

(2)²⁶⁴ Third-country nationals who are victims of trafficking in human beings placed under compulsory confinement in a community hostel shall not be required to pay for the hostel’s services, if his/her income does not exceed the threshold amount specified in Subsection (1) of Section 75.

(3)²⁶⁵ Third-country nationals who are victims of trafficking in human beings shall be subject to the provisions laid down in Sections 130-133 during their tenancy in community hostels.

(4)²⁶⁶

(5)²⁶⁷ If the income of a third-country national who is a victim of trafficking in human beings is over the threshold amount specified in Subsection (1) of Section 75, he/she shall pay for the costs of the services received from the community hostel by the fifth day of each month, in the amount specified by the director of the community hostel.

Section 78²⁶⁸

Section 79

(1)²⁶⁹ Third-country nationals who are victims of trafficking in human beings, who are not covered by any social insurance system shall be eligible to receive the health care services defined in Section 138 free of charge.

²⁶³ Established by Section 37 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

²⁶⁴ Established by Section 18 of Government Decree 221/2013 (VI. 24.) Korm. Amended by Paragraph c) of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.).

²⁶⁵ Amended by Paragraph d) of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.).

²⁶⁶ Repealed: by subparagraph a) Section 28 of Government Decree 221/2013 (VI. 24.) Korm. No longer in force: as of 1. 09. 2013.

²⁶⁷ Amended by Paragraph e) of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.).

²⁶⁸ Repealed: by subparagraph b) Section 28 of Government Decree 221/2013 (VI. 24.) Korm. No longer in force: as of 1. 09. 2013.

²⁶⁹ Amended by Paragraph e) of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.).

(2)²⁷⁰ Basic medical care shall be provided to third-country nationals who are victims of trafficking in human beings residing in community hostels in the community hostel of tenancy.

(3)²⁷¹ Third-country nationals who are victims of trafficking in human beings residing in places other than community hostels shall be provided basic medical care by the general practitioner responsible for the region where their abode is located.

(4) Special medical care shall be available at the health care provider responsible for the region in question.

Sections 80-88²⁷²

Certificate of Temporary Residence

Section 89

(1) The issue of certificates of temporary residence is conferred under the competence of:

a) the competent regional directorate conducting the immigration proceedings under Paragraphs *a)*, *b)*, *h)* and *i)* of Subsection (1) of Section 30 of the RRTN;

b) in the case under Paragraph *c)* of Subsection (1) of Section 30 of the RRTN, the regional directorate of jurisdiction by reference to the place where the third-country national resides in Hungary, or failing this where his/her permanent or temporary residence is located;

c) in the case under Paragraph *d)* of Subsection (1) of Section 30 of the RRTN, the regional directorate of jurisdiction by reference to the place where the parent resides in Hungary or where his/her residence is located;

d) in the case under Paragraph *e)* of Subsection (1) of Section 30 of the RRTN, the regional directorate of jurisdiction by reference to the place where the third-country national who is a victim of trafficking in human beings resides in Hungary;

*e)*²⁷³ the Police in the case under Paragraph *f)* of Subsection (1) of Section 30 of the RRTN;

f) in the case under Paragraph *g)* of Subsection (1) of Section 30 of the RRTN, the regional directorate withholding or withdrawing the travel document;

*g)*²⁷⁴ the regional directorate of jurisdiction by reference to where the place of compulsory confinement is located, or the Police, in the case under Paragraph *j)* of Subsection (1) of Section 30 of the RRTN;

²⁷⁰ Amended by Paragraph *f)* of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.).

²⁷¹ Amended by Paragraph *f)* of Subsection (1) of Section 56 of Government Decree 113/2016 (V. 30.).

²⁷² Repealed: by subparagraph *c)* Section 28 of Government Decree 221/2013 (VI. 24.) Korm. No longer in force: as of 1. 09. 2013.

²⁷³ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

²⁷⁴ Established: by Section 12 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

h)²⁷⁵ the regional directorate of jurisdiction by reference to where the accommodation is located, in the case under Paragraph *k*) of Subsection (1) of Section 30 of the RRTN.

(2)²⁷⁶ The certificate of temporary residence shall be cancelled when the third-country national is granted a visa for entitlement to receive a residence permit, a residence permit or an interim permanent residence permit upon the conclusion of the proceedings on the basis of which the certificate of temporary residence was awarded.

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 90*²⁷⁷

By way of derogation from what is contained in Subsection (5) of Section 35 and in Subsection (4) of Section 47, the third-country nationals referred to in Subsection (1) of Section 31 of the RRTN shall supply the following documents enclosed with the application for a visa for entitlement to receive a residence permit or residence permit:

- a*) a facial photograph;
- b*) documentary evidence verifying compliance with the requirements set out in Paragraphs *c*)-*d*) of Subsection (1) of Section 13 of the RRTN; and
- c*) the extract specified in Subsection (6) of Section 5 of Act XXXIV of 2011 on the Registration of Foreign Armed Forces Stationed in the Territory of the Republic of Hungary on Official Business and International Military Command Posts, and Their Staff, Deployed in the Territory of the Republic of Hungary, and on Regulations Relating to Their Legal Status.

Chapter IV

Detailed Provisions on Establishing Residence

Notification of the Place of Domicile of Third-Country Nationals with Permanent Resident Status²⁷⁸

Section 91

²⁷⁵ Enacted: by Section 12 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

²⁷⁶ Amended: by Section 11 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

²⁷⁷ Established: by Section 1 of Government Decree 81/2013 (III. 19.) Korm. In force: as of 1. 05. 2013.

²⁷⁸ Amended by Section 77 of Government Decree 414/2015 (XII. 23.) Korm.

(1)²⁷⁹ Third-country nationals applying for an interim permanent residence permit, national permanent residence permit, or EC permanent residence permit shall register their first place of abode in Hungary - except as provided for in Subsection (1) or if they do not yet have a place of abode in Hungary - at the same time when filing the application for the aforesaid permanent resident permits.

(1a)²⁸⁰ A third-country national applying for a national permanent residence permit citing the interest of the national economy shall report his/her first place of abode in Hungary after the national permanent residence permit is granted to the competent district (Budapest district) office of Budapest and county government agency responsible for the place of abode in accordance with the Act on Records of the Personal Data and Addresses of Citizens.

(2)²⁸¹ The notification of place of domicile shall have attached proof of the third-country national's right or title to the residential property. The section of the application for permanent resident permit for registration of the place of domicile shall be signed by the applicant and by the owner of the residential property, or by the landlord where applicable.

(3) If the application for registration of the first place of domicile is rejected it shall be contained in the resolution of the competent regional directorate rejecting the application for permanent residence permit.

(4)²⁸² A third-country national with permanent resident status, when relocating from the address indicated in his/her application for permanent residence permit shall be required to notify the district office responsible for the new place of abode in accordance with the Act on Records of the Personal Data and Addresses of Citizens.

(4a)²⁸³ A third-country national who was granted permanent resident status in the interest of the national economy shall report any changes in his/her place of abode in Hungary to the district office responsible for the new place of abode in accordance with Act on Records of the Personal Data and Addresses of Citizens.

(5)²⁸⁴ Relocating from one place of domicile to another shall not cause the replacement of the permanent resident permit. The new address shall be contained, in consequence of the procedure under Subsection (4), in the personal identification number and official address card issued by the district office, which means that this official document shall be kept together with the resident permit, and shall be surrendered to the duly empowered authorities upon request.

(6)²⁸⁵

²⁷⁹ Established by Subsection (1) of Section 38 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²⁸⁰ Enacted by Subsection (2) of Section 38 of Government Decree 113/2016 (V. 30.). Amended by Paragraph b) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

²⁸¹ Amended: by Section 548 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009.

²⁸² Established by Subsection (3) of Section 38 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²⁸³ Enacted by Subsection (4) of Section 38 of Government Decree 113/2016 (V. 30.). Amended by Paragraph b) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

²⁸⁴ Amended: by subparagraph c) Section 47 of Government Decree 174/2012 (VII. 26.) Korm. In force: as of 1. 01. 2013.

²⁸⁵ Repealed: by Section 66 of Government Decree 417/2012 (XII. 29.) Korm. No longer in force: as of 1. 03. 2013.

Section 92²⁸⁶

Jurisdiction of Competent Authorities

Section 93

(1)²⁸⁷ Applications for interim permanent residence permits, national permanent residence permits and EC permanent residence permits shall be submitted on a standard form, a model of which is contained in specific other legislation, at the regional directorate of jurisdiction by reference to the applicant third-country national's future residence, unless otherwise provided for by law.

(1a)²⁸⁸ Applications for national permanent residence permits under special and equitable circumstances - where such circumstances are likely to constitute Hungary's national policy considerations - may be submitted, using the standard form specified by law with the reasons for special consideration indicated, at the consulate officer of Hungary in the country where the permanent or temporary residence of the applicant is located or in the country of the applicant's nationality.

(1b)²⁸⁹ Applications for national permanent residence permit may be submitted at the consulate officers of Hungary in countries other than the ones referred to in Subsection (1), in which the applicant is lawfully residing, provided that in the country specified in Subsection (1a) there is no consulate officer and the entry and stay of the applicant is in the interest of Hungary for national policy considerations.

(1c)²⁹⁰ The consulate officer shall forward applications received under Subsections (1a) and (1b) for national permanent residence permits, without delay upon the submission of such application, to the Budapesti és Pest Megyei Regionális Igazgatóság (*Budapest and Pest County Regional Directorate*) of nation-wide jurisdiction.

(1d)²⁹¹ Where an application for national permanent residence permit is submitted by a third-country national pursuant to Subsection (5) of Section 104, it may be submitted, using the standard form prescribed by specific other legislation, at the consulate officer of Hungary in the country where the home or habitual residence of the applicant is located or in the country of the applicant's nationality.

²⁸⁶ Repealed: by Section 66 of Government Decree 417/2012 (XII. 29.) Korm. No longer in force: as of 1. 03. 2013.

²⁸⁷ Established by Subsection (1) of Section 3 of Government Decree 382/2015 (XII. 8.) Korm., effective as of 9 December 2015.

²⁸⁸ Enacted: by Section 2 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 27. 06. 2012.

²⁸⁹ Enacted: by Section 2 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 27. 06. 2012.

²⁹⁰ Enacted: by Section 2 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 27. 06. 2012.

²⁹¹ Established by Section 25 of Government Decree 411/2017 (XII. 15.) Korm. Amended by Paragraph c) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm., Subsection (4) of Section 4 of Government Decree 176/2019 (VII. 18.) Korm.

(1e)²⁹²

(1f)²⁹³ The consulate officer shall forward applications received under Subsection (1d) for national permanent residence permits, without delay upon the submission of such application, to the Budapesti és Pest Megyei Regionális Igazgatóság of nation-wide jurisdiction.

(1g)²⁹⁴

(2) The regional directorate of jurisdiction by reference to the third-country national's residence shall have powers to withdraw the immigration permit, permanent residence permit, interim permanent residence permit, national permanent residence permit, or EC permanent residence permit of third-country nationals.

(3)²⁹⁵ The Budapesti és Pest Megyei Regionális Igazgatóság of nation-wide jurisdiction shall have authority to withdraw the national permanent residence permit granted to a third-country national in the interest of the national economy.

Mandatory Enclosures

Section 94

(1) When lodging an application for an interim permanent residence permit, national permanent residence permit, or EC permanent residence permit the applicant shall present his/her valid travel document and shall enclose with the application:

*a)*²⁹⁶ his/her birth certificate, and also the marriage certificate if the applicant is married, the definitive certificate of divorce if the marriage was terminated, furthermore, in the case of minors, documentary evidence from the competent authority of the country of origin stating that there is no legal impediment for the minor person in question who is a third-country national to seek permanent residency abroad;

*b)*²⁹⁷

c) documentary proof of the applicant's abode and subsistence in Hungary;

d) documentary evidence of insurance coverage.

(2)²⁹⁸ Enclosed with the application for a national permanent residence permit, the applicant shall - in addition to what is contained in Subsection (1) - supply a certificate of clean criminal record issued within six months to date by the competent authority of the country where the

²⁹² Repealed by Paragraph e) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

²⁹³ Established by Subsection (2) of Section 3 of Government Decree 382/2015 (XII. 8.) Korm., effective as of 9 December 2015.

²⁹⁴ Repealed by Paragraph a) of Section 27 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

²⁹⁵ Enacted by Subsection (3) of Section 39 of Government Decree 113/2016 (V. 30.). Amended by Paragraph d) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

²⁹⁶ Amended by Paragraph g) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

²⁹⁷ Repealed: by subparagraph a) Section 35 of Government Decree 81/2012 (IV. 18.) Korm. No longer in force: as of 20. 05. 2012.

²⁹⁸ Established by Section 40 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

applicant's permanent or temporary residence was located before his/her entry to Hungary. An applicant who is a minor under the age of fourteen years is not required to submit certificate of clean criminal record.

Section 95

(1) The following shall, in particular, be accepted as proof of subsistence in Hungary:

*a)*²⁹⁹ a statement from a Hungarian credit institution concerning the applicant's savings account;

b) an authentic instrument or a private document with full probative force in proof of the applicant's financial assets (tangible or intangible) whereby to ensure subsistence in Hungary;

c) a certificate on the applicant's taxable income from employment or other similar relationship performed on a regular basis under Hungarian law;

d) an authentic instrument or other proof for the applicant's income from other gainful activity performed in Hungary on a regular basis;

*e)*³⁰⁰ a certificate issued by a Hungarian credit institution as proof of regular income received from abroad;

*f)*³⁰¹ a notarized statement made by a family member with the right of residence in Hungary promising support to the applicant along with a document in proof of the family member's ability to provide such support.

(1a)³⁰²

(2) The examination of subsistence in Hungary shall cover, in particular, the following criteria:

a) number of family members of the household with any income or assets;

b) number of dependant persons living in the household;

c) as to whether the applicant is the owner of the real estate property in which they reside.

(3) The assets referred to in Paragraph *b)* of Subsection (1) may not comprise:

a) articles of everyday use and household equipment and accessories;

b) any property serving as the residence of the third-country national and his dependant family members;

c) the vehicle of handicapped persons; and

d) any assets which are required for the third-country national's gainful activity.

(4) The amount of monthly income shall be calculated as the monthly average of the sums:

a) in the case of regular income:

aa) taxed income received during the one-year period prior to the date of submission of the application if lawful residence exceeds one year, plus any income received during the three-month period prior to submission;

ab) in all other cases the income received during the three-month period prior to submission of

²⁹⁹ Amended: Section 45 of Government Decree 314/2009 (XII. 28.) Korm. In force: as of 31. 12. 2009.

³⁰⁰ Amended: Section 45 of Government Decree 314/2009 (XII. 28.) Korm. In force: as of 31. 12. 2009.

³⁰¹ Amended: by paragraph (5) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. The change does not effect the English version.

³⁰² Repealed by Paragraph f) of Subsection (4) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

the application;

b) income received during the twelve-month period prior to submission of the application in the case of non-regular income.

(5) The requirement of accommodation in Hungary may be verified by the following documentary evidence:

a) abstract of title issued within thirty days to date, establishing the applicant's title to a residential real estate property in Hungary;

b) a residential lease contract in proof of the rental of a residence;

*c)*³⁰³ a notarized statement made by a family member living in Hungary promising a place of abode to the applicant.

(6) No further proof of abode is required if the applicant has already supplied them with his application for the issue or extension of the residence permit, and the registered place of accommodation of the third-country national did not change.

*Section 95/A*³⁰⁴

*Section 96*³⁰⁵

An exemption from supplying the documents referred to in Paragraph *a)* of Subsection (1) of Section 94 and in Subsection (2) of Section 94 may be granted if they cannot be obtained for reasons beyond the third-country national's control, or if it would entail unreasonable difficulties. In such cases the applicant's statement shall be accepted as a substitute to these documents.

Proceedings of the Agency for Constitutional Protections and the Counter-Terrorism Center³⁰⁶

*Section 97*³⁰⁷

(1)³⁰⁸ In connection with applications of third-country nationals for interim permanent residence permits, national permanent residence permits and EC permanent residence permits, in

³⁰³ Amended: by paragraph (5) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

³⁰⁴ Repealed by Paragraph b) of Section 27 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

³⁰⁵ Established: by Section 4 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

³⁰⁶ Established: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁰⁷ Established: by paragraph (1) Section 54 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁰⁸ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

order to determine as to whether the residence of a third-country national is considered to constitute a threat to the national security of Hungary, the Government shall appoint the Agency for Constitutional Protections and the Counter-Terrorism Center to function as the competent authority in the first instance, and the minister in charge of supervising the national security services in the second instance.

(2) The competent regional directorate, in connection with the first issue of an interim permanent residence permit, shall forward the personal data of third-country nationals applying for national permanent residence permits or EC permanent residence permits from the central immigration register to the Agency for Constitutional Protections and the Counter-Terrorism Center. At the request of the Agency for Constitutional Protections and the Counter-Terrorism Center the competent regional directorate shall allow access to the documents enclosed with such applications, or shall make copies of them.

(3)³⁰⁹

(4) In the event of any information arising attributable to the special authority after the official assessment is delivered concerning the third-country national to whom it pertains, based on which the official assessment is to be revoked, the aforesaid special authority shall forthwith send a new assessment to the regional directorate.

(5)-(6)³¹⁰

Proceedings of the Police³¹¹

*Section 97/A*³¹²

(1)³¹³ In connection with applications of third-country nationals for interim permanent residence permits, national permanent residence permits and EC permanent residence permits, in order to determine as to whether the residence of a third-country national is considered to constitute a threat to the public security of Hungary, the Government shall appoint the relevant county police headquarters to function as the competent authority in the first instance, and the National Police Headquarters in the second instance.

(2) The competent regional directorate, in connection with the first issue of an interim permanent residence permit, shall forward the personal data of third-country nationals applying for national permanent residence permits or EC permanent residence permits from the central immigration register to the county police headquarters of jurisdiction by reference to the place of future residence. At the request of the competent county police headquarters the regional directorate shall allow access to the documents enclosed with such applications, or shall make

³⁰⁹ Repealed by Paragraph c) of Section 91 of Government Decree 441/2015 (XII. 28.) Korm., effective as of 1 January 2016.

³¹⁰ Repealed by Paragraph c) of Section 91 of Government Decree 441/2015 (XII. 28.) Korm., effective as of 1 January 2016.

³¹¹ Enacted: by paragraph (2) Section 54 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³¹² Enacted: by paragraph (2) Section 54 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³¹³ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

copies of them.

(3)³¹⁴

(4) In the event of any information arising attributable to the special authority after the official assessment is delivered concerning the third-country national to whom it pertains, based on which the official assessment is to be revoked, the aforesaid special authorities shall forthwith send a new assessment to the regional directorate.

(5)-(6)³¹⁵

Proceedings for the Notification of the Birth of Child of Third-Country Nationals with Immigrant or Permanent Resident Status in the Territory of Hungary³¹⁶

*Section 98*³¹⁷

The competent regional directorate shall issue an interim permanent residence permit or national permanent residence permit to the child of a third-country national with immigrant or permanent resident status born in the territory of Hungary immediately upon receipt of notice submitted on a form prescribed in specific other legislation, or maximum within five days.

Interim Permanent Residence Permit

Section 99

(1)³¹⁸ Third-country nationals may submit an application for an interim permanent residence permit on or before the last day of their lawful residence for an intended duration of no more than ninety days within any one hundred eighty day period, or thirty days before the expiry of their right of residence for a period of more than ninety days.

(2) Enclosed with the application for an interim permanent residence permit third-country nationals shall present their EC residence permit issued under Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (hereinafter referred to as "Council Directive 2003/109/EC").

³¹⁴ Repealed by Paragraph d) of Section 91 of Government Decree 441/2015 (XII. 28.) Korm., effective as of 1 January 2016.

³¹⁵ Repealed by Paragraph d) of Section 91 of Government Decree 441/2015 (XII. 28.) Korm., effective as of 1 January 2016.

³¹⁶ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

³¹⁷ Amended: by Section 547 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Amended: by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010. Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

³¹⁸ Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013. Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

(3)³¹⁹ To verify the purpose of residence referred to in Subsection (1) of Section 34 of the RRTN the following document shall be enclosed with the application for an interim permanent residence permit:

a) the document referred to in Subsections (1) and (4) of Section 59 if the purpose of residence is to engage in gainful activity or employment;

b) the document referred to in Subsection (1) of Section 60 if the purpose of residence is the pursuit of studies or vocational training;

c) the document evidencing the purpose of residence if other than what is described above;

d) if applying as a family member the document in proof of the family relationship specified in Subsection (2) of Section 34 of the RRTN.

(4) In connection with the extension of an interim permanent residence permit the applicant is required to supply only the documents referred to in Subsection (3) if providing a statement to the extent that his/her situation in terms of subsistence and abode did not change since the last application.

Section 100

(1) The period of validity of an interim permanent residence permit shall be determined in consideration of the planned duration of stay, as stated by the applicant, and the contents of the documents supplied in support of the purpose of residence.

(2)³²⁰ Following authorization, the competent regional directorate shall issue the residence document subject to the formal and content requirements specified in Point 2 of Schedule No. II to this Decree containing the interim permanent residence permit.

(3)³²¹ 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 enter in the heading 'Remarks' of the EC residence permit the Member State providing international protection and the date from which international protection is provided.

Section 101

An interim permanent residence permit shall be considered cancelled if:

a) the authorized period of residence has expired;

*b)*³²² the interim permanent residence permit was withdrawn by definitive and executable decision;

c) the third-country national was issued a new document in a proceedings for the exchange or replacement of the interim permanent residence permit or for the extension of his/her interim

³¹⁹ Established by Section 42 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

³²⁰ Established: by Section 55 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 20. 05. 2011.

³²¹ Enacted: by Section 5 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

³²² Established by Section 43 of Government Decree 113/2016 (V. 30.). Amended by Paragraph b) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

permanent residence permit's validity period;

d) the data and information it contains are no longer legible;

e) it contains false or untrue information or has been forged;

*f)*³²³ the holder was given the right of residence on other grounds, or the holder was granted Hungarian citizenship;

g) the holder has died.

*Section 102*³²⁴

(1)³²⁵ In accordance with Subsection (8) of Section 34 of the RRTN the competent regional directorate of the first instance shall notify via the Directorate General the Member State affected when the withdrawal becomes definitive.

(2)³²⁶ In accordance with Subsections (9) and (10) of Section 34 of the RRTN the competent regional directorate of the first instance shall forward the request via the Directorate General to the designated authority of the Member State affected.

National Permanent Residence Permit

Section 103

(1) The conditions specified in Paragraph *a)* of Subsection (1) of Section 35 of the RRTN shall be satisfied by any third-country national who has been residing in Hungary lawfully for three years - in light of Subsection (2) of Section 35 of the RRTN - without interruption up to the time at which they submit their application for a national permanent residence permit.

(2) If the period of lawful residence is disrupted, the required period of stay shall be calculated from the time when residence is re-established.

(3) In the application of Section 35 of the RRTN, 'lawful residence' shall mean any stay in Hungary by persons in possession of:³²⁷

*a)*³²⁸ a visa for a validity period of more than ninety days,

b) a residence permit,

c) an interim permanent residence permit,

d) a certificate of temporary residence issued under Paragraph *a)* of Subsection (1) of Section

³²³ Established by Section 17 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

³²⁴ Established: by Section 6 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

³²⁵ Amended by Paragraph *f)* of Section 34 of Government Decree 411/2017 (XII. 15.) Korm., Paragraph *h)* of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

³²⁶ Amended by Paragraph *h)* of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

³²⁷ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. The change does not effect the English version.

³²⁸ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

30 of the RRTN,

e) a residence card granted under specific other legislation,
f)³²⁹ if a document evidencing the right of residence of a family member who is a third-country national is issued in accordance with specific other act, a certificate verifying the right of residence for the duration of the procedure.

(4) Within the meaning of Paragraph *b*) of Subsection (1) of Section 35 of the RRTN, shared household means when the applicant third-country national lives under the same roof with another third-country national with immigrant status, permanent resident status or refugee status.

(5) Where lawful residence was discontinued, the person applying for a national permanent residence permit shall provide documentary evidence to verify that it was for a substantial reason, such as:

a) a certificate of medical treatment provided in a foreign institution;
b) a certificate to verify employment in a position that frequently involves foreign assignments, or a list of such assignments endorsed by the employer.

(6)³³⁰ For the purposes of Subsection (1a) of Section 35 of the RRTN, the regional directorate shall define the interest of Hungary manifesting, in particular, in viable economic, scientific, cultural and sport interests, as well as the advanced social integration of third-country nationals.

(7)³³¹ In determining whether granting national residence permit to a third-country national for the purpose of establishment is in accordance with the interest of Hungary, the regional directorate may submit a request to the ministry that has any information or document necessary for assessing the case, or to another central government agency. The body requested shall reply to the request within fifteen days.

Section 104

(1)³³²

(2)³³³ Following authorization, the competent regional directorate shall issue the residence document specified subject to the formal and content requirements specified in Point 2 of Schedule No. II to this Decree containing the national permanent residence permit.

(3)³³⁴ The validity period of the document referred to in Subsection (2) shall be five years, that may be extended - except as provided for in Subsection (5) - by an additional five years upon the third-country national's request submitted on the standard form prescribed by specific other legislation by the regional directorate responsible for the place where the third-country national's residence is located.

³²⁹ Enacted by Section 44 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

³³⁰ Established by Section 2 of Government Decree 134/2017 (VI. 9.) Korm., effective as of 10 June 2017.

³³¹ Enacted by Section 2 of Government Decree 134/2017 (VI. 9.) Korm., effective as of 10 June 2017.

³³² Repealed by Paragraph *e*) of Section 91 of Government Decree 441/2015 (XII. 28.) Korm., effective as of 1 January 2016.

³³³ Established: by Section 56 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 20. 05. 2011.

³³⁴ Established by Subsection (1) of Section 45 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

(4)³³⁵ When the document containing the permanent residence permit expires, or if the document has to be replaced, or if the person with immigrant status was issued a new travel document, upon the third-country national's request submitted on the standard form prescribed by specific other legislation the regional directorate responsible for the place where the third-country national's residence is located shall issue the document specified in Subsection (2), except as provided for in Subsection (5).

(5)³³⁶ If the national permanent residence permit is granted in the interest of the national economy, the Budapesti és Pest Megyei Regionális Igazgatóság (*Budapest and Pest County Regional Directorate*) of nation-wide jurisdiction shall have authority to carry out the proceedings under Subsections (3) and (4).

Section 105

(1) The following shall be treated as significant changes in the circumstances underlying the authorization of residence under Paragraph *a*) of Subsection (1) of Section 37 of the RRTN, notably, when the third-country national with permanent resident status:

a) is no longer able to support him/herself and his/her dependent family members, nor is able to provide a place of abode;

b) is receiving social welfare benefits and support in spite of having full capacity to work;

c) is no longer provided support or a place of abode by the family member who has previously agreed to provide them.

(2) Any third-country national who received his/her permanent residence permit or national permanent residence permit on the grounds of family relations shall be required to report to the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country national is located if his/her marriage is dissolved or in the event of the death of his/her spouse within sixty days following the spouse's death or the final court ruling for the dissolution of the marriage with the relevant documents attached.

(3)³³⁷ Third-country nationals with immigrant or permanent resident status shall be required to notify the regional directorate responsible for the place where their permanent or temporary residence is located if they wish to leave the territory of Hungary and resettle in another country, and shall at the same time surrender their document evidencing right of residence.

(4)³³⁸ Third-country nationals with an immigration permit, permanent residence permit or national permanent residence permit shall be required to notify in writing the regional directorate of jurisdiction by reference to the place where their permanent or temporary residence is located concerning their intention to exit the territory of Hungary for a period of more than six months, with the reasons and the planned duration of foreign residence indicated. If the third-country national leaves the territory of Hungary for a period not exceeding two years for reasons other

³³⁵ Established by Subsection (2) of Section 45 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

³³⁶ Enacted by Subsection (3) of Section 45 of Government Decree 113/2016 (V. 30.). Amended by Paragraph e) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

³³⁷ Established by Subsection (1) of Section 46 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

³³⁸ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

than resettlement, the competent regional directorate may not withdraw - pursuant to Paragraph *c*) of Subsection (1) of Section 37 of the RRTN - the immigration permit, permanent residence permit, or national permanent residence permit of this person who is inside the planned duration of foreign residence indicated in the notice, provided that the third-country national in question resided in Hungary for at least one hundred and eighty days within a period of one year before the notice was filed.

(5)³³⁹ The third-country national to whom a national permanent residence permit was granted in the interest of the national economy shall make the report provided for in Subsection (2) hereof to the Budapesti és Pest Megyei Regionális Igazgatóság (*Budapest and Pest County Regional Directorate*) of nation-wide jurisdiction.

Section 106

An immigration permit, permanent residence permit and national permanent residence permits shall be considered cancelled if:

- a*) its validity period has expired;
- b*)³⁴⁰ the immigration permit, permanent residence permit or national permanent residence permit was withdrawn by definitive and executable decision;
- c*) the third-country national was issued a new document in a proceedings for the exchange or replacement of the document or for the extension of the document's validity period;
- d*) the data and information it contains are no longer legible;
- e*) it contains false or untrue information or has been forged;
- f*)³⁴¹ the holder was given the right of residence on other grounds, or the holder was granted Hungarian citizenship;
- g*) the holder has died.

Proceedings of the Minister in Charge for Hungarian Communities Abroad³⁴²

*Section 106/A*³⁴³

(1) In proceedings for the issue of national permanent residence permits to third-country nationals specified in Subsection (1) of Section 36 of the RRTN under special and equitable circumstances - where such circumstances are likely to constitute Hungary's national policy considerations - to determine as to whether such national policy considerations apply with respect to the residence of the third-country nationals in question, the government delegates the

³³⁹ Enacted by Subsection (2) of Section 46 of Government Decree 113/2016 (V. 30.). Amended by Paragraph *f*) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

³⁴⁰ Established by Section 47 of Government Decree 113/2016 (V. 30.). Amended by Paragraph *b*) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

³⁴¹ Established by Section 18 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

³⁴² Enacted: by Section 3 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 27. 06. 2012.

³⁴³ Enacted: by Section 3 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 27. 06. 2012.

minister in charge for Hungarian communities abroad to function as the specialist authority.

(2) The competent regional directorate, if the specialist authority's participation under Subsection (1) is required, shall forward the personal data of third-country nationals applying for national permanent residence permits from the central immigration register to the minister in charge for Hungarian communities abroad. The competent regional directorate shall allow access for the minister in charge for Hungarian communities abroad to the documents enclosed with such applications, or shall make copies of them.

(3) The minister in charge for Hungarian communities abroad shall make available the assessment decision to the regional directorate within five days from the time of disclosure of data under Subsection (2).

EC Permanent Residence Permit

Section 107

(1) The conditions specified in Subsection (1) of Section 38 of the RRTN shall be satisfied by any third-country national who have been residing in Hungary lawfully for five years - in light of Subsection (6) of Section 38 of the RRTN -without interruption up to the time at which they submit their application for EC permanent residence permit.

(2) If the period of lawful residence is disrupted, the required period of stay shall be calculated from the time when residence is re-established.

(3) In the application of Section 38 of the RRTN, 'lawful residence' shall mean any stay in the territory of Hungary in possession of:³⁴⁴

- a)*³⁴⁵ a visa for a validity period of more than ninety days,
- b)* a residence permit,
- c)* an interim permanent residence permit,
- d)* an immigration permit, permanent residence permit or national permanent residence permit,
- e)* a certificate of temporary residence issued under Paragraph *a)* of Subsection (1) of Section 30 of the RRTN,
- f)*³⁴⁶ a residence card or permanent residence card granted under specific other legislation,
- g)*³⁴⁷ a document in proof of refugee status or subsidiary protection,
- h)*³⁴⁸ a document issued for the period of evaluation of the asylum application before the granting of refugee status or subsidiary protection,

³⁴⁴ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

³⁴⁵ Amended: by paragraph (9) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

³⁴⁶ Established: by Section 57 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁴⁷ Enacted: by Section 7 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

³⁴⁸ Enacted: by Section 7 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

i)³⁴⁹ if a document evidencing the right of residence of a family member who is a third-country national is issued in accordance with specific other act, a certificate verifying the right of residence for the duration of the procedure.

Section 108

(1)³⁵⁰

(2)³⁵¹ Following authorization, the competent regional directorate shall issue the residence document specified subject to the formal and content requirements specified in Point 2 of Schedule No. II containing the EC permanent residence permit. Where a third-country national has been granted refugee status or subsidiary protection by a Member State of the European Union, the immigration authority shall enter in the heading 'Remarks' of the EC residence permit the Member State providing international protection and the date from which international protection is provided.

(3) The validity period of the document referred to in Subsection (2) shall be five years, that may be extended upon the third-country national's request submitted on the standard form, a model of which is contained in specific other legislation by the regional directorate of jurisdiction by reference to the place where the third-country national's residence is located with an additional five years.

Section 109³⁵²

If the competent authority of any Member State of the European Union sends notice of having issued an EC residence permit certifying long-term residence status under Council Directive 2003/109/EC to a third-country national holding an EC permanent residence permit in Hungary, the competent regional directorate shall notify the competent authority of the Member State in question of having withdrawn the EC permanent residence permit of the third-country national affected when the withdrawal becomes definitive.

Section 110

An EC permanent residence permit shall be considered cancelled if:

- a) its validity period has expired;
- b)³⁵³ the EC permanent residence permit was withdrawn by definitive and executable decision;
- c) the holder third-country national was issued a new document in a proceedings for the exchange or replacement of the document or for the extension of the document's validity period;

³⁴⁹ Enacted by Section 48 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

³⁵⁰ Repealed by Paragraph f) of Section 91 of Government Decree 441/2015 (XII. 28.) Korm., effective as of 1 January 2016.

³⁵¹ Established: by Section 8 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

³⁵² Amended by paragraph (5) Section 11 of Government Decree 276/2011 (XII. 20.) Korm., Paragraph f) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

³⁵³ Established by Section 49 of Government Decree 113/2016 (V. 30.). Amended by Paragraph b) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

- d) the data and information it contains are no longer legible;
- e) it contains false or untrue information or has been forged;
- f)³⁵⁴ the holder was given the right of residence on other grounds, or the holder was granted Hungarian citizenship;
- g) the holder has died.

Notice of Withdrawal of Immigrant Status or Permanent Resident Status

*Section 111*³⁵⁵

(1) The competent regional directorate shall send an official copy of the definitive and executable resolution for the withdrawal of an immigration permit, permanent residence permit, interim permanent residence permit, national permanent residence permit, or EC permanent residence permit to the Budapest Főváros Kormányhivatal (*Government Agency of the City of Budapest*) (hereinafter referred to as “designated government agency”) within eight days, and shall confiscate the personal identification document, and the official certificate for personal identification number and official address card of the third-country national affected.

(2) The personal identification document confiscated under Subsection (1) shall be sent to the district office of jurisdiction by reference to the home address, and the official certificate for personal identification number and official address card shall be sent to the designated government agency.

Chapter V

Regulations Pertaining to Third-Country Nationals

Refusal of Entry and Assisted Return

Section 112

(1) The time limits specified in Subsection (1) of Section 41 of the RRTN shall be calculated from the date of refusal of entry.

(2)³⁵⁶ If the Police confines a third-country national under Paragraph *b*) of Subsection (1) of Section 41 of the RRTN to a designated area of the frontier zone or the airport, the place set up in the airport transit zone or in the frontier zone shall be suitable to provide the provisions specified in Section 132.

³⁵⁴ Established by Section 19 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

³⁵⁵ Established by Subsection (1) of Section 4 of Government Decree 176/2019 (VII. 18.) Korm., effective as of 17 August 2019.

³⁵⁶ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

(3)³⁵⁷ Where Subsection (2) of Section 41 of the RRTN applies, the Police shall admit the third-country national affected in accordance with Article 6 (5) *c*) of the Schengen Borders Code and transport him/her to the competent regional directorate for the place of entry, and the regional directorate shall forthwith conduct the immigration proceedings to examine as to whether expulsion applies.

Voluntary Departure from the Territory of the Member States of the European Union³⁵⁸

*Section 113*³⁵⁹

(1) Third-country nationals shall verify their right of residence inside the time limit for voluntary departure by the following:

- a*) resolution on the refusal of application for residence permit;
- b*) resolution on the withdrawal of the document evidencing right of residence;
- c*) resolution ordering expulsion;
- d*) ruling on the execution of deportation by court order; or
- e*) ruling on the extension of execution time.

(2)³⁶⁰ In the application of Subsection (8) of Section 42 of the RRTN, the immigration or refugee authority shall examine whether the rules pertaining to persons eligible for preferential treatment apply in determining the time limit for voluntary departure.

(3)³⁶¹ If there is any doubt, the immigration or refugee authority may avail itself of the assistance provided by a medical expert or a psychologist in determining whether the person expelled is eligible for preferential treatment. Examination by an expert may be conducted subject to the consent of the person affected.

(4)³⁶² The immigration or refugee authority shall provide the person expelled with readily intelligible information in his native language or in any other language he understands on the examination to be conducted, on the significance of the examination, and on the potential consequence - defined in Subsection (5) - on refusing consent for the examination.

(5) If the person expelled refused consent for the examination, it shall constitute forfeiture of eligibility for preferential treatment.

Expulsion Ordered Under Immigration Laws and Exclusion

³⁵⁷ Amended by Section 9 of Government Decree 327/2007 (XII. 11.) Korm., Paragraph a) of Section 14 of Government Decree 441/2016 (XII. 16.).

³⁵⁸ Established: by paragraph (1) Section 59 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁵⁹ Established: by Section 22 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

³⁶⁰ Amended by Section 13 of Government Decree 204/2015 (VII. 23.) Korm.

³⁶¹ Amended by Section 13 of Government Decree 204/2015 (VII. 23.) Korm.

³⁶² Amended by Section 13 of Government Decree 204/2015 (VII. 23.) Korm.

Section 114³⁶³

(1) With the exception set out in Subsection (2), the regional directorate shall have authority to order expulsion under immigration laws.

(2)³⁶⁴ In the application of Paragraph *a*) of Subsection (2) of Section 43 of the RRTN, the Police shall have powers to order expulsion under immigration laws, if it detected the intention to illegally cross or the act of illegally crossing the external borders of Hungary during border control activities carried out according to Point 10 of Article 2 of the Schengen Borders Code, and the expulsion of the third-country national in question can be carried out under a readmission agreement.

(2a)³⁶⁵ Pursuant to Paragraph *b*) of Subsection (2) of Section 43 of the RRTN, the refugee authority shall be entitled to apply the expulsion measure in the cases provided for in Act LXXX of 2007 on Asylum.

(2b)³⁶⁶ The expulsion measure ordered by the refugee authority shall be enforced by the regional directorate of jurisdiction by reference to the place where the habitual residence of the third-country national is located.

(3)³⁶⁷ Authority to order exclusion independently is vested:

a)³⁶⁸ upon the Directorate General under Paragraphs *a*)-*b*) of Subsection (1) of Section 43 of the RRTN;

b) upon the regional directorate under Paragraphs *c*)-*d*) of Subsection (1) of Section 43 of the RRTN, with the exception set out in Paragraph *c*);

c) upon the Police under Paragraph *d*) of Subsection (1) of Section 43 of the RRTN, if the third-country national affected failed to cover the costs associated with his/her expulsion ordered by the Police;

d)³⁶⁹ upon the Dél-dunántúli Regionális Igazgatóság (*Regional Directorate of South-Western Hungary*) of nation-wide jurisdiction under Paragraphs *e*) and *f*) of Subsection (1) of Section 43 of the RRTN.

(4) Exclusion may be ordered independently:

a) upon the initiative of the investigating authority, the Agency for Constitutional Protections, the Police, and the Counter-Terrorism Center under Paragraph *c*) of Subsection (1) of Section 43 of the RRTN;

b) exclusively upon the initiative of the misdemeanor authority, the court or the agency levying

³⁶³ Established: by Section 60 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁶⁴ Amended by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm., Paragraph *b*) of Section 14 of Government Decree 441/2016 (XII. 16.).

³⁶⁵ Enacted by Section 4 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

³⁶⁶ Enacted by Section 4 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

³⁶⁷ Established: by Section 23 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

³⁶⁸ Amended by Paragraph *h*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

³⁶⁹ Established by Section 1 of Government Decree 333/2014 (XII. 18.) Korm., effective as of 1 January 2015.

the instant fine under Paragraph *e*) of Subsection (1) of Section 43 of the RRTN;

c)³⁷⁰ upon the initiative of the authority of competence for levying customs penalty under Paragraph *f*) of Subsection (1) of Section 43 of the RRTN.

(4a) Expulsion may be ordered:

a) upon the initiative of the Police under Paragraph *a*) of Subsection (2) of Section 43 of the RRTN;

b) exclusively upon the initiative of the government body in charge of the healthcare system under Paragraph *e*) of Subsection (2) of Section 43 of the RRTN.

(4b) Expulsion under Paragraph *d*) of Subsection (2) of Section 43 of the RRTN may also be ordered upon the initiative of the investigating authority, the Agency for Constitutional Protections, and the Counter-Terrorism Center.

(5)³⁷¹ The minister in charge of foreign policies shall inform the Directorate General where there are any grounds to order the exclusion of a third-country national independently under Paragraphs *a*)-*b*) of Subsection (1) of Section 43 of the RRTN.

(6) With the exception set out in Subsection (8) of Section 115, an independent order of exclusion may be lifted only by the same immigration authority that has ordered it.

(7) If the minister in charge of foreign policies finds, relying on the findings of visa proceedings, that Paragraph *c*) of Subsection (1) of Section 43 of the RRTN applies to the visa applicant, the minister shall forthwith notify the law enforcement body responsible for the area threatened.

Section 115

(1)³⁷² On the grounds specified in Paragraphs *e*) and *f*) of Subsection (1) of Section 43 of the RRTN, the misdemeanor authority, the agency levying the instant fine or the authority of competence for levying customs penalty shall contact the regional directorate provided for in Paragraph *d*) of Subsection (3) of Section 114 and initiate the ordering of an exclusion measure independently as of the forty-sixth day following the date when the court decision ordering the fine becomes final.

(2)³⁷³ The misdemeanor authority, the court, the agency entitled to levy the instant fine or the authority of competence for levying customs penalty shall communicate to the regional directorate the personal identification data of the delinquent third-country national in its request referred to in Subsection (1), including his/her nationality, place of domicile outside of Hungary, the name of the misdemeanor authority, the court, the agency levying the instant fine or the authority of competence for levying customs penalty, the number of the misdemeanor resolution and the date when it becomes final or definitive, the case number of the instant fine, the number and definitive date of the resolution on levying the customs penalty, the account number, and the

³⁷⁰ Enacted by Section 2 of Government Decree 333/2014 (XII. 18.) Korm., effective as of 1 January 2015.

³⁷¹ Amended by Paragraph *f*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

³⁷² Established by Section 26 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

³⁷³ Established by Section 26 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

amount of the fine, instant fine and/or customs penalty.

(3)³⁷⁴ Upon receipt of the above-specified request, the competent regional directorate shall check the third-country national's particulars on record, and shall notify the agency specified in Subsection (1) if it finds that the person in question was granted the right of residence subsequent to the misdemeanor offense or after the customs penalty was imposed.

(4)³⁷⁵ Any exclusion ordered independently pursuant to Paragraphs *e*) and *f*) of Subsection (1) of Section 43 of the RRTN shall be lifted with immediate effect upon receipt of payment from the third-country national affected of the fine, instant fine or customs penalty levied.

(5)³⁷⁶ When a third-country national pays a fine, instant fine or customs penalty subsequently in cash, the misdemeanor authority, the court, the agency levying the instant fine or the authority levying the customs penalty shall notify the competent regional directorate immediately upon receipt of the payment to have the independent exclusion order cancelled.

(6)³⁷⁷ If, in the course of visa application proceedings, the applicant third-country national provides proof of having paid the fine, instant fine or customs penalty subsequently, the competent consulate officer shall notify the competent regional directorate that has ordered the exclusion independently to cancel the order of exclusion regarding the payment without delay, with the payer's personal identification data, nationality, passport number, the number of the resolution or the case number of the instant fine, the amount of fine paid and the name of the competent authority or agency indicated.

(7)³⁷⁸ If the Police determines in the course of security checks on persons carried out at the border crossing point that the third-country national requesting admission is subject to exclusion independently solely on the grounds of a delinquent fine, instant fine or customs penalty, the third-country national in question shall be informed of his right or penalty to pay the fine subsequently in cash.

(8)³⁷⁹ If the above-specified third-country national pays the fine subsequently in cash, or is able to produce a bank statement in proof of having the money debited, the Police shall cancel the independent exclusion order, and shall then take measures for exit, or shall permit his/her admission. The Police shall forthwith notify the competent immigration authority concerning the cancellation.

*Section 115/A*³⁸⁰

³⁷⁴ Established by Section 3 of Government Decree 333/2014 (XII. 18.) Korm., effective as of 1 January 2015.

³⁷⁵ Established by Section 3 of Government Decree 333/2014 (XII. 18.) Korm., effective as of 1 January 2015.

³⁷⁶ Established by Section 3 of Government Decree 333/2014 (XII. 18.) Korm., effective as of 1 January 2015.

³⁷⁷ Established by Section 3 of Government Decree 333/2014 (XII. 18.) Korm., effective as of 1 January 2015.

³⁷⁸ Established by Section 3 of Government Decree 333/2014 (XII. 18.) Korm., effective as of 1 January 2015.

³⁷⁹ Established: by Section 19 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

³⁸⁰ Enacted: by Section 20 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

(1) Where expulsion or exclusion of a third-country national with a known habitual residence in Hungary is ordered under Subsection (10) of Section 47 of the RRTN, the competent regional directorate shall review the expulsion or exclusion order within twenty-one days after a period of twelve months from the date when the expulsion ordered under immigration laws became final and enforceable.

(2) In the application of Subsection (10) of Section 47 of the RRTN, the third-country national may not be held accountable if the expulsion is not carried out within twelve months if:

- a) cooperated with the competent authority in the process of carrying out the expulsion; and
- b) complied with the prescribed rules of conduct and with the obligation to report on a regular basis.

(3) In addition to what is contained in Subsection (2), in reviewing the expulsion or exclusion order the regional directorate shall take into account the nature and the gravity of the infringement the third-country national has committed, the third-country national's personal circumstances, and any possible threat the third-country national's residence in Hungary may carry.

(4) If the regional directorate withdraws the expulsion or exclusion order, the expulsion or exclusion order shall be deleted without undue delay.

Section 116³⁸¹

Where a third-country national with immigrant or permanent resident status is expelled by definitive decision, the regional directorate ordering the expulsion or carrying out the expulsion ordered by the court shall send the personal identification document, official certificate for personal identification number and official address card of the third-country national in question within thirty days, respectively, to the district office of jurisdiction by reference to the home address or the designated government agency.

Section 117³⁸²

(1)³⁸³ In accordance with Subsection (2b) of Section 45 of the RRTN the competent regional directorate of the first instance shall forward the request via the Directorate General to the designated authority of the Member State affected.

(2)³⁸⁴ In order to determine whether the expulsion under Subsection (5) of Section 45 of the RRTN can be executed:

- a)³⁸⁵ the immigration or refugee authority shall forthwith contact the competent social services to obtain assurance that adequate protection is ensured in the unaccompanied minor's country of

³⁸¹ Established by Subsection (2) of Section 4 of Government Decree 176/2019 (VII. 18.) Korm., effective as of 17 August 2019.

³⁸² Established: by Section 9 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

³⁸³ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

³⁸⁴ Established by paragraph (1) Section 21 of Government Decree 221/2013 (VI. 24.) Korm. Amended by Section 13 of Government Decree 204/2015 (VII. 23.) Korm.

³⁸⁵ Amended by Paragraph g) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

origin or in another State of return by means of reuniting him with other members of his family or by means of state or other institutional care, and

b) the immigration or refugee authority shall obtain country-specific information as regards institutional care available to minors in the unaccompanied minor's country of origin or in another State of return.

(3)³⁸⁶ If expulsion cannot be executed in accordance with Subsection (5) of Section 45 of the RRTN the immigration authority shall forthwith contact the competent social services to provide support and care for the unaccompanied minor.

Section 118

(1)³⁸⁷

(2) The country designated as the destination of expulsion shall be determined according to the following sequence:

a) any Schengen State, if the third-country national has a valid residence permit that was issued by this Schengen State,

*b)*³⁸⁸ a Member State of the European Union, if the third-country national in question is holding a residence permit issued by that Member State certifying long-term residence status under Council Directive 2003/109/EC or is in possession of a valid residence document;

c) the country that is liable to accept the third-country national in question;

d) the country where the third-country national's permanent or temporary residence is located;

e) the country in which the third-country national in question has a citizenship;

f) any third country prepared to accept the third-country national in question.

(3)³⁸⁹ With the exception contained in Paragraphs *a)* and *b)* of Subsection (2), expulsion may not be carried out to any Member State of the European Union.

Section 119

The duration of an exclusion measure shall be determined in years.

*Section 119/A*³⁹⁰

If the immigration authority orders under Paragraphs *a)-c)* of Subsection (1) of Section 43, or under Subsection (2) of Section 43 of the RRTN the expulsion of a third-country national holding a residence authorization issued by a State that uses SIS II, and issues an alert in the SIS

³⁸⁶ Enacted by Paragraph (2) Section 21 of Government Decree 221/2013 (VI. 24.) Korm. Amended by Paragraph b) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

³⁸⁷ Repealed: by subparagraph b) paragraph (1) Section 126 of Government Decree 290/2010 (XII. 21.) Korm. No longer in force: as of 24. 12. 2010.

³⁸⁸ Established: by Section 13 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

³⁸⁹ Amended: by subparagraph q) paragraph (2) Section 182 of this Decree. In force: as of 21. 12. 2007.

³⁹⁰ Enacted: by paragraph (3) Section 35 of Government Decree 15/2013 (I. 28.) Korm. In force: as of 9. 04. 2013.

for the purposes of refusing entry and residence, and orders the refusal of entry and residence independently under Subsection (1) or (4) of Section 47 of the RRTN, the ordering immigration authority shall initiate consultation with the competent authority of the Schengen State that has issued the authorization, through the SIRENE Office.

Section 120

(1)³⁹¹ Third-country nationals who are subject to exclusion shall be admitted to the territory of Hungary by permission of the immigration authority ordering the expulsion or the authority ordering the exclusion under special circumstances for a single entry and stay for an intended duration of no more than ninety days within any one hundred eighty day period, consistent with the purpose of entry, while the exclusion shall remain in effect.

(2)³⁹² The request for such entry permit shall be submitted in writing to the competent consulate officer of the country where the permanent or temporary residence of the third-country national is located or in the country of the third-country national's nationality.

(3)³⁹³ If having in possession the aforesaid entry permit the third-country national may be admitted to the territory of Hungary according to the rules on stays for an intended duration of no more than ninety days within any one hundred eighty day period.

(4) If the admission of the third-country national is subject to a visa requirement as referred to in Subsection (1), the competent consulate officer shall indicate in the visa issued to the third-country national the number of the special authorization as well.

(5)³⁹⁴ If the third-country national has the right of entry for the purpose of residence for an intended duration of no more than ninety days within any one hundred eighty day period without a visa, the Police shall authorize entry only if the decision on the approval of the application for entry permit is presented.

*Section 121*³⁹⁵

The Police shall forthwith notify the central data administration agency concerning the exit of a third-country national expelled from the country by a definitive and executable resolution, and shall disclose the data specified in Paragraph *a*) of Subsection (1) of Section 102 of the RRTN.

³⁹¹ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

³⁹² Amended: by subparagraph f) Section 24 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

³⁹³ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

³⁹⁴ Enacted: by Section 22 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013. Amended: by paragraph (4) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

³⁹⁵ Amended by Section 9 of Government Decree 327/2007 (XII. 11.) Korm., Paragraph g) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

Dublin Process³⁹⁶

*Section 121/A*³⁹⁷

(1) The procedure defined in Subsection (1) of Section 48/A of the RRTN (hereinafter referred to as “Dublin process”) covers the request made to the competent authorities of other States applying the Dublin Regulations (hereinafter referred to as “Member State”), consultation with the authorities of other Member States, the conduct of the procedure to take charge and return of the applicant that culminates in the return of the applicant (hereinafter referred to collectively as “return”).

(2) The Dublin process opens on the day when the refugee authority makes a formal request to the authority of another Member State. The Dublin process ends on the day when the authority of the Member State takes charge of the applicant, refuses to take charge, or when it becomes evident that the return cannot be executed.

(3)³⁹⁸ If the requested Member State’s responsibility takes effect under Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (hereinafter referred to as “Dublin III Regulation”) the refugee authority shall adopt a ruling on the transfer or return of the applicant (hereinafter referred to as “ruling ordering the transfer of the applicant”) within eight days following the effective date of such responsibility or the time limits provided for in Article 22(1) and (6), Article 25(1), or Article 28(3) of the Dublin III Regulation.

(4)³⁹⁹ The ruling ordering the transfer of the applicant covers Article 26(1) and (2), Article 27(1) and (2), and Article 29(1) and (2) of the Dublin III Regulation.

*Section 121/B*⁴⁰⁰

(1)⁴⁰¹ The applicant’s return under Section 48/A of the RRTN shall be executed under official escort. Execution shall be governed by the provisions on the enforcement of a deportation measure set out in specific other legislation.

(2) The refugee authority shall provide for the delivery of the travel document or other document supplied by the applicant, that is adequate to establish the applicant’s identity and/or nationality, at the time of transfer of the applicant.

³⁹⁶ Enacted: by Section 62 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁹⁷ Enacted: by Section 62 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

³⁹⁸ Established by Section 5 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

³⁹⁹ Established by Section 5 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

⁴⁰⁰ Enacted: by Section 62 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴⁰¹ Amended by Paragraph i) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

*Section 121/C*⁴⁰²

Any sum of money that was sequestered under Subsection (2) of Section 50 of the RRTN shall be released before the applicant's return under Section 48/A of the RRTN and shall be returned to the applicant for the purpose of purchasing a travel ticket and for obtaining a travel document.

Enforcement of Expulsion Ordered by the Court and Proceedings in Respect of Clients Released from Penal Institution⁴⁰³

*Section 122*⁴⁰⁴

(1) The penal institution shall notify the regional directorate of jurisdiction by reference to the location of the penal institution to make the necessary preparation for the expulsion of a third-country national incarcerated six months prior to the prospective date of release.

(2) In addition to what is contained in Subsection (1), the penal institution shall notify the regional directorate of jurisdiction by reference to the location of the penal institution concerning the release of a third-country national held for other reasons without delay, by way of electronic means.

(3) The court, or the relevant penal institution in the case of third-country nationals released from imprisonment, shall send the notice referred to in Subsection (2) of Section 49 of the RRTN to the regional directorate of jurisdiction by reference to the location of the court and/or the penal institution, without delay, by way of electronic means, for the purpose of carrying out its immigration proceedings.

(4)⁴⁰⁵ Where expulsion ordered by court decision is carried out against a third-country national whose whereabouts are unknown, or if other than a person released from imprisonment, the ruling of the regional directorate shall contain the provisions set out in Paragraphs *b)-c)* of Subsection (1) Section 46 of the RRTN. In that case, the duration of exclusion shall be recorded consistent with the date when the court decision becomes final.

(4a)⁴⁰⁶ In cases not mentioned in Subsection (4) hereof, the ruling of the regional directorate shall contain the provisions set out in Paragraphs *b)-f)* of Section 46 of the RRTN.

(5) The competent regional directorate shall provide for:

- a)* the registration of the exclusion measure;
- b)* the withdrawal of the third-country national's right of residence.

⁴⁰² Enacted by Section 62 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Paragraphs i)-j) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

⁴⁰³ Established by Subsection (1) of Section 27 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁴⁰⁴ Established by Subsection (2) of Section 27 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁴⁰⁵ Established by Subsection (1) of Section 20 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

⁴⁰⁶ Enacted by Subsection (2) of Section 20 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

Costs of Expulsions

Section 123

(1) Expulsion measures shall be carried out with a view to cause the least amount of expenses to the person expelled.

(2)⁴⁰⁷ The authority carrying out the expulsion shall provide for the obligation of reimbursement specified in Subsection (4) of Section 50, Paragraph *e*) of Subsection (4) of Section 61 and Subsection (4) of Section 62 of the RRTN in a ruling. The obligation shall be discharged within three months from the date when ordered. In the event of non-compliance with this deadline, the provisions of the RRTN on enforcement shall apply in respect of the persons and organizations listed under Paragraphs *b*)-*d*) of Subsection (4) of Section 50 of the RRTN.

Prohibition of Return, and for Ordering and Carrying Out Expulsion Measures (Non-Refoulement)

*Section 124*⁴⁰⁸

(1) Where a third-country national lodged a request in accordance with Subsection (3) of Section 52 of the RRTN directly to the sentencing judge, the court or the public prosecutor shall contact the refugee authority to request a prompt opinion as to whether the principle of non-refoulement applies.

(2) In the event that there is any doubt as to whether or not the principle of non-refoulement applies as regards the ordering and execution of assisted return, the competent immigration authority shall request the opinion of the refugee authority. The refugee authority shall comply with the above request without delay.

(3)⁴⁰⁹ The competent immigration authority is under obligation to request the opinion of the refugee authority to determine as to whether the principle of non-refoulement applies as regards the proceedings for ordering expulsion or for carrying out an expulsion measure. The refugee authority shall comply with the above request without delay. The competent immigration authority shall not derogate from the opinion of the refugee authority. The restriction referred to in Subsection (1) of Section 51 of the RRTN shall not apply if the person affected is returned to the territory of an EEA Member State. Before ordering the expulsion measure in an asylum procedure, the refugee authority shall examine as to whether the principle of non-refoulement applies.

(4)-(7)⁴¹⁰

⁴⁰⁷ Established by Section 6 of Government Decree 204/2015 (VII. 23.) Korm. Amended by Paragraph k) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

⁴⁰⁸ Established: by Section 65 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴⁰⁹ Established by Section 7 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

⁴¹⁰ Repealed by Paragraph b) of Subsection (3) of Section 56 of Government Decree 113/2016

Section 125⁴¹¹

The competent regional directorate or the Police shall take the fingerprint and photograph of the persons referred to in Subsection (1) of Section 53 of the RRTN. At the written request of the regional directorate, fingerprinting shall be carried out by the Police if the third-country national refuses to abide by the obligation of tolerating to be fingerprinted.

Detention

Section 126

(1)⁴¹² Detention in immigration proceedings may be ordered by the regional directorate that ordered the expulsion or carries out the expulsion measure ordered by the refugee authority, or by the Police.

(2) Detention prior to expulsion may be ordered:

*a)*⁴¹³ by the Police if the third-country national's identity is not clearly established, or if the return of the third-country national under a bilateral readmission agreement signed with another Member State of the European Union before 13 January 2009 is in progress in accordance with Subsection (1) of Section 45/B of the RRTN;

b) by the competent regional directorate if the third-country national's right of residence is uncertain.

(3) The duration of detention - with the exception set out in Subsection (4) - shall be determined in hours.

(4)⁴¹⁴ Any duration of the extension of a detention order by the district court shall be specified in days, with any fraction of a day counted as a whole.

(5) The authority ordering the detention of a third-country national shall strive to keep it as short as possible and shall expedite the expulsion procedure, or the procedure to establish the identity of the third-country national or the legal grounds for the right of residence of the third-country national if detention prior to expulsion is ordered.

(5a)⁴¹⁵ In the application of Paragraph *b)* of Subsection (1) of Section 54 of the RRTN, risk of absconding is considered to exist if the third-country national affected fails to cooperate with the competent authority in the immigration proceedings, specifically if:

a) the third-country national refuses to make a statement or to sign the report,

(V. 30.), effective as of 1 June 2016.

⁴¹¹ Established by Section 28 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁴¹² Established by Section 8 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

⁴¹³ Established: by paragraph (2) Section 14 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

⁴¹⁴ Amended: by subparagraph a) Section 5 of Government Decree 403/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴¹⁵ Enacted: by paragraph (2) Section 23 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

b) the particulars the third-country national provided are false, or
c) absconding of the third-country national can be presumed based on his/her statements, hence there are reasonable grounds to believe that he or she is likely to frustrate the enforcement of the expulsion.

(6)⁴¹⁶ The provisions contained in Paragraph *b)* of Subsection (6) of Section 54 of the RRTN may be applied if there is evidence that the expulsion measure cannot be carried out after twelve months from the date when detention was ordered, or thirty days in the case of families with minor children, such as:

- a)* the conditions for his/her exit cannot be ensured; or
- b)* the expelled person is to be hospitalized for an extended duration due to his/her health.

(7)⁴¹⁷ In the application of Paragraph *b)* of Subsection (6) of Section 54 of the RRTN the third-country national shall be issued a certificate of temporary residence under Paragraph *h)* of Subsection (1) of Section 30 of the RRTN.

*Section 127*⁴¹⁸

Any complaint lodged by a third-country national verbally or in writing shall be forwarded without delay by the authority ordering or carrying out the detention measure to the district court.

*Section 128*⁴¹⁹

(1) The request for the extension of a detention lodged by the authority ordering the detention shall contain the information concerning the measures taken to establish the identity or the legal grounds for the right of residence of the third-country national or the travel arrangements made for the third-country national affected during the first six months of detention. A copy of the request for extension shall be sent to the legal representative of the third-country national or to the appointed representative ad litem.

(2) The authority ordering detention shall enclose with its motion for the extension of detention made after six months of detention information describing the lack of cooperation on the third-country national's part, or in connection with obtaining the documents required for deportation, a demonstration of the facts in proof of delays in the proceedings of the authorities of the third-country national's country of origin or the country that is liable to take charge or accept him/her, that is to be sent to the third-country national's legal representative or to the appointed representative ad litem as well.

*Section 128/A*⁴²⁰

⁴¹⁶ Established: by Section 25 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴¹⁷ Enacted: by paragraph (3) Section 23 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

⁴¹⁸ Amended: by Section 547 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Amended: by subparagraph b) Section 5 of Government Decree 403/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴¹⁹ Established: by Section 24 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 07. 2013.

(1) If the third-country national states after delivery of the decision ordering detention that he/she is a minor, the immigration authority ordering the detention shall forthwith contact the nearest competent health care service provider for determining the third-country national's age. If according to the health care service provider's findings the third-country national in detention in question is in fact a minor, detention shall be terminated immediately.

(2) If the third-country national in detention states during the term of detention that he/she is a minor, the head of the hostel of restricted access shall forthwith notify the immigration authority ordering the detention for contacting the nearest competent health care service provider. If according to the health care service provider's findings the third-country national in detention in question is in fact a minor, detention shall be terminated immediately.

Requirements for Detention Facilities

Section 129

(1) Hostels of restricted access shall satisfy the following criteria:

*a)*⁴²¹ the living quarters of detained third-country nationals must have at least 15 cubic meters of air space and 5 square meters of floor space per person, plus a separate living space of at least 8 square meters for married couples and families with minor children, taking also into account the number of family members;

*b)*⁴²² they must have a common area for dining, for recreational purposes - including games and other similar activities for minors - and for receiving visitors;

c) they must have separate washrooms and showers and toilets for men and women, with hot and cold running water, in sufficient capacity consistent with the number of detainees;

d) they must have an infirmary for providing basic medical care;

e) they must have a medical examination room and an isolation room;

f) they must have sufficient space for outdoor activities;

g) they must have lighting sufficient to satisfy the standards laid down in the national requirements concerning regional development and construction;

h) they must have an uninterrupted power supply;

i) they must have a separate room for receiving visitors;

j) they must have telephone facilities;

k) they must have natural ventilation in the living quarters of third-country nationals and in the staff rooms, in the medical rooms, in the visitors areas, in the kitchen and in the dining room, and in the common areas.

(1a)⁴²³ Where justified by the duration of detention, education shall be made available to

⁴²⁰ Enacted: by paragraph (2) Section 67 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴²¹ Established: by paragraph (1) Section 68 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴²² Established: by paragraph (1) Section 68 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴²³ Enacted: by paragraph (2) Section 68 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

minors according to their age and level of development in the hostel of restricted access or in another suitable institution.

(2) Hostels of restricted access may not be installed in police detention facilities or in penal institutions.

(2a)⁴²⁴ Deviation from what is contained in Subsection (2) may be permitted in cases of emergency defined in Subsection (1) of Section 61/A of the RRTN, if placement in a hostel of restricted access cannot be ensured.

(3)⁴²⁵ In detention facilities:

a) men and women,

b) married couples,

c) families with minor children, and

d) persons held in immigration proceedings and persons in pre-trial detention

shall be housed in separate buildings or in separate quarters.

(4)⁴²⁶ The Directorate General and the Police shall notify the European Commission through the minister in charge of immigration concerning any cases of emergency defined in Subsection (1) of Section 61/A of the RRTN, including the measures taken and on the elimination of the emergency by way of priority.

Compulsory Confinement

Section 130

(1)⁴²⁷ With the exceptions set out in Subsections (4)-(6), the immigration authority may order third-country nationals to remain at the following assigned places of residence:

a) the third-country national's registered place of abode;

b) the host's permanent or temporary residence in the event that the third-country national was invited, or the accommodation provided by the host;

c) the place of abode or permanent or temporary residence of the person responsible to provide support for the third-country national;

d) the accommodation provided by charity organizations;

e) the medical institution providing care for inpatients for the duration of treatment to prevent severe damage to health, following consultation with the government body in charge of the healthcare system; or

f) social institutions providing personal care to third-country nationals who satisfy the criteria required by law.

⁴²⁴ Enacted: by paragraph (3) Section 68 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴²⁵ Established by Section 4 of Government Decree 260/2015 (IX. 14.) Korm., effective as of 15 September 2015.

⁴²⁶ Enacted by paragraph (5) Section 68 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴²⁷ Established: by paragraph (1) Section 25 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 09. 2013.

(2) In the absence of the prospects specified in Subsection (1), the third-country national may be placed in a community hostel or a reception center.

(3) Reception centers may be used only for:

*a)*⁴²⁸

b) minor third-country nationals and their parents with actual custody.

(4) The place designated for an unaccompanied minor for compulsory confinement shall be a reception center for unaccompanied minors; in the absence of this, a children's institution or a commercial or private accommodation maintained under contract. Unaccompanied minors may be placed in private accommodation at relatives other than immediate family members, if the relative undertakes a commitment in writing to provide room and board and support for the minor, and if it is evident that such placement is in the minor's best interest by virtue of the relationship between the minor and said relative.

(5) Third-country nationals who are victims of trafficking in human beings may be placed in a reception center reserved for victims of trafficking in human beings or in other places of accommodation maintained under contract.

(6)⁴²⁹ In the absence of prospects specified in Subsections (1) and (2), the immigration authority may impose the obligation upon the third-country national to remain within the administrative area of a specific county, or inside a reception center or community hostel as a compulsory place of confinement.

(7)⁴³⁰ At the places of accommodation referred to in Subsection (6) the third-country national shall be entitled to lodging only, no other benefits shall be provided.

(8)⁴³¹ At the places of accommodation referred to in Subsection (6) the immigration authority shall determine - pursuant to Paragraph *b)* of Subsection (2) of Section 62 of the RRTN - the conditions under which the third-country national may leave the place of accommodation.

(9)⁴³² Third-country nationals placed in the place of accommodation referred to in Subsection (6) shall:

a) observe the house rules of the place of accommodation and comply with the pertaining instructions;

b) keep their surroundings clean;

c) submit to the necessary medical examinations and disease control measures, including vaccinations;

d) preserve the equipment, fittings and furniture of the place of accommodation, refrain from causing damage, and provide compensation for any willfully caused damage.

(10)⁴³³ Where Subsection (3a) of Section 62 of the RRTN applies, the Police is vested with

⁴²⁸ Repealed by Paragraph *c)* of Subsection (3) of Section 56 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

⁴²⁹ Established by Subsection (1) of Section 3 of Government Decree 70/2017 (III. 31.), effective as of 31 March 2017.

⁴³⁰ Enacted by Subsection (2) of Section 3 of Government Decree 70/2017 (III. 31.), effective as of 31 March 2017.

⁴³¹ Enacted by Subsection (2) of Section 3 of Government Decree 70/2017 (III. 31.), effective as of 31 March 2017.

⁴³² Enacted by Subsection (2) of Section 3 of Government Decree 70/2017 (III. 31.), effective as of 31 March 2017.

⁴³³ Enacted by Subsection (2) of Section 3 of Government Decree 70/2017 (III. 31.), effective as

power to prevent any attempt to exit the transit zone, designated as the compulsory place of confinement, without authorization.

Community Hostel

Section 131

(1)⁴³⁴ Community hostels are accommodations maintained by the Directorate General for the placement of foreign nationals under immigration proceedings, as well as third-country nationals whose residence permit was granted on humanitarian grounds pursuant to Paragraphs *a)-c)* of Subsection (1) of Section 29 of the RRTN and third-country nationals who are victims of trafficking in human beings.

(2) A community hostel shall satisfy the following criteria:

- a)* it must have at least fifteen cubic meters of air space and five square meters of floor space per person;
- b)* it must have a common area for dining, for recreational purposes and for receiving visitors in addition to the living quarters;
- c)* it must have an infirmary for providing basic and emergency medical care;
- d)* it must have a medical examination room and an isolation room;
- e)* it must have adequate hygienic facilities, including separate washrooms and showers and toilets for men and women, with hot and cold running water, in sufficient capacity consistent with the number of tenants, furthermore, all rooms and areas inhabited by the third-country nationals must have natural ventilation and natural light.

Section 132

The agency responsible to maintain the community hostel shall provide for the third-country nationals:

- a)* lodging;
- b)* three meals a day;
- c)* personal necessities.

Section 133

(1) In community hostels separate living quarters must be provided for men and women. Family members shall be placed in common quarters, unless this is contrary to the interests of the third-country nationals affected.

(2) The number of tenants placed in a community hostel shall not exceed its capacity. Where the provisions set out in Subsection (1) cannot be satisfied with respect to a third-country national, he/she shall be transferred to another community hostel.

of 31 March 2017.

⁴³⁴ Established by Section 9 of Government Decree 204/2015 (VII. 23.) Korm. Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

Section 134

(1) Meals provided to third-country nationals in a community hostel shall be arranged in due consideration of their religious affiliation.

(2) The personal necessities provided to third-country nationals upon their arrival to the community hostel shall include dinnerware, hygienic supplies and bed-linen. The operator of the community hostel shall provide fresh bed-linen and towels as personal necessities every other week.

Section 135

(1) The code of conduct to be observed in a community hostel is laid down in the house rules, as illustrated in Schedule No. V to this Decree.

(1a)⁴³⁵ The daily schedule shall be determined by the operator of the community hostel; any derogation there from is subject to authorization. The daily schedule shall specify the timetable for the hostel residents in exercising their rights and obligations, such as, in particular:

- a) the duration of rest periods;
- b) the times of serving meals; and
- c) the office hours of the physician on duty.

(2) Third-country nationals placed in community hostels shall:

- a) observe the house rules of the hostel and comply with the pertaining instructions;
- b) keep their surroundings clean;
- c) submit to the necessary medical examinations, medical treatment and disease control measures (including vaccinations);
- d) preserve the equipment, fittings and furniture, refrain from causing damage, and compensate for any willfully caused damage;
- e) notify the competent regional directorate in advance concerning his temporary absence in excess of twenty-four hours but not more than one-hundred-and-twenty hours, and shall disclose the destination and the duration of the absence.

Section 136

(1)⁴³⁶ The costs of services provided in community hostels shall be calculated by the regional directorate of jurisdiction by reference to the place of accommodation, and shown in a list of charges, at the time of leaving the hostel; this provision shall not apply to third-country nationals whose residence permit was granted on humanitarian grounds, and who has been granted international or subsidiary protection by the court or the refugee authority. The formula for calculating said costs is specified in specific other legislation.

(2) Third-country nationals shall be required to repay the costs of services advanced by the operator of the community hostel after leaving the hostel or exiting the country, in the manner prescribed in specific other legislation.

⁴³⁵ Enacted: by Section 27 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴³⁶ Established by Section 10 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

Section 137

(1)⁴³⁷ Upon ordering a third-country national to stay in a place of compulsory confinement, the ordering authority shall notify the diplomatic mission or consular post of the person in question; this provision shall not apply to third-country nationals whose residence permit was granted on humanitarian grounds. If there is no such diplomatic mission or consular post in Hungary, the notice shall be conveyed via the minister in charge of foreign policies.

(2) As regards third-country nationals holding a humanitarian residence permit, the competent regional directorate shall convey the notice referred to in Subsection (1) without delay at the request of the person affected.

Medical Care Provided to Third-Country Nationals Who Are Detainees or Placed in a Community Hostel or Transit Zone⁴³⁸

Section 138

(1)⁴³⁹ Medical care shall be provided to third-country nationals placed under detention in the hostel of restricted access at all times.

(1a)⁴⁴⁰ Any third-country national who is detained or placed in a community hostel or transit zone, if not covered by any social security scheme, shall be provided the health care services specified in Subsection (2) of Section 142 and in Paragraphs *e*) and *i*) of Subsection (3) of Section 142 of Act CLIV of 1997 on Health Care free of charge.

(2) After placement, the third-country national shall be entitled to receive the vaccinations specified in specific other legislation.

Section 139

(1)⁴⁴¹ General medical care shall be provided to third-country nationals in the hostel of restricted access, in community hostels or transit zone (hereinafter referred to collectively as "alien accommodations center").

(2) Special medical care shall be provided by the health care provider responsible for the region in question.

(3) The authority operating the alien accommodations center shall cover the full costs of medical aids and pharmaceuticals provided by prescription and issued by a doctor who has an official stamp for authorization as laid out in specific other legislation, to prescribe medicinal products.

⁴³⁷ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁴³⁸ Amended by Paragraph a) of Section 4 of Government Decree 70/2017 (III. 31.).

⁴³⁹ Established: by paragraph (1) Section 69 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴⁴⁰ Enacted by paragraph (2) Section 69 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Paragraph b) of Section 4 of Government Decree 70/2017 (III. 31.).

⁴⁴¹ Amended by Paragraph c) of Section 4 of Government Decree 70/2017 (III. 31.).

Section 140

(1)⁴⁴² The authority operating the alien accommodations center shall reimburse the costs of health care services, other than those described in Section 138, to the health care service provider carrying out the procedure, if Hungary did not agree to compensate such costs under international treaty.

(2)⁴⁴³ In the case of third-country nationals who are victims of trafficking in human beings, health-care services may be accessed in possession of a humanitarian residence permit issued under Paragraph *e*) of Subsection (1) of Section 29 of the RRTN, or a certificate of temporary residence issued under Paragraph *e*) of Subsection (1) of Section 30 of the RRTN.

(3)⁴⁴⁴ The health care service provider shall report the provision of a service to the Nemzeti Egészségbiztosítási Alapkezelő (*National Health Insurance Fund Manager*) (hereinafter referred to as “NEAK”) using the standard form prescribed by the Government Decree on the Detailed Regulations Relating to the Financing of Healthcare Services from the Health Insurance Fund for the reporting and financial settlement of the service in question, for this branch to authorize payment and to forward the report to the NEAK. Relying on these reports the NEAK shall send a financial statement - broken down according to the type of health care services - each month to the authority operating the alien accommodations center.

(4)⁴⁴⁵ The health care service provider shall present an aggregate invoice with a view to recovering the costs of medical services it has provided, made out to the name of the authority operating the alien accommodations center containing the description, the price and the quantity of the medicinal preparation and - in connection with prescription drugs - with the prescription indicating the number of the document evidencing the third-country national’s right of residence enclosed. The health care service provider shall submit the prescription and the invoice to the NEAK.

Removal by Deportation

Section 141

(1)⁴⁴⁶ The cooperation referred to in Subsection (7) of Section 65 of the RRTN shall mean the

⁴⁴² Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁴⁴³ Established by Section 51 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

⁴⁴⁴ Enacted by paragraph (2) Section 116 of Government Decree 301/2007 (XI. 9.) Korm. Amended by Section 547 of Government Decree 182/2009 (IX. 10.) Korm., Section 184 of Government Decree 351/2010 (XII. 30.) Korm., Paragraphs e)-f) of Section 96 of Government Decree 379/2016 (XII. 2.) Korm.

⁴⁴⁵ Enacted by paragraph (2) Section 116 of Government Decree 301/2007 (XI. 9.) Korm. Amended by Section 184 of Government Decree 351/2010 (XII. 30.) Korm., Paragraph g) of Section 96 of Government Decree 379/2016 (XII. 2.) Korm.

⁴⁴⁶ Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010. Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

authorization of transit through the territory of Hungary in cases of removal by air of third-country nationals 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 (hereinafter referred to as "requesting state"), including any official escort and all other persons required to accompany the third-country nationals in question, such persons liable to provide medical care and interpreters, and assistance with regard to such removals by air.

(2)⁴⁴⁷ The Directorate General, upon receipt of a request submitted by the requesting state on a standard form, a model of which is contained in specific other legislation, shall notify the competent authority of the requesting state concerning its approval immediately, within maximum two days. This time limit may be extended in justified cases by forty-eight hours, of which the competent authority of the requesting state shall be promptly notified.

(3)⁴⁴⁸ The Directorate General shall promptly notify the Police of its authorization for transit for the purposes of removal by air, with the request submitted on a standard form attached, a model of which is contained in specific other legislation.

(3a)⁴⁴⁹ In the application of Subsection (10) of Section 65 of the RRTN, the immigration authority shall examine whether the rules pertaining to persons eligible for preferential treatment apply before carrying out the deportation order.

(3b)⁴⁵⁰ If there is any doubt, the immigration authority may avail itself of the assistance provided by a medical expert or a psychologist in determining whether the person expelled is eligible for preferential treatment. Examination by an expert may be conducted subject to the consent of the person affected.

(3c)⁴⁵¹ The immigration authority shall provide the person expelled with readily intelligible information in his native language or in any other language he understands on the examination to be conducted, on the significance of the examination, and on the potential consequence - under Subsection (3d) - on refusing consent for the examination.

(3d)⁴⁵² If the person expelled refused consent for the examination, it shall constitute forfeiture of eligibility for preferential treatment.

(3e)⁴⁵³ As regards the deportation of a person eligible for preferential treatment, assistance shall be provided in accordance with the person's individual circumstances.

(4)⁴⁵⁴ The Directorate General shall refuse to authorize transit through the territory of Hungary

⁴⁴⁷ Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁴⁸ Amended by Section 9 of Government Decree 327/2007 (XII. 11.) Korm., Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁴⁹ Enacted: by Section 28 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴⁵⁰ Enacted: by Section 28 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴⁵¹ Enacted: by Section 28 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴⁵² Enacted: by Section 28 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴⁵³ Enacted: by Section 28 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴⁵⁴ Amended by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm.,

for the purposes of removal by air, or shall withdraw its authorization if the principle of non-refoulement applies under Section 51 of the RRTN regarding the third-country national.

(5)⁴⁵⁵ The Directorate General shall refuse to authorize transit through the territory of Hungary for the purposes of removal by air, or shall withdraw its authorization if:⁴⁵⁶

a) the third-country national affected under Hungarian laws is charged with criminal offences or is wanted for the carrying out of a sentence;

b) transit through other states or admission by the country of destination is not feasible;

c) the removal measure requires a change of airport;

d) the personal and material conditions for the requested assistance specified in specific other legislation are not available, or transit for the purposes of removal by air is impossible at a particular moment for practical reasons;

e)⁴⁵⁷ the transit of the third-country national will be a threat to public policy, public security, public health or to the international relations of Hungary.

(6) The competent authority of the requesting state shall be promptly informed when authorization for transit for the purposes of removal by air is revoked, or of any other reason why the transit is not possible, including an explanation of the reasons.

(7)⁴⁵⁸ If transit for the purposes of removal by air is authorized, the Police shall provide assistance in accordance with specific other legislation.

Section 142

(1)⁴⁵⁹ In connection with assisted return, deportation shall be ordered by the Police, whereas in connection with an expulsion measure it shall be ordered by the immigration authority ordering the expulsion or by the competent regional directorate carrying out an expulsion measure ordered by the court. In the case under Subsection (2) of Section 65 of the RRTN, in carrying out the expulsion measure ordered by the refugee authority, deportation shall be ordered by the regional directorate of jurisdiction by reference to the place where the habitual residence of the third-country national is located.

(2) The order of deportation shall contain the grounds for deportation, the date of execution, and shall specify the state to which the person is deported.

(3)⁴⁶⁰

(4)⁴⁶¹ Preparations for the enforcement of a deportation measure shall be made by the Police,

Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁵⁵ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁵⁶ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁴⁵⁷ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁴⁵⁸ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

⁴⁵⁹ Established by Section 11 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

⁴⁶⁰ Repealed: by subparagraph b) paragraph (1) Section 126 of Government Decree 290/2010 (XII. 21.) Korm. No longer in force: as of 24. 12. 2010.

with the exception set out in Subsection (5).

(5)⁴⁶² Where deportation is carried out by removal by air, preparations for the enforcement of such deportation measure shall be made by the Directorate General.

(6)⁴⁶³ Deportation shall be carried out by the Police.

Section 143

(1)⁴⁶⁴ The third-country national ordered to be deported shall be escorted to the frontier of Hungary. If allowing the deported person to travel by air transport without safeguards is likely to jeopardize aviation safety or if prescribed under treaty (readmission agreement), the deported person shall be escorted to the country of origin or to another state liable for readmission.

(2) The person affected shall be informed - in a language he understands - of the way deportation is to be carried out (hereinafter referred to as "enforcement") and of the opportunity to lodge a complaint. The information shall include:

a)⁴⁶⁵ the date of deportation, which is to be communicated at the latest at the time of commencement of deportation if carried out by air transport;

b) the destination;

c) the means of transport planned to be used and as to whether or not deportation will be carried out under escort.

(3) In the cases described in specific other legislation a psychologist or doctor may be called in to assist in the procedure, if the person affected - due to his/her mental condition or health - is unable to endure the trauma of deportation or he/she requires special assistance during the proceedings.

(4)⁴⁶⁶ Deportation may only be carried out in possession of and following the instructions contained in the resolution or ruling. Before and after the deportation procedure, the third-country national deported shall be examined for any marks of injury, and, if any, a medical report shall be obtained.

(5) The person affected may lodge a complaint in writing within eight days after detention is carried out against the mode of enforcement, to be sent by mail. The complaint shall be investigated in accordance with the provisions of the Act on the Police.

Section 144

(1) Entry of the person deported to the country of destination shall be considered to have

⁴⁶¹ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

⁴⁶² Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁶³ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

⁴⁶⁴ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁴⁶⁵ Amended by Paragraph g) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

⁴⁶⁶ Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

failed, and deportation shall be suspended if:

a) the captain of the aircraft refuses to allow the deported person to board the aircraft, or if boarding the aircraft failed for other reasons;

b) admission of the deported person was refused by a transit country or the destination country;

c) the deported person carries marks of injury that were not documented or if the deported person offers resistance of a degree that cannot be overcome by legal means and without jeopardizing or causing any impairment in the deported person's life, physical integrity or health.

(2) Deportation may not be enforced if the person deported requires urgent medical attention, and during deportation the medical or mental condition of the deported person changes to a degree in which deportation, if carried out, is likely to impose a serious threat as to the deported person's life or physical integrity.

(3)⁴⁶⁷ A suspended deportation procedure shall be continued when the reasons specified under Subsection (8) of Section 65 of the RRTN no longer exist.

(4) Enforcement of a deportation measure shall be abolished by resolution of the competent authority if it is evident that it cannot be carried out. This resolution cannot be appealed. When the reason or reasons for abolishment cease to exist, deportation may be ordered once again.

(5) The deportation procedure and its circumstances are governed in specific other legislation.

Outbound Travel Restrictions⁴⁶⁸

Section 145⁴⁶⁹

The notice mentioned in Subsections (1) and (4) of Section 66 of the RRTN and the travel document shall be sent to the regional directorate of jurisdiction by reference to the place where the criminal law sanctions or measures, judicial and other restraining measures were carried out against the third-country national in criminal proceedings for taking measures:

a) concerning the registration and cancellation of the outbound travel restriction;

b) for confiscation or release of the travel document; and

c) for the withdrawal of the travel document under Section 86 of the RRTN.

Control of Third-Country Nationals

Section 146

(1)⁴⁷⁰ In the application of the provisions of Subsections (4) and (7) of Section 67 of the

⁴⁶⁷ Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁴⁶⁸ Established: by Section 29 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴⁶⁹ Established: by Section 29 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁴⁷⁰ Established by Section 12 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

RRTN, the police officer shall take into custody the third-country national:

a) if his/her documents, by which to verify his/her legal status in Hungary, are expired or invalid, or if unable to verify his/her lawful right of residence in Hungary, and shall take him/her:

aa) to the local branch of the Police of jurisdiction by reference to the place where the check was carried out if the Police is vested with authority to order an expulsion measure under Subsection (2) of Section 114;

ab) to the regional directorate of competence by reference to the place where the check was carried out in other cases;

b) if unable to produce proof of identification, and shall take him/her to the local branch of the Police of jurisdiction by reference to the place where the check was carried out:

c) if he/she declares while in custody his/her intention before the immigration authority to submit an application for international protection, and shall take him/her to the refugee authority of jurisdiction by reference to the place where the check was carried out for the purpose of opening the refugee authority's proceedings, if the person in question cannot be indicted in criminal proceeding, or may extend the duration of custody of the third-country national.

(2) The duration of custody shall be calculated from the time of commencement of the measure, and it may be imposed for the time necessary, not to exceed eight hours. If taking the person into custody failed to achieve its purpose, it may be extended by order of the head of the body carrying out the custody measure in justified cases on occasion, by maximum four hours. The duration of the custody may not exceed twelve hours commencing from the time when the person in question is released from custody.

(3)⁴⁷¹ 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 by the authority and - if no criminal charges are filed - sent to the Hungarian mission of the issuing State.

Warrant of Arrest

Section 147

A warrant of arrest may be issued under Section 68 of the RRTN by:

a) the immigration authority conducting the immigration proceedings in the case referred to in Paragraph *a)* of Subsection (1) of Section 68 of the RRTN;

b) the immigration authority carrying out the detention or ordering compulsory confinement in the case referred to in Paragraph *b)* of Subsection (1) of Section 68 of the RRTN;

c) the immigration authority ordering the expulsion or carrying out the expulsion ordered by the court in the case referred to in Paragraph *c)* of Subsection (1) of Section 68 of the RRTN.

Chapter VI

Vested Responsibilities

⁴⁷¹ Enacted by Section 71 of Government Decree 290/2010 (XII. 21.) Korm. Amended by Paragraph 1) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

Section 148

(1)⁴⁷² In application of Section 69 of the RRTN, the penalty for the protection of public policy to be imposed upon the carrier, and the liability of a carrier to return or finance the stay of its non-admitted passenger shall be established and/or ordered by the Police.

(2)⁴⁷³ If a carrier fails to fulfill its liability to return a non-admitted passenger within the deadline specified in Subsection (1) of Section 41 of the RRTN, the Police shall advance the costs of the return of such person and shall execute it by way of another carrier.

(3)⁴⁷⁴ If the carrier responsible refuses to repay the costs advanced by the Police, the Police shall seek recourse to recover such expenses under civil law.

(4) The obligation to return a non-admitted passenger may not be enforced if the third-country national applies for asylum or for any subsidiary form of protection or temporary protection.

Section 149

(1) In the event of non-compliance with the control obligation referred to in Subsection (1) of Section 69 of the RRTN, a penalty for the protection of public policy shall be imposed upon the carrier in question for the forint equivalent of between 3000 and 5000 euro per person.

(2)⁴⁷⁵ The aforesaid penalty shall be imposed by the local branch of the Police at the place where entry to the territory of Hungary was attempted.

Section 150

(1) The penalty for the protection of public policy to be imposed under Section 70 of the RRTN shall be in the amount of the forint equivalent of between 3000 and 5000 euro for each journey for which passenger data were not communicated or were communicated incorrectly.

(2)⁴⁷⁶ The aforesaid penalty shall be imposed upon the defaulting carrier by the local branch of the Police at the place where entry to the territory of Hungary was attempted.

Section 151

⁴⁷² Established: by paragraph (10) Section 546 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Shall apply to proceedings opened after the time of time of entry into force and to reopened proceedings.

⁴⁷³ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

⁴⁷⁴ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

⁴⁷⁵ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008. Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁴⁷⁶ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008. Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

(1)⁴⁷⁷ The regional directorate of jurisdiction by reference to the place of work shall impose a penalty for the protection of public policy upon the employers who fail to satisfy the obligations defined in Subsections (1)-(4) of Section 71 of the RRTN in the amount of up to five hundred thousand forints per employee.

(2) The regional directorate shall not be authorized to impose the aforesaid penalty after one year following gaining knowledge of the event referred to in Subsection (1).

Section 152

(1) The amount of the penalties imposed under Sections 149-151 shall be determined having regard to all prevailing circumstances, such as any recidivism, where applicable.

(2)⁴⁷⁸

(3)⁴⁷⁹ Appeals against the sanctions imposed under Sections 149-150 shall be heard by the National Police Headquarters, and appeals against the sanction imposed under Section 151 shall be heard by the Directorate General.

Chapter VII

Provisions Governing the Obligation of Third-Country Nationals to Register their Place of Accommodation

Obligation of Third-Country Nationals to Register their Place of Accommodation

Section 153⁴⁸⁰

Section 154⁴⁸¹

The Office shall obtain from the hosting provider delegated by the Government the data provided for in Subsection (2) of Section 73 of the RRTN on a daily basis.

Section 155

⁴⁷⁷ Established by Section 15 of Government Decree 168/2011 (VIII. 24.) Korm. Amended by Paragraph m) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

⁴⁷⁸ Repealed: by Section 548 of Government Decree 182/2009 (IX. 10.) Korm. No longer in force: as of 1. 10. 2009.

⁴⁷⁹ Established by Section 16 of Government Decree 168/2011 (VIII. 24.) Korm. Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁸⁰ Repealed by Paragraph c) of Section 27 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 September 2019.

⁴⁸¹ Established by Section 21 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 September 2019.

(1)⁴⁸² The third-country nationals staying at accommodations governed by the Trade Act and other non-commercial community and recreational establishments, other than the commercial lodgings shall be required to register such accommodation if they plan to remain in Hungary for over thirty days from the date of entry.

(2) Registration shall be submitted on a standard form within three days from the date of entry, a model of which is contained in specific other legislation (hereinafter referred to as "registration form") to the regional directorate of jurisdiction by reference to the place where the accommodation is located.

(3) The registration form shall contain the particulars of the travel document, and shall be signed by both the person registering and by the keeper of the lodging.

(4) Third-country nationals shall present their travel documents at the competent regional directorate when registering. The competent regional directorate shall be entitled to consult the register of personal data and address records to verify the address registered.

(5) Third-country nationals shall retain the duplicate copy of the registration form in proof of compliance with the registration requirement.

(6)⁴⁸³ If in proceedings for the issue or renewal of a residence permit the applicant third-country national indicated accommodations governed by the Trade Act and other non-commercial community and recreational establishments, other than the commercial lodgings, such third-country national shall satisfy the notification requirement in accordance with Subsections (2)-(5).

Section 156

(1) When relocating, third-country nationals shall - within three days - notify the regional directorate of jurisdiction by reference to the place where the new place of abode is located.

(2)⁴⁸⁴ The requirement for notification of relocating shall not apply to any registered place of abode to which the third-country national holding a long-term visa or residence permit returns after a temporary absence. If the place of temporary absence is a lodging governed by the Trade Act and other non-commercial community and recreational establishments, other than the commercial lodgings, it shall be recorded in the guest book also indicating the third-country national's registered place of abode.

Registration of Birth

Section 157

(1) Third-country nationals shall report their giving birth to a child to the regional directorate of jurisdiction by reference to the place where the parent's place of residence or place of abode is located, submitted on a standard form, a model of which is contained in specific other legislation, and shall present the child's birth certificate within three months from the date of birth.

⁴⁸² Amended by Paragraph h) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

⁴⁸³ Enacted by Section 52 of Government Decree 113/2016 (V. 30.). Amended by Paragraph i) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

⁴⁸⁴ Amended by Paragraph i) of Section 26 of Government Decree 277/2018 (XII. 21.) Korm.

(2)⁴⁸⁵ If both parents are residing in Hungary and they have joint custody, however their legal status in Hungary differ, the child's entitlement to stay in the country shall be determined on the basis of the parents' joint statement. If the parents fail to agree on a joint statement, the child shall be given the right of residence that is more beneficial.

Reporting Obligations and Regulatory Measures in Connection with the Personal Documents of Third-Country Nationals

Section 158⁴⁸⁶

(1)⁴⁸⁷ The third-country nationals whose travel document or document evidencing right of residence is lost or stolen shall report it to the competent regional directorate, the Police or the consulate officer. The competent regional directorate, the Police or the consulate officer shall provide a certificate to the reporting third-country national - upon providing proof of citizenship - to confirm receipt of such notification.

(2) When a document that was reported lost or destroyed is found by its rightful holder, and the replacement travel document or document evidencing right of residence is not yet issued, the person in question shall return the temporary certificate of right of residence to the authority where it was issued.

(3) If a document that was reported lost or destroyed is found by its rightful holder, and the replacement document has already been issued, the person in question shall surrender the found document to the authority where it was issued.

(4)⁴⁸⁸ The authority to which a found travel document or residence authorization was surrendered shall forward it to the Directorate General.

(5)⁴⁸⁹ The Directorate General shall provide for the forwarding of any travel documents found to the foreign mission accredited to Hungary of the State having jurisdiction according to the place of issue.

(6)⁴⁹⁰ The Directorate General shall keep individual records on the blank forms of travel documents described in Subsection (1) and which can be issued in immigration proceedings, and on documents evidencing right of residence. These records shall contain the type and data, and the number, series and validity period of travel documents and documents evidencing right of residence.

⁴⁸⁵ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁴⁸⁶ Established: by paragraph (4) Section 35 of Government Decree 15/2013 (I. 28.) Korm. In force: as of 9. 04. 2013.

⁴⁸⁷ Established by Subsection (1) of Section 53 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁴⁸⁸ Amended by Paragraph c) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁸⁹ Amended by Paragraph i) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁹⁰ Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

(7)⁴⁹¹ If a warrant should be issued to locate a document that has been issued in the proceedings specified in the FMRA, it shall be recorded in the register by the regional directorate that has issued the document in question.

(8)⁴⁹² If a warrant should be issued by the Directorate General to locate a visa document that has been revoked or destroyed by definitive decision, and if revocation or destruction has been decided by the consulate officer, the minister in charge of foreign policies or the Police, it shall be registered - upon receipt of notice from the authority that has adopted the decision - by the regional directorate of jurisdiction by reference to the place of accommodation the third-country national has indicated in the visa application.

(9)⁴⁹³ If the notice referred to in Subsection (1) is submitted to the consulate officer, the third-country national may submit a request for a replacement residence authorization to the consulate officer as well. The consulate officer shall forward the application to the issuing regional directorate without delay.

(10)⁴⁹⁴ If the decision of the regional directorate is in favor of the application for a replacement document evidencing right of residence, it shall constitute approval for the issue of a visa for entitlement to collect the residence permit, of which the competent consulate officer shall be notified. The visa for entitlement to receive a residence permit shall be issued by the competent consulate officer based on the regional directorate's decision.

Notification Requirement Applicable to Third-Country Nationals Holding EU Blue Cards⁴⁹⁵

*Section 158/A*⁴⁹⁶

Third-country nationals holding an EU Blue Card shall satisfy their obligation of notification under Section 75/A of the RRTN to the regional directorate of jurisdiction by reference to place of their accommodation. The regional directorate shall inform the government agency upon having received such notification.

Notification of Traineeship Programs and Host Entities⁴⁹⁷

⁴⁹¹ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁹² Enacted by Subsection (2) of Section 53 of Government Decree 113/2016 (V. 30.). Amended by Paragraph g) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm., Paragraph j) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁴⁹³ Enacted by Subsection (2) of Section 53 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁴⁹⁴ Enacted by Subsection (2) of Section 53 of Government Decree 113/2016 (V. 30.), effective as of 1 July 2016.

⁴⁹⁵ Enacted: by Section 17 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

⁴⁹⁶ Enacted by Section 17 of Government Decree 168/2011 (VIII. 24.) Korm. Amended by Paragraph h) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

⁴⁹⁷ Enacted by Section 22 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1

Section 158/B⁴⁹⁸

(1) Host entities shall fulfill the notification requirement provided for in Section 74/B of the RRTN via the electronic information system provided for in Subsection (6) of Section 86/H of the RRTN.

(2)⁴⁹⁹ The register of host entities shall be maintained by the Directorate General.

(3) The procedures for the notification of host entities under Section 74/B of the RRTN, and for reporting changes in their particulars shall be carried out by the regional directorate of jurisdiction by reference to the place where the traineeship program is implemented.

Chapter VIII

Stateless Status and Issuing Travel Documents to Third-Country Nationals

Opening Proceedings for the Recognition of Stateless Status

Section 159

(1)⁵⁰⁰ A petition for the recognition of stateless status shall be submitted at the regional directorate of jurisdiction by reference to petitioner's permanent or temporary residence. The proceedings for the recognition of stateless status are exempt from charges.

(2) The petition submitted in writing shall be signed by the petitioner. Where the petition is submitted verbally on account of the petitioner being illiterate, it shall be so stated in a report.

(3) If the petition is submitted verbally and the petitioner cannot speak Hungarian, the competent regional directorate shall provide an interpreter who speaks a language he understands. An interpreter may not be required if the officer in charge of the case speaks the petitioner's native language or another language he/she understands, and if the petitioner so agrees in writing.

(4)⁵⁰¹

Petitioner's Rights and Obligations

January 2019.

⁴⁹⁸ Enacted by Section 22 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

⁴⁹⁹ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁰⁰ Amended: by Section 548 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009.

⁵⁰¹ Repealed: by Section 548 of Government Decree 182/2009 (IX. 10.) Korm. No longer in force: as of 1. 10. 2009.

Section 160

(1) Where under the proceedings governed by the RRTN there is any possibility that a third-country national should be declared stateless, the immigration authority shall inform the person in question concerning his/her option to request stateless status, about the procedures involved, and about the rights and obligations of stateless status. The providing and acknowledgment of the aforesaid information shall be recorded in writing.

(2) The petitioner shall be required to cooperate with the competent regional directorate in all stages of the proceedings, of which he/she shall be apprised in writing with the acknowledgment of such information also recorded in writing.

(3) A petition for the recognition of stateless status shall have attached the petitioner's foreign documents evidencing his/her identity, his/her travel documents, and all other documents that may be admissible to support the petitioner's statements.

(4)⁵⁰² The aforesaid enclosures shall be returned to the petitioner when the resolution adopted in conclusion of the case becomes definitive.

Preliminary Hearing

Section 161

(1) Following the submission of a petition, or upon drawing the report if the petition is submitted verbally, the competent regional directorate shall conduct a preliminary hearing.

(2) During the preliminary hearing the competent regional directorate shall draw up a report to record:

a) that the information required under Subsection (3) of Section 76 of the RRTN was in fact provided and acknowledged;

b) the following if they were not supplied in the petition:

ba) the petitioner's personal identification data (surname and forename, any previous name, surname and forename at birth, previous nationality, sex, place and date of birth, mother's birth name);

bb) personal data available and particulars from any travel documents (mark of the document and serial number, validity period, place and date of issue, name of issuing authority);

c) marital status, date of marriage;

d) occupation and education;

e) permanent or temporary residence in the country of customary residence;

f) permanent or temporary residence or place of accommodation in Hungary.

(3)⁵⁰³ The report shall be signed by the petitioner and also by the interpreter, if applicable, and by the caretaker officer appointed for an unaccompanied minor.

Hearing

⁵⁰² Amended by Section 548 of Government Decree 182/2009 (IX. 10.) Korm., Paragraph n) of Section 34 of Government Decree 411/2017 (XII. 15.) Korm.

⁵⁰³ Amended by Paragraph a) of Section 5 of Government Decree 13/2014 (I. 29.) Korm.

Section 162

(1) Following the preliminary hearing the competent regional directorate shall conduct a full hearing.

(2) In this hearing the petitioner shall present his/her reasons for lodging the petition, and shall present any evidence to support his/her case that has not yet been presented. The petitioner shall be apprised of this obligation at the time of opening the proceedings.

(3)⁵⁰⁴ If the caretaker officer appointed to represent an unaccompanied minor fails to appear in the hearing in spite of being duly summoned, the hearing shall be rescheduled, of which the competent social services that has appointed the caretaker officer shall also be notified.

Representation of the Petitioner

Section 163

(1)⁵⁰⁵ Apart from the petitioner his/her legal representative and/or another duly authorized person may also be involved in the case on the petitioner's behalf, subject to providing proof of their power of representation or written authorization. An appointed caretaker officer shall proceed on behalf of an unaccompanied minor.

(2) Persons with limited capacity shall also have the right to participate in such proceedings as parties.

(3)⁵⁰⁶ The petitioner's representative and an officer - subject to the petitioner's consent - of the Budapest Regional Branch of the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as "UN Office") may attend the hearing of the petitioner. The competent regional directorate shall inform the petitioner's representative and the UN Office at least five days in advance concerning the scheduled date of the hearing.

Verification

Section 164

(1) The competent regional directorate shall establish, relying on the national laws of the states referred to in Subsection (1) of Section 79 of the RRTN on citizenship and on their records, such as in particular the opinion of the Office of the United Nations High Commissioner for Refugees and the information received from Hungarian foreign missions and from foreign authorities, furthermore, on the means of proof supplied by the petitioner, that the petitioner is not recognized as a citizen by any state under the national laws of his/her country of origin.

⁵⁰⁴ Amended by Subparagraph b) Section 30 of Government Decree 296/2012 (X. 17.) Korm., Paragraph b) of Section 5 of Government Decree 13/2014 (I. 29.) Korm., Paragraph b) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

⁵⁰⁵ Amended by Paragraph c) of Section 5 of Government Decree 13/2014 (I. 29.) Korm.

⁵⁰⁶ Amended: by paragraph (8) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

(2)⁵⁰⁷ In proceedings for the recognition of stateless status the competent regional directorate may admit any foreign document enclosed by the petitioner that was made out abroad, as a substantiating document, without an official Hungarian translation and without diplomatic recertification.

(3) The competent regional directorate, upon request, shall contact the relevant Hungarian foreign missions within the framework of administrative assistance with a view to obtain the documents to support the petition.

(4) The UN Office may, subject to the petitioner's consent:

a) provide administrative assistance;

b) review the documents of proceedings for the recognition of stateless status, and may make copies of these documents.

Proceedings of the National Security Agency

Section 165

(1)⁵⁰⁸ The Government shall appoint the Agency for Constitutional Protections and the Counter-Terrorism Center to function as the competent authority in proceedings for the recognition of stateless status.

(2)⁵⁰⁹ The Agency for Constitutional Protections and the Counter-Terrorism Center may interview the petitioner.

(3)⁵¹⁰

The Resolution

Section 166

(1)⁵¹¹

(2)⁵¹²

⁵⁰⁷ Established: by paragraph (11) Section 546 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Shall apply to proceedings opened after the time of time of entry into force and to reopened proceedings.

⁵⁰⁸ Established: by paragraph (2) Section 4 of Government Decree 362/2008 (XII. 31.) Korm. In force: as of 01. 03. 2009. Shall apply to proceedings opened subsequently. Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁵⁰⁹ Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁵¹⁰ Repealed: by point 9 paragraph (1) Section 44 of Government Decree 362/2008 (XII. 31.) Korm. No longer in force: as of 01. 03. 2009.

⁵¹¹ Repealed by Paragraph g) of Section 91 of Government Decree 441/2015 (XII. 28.) Korm., effective as of 1 January 2016.

⁵¹² Repealed: by Section 548 of Government Decree 182/2009 (IX. 10.) Korm. No longer in

(3) The resolution concerning the recognition of stateless status shall be entered on the case file as well.

(4)⁵¹³ A copy of the resolution shall be delivered to the UN Office and to the Agency for Constitutional Protections and the Counter-Terrorism Center.

(5)⁵¹⁴ As regards the recognition of stateless status of an unaccompanied minor, a copy of the relevant resolution shall be sent to the competent social services of jurisdiction by reference to the place where the permanent or temporary residence, or accommodation of the minor is located with a view to the protection of the rights of the stateless minor, and for providing and monitoring care for them.

Issuing Travel Documents to Third-Country Nationals

Section 167

(1) Applications for the travel documents specified in Sections 82-85 of the RRTN shall be submitted in person on a standard form, a model of which is contained in specific other legislation, with the exceptions set out in Subsection (2):

a) to the competent consulate officer if the application pertains to the travel document referred to in Section 82 of the RRTN;

b) to the regional directorate of jurisdiction by reference to the applicant's permanent or temporary residence, or accommodation if the application pertains to the travel documents referred to in Sections 83-85 of the RRTN.

(2) The applications of minors and persons placed under guardianship may be submitted by the parent or guardian.

(3) The application may be submitted by an authorized agent if the applicant cannot appear in person due to health reasons, which is to be substantiated in writing by his physician.

(4) Applications for travel documents shall have attached the applicant's previous travel document, if it is in his/her possession, and two facial photographs suitable to identify the applicant.

(5)⁵¹⁵ With the application of minors and third-country nationals placed under guardianship, the consent of the parents (legal representatives) made before a notary public, the competent social services or regional directorate concerning the travel document, or the copy of a definitive court ruling on the termination or suspension of parental custody, must be attached.

Issue and Replacement of Travel Documents

force: as of 1. 10. 2009.

⁵¹³ Established: by paragraph (12) Section 546 of Government Decree 182/2009 (IX. 10.) Korm. In force: as of 1. 10. 2009. Shall apply to proceedings opened after the time of time of entry into force and to reopened proceedings. Amended: by paragraph (6) Section 125 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁵¹⁴ Amended by Subparagraph c) Section 30 of Government Decree 296/2012 (X. 17.) Korm., Paragraph i) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

⁵¹⁵ Amended by subparagraph d) Section 30 of Government Decree 296/2012 (X. 17.) Korm., Paragraph j) of Section 101 of Government Decree 70/2015 (III. 30.) Korm.

Section 168

(1) The travel documents issued to third-country nationals with immigrant or permanent resident status shall contain the indication "immigrant", or "permanent resident".

(2)⁵¹⁶ Stateless persons residing in Hungary shall have issued a bilingual document entitled "Utazási igazolvány hontalan személy részére/Travel document for Stateless Person" made out in Hungarian and English, containing the indication specified in Paragraph 1 of Article 1 of the Appendix 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. The validity period of the travel documents of stateless persons may be extended once, by six months.

(3) A replacement travel document shall be requested if:

a) the particulars of the third-country national contained in the travel document have changed;
b) the travel document is full; or
c) the travel document is damaged, or no longer suitable for identification purposes for other reasons.

(4) Applications for replacement travel documents shall have attached two facial photographs suitable to identify the applicant.

Special Provisions Concerning the Travel Documents of Stateless Persons

Section 169

(1) The competent regional directorate shall confiscate the previous travel document issued to the stateless person by the competent authority of another state, and shall return it to the issuing authority via the diplomatic mission or consular post of the country in question.

(2) If a stateless person is granted citizenship, his/her travel document must be surrendered within fifteen days at the regional directorate of jurisdiction by reference to the place where his/her permanent or temporary residence or accommodation is located.

CHAPTER VIII/A⁵¹⁷

Procedural Rules⁵¹⁸

Section 169/A

⁵¹⁹

⁵¹⁶ Amended: by paragraph (1) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁵¹⁷ Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵¹⁸ Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵¹⁹ Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

(1) When a minor is summoned, information shall be provided about the content of the summons, phrased in a manner adapted to the minor's age and level maturity.

(2) When a person who is incompetent or of limited capacity, or a person whose ability to comprehend the significance of giving testimony on account of his mental or other condition, or due to his age and level maturity is summoned, information shall be provided about the content of the summons phrased in a comprehensible form.

Section 169/B⁵²⁰

The hearing of a minor shall be conducted in an appropriate atmosphere, in a child-friendly manner. At the onset of the interview, the minor shall be asked - with due regard to his/her age and level maturity - to state his/her name, place and date of birth, mother's name and home address, and shall be advised to say only the truth, as well as his/her right to refuse to make a statement or to answer certain questions. The guardian authority, if having appointed an ad hoc conservator or caretaker officer for the minor, shall inform the minor on the role, and on the rights and obligations of the ad hoc conservator or caretaker officer in the proceedings. Warnings and notices shall be communicated in a manner adapted to the minor's age and level maturity, in a child-friendly manner.

Section 169/C⁵²¹

(1) In the course of the hearing the witness shall answer questions aiming to establish his/her identity and his/her relationship to, or bias toward, the client, even if the witness has the right to refuse to testify.

(2) The witness shall be required to cooperate with the competent regional directorate during the immigration proceedings, of which he/she shall be apprised orally or in writing with the acknowledgment of such information also recorded in writing.

(3) In the hearing of the witness mobile phone, tablet and any other device capable of audiovisual recording and/or for the transmission of data may not be used by the witness, the interpreter, the legal representative and the authorized representative.

(4) The hearing records and all pages thereof shall be signed by the witness, and by all those attending the procedural step if an interpreter, legal representative or authorized representative was in attendance.

(5) If the client or any other party to the proceedings refuses to sign the hearing records, this shall be indicated on all pages of the hearing records verified by the signature of two witnesses.

Section 169/D⁵²²

(1) In the interest of accessing data stored in a sequestered device, and of saving data on a data storage disk, the immigration authority shall make a request to the Nemzetbiztonsági

⁵²⁰ Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵²¹ Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵²² Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

Szakszolgálat (*Special Service for Security Agency*) to solicit the support of experts, if unable to obtain data for the proceedings within its organization.

(2) The Nemzetbiztonsági Szakszolgálat shall make available the data thus acquired to the immigration authority in electronic form. The immigration authority shall keep such data on data storage disk locked up, in a clearly identifiable manner.

(3) The immigration authority shall terminate the effect of sequestration immediately when the sequestered device is returned, at the latest within three working days.

(4) The immigration authority shall destroy the data storage disk containing the data without delay, once the identity of the third-country national has been established.

Section 169/E⁵²³

In the absence of any provision of legislation to the contrary, the fee for the application shall be paid:

- a) by means of electronic payment instrument, or
- b) by way of bank deposit.

Section 169/F⁵²⁴

(1) The applicant or his/her representative may attach documents after lodging the application by post or by way of electronic means.

(2) Under special and equitable circumstances the applicant may be allowed to submit documents at the competent immigration authority in person as well.

(3) The competent immigration authority shall deliver the residence permit document to the applicant by post.

(4) The applicant may collect the residence permit document at the competent immigration authority in person if able to evidence that he/she is not in a position to take delivery of the residence permit document at the delivery address indicated.

Section 169/G⁵²⁵

(1)⁵²⁶ Through the electronic platform designated for opening immigration cases provided for in Subsection (6) of Section 86/H of the RRTN applications may be submitted only on the electronic forms prescribed by the Directorate General for that purpose.

(2) The electronic forms are available free of charge.

(3) The immigration authority shall dispatch the information provided for in Subsection (11) of Section 86/J of the RRTN via the electronic platform designated for opening immigration cases.

(4) Applications submitted through the electronic platform designated for opening immigration

⁵²³ Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵²⁴ Enacted by Section 29 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵²⁵ Enacted by Section 23 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

⁵²⁶ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

cases shall be accompanied by the documents and other elements to be enclosed with the application as provided for by other legislation.

(5)⁵²⁷ The electronic platform designated for opening immigration cases specified in Subsection (6) of Section 86/H of the RRTN can be used in proceedings of the regional directorates and the Directorate General.

Chapter IX

Regulations Relating to the Processing of the Data of Third-Country Nationals

Data Administration Agency

Section 170⁵²⁸

The Directorate General shall function as the body operating the central immigration register (for the purposes of this Chapter hereinafter referred to as "central data administration agency").

Detailed Provisions Relating to Immigration Sub-Registers

Section 171⁵²⁹

The visa issuing authority and the consular officer issuing the local border traffic permit, the Police and the regional directorates shall forward the data specified, respectively, in Subsection (1) of Section 95 of the RRTN, Paragraph *h*) of Subsection (1) of Section 95 of the RRTN and in Paragraph *i*) of Subsection (1) of Section 95 of the RRTN to the central data administration agency.

Section 172⁵³⁰

(1) The minister in charge of foreign policies and the regional directorates, and the Police and the competent consulate officer shall forward the data specified, respectively, in Subsection (1) of Section 96 of the RRTN, and in Paragraph *h*) of Subsection (1) of Section 96 of the RRTN

⁵²⁷ Amended by Paragraph *h*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵²⁸ Amended by Paragraph *h*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵²⁹ Amended: by Section 8 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 15. 12. 2007. Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

⁵³⁰ Established: by Section 73 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 20. 05. 2011.

and Section 96/A of the RRTN to the central data administration agency.

(2) The photographs and fingerprints taken according to Paragraph *j*) of Subsection (1) of Section 96 and Section 96/A of the RRTN shall be processed by the central data administration agency.

Section 173

A regional directorates shall forward the data specified in Subsection (1) of Section 97 of the RRTN to the central data administration agency.

*Section 174*⁵³¹

The regional directorates and the Police shall forward the data specified in Subsection (1) of Section 98 of the RRTN to the central data administration agency.

*Section 175*⁵³²

(1) The regional directorate shall forward the data specified in Subsection (1) of Section 99 of the RRTN to the central data administration agency.

(1a)⁵³³ The minister in charge of foreign policies shall forward the data specified in Subsection (1) of Section 99 of the RRTN to the central data administration agency.

(2) The photographs and fingerprints taken according to Paragraph *k*) of Subsection (1) of Section 99 of the RRTN shall be processed by the central data administration agency.

(3)⁵³⁴ The regional directorates and in the proceedings under Section 82 of the RRTN the consulate officer shall forward the data specified in Subsection (1) of Section 99/A of the RRTN to the central data administration agency.

Section 176

The regional directorates shall forward the data specified in Subsection (1) of Section 100 of the RRTN to the central data administration agency.

*Section 177*⁵³⁵

(1) The regional directorate shall receive the notification of data specified in Subsection (1) of

⁵³¹ Amended: by Section 9 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 01. 01. 2008.

⁵³² Established: by Section 74 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 20. 05. 2011.

⁵³³ Enacted: by Section 4 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 27. 06. 2012.

⁵³⁴ Enacted by Subsection (3) of Section 4 of Government Decree 176/2019 (VII. 18.) Korm., effective as of 17 August 2019.

⁵³⁵ Established by Section 24 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 September 2019.

Section 73 of the RRTN and shall forward them to the central data administration agency.

(2) The central data administration agency shall carry out the processing under Subsection (3) of Section 73 of the RRTN of data recorded according to Subsection (2) of Section 73 of the RRTN.

Section 178⁵³⁶

The regional directorates and the Police, and the Directorate General shall forward the data specified, respectively, in Subsection (1) of Section 102 of the RRTN and in Subsection (2) of Section 102 of the RRTN to the central data administration agency.

Section 179

The regional directorates shall forward the data specified in Subsection (1) of Section 103 of the RRTN to the central data administration agency.

Section 180

The regional directorates shall forward the data:

a) specified in Paragraphs *a)-c)* of Subsection (1) of Section 104 of the RRTN upon being notified by the competent investigating authority or law enforcement agency;

b) specified in Paragraphs *a)-b)* and *d)* of Subsection (1) of Section 104 of the RRTN upon being notified by the Police;
to the central data administration agency.

Section 180/A⁵³⁷

The regional directorate shall forward the data specified in Section 105/A of the RRTN to the central data administration agency.

Section 181

The regional directorates shall forward the data specified in Subsection (1) of Section 105 of the RRTN to the central data administration agency to have them transmitted to the central unit of Eurodac.

Immigration Authorities with Access to the Visa Information System⁵³⁸

⁵³⁶ Amended by Section 9 of Government Decree 327/2007 (XII. 11.) Korm., Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵³⁷ Enacted by Section 25 of Government Decree 277/2018 (XII. 21.) Korm., effective as of 1 January 2019.

⁵³⁸ Enacted: by Section 21 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

*Section 181/A*⁵³⁹

(1)⁵⁴⁰ The Government has appointed the Directorate General for keeping the records referred to in Article 34 of the VIS Regulation, and for functioning as the national authority providing access under Paragraph *c*) of Subsection (4) of Section 28 and as the data administration agency under Subsection (4) of Section 41.

(2) According to the VIS Regulation the following authorities shall have access to the system for the exchange of visa data established under Council Decision 2004/512/EC:

a) the authority referred to in Section 7 functioning as the visa authority referred to in Article 15 of the VIS Regulation, as well as the Police as required for the proceedings specified in Subsection (4) of Section 10 and Subsection (2) of Section 20;

b)⁵⁴¹ the Directorate General functioning as the central visa authority referred to in Article 16 of the VIS Regulation;

c) the authority referred to in Section 7 functioning as the visa authority referred to in Article 17 of the VIS Regulation;

d)⁵⁴² the Police, the Directorate General and the regional directorate functioning as the control authorities referred to in Articles 19 and 20 of the VIS Regulation.

Biometric Data Processing⁵⁴³

*Section 181/B*⁵⁴⁴

(1) In connection with applications for local border traffic permits the biometric identifiers defined in Section 96/A of the RRTN shall be recorded by the competent consulate officer.

(2)⁵⁴⁵ In connection with residence permit applications, the biometric identifiers specified in Paragraph *j*) of Subsection (1) of Section 96 of the RRTN shall be recorded by the consulate officer if the application is submitted at a foreign mission, and by the regional directorate if submitted in the territory of Hungary.

(3)⁵⁴⁶ The Government delegates the minister in charge of immigration for discharging the

⁵³⁹ Enacted: by Section 21 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

⁵⁴⁰ Amended by Paragraph *f*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁴¹ Amended by Paragraph *h*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁴² Amended by Paragraph *h*) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁴³ Enacted: by Section 75 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 20. 05. 2011.

⁵⁴⁴ Enacted: by Section 75 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 20. 05. 2011.

⁵⁴⁵ Amended: by paragraph (2) Section 11 of Government Decree 276/2011 (XII. 20.) Korm. In force: as of 1. 01. 2012.

⁵⁴⁶ Established by Section 30 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

official duties relating to national document-signatory functions and nation-wide signatory attestation functions, and the official functions of national document certification and attestation bodies.

(4) Upon receipt of an application for interim permanent residence permit, national permanent residence permit, or EC permanent residence permit, or for the exchange or replacement of a permanent residence permit or immigration permit the biometric identifiers specified in Paragraph *k*) of Subsection (1) of Section 99 of the RRTN shall be recorded by the regional directorate.

(4a)⁵⁴⁷ In the cases defined in Subsections (1a) and (1b) of Section 93 the biometric identifiers defined in Paragraph *k*) of Subsection (1) of Section 99 of the RRTN shall be recorded by the competent consulate officer.

(5)⁵⁴⁸ In connection with the issue of local border traffic permits and residence permits, interim permanent residence permits, national permanent residence permits, and EC permanent residence permits, and with the exchange or replacement of permanent residence permits or immigration permits the Directorate General shall:

a) carry out the personalization of local border traffic permits, residence permits, interim permanent residence permits, national permanent residence permits, and EC permanent residence permits, as well as permanent residence permits or immigration permits and the loading of data into the storage medium containing biometric identifiers (hereinafter referred to as “storage medium”);

b) discharge the national document-signatory functions and nation-wide signatory attestation functions;

c) execute the nation-wide signatory attestation functions, and the official functions of national document certification and attestation bodies.

(6)⁵⁴⁹ The Directorate General, in its capacity as the national document-signatory authority shall make out the document-signatory certificate, and shall install it in the storage medium.

(7)⁵⁵⁰ The Directorate General, in its capacity as the signatory attestation authority, shall:

a) make out the certificate referred to in Subsection (6),

b) compile and maintain - with a view to controlling local border traffic permits, residence permits, interim permanent residence permits, national permanent residence permits, and EC permanent residence permits, as well as permanent residence permits or immigration permits with storage mediums containing biometric identifiers - the certificates of the national document-signatory authorities of all Member States of the International Civil Aviation Organization (hereinafter referred to as “ICAO”) and their certificate revocation lists, and the distribution points of certificate revocation lists,

c)⁵⁵¹ send the certificates it has issued, and the related revocation lists - electronically - via the

⁵⁴⁷ Enacted: by Section 5 of Government Decree 130/2012 (VI. 26.) Korm. In force: as of 27. 06. 2012.

⁵⁴⁸ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁴⁹ Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁵⁰ Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁵¹ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019

minister in charge of foreign policies to the national signatory attestation authorities of the other ICAO Member States.

(8)⁵⁵² The Directorate General, in its capacity as the certification and attestation authority, shall:

a) make out a certificate for the national document certification and attestation authority,

b) issue certificates to foreign document certification and attestation authorities that issues certificates for the means of control of foreign authorities empowered to read out data protected by enhanced access control.

(9)⁵⁵³ The Directorate General, in its capacity as the national document certification and attestation authority shall provide for the issue of certificates for the means of control of Hungarian authorities empowered to read out data protected by enhanced access control and stored electronically in local border traffic permits, residence permits, interim permanent residence permits, national permanent residence permits, and EC permanent residence permits, as well as permanent residence permits or immigration permits.

(10) Third-country nationals holding local border traffic permits, residence permits, interim permanent residence permits, national permanent residence permits, and EC permanent residence permits, or permanent residence permits or immigration permits may request the regional directorate at any time to check the data on the storage medium containing biometric data during the document's period of validity.

Section 181/C⁵⁵⁴

Aid awarded to admitted third-country nationals and to third-country nationals who are victims of trafficking in human beings under this Decree before 1 September 2013 may be provided until 31 October 2013.

Chapter X

Closing Provisions

Entry into Force

Section 182

(1) This Decree - with the exceptions set out in Subsection (2) - shall enter into force on 1 July 2007.

(V. 30.) Korm.

⁵⁵² Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019

(V. 30.) Korm.

⁵⁵³ Amended by Paragraph d) of Subsection (4) of Section 13 of Government Decree 126/2019

(V. 30.) Korm.

⁵⁵⁴ Enacted: by Section 27 of Government Decree 221/2013 (VI. 24.) Korm. In force: as of 1. 09. 2013.

- (2) Of this Decree,
- a)* Subsection (2) of Section 4;
 - b)* Subsections (2)-(4) of Section 8;
 - c)* Subsection (6) of Section 10;
 - d)* in Subsection (1) of Section 11 and the introductory sentence to Subsection (2) of Section 11 the passage ", at the foreign mission of any Schengen State that is authorized under international agreement to issue visas in the name and on behalf of the Republic of Hungary";
 - e)* in Paragraph *a)* of Subsection (2) of Section 11 the passage ", foreign mission of any Schengen State that is authorized under international agreement to issue visas in the name and on behalf of the Republic of Hungary";
 - f)* Paragraph *e)* of Subsection (5) of Section 12;
 - g)* Subsection (6) of Section 12;
 - h)* in Paragraph *a)* of Section 19 the passage "or the territory of the Schengen States" and the passage "or in any Schengen State";
 - i)* in Paragraph *f)* of Section 19 the passage "residence permit,";
 - j)* Subsection (3) of Section 20;
 - k)* Section 22 and Section 23;
 - l)* in Subsection (1) of Section 24 the passage "and before the reply made upon consultation as specified in the relevant decree adopted according to Subsection (6) of Section 111 of the RRTN";
 - m)* Sections 25-28;
 - n)* Section 33;
 - o)* Section 49;
 - p)* Section 54;
 - q)* Paragraph *a)* of Subsection (2) of Section 118, and in Subsection (3) the passage "a) and";
 - r)* Subsection (3) of Section 142
- 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.
- (3)-(6)⁵⁵⁵

Transitional Provisions⁵⁵⁶

*Section 182/A*⁵⁵⁷

(1) The provisions of this Decree established by Government Decree 62/2016 (III. 31.) Korm. on the Amendment of Government Decrees Relating to Migration and Immigration (hereinafter referred to as "Government Decree 62/2016") shall apply to cases opened after the entry into force of Government Decree 62/2016.

(2) Support granted before the entry into force of Government Decree 62/2016 shall be

⁵⁵⁵ Repealed: by point 93 Section 1 of Government Decree 118/2008 (V. 8.) Korm. No longer in force: as of 16. 05. 2008.

⁵⁵⁶ Enacted by Section 2 of Government Decree 62/2016 (III. 31.) Korm., effective as of 1 April 2016.

⁵⁵⁷ Enacted by Section 2 of Government Decree 62/2016 (III. 31.) Korm., effective as of 1 April 2016.

continued in accordance with the provisions in force at the time when awarded, the provisions of this Decree established by Government Decree 62/2016 notwithstanding.

(3)⁵⁵⁸ In proceedings conducted based on a statement provided for in Subsection (14) of Section 110 of the RRTN the provisions of this Decree shall apply with regard to the documents to be submitted as prescribed for the national permanent residence permit provided for in Subsection (1) of Section 35/A of the RRTN.

(4)⁵⁵⁹ The provisions of this Decree established by Government Decree 113/2016 (V. 30.) on the Amendment of Government Decrees Relating to Migration and Certain Other Related Government Decrees shall apply to cases opened after the date of entry into force thereof.

(5)⁵⁶⁰ The provisions of this Decree established by Government Decree 411/2017 (XII. 15.) on the Amendment of Government Decrees Relating to Migration and Certain Other Related Government Decrees (hereinafter referred to as “Government Decree 411/2017”) shall apply to proceedings opened after the date of entry into force of such provisions and to reopened cases.

(6)⁵⁶¹ The provisions of this Decree established by Government Decree 411/2017, relating to implementation, shall also apply to enforcement procedures:

- a) not yet ordered at the time of Government Decree 411/2017 entering into force; and
- b) in progress at the time of entry into force of Government Decree 411/2017.

(7)⁵⁶² Final decisions of authorities issued on the basis of this Decree before the time of Government Decree 411/2017 entering into force shall be construed as definitive decisions for the purposes of this Decree.

Section 182/B⁵⁶³

(1) A third-country national whose entry and residence is in the interest of the national economy having regard to Subsection (2) of Section 35/A of the RRTN for reasons related to the investments made by such person in Hungary may submit an application for national permanent residence permit under Subsection (1) of Section 35/A of the RRTN until 31 March 2017 according to Subsections (1d)-(1g) of Section 93.

(2) A third-country national holding a residence permit issued on the basis of an application submitted before 1 July 2016 alleging the interest of the national economy may submit an application for national permanent residence permit under Subsection (1) of Section 35/A of the RRTN until 31 March 2017 according to Subsections (1d)-(1g) of Section 93.

(3) An application for national residence permit submitted by the spouse, any descendant or parent supported by a third-country national who submitted an application under Subsections (1) and (2) may be accepted only if the investor has indicated in his application for permanent residency the applicant as a dependent family member.

⁵⁵⁸ Enacted by Section 54 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

⁵⁵⁹ Enacted by Section 54 of Government Decree 113/2016 (V. 30.), effective as of 1 June 2016.

⁵⁶⁰ Enacted by Section 31 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵⁶¹ Enacted by Section 31 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵⁶² Enacted by Section 31 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵⁶³ Enacted by Section 1 of Government Decree 45/2017 (III. 17.), effective as of 18 March 2017.

(4) After 30 June 2017 the applicant referred to in Subsection (3) hereof may not submit an application on the basis of Subsection (1) of Section 35/A of the RRTN.

(5) In connection with an application for national permanent residence permit submitted in accordance with Subsections (1)-(4) hereof, the regional directorate specified in Subsections (1f)-(1g) of Section 93 and the Directorate General:⁵⁶⁴

a) may issue a request for remedying the deficiencies on one occasion, with a time limit of not more than seventy-five days,

b) shall not extend the time limit prescribed for compliance with the request for remedying deficiencies,

c) may not suspend the proceeding,

d) shall adopt a decision so as to enable the business party to comply with the obligation provided for in Paragraph *b)* of Subsection (2) of Section 35/A of the RRTN for the subscription of government bonds.

(6)⁵⁶⁵ After the government bond program is completed, the regional directorate and the Directorate General shall no longer be authorized to approve applications for national permanent residence permits.

Compliance with the Acquis

Section 183

(1) This Decree - in conjunction with Act II of 2007 on the Admission and Residence of Third-Country Nationals - serves the purpose of compliance with the following legislation of the Communities:

a) Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals;

b) 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;

c) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;

d) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

e) Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;

f) 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;

g) Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data;

⁵⁶⁴ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁶⁵ Amended by Paragraph h) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

h)⁵⁶⁶

i)⁵⁶⁷

j) 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;

k)⁵⁶⁸ 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, having regard to Subsection (8) of Section 47, Subsection (3) of Section 51, Section 72/A, Section 72/B, Section 89, Section 118, Section 158/A, and Point 2 of Schedule No. II;

l)⁵⁶⁹ 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, having regard to Subsections (1) and (3) of Section 70, Section 151 and Section 152;

m)⁵⁷⁰ 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 having regard to Subsection (3) of Section 100, Section 102, Subsection (3) of Section 107, Subsection (2) of Section 108 and Section 117;

n)⁵⁷¹ Article 25 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (Schengen Implementing Convention) [Section 54, Section 119/A];

o)⁵⁷² 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;

p)⁵⁷³ 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;

⁵⁶⁶ Repealed by Paragraph c) of Section 35 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵⁶⁷ Repealed by Paragraph c) of Section 35 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵⁶⁸ Enacted: by Section 18 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

⁵⁶⁹ Enacted: by Section 18 of Government Decree 168/2011 (VIII. 24.) Korm. In force: as of 25. 08. 2011.

⁵⁷⁰ Enacted: by Section 10 of Government Decree 81/2012 (IV. 18.) Korm. In force: as of 20. 05. 2012.

⁵⁷¹ Enacted: by paragraph (5) Section 35 of Government Decree 15/2013 (I. 28.) Korm. In force: as of 9. 04. 2013.

⁵⁷² Enacted: by Section 10 of Government Decree 446/2013 (XI. 28.) Korm. In force: as of 1. 01. 2014.

⁵⁷³ Enacted by Section 55 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

r)⁵⁷⁴ 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;

s)⁵⁷⁵ 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.

(2) This Decree contains provisions for the implementation of:

a) Council Regulation (EC) No. 1683/95 of 29 May 1995 laying down a uniform format for visas;

b) 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;

c) Council Regulation (EC) No. 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognized by the Member State drawing up the form;

d)⁵⁷⁶ 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;

e) Council Regulation (EC) No. 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit;

f)⁵⁷⁷ 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);

g)⁵⁷⁸ Regulation (EC) No. 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention;

h)⁵⁷⁹ 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);

i)⁵⁸⁰ Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July

⁵⁷⁴ Enacted by Section 55 of Government Decree 113/2016 (V. 30.), effective as of 30 September 2016.

⁵⁷⁵ Enacted by Section 32 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

⁵⁷⁶ Established: by Section 76 of Government Decree 290/2010 (XII. 21.) Korm. In force: as of 24. 12. 2010.

⁵⁷⁷ Established by Section 13 of Government Decree 441/2016 (XII. 16.), effective as of 17 December 2016.

⁵⁷⁸ Enacted: by Section 6 of Government Decree 327/2007 (XII. 11.) Korm. In force: as of 15. 12. 2007.

⁵⁷⁹ Enacted: by Section 22 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04. 2010.

⁵⁸⁰ Enacted: by Section 22 of Government Decree 96/2010 (III. 31.) Korm. In force: as of 5. 04.

2009 establishing a Community Code on Visas (Visa Code);

j)⁵⁸¹ Regulation (EC) No. 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II);

k)⁵⁸² Regulation (EU) No. 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No. 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), 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)⁵⁸³ 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.

Schedule No. I to Government Decree 114/2007 (V. 24.) Korm.⁵⁸⁴

Schedule No. II to Government Decree 114/2007 (V. 24.)⁵⁸⁵

Visa

1. 'Visa document' shall mean a document made out in the form and with the contents specified in Council Regulation (EC) No. 1683/95 of 29 May 1995 laying down a uniform format for visas, in Council Regulation (EC) No. 334/2002 of 18 February 2002 amending Regulation (EC) No. 1683/95 laying down a uniform format for visas and in Regulation (EU) 2017/1370 of the European Parliament and of the Council of 4 July 2017 amending Council Regulation (EC) No 1683/95 laying down a uniform format for visas.

2. The following documents shall be made out in compliance with the formal and content requirements set out in accordance with Council Regulation (EC) No. 1030/2002 of 13 June

2010.

⁵⁸¹ Enacted: by paragraph (6) Section 35 of Government Decree 15/2013 (I. 28.) Korm. In force: as of 9. 04. 2013.

⁵⁸² Enacted: by paragraph (10) Section 5 of Government Decree 447/2013 (XI. 28.) Korm. In force: as of 29. 11. 2013.

⁵⁸³ Enacted by Section 14 of Government Decree 204/2015 (VII. 23.) Korm., effective as of 1 August 2015.

⁵⁸⁴ Repealed: by Section 25 of Government Decree 96/2010 (III. 31.) Korm. No longer in force: as of 5. 04. 2010.

⁵⁸⁵ Established by Subsection (1) of Section 33, Annex 2 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

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:

- a) kishatárforgalmi engedély/local border traffic permit
- b) tartózkodási engedély/residence permit
- c) humanitárius célú tartózkodási engedély/residence permit granted on humanitarian grounds
- d) bevándorlási engedély/immigration permit
- e) letelepedési engedély/permanent residence permit
- f) ideiglenes letelepedési engedély/interim permanent residence permit
- g) nemzeti letelepedési engedély/national permanent residence permit
- h) az EK letelepedési engedély/EC permanent residence permit
- i) EU Kék Kártya/EU Blue Card
- j) hallgatói mobilitási tartózkodási engedély/student mobility residence permit
- k) kutatói hosszú távú mobilitási tartózkodási engedély/researcher long-term mobility residence permit

Document format: ID-1 card with storage medium.

Note:

a) In the case of EC permanent residence permits: “huzamos tartózkodási engedéllyel rendelkező - EK / long-term resident-EC”,

b) In the case of EC permanent residence permits of third-country nationals previously holding an EU Blue Card: “huzamos tartózkodási engedéllyel rendelkező - EK / long-term resident-EC, korábban az EU Kék Kártya birtokosa / former EU Blue Card holder”,

c) During the first two years from the date of issue of the first EU Blue Card: “munkaerőpiaci hozzáférés a kiadástól számított két évig korlátozott / access to labor market is restricted for 2 years period”,

d) In the case of residence permits for the purpose of seasonal employment: “szezonális munkavállalás/seasonal working”,

e) In the case of residence permits for the purpose of intra-corporate transfer: “vállalaton belül áthelyezett személy / ICT”,

f) In the case of permit for long-term mobility: “hosszú távú mobilitási engedély / mobile ICT”,

g) In the case of residence permit for the purpose of job-searching or entrepreneurship: “álláskeresési és vállalkozásindítás /job-searching or entrepreneurship”,

h) In the case of long-term mobility residence permit for the purpose of research issued to researchers: “kutatói hosszú távú mobilitási tartózkodási engedély / long-term mobility residence permit for researcher”,

i) In the case of long-term mobility residence permit for the purpose of research issued to family members of researchers: “családtag kutatói hosszú távú mobilitási tartózkodási engedélye / long-term mobility residence permit for researcher’s family member”,

j) In the case of student mobility residence permit: “hallgatói mobilitási tartózkodási engedély / student mobility residence permit

Schedule No. III to Government Decree 114/2007 (V. 24.) Korm.

Residence permit documents

1)-2)⁵⁸⁶

3) Humanitarian residence permit to asylum seekers

Name of document: humanitarian residence permit to asylum seekers

Document format: ID-2 card

The document contains the following information:

1) serial number

2) name - surname and forename(s)

3) nationality (stateless status)

4) sex

5) facial photograph

6) date and place of issue

7) validity period

8) purpose of residence

9) place and date of birth

10) address

11) signature

12) remarks

Schedule No. IV to Government Decree 114/2007 (V. 24.)⁵⁸⁷

I. Rövid távú mobilitási igazolás/short-term mobility certificate

A) Short-term researcher mobility certificates issued to researchers shall contain the following information:

1. az okmányazonosító/document identification (denomination, number);
2. név/name - surname and forename(s);
3. születési helye/place of birth (town, country);
4. születési ideje/date of birth;
5. neme/sex;
6. állampolgársága/nationality;
7. fényképe/photo;
8. a magyarországi szálláshelye/address in Hungary;
9. érvényességi ideje/validity;
10. a kiállító hatóság bélyegzője, aláírása/stamp and signature of issuing authority;
11. a kiállítás helye, ideje/place and date of issue;
12. additional information on the reverse side:

Megjegyzések/remarks: kutatói rövid távú mobilitási igazolás/short-term researcher mobility certificate

Kutatásra jogosult (-nál/nél)/entitled to research (at):

Name of document: mobilitási igazolás/mobility certificate

⁵⁸⁶ Repealed: by paragraph (3) Section 126 of Government Decree 290/2010 (XII. 21.) Korm. No longer in force: as of 20. 05. 2011.

⁵⁸⁷ Established by Subsection (2) of Section 33, Annex 3 of Government Decree 411/2017 (XII. 15.) Korm., effective as of 1 January 2018.

Document format: ID-2 card

B) Short-term researcher mobility certificates issued to family members of researchers shall contain the following information:

1. az okmányazonosító/document identification (denomination, number);
2. név/name - surname and forename(s);
3. születési helye/place of birth (town, country);
4. születési ideje/date of birth;
5. neme/sex;
6. állampolgársága/nationality;
7. fényképe/photo;
8. a magyarországi szálláshelye/address in Hungary;
9. a kutató / researcher's
- 9a. neve/name,
- 9b. születési dátum/date of birth,
- 9c. neme/sex,
- 9d. állampolgársága/nationality;
10. érvényességi ideje/validity;
11. a kiállító hatóság bélyegzője, aláírása/stamp and signature of issuing authority;
12. a kiállítás helye, ideje/place and date of issue;
13. additional information on the reverse side:

Megjegyzések/remarks: kutató családtagja/family member of researcher

Name of document: mobilitási igazolás/mobility certificate

Document format: ID-2 card

C) Mobility certificates issued to students shall contain the following information:

1. az okmányazonosító/document identification (denomination, number);
2. név/name - surname and forename(s);
3. születési helye/place of birth (town, country);
4. születési ideje/date of birth;
5. neme/sex;
6. állampolgársága/nationality;
7. fényképe/photo;
8. a magyarországi szálláshelye/address in Hungary;
9. érvényességi ideje/validity;
10. a kiállító hatóság bélyegzője, aláírása/stamp and signature of issuing authority;
11. a kiállítás helye, ideje/place and date of issue;
12. additional information on the reverse side:

Megjegyzések/remarks: hallgatói mobilitási igazolás/student mobility certificate

Tanulmányokat folytat (-nál/nél)/Entitled to study (at):

Name of document: mobilitási igazolás/mobility certificate

Document format: ID-2 card

Schedule No. V to Government Decree 114/2007 (V. 24.) Korm.

Community hostel house rules

- 1) Upon arrival, new tenants shall present their residence document and the resolution ordering compulsory confinement upon arrival for admission at the hostel.
- 2) New tenants shall be subject to medical examination and shall have their clothing and other belongings searched.
- 3) Third-country nationals admitted into the community hostel (hereinafter referred to as 'hostel residents') may deposit their money and valuables for safe keeping when admitted, or may keep them in their possession at their own risk.
- 4) Hostel residents may not keep objects with which they might endanger their own or other persons' life or physical integrity (weapons; hitting, cutting, and piercing devices; gas spray, drugs, alcohol etc.).
- 5) When leaving the community hostel residents must return all of the inventory items they have received.
- 6) Hostel residents are to use the home's premises, furniture and equipment in accordance with their designated purpose. Residents shall refrain from littering and causing any damage to property, and shall keep their environment clean.
- 7) Hostel residents shall be provided with medical services. The office hours of the physician on duty shall be posted on the daily schedule.
- 8) Hostel residents are entitled to receive visitors at the times indicated on the daily schedule in the area designated for this purpose. They may use the telephone, send and receive letters at their own cost.
- 9) Hostel residents may exercise their religion individually or in groups without any restrictions. Religious activities shall not violate the hostel's operating order.
- 10) Hostel residents may move about freely in designated areas of the hostel and shall have free access to entertainment and sports facilities and other available equipment.
- 11) Hostel residents shall not engage in any conduct that violates the rights of other residents or causes any disturbance.
- 12)⁵⁸⁸ In the case of absence from the hostel for a period of twenty-four hours or less, hostel residents shall abide by the daily schedule and observe the house rules in order to refrain from causing any disturbance to others.

*Schedule No. VI to Government Decree 114/2007 (V. 24.) Korm.*⁵⁸⁹

Financial and income statement of third-country nationals who are victims of trafficking in human beings⁵⁹⁰

STATEMENT

⁵⁸⁸ Enacted: by Section 30 of Government Decree 409/2012 (XII. 28.) Korm. In force: as of 1. 01. 2013.

⁵⁸⁹ Amended by Paragraphs k)-l) of Subsection (4) of Section 13 of Government Decree 126/2019 (V. 30.) Korm.

⁵⁹⁰ Amended by Paragraph b) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

on the financial standing and income situation of third-country nationals who are victims of trafficking in human beings, and on any changes therein⁵⁹¹

A) Personal data

Declarant's

Name:

Place of birth:

Address (place of accommodation or place of domicile):.....

Residence permit number:

B) Financial information

At the time of this statement I have - do not have - the following assets in my possession and control in Hungary:

1) Real estate:

yes - no,

Market value: Forints

(Real estate other than the declarant's residence)

2) Automobile:

yes - no,

Market value: Forints

3) Motorized production or work equipment:

yes - no,

Market value: Forints

4) Cash:

yes - no,

Amount: Forints

5) Savings account:

yes - no,

Amount: Forints

6) Securities:

yes - no,

Value: Forints

7) Rights in immovables (long-term land lease, land use, beneficial ownership and use and similar rights, right of foreigners to use real property etc.):

yes - no,

Value: Forints

8) Total assets (1-7)

Amount: Forints

C) Income information

At the time of this statement I have - do not have - the following income in Hungary:

1) Monthly income from employment:

yes - no,

Amount: Forints

2) Income from other gainful activity:

yes - no,

Amount: Forints

⁵⁹¹ Amended by Paragraph e) of Section 3 of Government Decree 62/2016 (III. 31.) Korm.

3) Income from the sale of assets:

yes - no,

Amount: Forints

4) Other income:

yes - no,

Amount: Forints

5) Total income (1-4)

Amount: Forints

At the time of this statement the combined monthly income of my family as distributed equally among all family members living under the same roof (spouse, domestic partner, brother, sister and next of kin) is: Forints

D)⁵⁹² Notification requirement

Applicants and exiles shall notify the Országos Idegenrendészeti Főigazgatóság (*National Directorate General for Immigration*) forthwith within fifteen days,

when the market value (amount) of any of his assets has reached Forints, or the total market value (amount) of all his assets has reached Forints

if his monthly income is above the current mandatory old age pension (.....Forints in 200.....).

Declaration

I hereby declare that all data and information contained in this statement is true and correct. I understand that:

a) I am required to cover the costs of provisions received under the scope of personal care if the forint value (amount) of my assets and holdings or my monthly income is above the value (amount) specified in point D) of this Statement;

b) If I receive any non-repayable aid or support, the Országos Idegenrendészeti Főigazgatóság may request another financial and income statement which I am to provide within fifteen days;

c) The Országos Idegenrendészeti Főigazgatóság has powers to check and verify the data and information contained in this Statement;

d) The Országos Idegenrendészeti Főigazgatóság has the right to discontinue to provide aid and financial support should I fail to notify any changes in my financial and income situation under point D) of this Statement, until my compliance with said notification requirement;

e) The Országos Idegenrendészeti Főigazgatóság may decline to provide any aid and support should any of the data or information contained in my financial and income statement or in my notification of changes prove to be false.

Date:, day month year

.....

Signature of declarant (legal representative)

Received on:

Date:, day month year

.....

Signature of representative of the Országos Idegenrendészeti Főigazgatóság

Each petitioner and exile (accompanying spouse, legal guardian in the name of minors) shall fill out a separate statement.

The statement shall be completed using block letters.

⁵⁹² Amended by Paragraph h) of Section 96 of Government Decree 379/2016 (XII. 2.) Korm.

*Schedule No. VII to Government Decree 114/2007 (V. 24.) Korm.*⁵⁹³

⁵⁹³ Repealed: by subparagraph b) Section 31 of Government Decree 409/2012 (XII. 28.) Korm.
No longer in force: as of 1. 01. 2013.