

# Dublin procedure - Hungary | DIP

## EUAA

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### Overview

### Relevant EU legislation

Hungary is bound by the Dublin III Regulation (AMMR) and applies its provisions directly.

### National legislation

02/07/2007: Law LXXX of 2007 on asylum, 2007. évi LXXX. törvény a menedékjogról, [Asylum Law](#)

01/07/2007: Law II of 2007 on the entry and stay of third country nationals, 2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról, [TCN Law](#)

01/01/2018: Law CL of 2016 on the general administrative procedure, 2016. évi CL. törvény az általános közigazgatási rendtartásról, Ákr., [General Administrative Law](#)

01/01/2008: Government Decree No 301/2007. (XI.9.) on the implementation of the law LXXX of 2007 on asylum, 301/2007. (XI. 9.) Kormány rendelet a menedéjogról szóló 2007. évi LXXX. törvény végrehajtásáról, [Asylum Decree](#)

01/07/2007: Government Decree No 114/2007. (V.24) on the implementation of the law II of 2007 on the entry and stay of third country nationals, 114/2007. (V. 24.) Kormány rendelet a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról szóló 2007. évi II. törvény végrehajtásáról, [TCN Decree](#)

## Competent authorities and stakeholders

**Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible):** Dublin Coordination Unit, [National Directorate-General for Aliens Policing \(NDGAP\) | Dublini Koordinációs Osztály, Országos Idegenrendészeti Főigazgatóság \(OIF\)](#)

**Place in the institutional framework:** The Dublin unit is decentralised and lies within the National Directorate-General for Aliens Policing. The unit is part of the main asylum and immigration authority.

### Competencies of the entity:

<b>No</b>	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)
<b>Yes</b>	Organising Dublin transfers
<b>No</b>	Notifying the transfer decision
<b>No</b>	Accompanying/escorting applicants during a Dublin transfer
<b>Yes</b>	Sending and replying to take charge and take back requests to/from other Member States

<b>No</b>	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
<b>Yes</b>	Sending and replying to information requests to/from other Member States

### Stakeholders involved in the procedure:

<b>Handing over the common leaflet on the Dublin procedure</b>	<a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a>
<b>Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)</b>	<a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a>
<b>Referral of cases to the Dublin unit</b>	<a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a>
<b>Sending and replying to a take charge or take back request</b>	Dublin Coordination Unit, <a href="#">National Directorate-General for Aliens Policing   Dublini Koordinációs Osztály, Országos Idegenrendészeti Főigazgatóság</a>
<b>Sending and replying to information requests to/from another Member State</b>	Dublin Coordination Unit, <a href="#">National Directorate-General for Aliens Policing   Dublini Koordinációs Osztály, Országos Idegenrendészeti Főigazgatóság</a>
<b>Notification of the transfer decision</b>	<a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a>

<p><b>Free legal assistance during the appeal of a transfer decision</b></p>	<p>The Justice Service of the <a href="#">Ministry of the Interior   Belügyminisztérium</a> decides on the provision of free legal and representation services.</p> <p>Service providers can be independent NGOs, law schools or attorneys registered and designated by the Legal Aid Service of the <a href="#">Ministry of the Interior   Belügyminisztérium</a>.</p>
<p><b>Representation of the asylum authority in an appeal against a transfer decision</b></p>	<p>Dublin Coordination Unit, <a href="#">National Directorate-General for Aliens Policing   Dublini Koordinációs Osztály, Országos Idegenrendészeti Főigazgatóság</a></p>
<p><b>Organising the transfer to the responsible Member State</b></p>	<p>Dublin Coordination Unit, <a href="#">National Directorate-General for Aliens Policing   Dublini Koordinációs Osztály, Országos Idegenrendészeti Főigazgatóság</a></p> <p>Coercive Measures and Returns Unit, <a href="#">National Directorate-General for Aliens Policing   Kényszerintézkedési és Kiutaztatási Osztály, Országos Idegenrendészeti Főigazgatóság</a></p>
<p><b>Providing information on the transfer modalities to the applicant</b></p>	<p><a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a></p>

<p><b>Accompanying/escorting applicants during a Dublin transfer when necessary</b></p>	<p><a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a> <a href="#">Police   Rendőrség</a></p>
<p><b>Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)</b></p>	<p><a href="#">Police   Rendőrség</a> <a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a></p>
<p><b>Court/authority responsible for deciding on an appeal against a transfer decision</b></p>	<p>The request is filed with the <a href="#">National Directorate-General for Aliens Policing   Országos Idegenrendészeti Főigazgatóság</a>, which transfers it to the competent regional court.</p>

## **Provision of information on the Dublin procedure**

Written leaflets are provided for the applicants during lodging, and they are informed orally about their rights and obligation during the personal interview. Unaccompanied minors are informed by a specific leaflet in accordance with Commission Implementing Regulation (EU) no. 118/2014.

The document contains information such as legal background, applicants' rights and obligations, country responsibilities and the procedure.

## **Right to legal counselling on the Dublin procedure**

An applicant has the right to legal assistance during all stages of the asylum procedure as provided under Section 37 (3) of [Law LXXX of 2007](#) (here after Asylum Act). According to the Asylum Law, legal assistance and representation for asylum applicants are governed by the general rules for legal aid as enshrined in the [Legal Aid Act LXXX of 2003](#) (hereafter Legal Aid Act).

The free legal aid of the district office of the Legal Aid Service, which is also available to Hungarian nationals, is available to all applicants for asylum. The relevant contact details are displayed in the reception facilities of NDGAP.

Section 5 (2)(d) of the [Legal Aid Act](#) mentions that regardless of their income and wealth, refugees, asylum seekers, nationals applying for temporary or subsidiary protection, or detained persons for the purpose of Dublin transfers are considered in need of legal support. Asylum applicants are eligible for free legal aid if they are entitled to receive benefits and support under the Asylum Act. Section 3(1)(f) provides that legal aid shall be available to those who are eligible for it, as long as the person is involved in a public administrative procedure and needs legal advice in order to understand and exercise their rights and obligations, or requires assistance with the drafting of legal documents or any submissions. As such, no test on financial resources is conducted to access legal aid.

Legal representatives have the right to access reception centres and places of detention for the purposes of providing legal counselling in person to applicants.

## **Personal interview for determining the Member State responsible**

**Organisation of the interview:** No specific personal interview is conducted during the Dublin procedure, as NDGAP relies on information obtained from the applicant during the registration process with a focus on travel route and family members.

**Persons present during interview:** No specific personal interview is conducted during the Dublin procedure.

## Notification of the transfer decision

The Dublin Coordination Unit is in charge of issuing the decision on responsibility. Following a positive answer from the requested Member State, a resolution (*végzés*) to transfer the person to the responsible Member State is issued. This resolution is not made only regarding the transfer, but includes also a description of the subject matter of the case, the relevant facts of the case and the underlying evidence, information on the form of remedy available, the place and the deadline for filing, and information on the remedy procedure. The applicant can be notified of the resolution in person or remotely, and if needed, interpretation is provided.

## Remedies

<b>Competent authority/court</b>	Regional courts   <a href="#">Törvényszékek</a>
<b>Deadline for review/appeal</b>	Three days
<b>Deadline for decision on the review/appeal</b>	Eight days
<b>Suspensive effect of the review/appeal</b>	There is no automatic suspensive effect. The applicant may request for one.

## Transfer arrangements

The Dublin Coordination Unit and the Coercive Measures and Returns Unit of the NDGAP are responsible for organising Dublin transfers, whilst the police are responsible for their enforcement. Depending on the age and behaviour of the applicant, it is assessed whether an escort is required for air transfers. Unaccompanied minors are escorted throughout the travel by their legal guardian, or by the police.

## **Guarantees for minors in the Dublin procedure**

**Assessment in the best interest of the child:** NDGAP does not use a standardised template for specifically assessing the best interests of the child under Dublin procedure. However, the EUAA Practical Guide on the best interests of the child is being used.

**Legal representation for unaccompanied minors:** The representative appointed to the UAM for the Dublin procedure is the same as the representative within the international protection procedure. The representative participates at all stages of the Dublin procedure, including by providing information to the child, collecting information on family members/relatives, collecting information on health conditions, taking part in the Dublin interview and involvement in the best interest assessment. The representative's assertions are also taken into account.

**Detection of potential family reunification cases:** There are no specific rules for the early detection of potential family reunification cases.