Reception - Hungary

Reception system

Overview

Content updated and validated on: 5/09/2025

Relevant EU legislation

Hungary is bound by the recast Reception Conditions Directive and has transposed its provisions through the Law LXXX of 2007 on asylum | 2007. évi LXXX. törvény a menedékjogról (2 July 2007)

National legislation

02/07/2007: Law LXXX of 2007 on asylum | 2007. évi LXXX. törvény a menedékjogról

Competent authority and stakeholders

Authority responsible for reception	National Directorate General for Aliens Policing (NDGAP), Reception Facilities Supervisory Unit	Országos Idegenrendészeti Főigazgatóság, Befogadó Intézmények Szakmai Irányító Osztály manages and operates reception facilities at the central level. The NDGAP is an independent organisation with its own budget at the national level under the responsibility of the Ministry of the Interior. It functions as a law enforcement agency since July 2019.

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Other actors involved	Some civil society associations are present at reception facilities from time to time to provide social support: • Menedék - Hungarian Association for Migrants • Hungarian Red Cross • Kalunba • Cordelia Foundation

Organisational aspects

Reception is managed at the central level. All reception structures are run by the national agency for reception. Government Decree 301/2007 (XI.9), Article16(4) notes that the NDGAP decides on material reception conditions within 30 days from the lodging of the application. Article 17(2) then adds that the NDGAP examines *ex officio* the need for material reception conditions throughout the asylum procedure, and applicants may declare that they do not wish to use one or more of the support measures. Thus, an applicant may arrange for private accommodation, but this does not have an impact on the other elements of the material reception conditions, for example the level of the financial allowance.

Allocation of applicants to geographical areas within the territory

There is no allocation or distribution mechanism in place.

Staff and training

Staff profiles include social workers, security staff and doctors. From time to time, social workers can participate in training organised by NDGAP, NGOs or UNHCR.

Reception phases

Asylum seekers are entitled to reception conditions from the moment they submit an asylum application.

The entitlement to reception conditions ends at the conclusion of the asylum procedure. Once a final decision on the application has been made, whether the

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asylum seeker is granted refugee status or has their application rejected, the entitlement to reception services ceases. If the application is rejected, the individual is expected to leave Hungary or face deportation. In cases of accepted applications, reception services are replaced by integration support as the individual begins the process of resettling in Hungary.

Contingency planning

Tents and containers have been used as a housing solution in different centres in the past. Some of them were used as an emergency solution. Most tents were provided by the police on loan, and containers were procured and stored at different sites of the authority.

The transit zones were operating with containers:

- Röszke transit zone had a capacity of 450;
- Tompa transit zone had a capacity of 250.

In 2019, the average stay in the Röszke transit zone was 121 days, while in the Tompa transit zone it was 154 days.

Facilities

Overview of different types of reception facilities according to national classification

Reception centre *(befogadó állomás)*: Open collective accommodation in Vámosszabadi. The facility is used throughout the whole asylum procedure and has a capacity of 210 places.

Community shelter (*közösségi szállás*): Open collective accommodation in Balassagyarmat, with a capacity of 140 places.

As a general rule, recognised persons and applicants are accommodated in the reception centre, and those under foreigners' proceedings are placed in the community shelter. If necessary, this allocation can be changed, and the profile of the applicant is also taken into account.

Premises at the border

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Name of the reception facility	Closed facilities in transit zones operated until end of May 2020 and were shut down following the judgment of the CJEU.
Access description	Closed
Management	NDGAP
Type of applicants accommodated	Both zones were set up with 4 different accommodation areas separately for families, single men, single women and unaccompanied minors between 14-18 yrs. Unaccompanied minors under 14 years were not to be accommodated in transit zones.
Number of centres	2
Capacity	Tompa: 250 places Röszke: 450 places
Location of the centres within the country	Tompa Röszke

Initial reception centres

Name of the reception facility	There is no initial reception centre.
Regime	There is no initial reception centre.
Management	There is no initial reception centre.
Type of applicants accommodated	There is no initial reception centre.
Number of centres	There is no initial reception centre.
Capacity	There is no initial reception centre.
Location of the centres within the country	There is no initial reception centre.

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Collective accommodation centres

Name of the reception facility	Reception centre and community shelter (*befogadó állomás és közösségi szállás*)
Regime	Open
Management	NDGAP, Asylum Directorate, Reception Facilities Supervisory Unit
Type of applicants accommodated	First-time applicants for international protection with lawful residence in Hungary or with a visa for Hungary.
Number of centres	2
Capacity	• Balassagyarmat: 140 • Vámosszabadi: 210 persons
Location of the centres within the country	• Balassagyarmat community shelter • Vámosszabadi reception centre

Individual accommodation centres (such as private houses, flats, hotels)

Name of the reception facility	Individual accommodation centres are currently not in use.
Regime	Individual accommodation centres are currently not in use.
Management	Individual accommodation centres are currently not in use.
Type of applicants accommodated	Individual accommodation centres are currently not in use.
Number of centres	Individual accommodation centres are currently not in use.
Capacity	Individual accommodation centres are currently not in use.

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Location of the centres within the country	Individual accommodation centres are currently not in use.

Temporary solutions when housing capacities is temporarily exhausted

Name of the reception facility	Temporary solutions are currently not in place. The former reception centre in Békéscsaba is available for this purpose.
Regime	Temporary solutions are currently not in place.
Management	Temporary solutions are currently not in place.
Type of applicants accommodated	Temporary solutions are currently not in place.
Number of centres	Temporary solutions are currently not in place.
Capacity	Temporary solutions are currently not in place.
Location of the centres within the country	Temporary solutions are currently not in place.

Reception facilities for applicants with special needs

Asylum Law, Article 29 notes that the authorities must take into account the special needs of applicants when granting material reception conditions. Asylum Decree, Articles 32-34 lay down some measures for applicants with special reception needs. The decree notes that applicants with special needs are to be accommodated in a separate part of the reception facility.

During reception, the interests of the child should be of primary concern for the authorities. Unaccompanied minors are to be accommodated through the child protection system and their accommodation should only be changed in exceptional circumstances. Siblings should be placed together, taking into account their age and maturity. The decree ensures additional support services free of charge. However, in general, the law does not foresee specific facilities for different groups of applicants with special needs.

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Unaccompanied minors: Unaccompanied children are accommodated at the Károlyi István Children's Centre in Fót. Children are transported by the police to the designated facility. Upon arrival, a medical check is conducted. At the Children's Centre, the child's age and gender are taken into account during accommodation. Younger children are placed separately from older ones, and girls are accommodated separately from boys.

Victims of human trafficking: The Victim Support Centre in Budapest provides support at the facilities.

Gender-related issues: In general, separate accommodation for single women is provided.

Women: In all open reception centres, applicants share rooms (between 4 and 12 people per room). Separate accommodation for single women is provided; however, there is no protected space exclusively for women.

LGBTIQ: When the gender identity of the applicant differs from their registered gender, this must be considered when allocating accommodation within the reception centre (Asylum Decree, Article 22).

Material reception conditions provided in kind and cash

Definition of material reception conditions

Material reception conditions are defined in Article 21 of the Asylum Decree. They include accommodation, three meals per day or an equivalent food allowance, hygiene and household items or an equivalent allowance.

Material reception conditions provided in kind

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Type and purpose	The care provided at the reception centres includes: three meals a day (breakfast, lunch and dinner) or a food allowance of equivalent value; tableware, washing and toiletry items for personal use or a hygiene allowance of equivalent value. Food is provided in kind only when the number of applicants exceeds a certain threshold, as was the case for example between May-July 2020. However, a food allowance is more commonly provided. Hygiene items are typically provided in kind.
Duration and recurrence	When in kind, meals are provided three times a day.

Financial allowances and vouchers

Type and purpose	Applicants currently receive support in kind only, and they do not receive an allowance. However, allowances were used in the past. For example, the food allowance is an equivalent value to three meals a day (breakfast, lunch and dinner), and allowance in an equivalent value to tableware, washing and toiletry items for personal use or hygiene items.
Duration and recurrence	No financial allowance currently. In the past, the allowances were provided weekly, until the conclusion of the asylum procedure.
Calculation and amount	Applicants currently receive support in kind only. They do not receive an allowance.
Applicants granted allowance	Applicants currently receive support in kind only. They do not receive an allowance. In the past, all applicants, when food and hygiene items are not provided in kind, with certain exceptions (e.g. subsequent applicants who are not entitled to assistance and those not considered to be destitute).
Modalities of provision	Applicants currently receive support in kind only. They do not receive an allowance.

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Material reception conditions for vulnerable persons

Asylum Law, Article 29 notes that the authorities must take into account the special needs of applicants when granting material reception conditions. Asylum Decree, Articles 32-34 lay down some measure for applicants with special reception needs.

Asylum Decree, Article 34 notes that applicants with special reception needs are entitled to additional support services free of charge if this is required due to the applicant’s health condition, rehabilitation, psychological and clinical specialist psychological care, and psychotherapy.

Unaccompanied children: Unaccompanied children are accommodated at the Károlyi István Children's Centre in Fót. Children are transported by the police to the designated facility. Upon arrival, a medical check is conducted. At the Children's Centre, the child's age and gender are taken into account during accommodation. Younger children are placed separately from older ones, and girls are accommodated separately from boys. Material reception conditions are provided within the childcare system.

Victims of human trafficking: Pursuant to the Victim Support Act, if the victim of trafficking in persons is a third-country national, the following additional support is provided:

1. Additional guidance: Apart from general information, the victim is provided with:

   - A 1-month reflection period to decide whether they are willing to cooperate with the authorities investigating the crime. During this period, the victim is entitled to a certificate of temporary stay.
   - If the victim is willing to cooperate with the authorities, they are entitled to a residence permit for the period of cooperation.

2. The Victim Support Service initiates the issuance of a certificate for temporary stay from the immigration authority (Immigration and Asylum Office). If the crime occurred in Hungary, the trafficking victim may be entitled to both victim support and state compensation (subject to further conditions).

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Victim support activities also include the Victim Support Line (+36 80 225 225), a free 24/7 call centre maintained by the Ministry of Justice, which primarily aims to ensure that victims can access personalized information and advice about available services at any time.

Additional specialist or hospital care must also be provided as well as psychological or psychosocial support.

Rights and obligations during reception

Provision of information and counselling

Modalities of information provision on benefits and obligations related to reception conditions	Applicants receive an information leaflet and are informed in person as well when they arrive at the reception centre about the house rules, entitlement to material reception conditions, access to education and healthcare.
Provision of legal assistance on the reception conditions available	Free legal services are provided by the Budapest Government Office. NGOs can be contacted for non-state-funded legal assistance.
House rules	Applicants are informed about the house rules, information is available in different languages and also fixed on the walls, such as meal time, common areas usage.

Freedom of movement within the territory

Assignment of a particular area of residence to applicants	Applicants can move freely within the country and leave the reception centre for maximum 24 hours. Subsequent applicants' freedom of movement may be more restricted.

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Reporting obligations	In principle, applicants do not have reporting obligations and Residents can move freely between 6am-11pm. A maximum of 5 days long-term absence is allowed for the residents with staff approval.

Employment and vocational training

Time limit to access the labour market	9 months after lodging an asylum application if a decision has not been issued. During the first 9 months, the applicant can work inside the premises of the reception facility or at a workplace specified by the public employer (Asylum Law, Article(1)c)).
Criteria to access the labour market	Upon request, a certificate can be issued to the asylum applicant with the status and date of submission of the asylum application. An employer initiates the request for a work permit, which is issued by the Employment Agency of the Government Office, along with the exact position of employment and justification for the labour need to employ a third country national rather than a Hungarian citizen. The time limit for issuing the authorisation is 10 days.
Employment support for applicants	No special, state-financed support programmes are offered.
Adults' access to vocational training	Only recognised beneficiaries of international protection have access to vocational training.
Access to tertiary education	Access is on the same conditions, as other third country nationals.

Healthcare

Medical screening	Applicants go through medical screening upon arrival in order to check their general health and determine the necessary care or medicine.

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Level of healthcare	Besides emergency care, asylum applicants are entitled to: • Basic healthcare services, examination and medical treatment by a GP. • After ambulant and hospital treatment, they are entitled to the required examination and medical treatments until the condition has stabilised and to medication and medical appliances. • Dental healthcare for the lowest price. • Medication and medical appliances free of charge or supported by social security by 90% or 100%. • Prenatal care, obstetrics and abortion pursuant to the law on protection of foetal life. • Age-related compulsory vaccination. Applicants with special needs are entitled to health services, rehabilitation, psychological and clinical psychotherapy, as well as psychotherapeutic treatment free of charge if it is justified by their health condition. The NDGAP reimburses the cost of healthcare to service providers.

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Access to healthcare	The Asylum Law, Articles 26-28 detail the rules for applicants to access healthcare. Applicants are entitled to free healthcare services only in case of illness. Article 26 lists the types of treatments that are covered. Some treatments are ensured only in case of "urgent need", that the law defines as "change in the patient's health status that, in the absence of immediate medical care, would place the patient in immediate danger of death or would cause serious or permanent damage to his or her health". Article 27 notes that family doctor's care is delivered at the reception or detention facility. Applicants in private accommodation are entitled to care in the area of their accommodation. Specialised healthcare in general is ensured in the territorially competent institution. The NDGAP either reimburses the service provider or the applicant for the costs of healthcare.

Education for minors

The law does not provide for a specific time limit to enrol children in education, but enrolment is to be carried out as soon as possible. Depending on the location, the setup for education varies:

- In **Balassagyarmat**, children are enrolled in preparatory classes on the premises of the community shelter. Once their knowledge of the Hungarian language is sufficient, they can transition into mainstream classes.
- In **Vámosszabadi**, children are enrolled in a local school in Győr, but they are placed in separate classes specifically for asylum-seeking children. They attend school twice a week, while a teacher visits the camp once a week to provide additional support. On the remaining days, a social worker assists with education. State-financed special support programmes are not provided; such support is typically offered by NGOs.

In both locations, the focus is on integrating children into the local education system as soon as they are ready, with preparatory classes and language support facilitating their transition into mainstream education.

Socio-cultural orientation and language learning

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Access to socio-cultural orientation	No state-financed socio-cultural orientation classes are organised.
Language classes	There are no state-financed Hungarian language courses. Hungarian language courses are provided typically by NGOs.

Sufficient means

Arrangement of private accommodation

The Asylum Law, Article 16(4) notes that the NDGAP decides on material reception conditions within 30 days from the lodging of the application. Article 17(2) adds that the NDGAP examines *ex officio* the need for material reception conditions throughout the asylum procedure, and applicants may declare that they do not wish to receive one or more of the support measures. Thus, an applicant may arrange for private accommodation, but this does not have an impact on other material reception conditions, for example the level of financial allowance.

Contribution to reception and healthcare costs

If an applicant is not considered to be destitute, they can be ordered to pay partially or fully the costs of material reception conditions.

Sufficient means test

The Asylum Law notes that only destitute applicants are entitled to material reception conditions. Asylum Law, Article 39(7) underlines that applicants must reimburse the cost of material reception conditions if it is discovered that they have substantial assets.

Sanction regimes, reduction or withdrawal of material reception conditions

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Circumstances for reducing or withdrawing material reception conditions

An applicant may be excluded from a reception facility for the following reasons (Asylum Law, Article 30(1)):

- the applicant has left the designated reception facility for an unknown destination for more than 14 days;
- the applicant submitted a subsequent application without any new elements;
- the applicant does not comply with the reporting obligation relating to the asylum procedure, does not supply the required data or information or fails to appear at personal hearings;
- the applicant misleads the authorities about their financial situation and unlawfully receives material reception conditions.

Possible sanctions and procedure

Article 30 of the Asylum Law foresees the following sanctions:

- Reduction or withdrawal of material reception conditions.
- Designation of another reception facility.

A decision to reduce or withdraw is made by the NDGAP and is based on individual circumstances. The decision contains the reasoning. The reduction or withdrawal should be proportionate to the violation committed and can be ordered for a definite or indefinite period with a possibility of a judicial review.

Emergency healthcare is provided in the context of limited or withdrawn material conditions.

If the reasons for limiting or withdrawing the material reception conditions have ceased, the asylum authority may, after considering the individual situation of the applicant, re-secure the financial terms of the decision.

Review of the sanction decision

An applicant may appeal against a decision to reduce material reception conditions. The request for the review must be submitted to the asylum authority

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within 3 days of the date of notification of the decision (Section 32/B(1) Asylum Law). The asylum authority forwards the request for a review to the regional court *(Törvényszékek)*.

The appeal does not have a suspensive effect. The court decides within 6-8 working days of receiving the request for a review on the basis of the documents available (Section 32/B(3) Asylum Law). A personal interview may be held if necessary. The court may overturn the decision of the asylum authority. There is no legal remedy against the court's decision (Section 32/B(4) Asylum Law).

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