Forms of protection - Hungary

Overview

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Relevant EU legislation

Hungary is bound by the recast Qualification Directive (Qualification Regulation) and has transposed its provisions through Law LXXX of 2007 on asylum (Asylum Law).

National legislation

Refugee status	Asylum Law, Article 6 (*menekült*)
Subsidiary protection	Asylum Law, Article 12 (*oltalmazott*)
Temporary protection	Asylum Law, Article 19 (*menedékes*)
National forms of protection	Asylum Law, Article 25/A (*befogadott*) The NDGAP assesses in the asylum procedure, whether a person can receive this status, when it concludes that international protection cannot be granted, but due to the principle of non-refoulement the person cannot be returned to their country of origin or to a safe third country. The status is reviewed every year. They obtain a residence permit based on humanitarian considerations. They may only obtain a temporary travel document, when their travel document is lost, stolen, destroyed or for any other reason cannot be obtained within a reasonable time and their return to Hungary is otherwise not possible.

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Competent authority and stakeholders

Refugee status	National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)
Subsidiary protection	National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)
Temporary protection	National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)
National forms of protection	National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)

Renewal and withdrawal of international protection and national forms of protection

Refugee status

Legal provisions relating to review, renewal and withdrawal of refugee status: Asylum Law, Articles 11, 75/A, Asylum Decree, Article 99-99/A

Length of the first and subsequent residence permits: 3 years, which can be extended with 3-year periods.

Review of the status: The NDGAP reviews the need for refugee status automatically after 3 years. The status is also reviewed, if the refugee's extradition is requested by another state. (Asylum Law, Article 7/A). The procedure must be finalised within 60 days. The review procedure is guided by the same rules, as the asylum procedure, thus, the same rules apply for the personal interview, legal aid and the appeal process.

Renewal of the status: The NDGAP renews the status after the automatic review process, if it finds that the circumstances that led to the person's recognition as refugee still persist.

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Withdrawal of the status: The NDGAP may initiate the withdrawal of international protection. The withdrawal procedure follows the rules of the regular asylum procedure, thus, the same rules apply for the personal interview, legal aid and the appeal process. The procedure should be finalised within 60 days.

Grounds for withdrawal of the status:

Asylum Law, Article 11(1) lists the following circumstances for the cessation of the refugee status:

- The refugee acquires Hungarian citizenship;
- The refugee status is revoked.

Asylum Law, Article 11(2) lists the grounds for revoking a refugee status:

- the refugee has voluntarily re-availed themselves of the protection of the country of origin;
- the refugee has voluntarily re-acquired their lost nationality;
- the refugee has acquired a new nationality and enjoys the protection of that country;
- the refugee has voluntarily relocated to the country they have left or to the country outside of which they resided owing to fear of persecution;
- the circumstances giving rise to the recognition as a refugee have ceased;
- the refugee renounces the status in written;
- the refugee was recognised despite an exclusion ground, or reason for exclusion exists;
- the criteria for recognition did not exist already at the time of the asylum decision;
- the refugee concealed important facts, made a false statement related to such facts, or used false or falsified documents, if this have had an impact on his recognition.

Consequences of the withdrawal of the status: The NDGAP orders the revocation of the residence permit and issues an expulsion order, or – if the criteria are fulfilled – a deportation order. An entry and residence ban is included, when the person can be deported. Residence rights cease on the date specified within the decision, or, when there is an appeal, after the final court judgement. The former refugee can apply for another kind of residence permit, but this is not facilitated by national authorities.

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Subsidiary protection status

Legal provisions relating to review, renewal and withdrawal of subsidiary protection: Asylum Law, Article 18, 75/A, Asylum Decree, Article 99-99/A

Length of the first and subsequent residence permits: 3 years, which can be extended with 3-year periods.

Review of the status: The NDGAP reviews the need for subsidiary protection automatically after 3 years. The status is also reviewed, if the person's extradition is requested by another state. (Asylum Law, Article 7/A). The procedure must be finalised within 60 days. The review procedure is guided by the same rules, as the asylum procedure, thus, the same rules apply for the personal interview, legal aid and the appeal process.

Renewal of the status: The NDGAP renews the status after the automatic review process, if it finds that the circumstances that led to the person's need for subsidiary protection still persist.

Withdrawal of the status: The NDGAP may initiate the withdrawal of international protection. The withdrawal procedure follows the rules of the regular asylum procedure, thus, the same rules apply for the personal interview, legal aid and the appeal process. The procedure should be finalised within 60 days.

Grounds for the withdrawal of the status:

Asylum Law, Article 18(1) lists the following circumstances for the cessation of subsidiary protection:

- The person acquires Hungarian citizenship;
- The person is recognised as a refugee;
- Subsidiary protection is revoked.

Asylum Law, Article 18(2) lists the grounds for revoking subsidiary protection:

- the person has voluntarily re-availed themselves of the protection of the country of origin;
- the person has voluntarily re-acquired their lost nationality;

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- the person has acquired a new nationality and enjoys the protection of that country;
- the person has voluntarily relocated to the country they have left or to the country outside of which they resided owing to fear of serious harm or risk of serious;
- the circumstances giving rise to subsidiary protection have ceased;
- the person renounces subsidiary protection in written;
- the person was recognised despite an exclusion ground, or reason for exclusion exists;
- the criteria for recognition did not exist already at the time of the asylum decision;
- the person concealed important facts, made a false statement related to such facts, or used false or falsified documents, if this have had an impact on his recognition.

Consequences of the withdrawal of the status: The NDGAP orders the revocation of the residence permit and issues an expulsion order, or – if the criteria are fulfilled – a deportation order. An entry and residence ban is included, when the person can be deported.

Residence rights cease on the date specified within the decision, or, when there is an appeal, after the final court judgement. The former beneficiary of subsidiary protection can apply for another kind of residence permit, but this is not facilitated by national authorities.

National forms of protection

Legal provisions relating to the review, renewal and withdrawal of national forms of protection: Asylum Law, Article 25/D, 75/A, Asylum Decree, Article 99-99/A

Length of the first and subsequent residence permits: The status is granted for one year, and it can be renewed for a year, as long as there is the need (Asylum Law, Article 25/B(2)).

Review of the status: The NDGAP automatically reviews the status yearly (Asylum Law, Article 25/B(2)). It can also review the status when there is a change in circumstances. The procedure must be finalised within 60 days. The review procedure is guided by the same rules, as the asylum procedure, thus, the same rules apply for the personal interview, legal aid and the appeal process.

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Renewal of the status: The renewal is initiated by the NDGAP, as part of the yearly status review process. If there are no circumstances for cessation or withdrawal of the status, it is automatically renewed. The status is renewed, if the person is still in need of protection.

Withdrawal of the status: The NDGAP may initiate the withdrawal of international protection. The withdrawal procedure follows the rules of the regular asylum procedure, thus, the same rules apply for the personal interview, legal aid and the appeal process. The procedure should be finalised within 60 days.

Grounds for the withdrawal of the status:

Asylum Law, Article 25/D(1) lists the following circumstances for the cessation of this status:

- The person acquires residence permit on a different ground;
- The status is revoked
- The person acquires Hungarian citizenship.

Asylum Law, Article 25/D(2) lists the grounds for revoking this status:

- the person has acquired a new nationality and enjoys the protection of that country;
- the person has voluntarily relocated to the country they have left or to the country outside of which they resided;
- the circumstances giving rise to recognition of this status have ceased;
- the person renounces subsidiary protection in written;
- the person was recognised despite an exclusion ground, or reason for exclusion exists;
- the criteria for recognition did not exist already at the time of the decision;
- the person did not appear in front of the NDGAP within one month from notification during a renewal procedure.

Consequences of the withdrawal of the status: The NDGAP orders the revocation of the residence permit and issues an expulsion order, or – if the criteria are fulfilled – a deportation order. An entry and residence ban is included, when the person can be deported.

Content of protection

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Overview

Relevant legal provisions: Asylum Law, Articles 32-32/B, Asylum Decree, Chapter 5

Legal provision detailing content of protection for refugee status: Asylum Law, Articles 32-32/B, Asylum Decree, Chapter 5

Legal provision detailing content of protection for beneficiaries of subsidiary protection: Asylum Law, Articles 32-32/B, Asylum Decree, Chapter 5

Provision of information on the content of protection

Authority responsible and legislative provisions for refugees and beneficiaries of subsidiary protection: National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)

Format of the provision of information: The NDGAP must informed the person in the decision to grant international protection about their rights and obligations related to services and support based on the Asylum Law and the Asylum Decree (Asylum Decree, Article 35(1)). The information must be conveyed in the person’s mother tongue, or in a language they understand, in written format.

Residence permits

Refugees:

Authority responsible for delivering the residence permit: National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)

Length of first and subsequent residence permits: 3 years, which can be extended with 3-year periods

Procedure for delivering the residence permit (including timelines): Refugees are obliged to request an ID at the government administrative office’s local branch 3 days within receiving the recognition decision. The ID is valid for 4 years. The delivery of the first ID is for free. The law requires authorities to deliver the ID

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within 20 days from the request.

Beneficiaries of subsidiary protection:

Authority responsible for delivering the residence permit: National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)

Length of first and subsequent residence permits: 3 years, which can be extended with 3-year periods

Procedure for delivering the residence permit (including timelines): People with subsidiary protection must request a Hungarian ID at the government administrative office's local branch 3 days within receiving the recognition decision. The ID is valid for 4 years. The delivery of the first ID is for free. The law requires authorities to deliver the ID within 20 days from the request.

Travel documents

Refugees:

Authority responsible for delivering the travel document: National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)

Validity period of the travel document: 1 year

Procedure for delivering the travel document (including the necessity to pay any fees): Refugees may request a bilingual Convention Travel Document. This can only be refused based on an initiative by the national security services, the police or the National Tax and Customs Office. The delivery of the passport is not exempt from fees. The passport can be requested after the person had acquired a Hungarian ID.

Beneficiaries of subsidiary protection:

Authority responsible for delivering the travel document: National Directorate-General for Aliens Policing (NDGAP) | Országos Idegenrendészeti Főigazgatóság (OIF)

Validity period of the travel document: 1 year

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Procedure for delivering the travel document (including the necessity to pay any fees): People with subsidiary protection may request a special passport (a booklet containing 32 pages). This can only be refused based on an initiative by the national security services, the police or the National Tax and Customs Office. The delivery of the passport is not exempt from fees. The passport can be requested after the person had acquired a Hungarian ID.

Freedom of movement

There is no general restriction or limitation on the freedom of movement of beneficiaries of international protection. They can freely move within the territory of the country and establish themselves in the locality of their choice.

Access to employment and employment-related education

Refugees and beneficiaries of subsidiary protection:

Right to access the labour market: Beneficiaries of international protection have the same access to the labour market, as Hungarian nationals. However, they cannot hold a position which is linked to holding Hungarian citizenship by law.

Administrative steps for employment: Beneficiaries need to typically first obtain a Hungarian ID, but there are no other obligatory administrative steps for employment.

Access to employment-related educational opportunities for adults and vocational training (including training courses for upgrading professional skills): Beneficiaries have the same access to vocational training, as Hungarian nationals. Targeted trainings are offered only by NGOs, depending on the availability of funding. Otherwise general vocational courses are typically available only in Hungarian

Access to education

Refugees and beneficiaries of subsidiary protection:

Minors' right and conditions to access education (pre-school, primary school, secondary school, post-secondary and tertiary education): Children beneficiaries of international protection have the same rights to access pre-school, primary

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and secondary school, post-secondary and tertiary education as nationals. However, as the National Integration Evaluation Mechanism notes, requirements in post-secondary and tertiary education (language proficiency, previously attained education) effectively restrict access to these types of institutions.

Additional support provided to minors for education, including access to grants and loans: The Asylum Decree states that the NDGAP may reimburse some education related costs until the beneficiary reaches 21 years. These include public transport costs to school, school meal costs, and the costs for staying in a student dormitory.

Adults' right and conditions to access education: Beneficiaries of international protection have the same access to education, as Hungarian nationals.

Additional support provided to adults for education, including access to grants and loans: The law does not provide for any educational support for adults, and there are currently no government funded programmes.

Access to procedures for recognition of qualifications and validation of skills

Refugees and beneficiaries of subsidiary protection:

Conditions to access the procedure for the recognition of qualifications and validation of skills: Beneficiaries of international protection have the same access to procedures for the recognition of qualifications and validation of skills, as nationals.

Procedure to follow for the recognition of foreign diplomas, certificates and other evidence of formal qualifications: The validation of foreign diplomas and certificates may be requested from the Education Office's Hungarian Equivalence and Information Centre. The procedure and its fee differ based on the type of recognition the beneficiary requests. The procedure may take 45-75 days and the fees can be between 15.000-45.000 HUF.

Social security and social assistance

Refugees:

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Conditions to access social security and social assistance: Refugees can access social assistance on the same conditions, as nationals. However, as the National Integration Evaluation Mechanism notes, some of the general conditions cannot be met by newcomers.

Special social assistance for refugees: No special social assistance is provided for refugees.

Beneficiaries of subsidiary protection:

Conditions to access social security and social assistance: The same, as for refugees.

Is access to social assistance limited to core benefits? If so, what are considered core benefits? If not, what are the additional benefits?: No, social assistance is not limited to core benefits.

Special social assistance for beneficiaries of subsidiary protection: No special assistance is provided for beneficiaries of subsidiary protection.

Healthcare

Refugees and beneficiaries of subsidiary protection:

Conditions to access public healthcare, including healthcare covered (core or extended access): Beneficiaries of international protection have the right to same access to healthcare, as nationals. However, for 6 months following their recognition, if they are not covered by social security, they can get access to healthcare in a more limited manner, and they are covered in the same way as during the reception phase.

Access to accommodation

Refugees:

Conditions and restrictions to access accommodation as a refugee: Beneficiaries of international protection has the same right to access accommodation, as nationals. However, as the National Integration Evaluation Mechanism notes, some conditions for obtaining housing benefits cannot be met as a newcomer.

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Type of accommodation facilities available to refugees: Beneficiaries of international protection may remain in reception 30 days after the notification of the positive decision. No other specific facilities are maintained for them to support their transition to the public housing market.

National dispersal mechanism for refugees: There is no national dispersal mechanism in place.

Additional support provided for accommodation: There is no additional, government funded support provided for refugees to find accommodation.

Beneficiaries of subsidiary protection:

Conditions and restrictions to access accommodation as a beneficiary of subsidiary protection: Beneficiaries of international protection has the same right to access accommodation, as nationals. However, as the National Integration Evaluation Mechanism notes, some conditions for obtaining housing benefits cannot be met as a newcomer.

Type of accommodation facilities available to beneficiaries of subsidiary protection: Beneficiaries of international protection may remain in reception 30 days after the notification of the positive decision. No other specific facilities are maintained for them to support their transition to the public housing market.

National dispersal mechanism for beneficiaries of subsidiary protection: There is no national dispersal mechanism in place.

Additional support provided for accommodation: There is no additional, government funded support provided for beneficiaries of subsidiary protection to find accommodation.

Access to integration measures

Refugees:

Conditions to access integration measures: There are no state funded integration measures.

Compulsory participation in integration measures (if so, indicate in which integration measures/activities, accessibility, cost and consequences for not participating in the activities): There is no compulsory participation in integration measures.

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Brief description of the integration measures in place for refugees (hyperlink to the scheme, programme or website for additional information), including language courses, civil orientation, integration programmes and vocational training: Only civil society organisations offer some projects targeting the integration of foreigners and beneficiaries of international protection. Some examples include:

- Menedék Association
- Kalunba
- Next Step Hungary Association
- Hungarian Charity Service of the Order of Malta

Beneficiaries of subsidiary protection:

Conditions to access integration measures: There are no state funded integration measures.

Compulsory participation in integration measures (if so, indicate in which integration measures/activities, accessibility, cost and consequences for not participating in the activities): There is no compulsory participation in integration measures.

Brief description of the integration measures in place for beneficiaries of subsidiary protection (hyperlink to the scheme, programme or website for additional information), including language courses, civil orientation, integration programmes and vocational training: Only civil society organisations offer some projects targeting the integration of foreigners and beneficiaries of international protection. Some examples include:

- Menedék Association
- Kalunba
- Next Step Hungary Association
- Hungarian Charity Service of the Order of Malta

Family reunification for beneficiaries of international protection

Refugees

Right to family reunification for refugees: With more favourable conditions for 3 months following recognition, afterwards as any other third country national.

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Time period for which exceptions apply for refugees: 3 months

Eligible family members:

- Spouses, if the relationship existed before arriving to Hungary;
- The couple's minor children (including adopted and fostered);
- The sponsor's dependent minor children (including adopted and fostered), if the sponsor has parental custody over the child;
- The spouse's dependent minor children (including adopted and fostered), if the spouse has parental custody over the child;
- Unaccompanied children's parents, or – in the absence of parents – their guardian;

The sponsor's parents and dependent adult siblings or other direct relatives may be granted a permit based on family reunification.

Conditions for family reunification: Sponsor's requirements: During the first three month, only the family link and dependency must be demonstrated. Family reunification of refugees cannot be rejected merely because of a lack of documents proving the family link.

Brief description of the procedure to follow (documents from country of origin, fees and costs, procedure): Family members must initiate the process at the closest Hungarian consulate, who forwards the request to the NDGAP. The NDGAP decides within 21 days on the request. However, there are several periods which do not count within this period, making the overall process much lengthier. A negative decision may be appealed within 8 days, and the court has 30 days to decide. Upon a positive decision, family members receive a single-entry visa valid for 30 days.

Reunified family members' rights (in particular, length of first and subsequent residence permits, access to integration programmes/measures): Family members receive a permit for three years, which can be extended by periods of three years. There are no specific state-funded integration measures for them.

Beneficiaries of subsidiary protection:

Right to family reunification for beneficiaries of subsidiary protection: As any other third country national.

Time period for which exceptions apply for beneficiaries of subsidiary protection: There are no favourable conditions for beneficiaries of subsidiary protection, they

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must fulfil the same conditions as any other third country national.

Eligible family members:

- Spouses;
- The couple's minor children (including adopted and fostered);
- The sponsor's dependent minor children (including adopted and fostered), if the sponsor has parental custody over the child;
- The spouse's dependent minor children (including adopted and fostered), if the spouse has parental custody over the child;
- The sponsor's parents and dependent adult siblings or other direct relatives may be granted a permit based on family reunification.

Conditions for family reunification: Sponsor's requirements: Beneficiaries of subsidiary protection must have a proof of suitable accommodation of at least 6m2 living space per family member. They also need to provide a proof that they fulfil the economic requirement and have enough income to provide for their family. In addition, the sponsor must also prove that the whole family has a health insurance in Hungary.

Brief description of the procedure to follow (documents from country of origin, fees and costs, procedure): Family members must initiate the process at the closest Hungarian consulate, who forwards the request to the NDGAP. The NDGAP decides within 21 days on the request. However, there are several periods which do not count within this period, making the overall process much lengthier. A negative decision may be appealed within 8 days, and the court has 30 days to decide. Upon a positive decision, family members receive a single-entry visa valid for 30 days.

Reunified family members' rights (in particular, length of first and subsequent residence permits, access to integration programmes/measures): Family members receive a permit for three years, which can be extended by periods of three years. There are no specific state-funded integration measures for them.

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