

Act XC of 2023

on General Rules for the Admission and Right of Residence of Third-Country Nationals¹

Migration is on the rise again, which means that stricter immigration regulations should be introduced. Hungary is a place for Hungarians and Hungarian jobs belong first and foremost to Hungarians. We must adopt clear regulations as to who can stay in Hungary and for how long. Neither employment nor stays on any other grounds can be unlimited and cannot be extended automatically. The Government is therefore proposing the introduction of new comprehensive legislation, one that will tighten and clarify the legal rights and conditions for the residence and employment of foreign nationals in Hungary.

Hungary is a sovereign state, accordingly, it reserves the right to determine who it allows to enter its territory, and we expect everyone to comply with Hungarian laws and honor the Hungarian norms of coexistence. Anyone who does not respect Hungarian laws and regulations must leave the territory of Hungary without delay. Anyone who fails to leave the territory of Hungary voluntarily shall be removed lawfully, with great resolve.

There are legal provisions in place to make it clear that migrant workers can only be employed in Hungary under the strictest rules. Stricter rules are introduced for taking up employment in Hungary with intent to implement additional legal protection to save Hungary from mass immigration. A foreign national is allowed to take up work in Hungary only if no Hungarian worker is available for the job in question. Therefore, for each job it shall be first examined whether there is a Hungarian worker available, and if there is, the job has to be given to him or her, if not, a migrant worker may be hired. The number of migrant workers allowed to enter Hungary shall not be permitted to exceed the number of vacant jobs. Migrant workers shall be allowed to stay in Hungary for a limited time, after which they must leave the country.

Residence in Hungary is not a fundamental right for nationals of a foreign country. A foreign national may stay in Hungary only for a purpose, legal title and for a period of time approved by the Hungarian State, and if the prescribed conditions are met. A national of a third country may reside in Hungary on the long term or undertake work with the permission of the Hungarian State only if the third-country national's stay in Hungary serves the interests of Hungarian society on the whole and his employment in Hungary does not put any Hungarian citizen at a disadvantage. Therefore, after carefully considering the benefits of the circumstances giving rise to residence in Hungary, Parliament has adopted the following act laying down the material and procedural rules and a scheme of an effective regime of penalties for the entry and stay of third-country nationals in Hungary:

PART ONE

INTRODUCTORY PROVISIONS

¹ Adopted by Parliament on 12 December 2023.

1. Basic provisions

Section 1

(1) A Hungarian citizen:

- a*) may enter the territory of Hungary at any time,
- b*) may reside in the territory of Hungary without any time limitation, and
- c*) may not be expelled from the territory of Hungary.

(2) The following shall have the right of free movement and residence:

a) with the exception of Hungarian citizens, to nationals of any Member State of the European Union and States who are parties to the Agreement on the European Economic Area, and persons enjoying the same treatment as nationals of States who are parties to the Agreement on the European Economic Area by virtue of an international agreement between the European Community and its Member States and a State that is not a party to the Agreement on the European Economic Area with respect to the right of free movement and residence (hereinafter referred to as “EEA national”);

b) the family member of an EEA national who does not have Hungarian citizenship, accompanying or joining the EEA national;

c) any persons accompanying or joining an EEA national, who was dependent of or lived in the same household with an EEA national in their country of origin, or who require the personal care of an EEA national due to serious health reasons, and whose entry and residence has been authorized by the relevant authority as a family member.

(3) The following shall be governed in specific other acts:

- a*) admission and residence of persons with the right of free movement and residence, and
- b*) right to asylum.

(4) Foreign nationals who does not have the right of free movement and residence or the right to asylum (hereinafter referred to as “third-country national”) shall be admitted to Hungary in accordance with the provisions of this Act and shall be allowed to stay in the territory of Hungary in accordance with the provisions of this Act.

2. Duration and limitations of stay

Section 2

The duration of stay of third-country nationals in Hungary may be either:

- a*) short term,
- b*) long term, or
- c*) continuous.

Section 3

For the purposes of this Act, short stay in Hungary shall mean any intended stay in Hungary for a duration not exceeding ninety days in any one hundred eighty day period. Hungary grants admission for third-country nationals for short stay in Hungary based on the relevant European Union regulations.

Section 4

(1) For the purposes of this Act, long term stay in Hungary shall mean any intended stay in Hungary for a duration exceeding ninety days in any one hundred eighty day period.

(2) Long term stay of a third-country national in Hungary shall be subject to authorization granted for a specific purpose only. Authorization for residence in Hungary shall be granted for a fixed period linked to the purposes defined in this Act.

(3) In specific cases defined in this Act the long term stay of third-country nationals in Hungary may be limited on the basis of the following criteria:

- a) nationality,
- b) headcount, or
- c) employment.

Section 5

The continuous stay of a third-country national in Hungary - for an indefinite period of time in the absence of any provision of this Act to the contrary - may be permitted if the detailed conditions set out in this Act are satisfied, and if the third-country national is aware of and complies with the requirements of social coexistence.

3. Grounds for long-term residence

Section 6

(1) Third-country nationals shall be given authorization for long term residence in Hungary:

- a) for business or investment purposes
 - aa) as a migrant self-employed person,
 - ab) as a guest investor;
- b) for employment purposes, as a migrant worker
 - ba) if holding a residence permit issued for the purpose of seasonal employment,
 - bb) if holding a residence permit issued for the purpose of taking up employment for the implementation of an investment,
 - bc) if holding an occupation-based residence permit,
 - bd) if holding a migrant worker's residence permit;
- c) for employment purposes if a highly qualified worker, or as an experienced professional in a field of particular importance for the country,
 - ca) if holding a Hungarian Card,
 - cb) if holding an EU Blue Card,
 - cc) if an intra-corporate transferee,
 - cd) as a researcher,
 - ce) if holding a Company Card where the business is relocated to Hungary;
- d) if holding a National Card, for employment purposes or any other purpose defined in this Act subject to a nationality condition;
- e) for other reasons defined in this Act, specifically
 - ea) for the purpose of studies,
 - eb) for the purpose of training,

- ec)* as a trainee,
- ed)* in an official capacity,
- ee)* under international agreements on employment in a Working Holiday Scheme,
- ef)* if holding a White Card,
- eg)* with a view to being posted,
- eh)* for medical purposes,
- ei)* for the purpose of voluntary activities,
- ej)* for reasons of national interest,
- ek)* for the purpose of family reunification, or
- el)* on humanitarian grounds,

in possession of an individual residence permit granted in the case of compliance with the conditions laid down in this Act.

(2) In line with uniform European Union legislation, Hungary provides the right of residence defined in Subparagraph *ba)* of Paragraph *b*), Subparagraphs *cb)*, *cc)* and *cd)* of Paragraph *c*) and Subparagraphs *ea)*, *ec)*, *eg)*, *ei)* and *ek)* of Paragraph *e*) of Subsection (1).

4. Obligation to leave the country

Section 7

(1) Save where otherwise provided for by law, foreign nationals shall be allowed to stay in the territory of Hungary under one legal title at any given time. If a foreign national acquires the right of residence in Hungary on yet another basis, the previous right of residence shall be revoked, with the exception of cases defined by law.

(2) When a foreign national's right of residence in Hungary expires, the foreign national shall leave the country without delay.

(3) Any person staying in the territory of Hungary unlawfully, or any person who violates the requirements of social coexistence shall be expelled by individual decision, within the framework of, and in accordance with, the relevant legislation.

5. Presumption relating to third-country nationals

Section 8

Pending proof to the contrary, a person who is not an EEA national shall be treated as a third-country national:

- a)* if he or she uses a valid travel document issued by a third country to verify his or her nationality (a passport or another instrument or document that is recognized by Hungary as proper means of identification for its holder for crossing the border of Hungary and to certify his or her citizenship or stateless status);
- b)* if he or she is unable to show proof of having the right of free movement and residence; or
- c)* if he or she is not recognized as a citizen by any country under national law (hereinafter referred to as "stateless person").

6. Special rules regarding the applicability of certain provisions of this Act

Section 9

(1) Persons having the right of free movement and residence, whom are not nationals of a State that is a party to the Agreement on the European Economic Area, shall be covered by the European Union legislation on residence cards, stateless status and on the issue of travel documents to stateless persons.

(2) This Act shall apply to persons having the right of free movement and residence if:

a) they are third-country nationals according to Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence (hereinafter referred to as "Free Movement Act"), and

b) they lodge an application for residence authorization defined by the Free Movement Act after their right of residence has terminated.

(3) The procedural rules laid down in this Act shall also apply to proceedings related to the entry and residence of the persons having the right of free movement and residence.

(4) Third-country nationals recognized by the refugee authority or court, or by any Member State of the European Union as refugees or having granted any subsidiary form of protection shall be covered exclusively by the provisions of this Act:

a) applicable to EU Blue Cards,

b) covering the continuous residence of third-country nationals in Hungary, for an indefinite period of time,

c) on law enforcement, and

d) on data processing.

(5) Third-country nationals having granted temporary protection by the Hungarian refugee authority or court shall be covered exclusively by the provisions of this Act:

a) applicable to national residence cards,

b) on law enforcement, and

c) on data processing.

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

PART TWO

SHORT STAY OF THIRD-COUNTRY NATIONALS IN HUNGARY

Section 10

For the purposes of this Act:

a)²

b) 'short stay in Hungary' shall mean stays in Hungary for an intended duration not exceeding ninety days within any one hundred eighty day period.

Section 11

² This provision shall enter into force on the day set out in the Commission decision referred to in Article 88(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council.

(1) Third-country nationals may enter the territory of Hungary for a short stay in Hungary under the conditions set out in Regulation (EU) 2016/399 of the European Parliament and of the Council (hereinafter referred to as “Schengen Borders Code”).

(2) The third-country nationals who satisfy the conditions set out in Subsection (1) shall be admitted for a short stay in the territory of Hungary.

Section 12

(1) A visa is required for the admission and stay of third-country nationals for a short stay in Hungary, except where any directly applicable European Community legislation, international agreement, this Act or a government decree adopted by authorization of this Act provide otherwise.

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

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

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

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

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

b) to pursue the economic activity without special authorization, meaning a temporary activity directly related to the business interests of the employer and to the professional duties of the EU Blue Card holder based on the work contract in the first Member State, including attending internal or external business meetings, attending conferences or seminars, negotiating business deals, undertaking sales or marketing activities, exploring business opportunities, or attending and receiving training.

(4) The family member of a third-country national defined in Subsection (3), who has a valid residence permit and a valid travel document issued by a Member State of the European Union as a member of the family of the person referred to in Subsection (3), and whose entry or residence does not represent a threat affecting public policy, public security or national security, or public health of Hungary, shall have the right to move freely within the territory of the Member States of the European Union, and to enter and reside in Hungary for a planned duration not exceeding ninety days.

Section 13

(1) Third-country nationals holding a visa for a short stay in Hungary and nationals of the third countries listed under Annex II to Regulation (EU) 2018/1806 of the European Parliament and of the Council legally residing in the territory of Hungary may undertake employment, unless otherwise provided for in this Act.

(2) Subsection (1) shall not constitute an exemption from compliance with other conditions prescribed by law for taking up employment, in particular a work permit.

PART THREE

LONG TERM STAY OF THIRD-COUNTRY NATIONALS IN HUNGARY

CHAPTER I

VISAS FOR RECEIVING RESIDENCE DOCUMENT

7. Visa for receiving a residence permit

Section 14

(1) A visa for receiving a residence permit is a single entry visa authorizing a stay of not more than thirty days in the territory of Hungary for the purpose of collecting the residence permit or the national permanent residence permit authorized by the minister in charge of immigration and asylum.

(2) The validity period of a visa for receiving a residence permit shall be for a period not exceeding three months.

Section 15

(1) Visas for entitlement to receive a residence permit may be granted to third-country nationals who have been authorized to receive a residence permit in accordance with this Act, or if the minister in charge of immigration and asylum has authorized the issue of a national residence card.

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

8. The guest investor visa

Section 16

(1) A guest investor visa is a multiple-entry visa granting authorization for stays exceeding ninety days within any one hundred eighty day period, and for applying for a guest investor residence permit in the territory of Hungary.

(2) A guest investor visa may be issued to a third-country national:

a) whose entry and stay is in the interest of the national economy given their investments in Hungary;

b) who is able to comply with the requirements set out in Paragraphs *a), c), d), f)-i)* of Subsection (1) of Section 17;

c) who declares that he or she has or plans to have at least one of the investments defined in Subsection (3);

d) who is able to prove possession of funds of legal origin of an amount sufficient to cover

at least one of the investments defined in Subsection (3), and such funds must be available or transferable in Hungary;

e) who submits a written commitment that he or she undertakes to implement at least one of the investments of the amount and type specified in Subsection (3) within three months of the date of entering the territory of Hungary with a guest investor visa.

(3) For the purposes of Paragraph *a)* of Subsection (2) hereof and Paragraph *a)* of Subsection (3) of Section 22, national economy interest shall include the investments defined below:

a) acquisition of investment units in an amount of at least 250,000 euros issued by a real estate fund registered by the Magyar Nemzeti Bank (*National Bank of Hungary*);

b) acquisition of ownership interest in a residential property of a value equivalent to 500,000 euros or more, situated in the geographical area of Hungary, of clear title free of any claims and encumbrances - excluding the prohibition on alienation and encumbrance defined in Subsection (11) of Section 22 - shown in the real estate register by land register reference number; or

c) making a financial donation in the amount of at least 1,000,000 euros to a higher education institution maintained by a public-benefit trust carrying out public service functions, for the purpose of supporting educational, scientific research, artistic activities.

(4) In order to protect Hungary's public order, public safety and national security, the immigration authority shall consult the law enforcement and national security agencies of Hungary regarding applications for guest investor visas.

(5) Guest investor visas shall have a period of validity of no more than two years.

(6) A guest investor visa shall no longer be valid after the guest investor residence permit is issued.

CHAPTER II

GENERAL RULES

9. General conditions for long-term residence in Hungary

Section 17

(1) A third-country national shall be allowed to enter the territory of Hungary for the purpose of long-term residence if:

a) he or she has a valid travel document;

b) he or she is in possession of:

ba) a visa for stays exceeding ninety days within any one hundred eighty day period,

bb) a residence permit,

bc) an immigration permit,

bd) a permanent residence permit,

be) an interim permanent residence permit,

bf) a national permanent residence permit,

bg) an EC permanent residence permit,

bh) a temporary residence card,

- bi) a national residence card, or
- bj) an EU residence card;
- c) he or she is in possession of the necessary permits for return or onward journey;
- d) he or she is able to justify the purpose of entry and stay;
- e) he or she has accommodation or a place of residence in the territory of Hungary;
- f) he or she has sufficient means of financial resources to cover the costs of accommodation and living expenses for the entire duration of stay, including the cost of departure;
- g) he or she has full healthcare insurance coverage or sufficient financial resources for healthcare services;
- h) he or she is not subject to expulsion or exclusion, he or she is not considered to represent a threat affecting public policy, public security, national security or public health of Hungary;
- i) he or she is not a person for whom an alert has been issued in the SIS.

(2) In the event of non-compliance with the requirements set out in Subsection (1), entry and stay shall be authorized only in duly justified cases, on grounds of national interest, by means of a residence permit issued on the grounds of national interest.

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

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

10. General rules for residence permits

Section 18

(1) The third-country nationals holding a valid long-term visa shall be authorized to remain in the territory of Hungary after the period of residence authorized in the visa in possession of a residence permit expires, unless otherwise provided by law.

(2) With the exception of guest investor residence permit and a residence permit for the purpose of family reunification linked to the guest investor residence permit, the residence permit shall be cancelled if the third-country national does not travel to Hungary within three months after the issuance of the residence permit and does not begin his or her authorized stay.

Section 19

(1) Unless otherwise provided by law, residence permits may be issued to third-country nationals who comply with the conditions set out in Paragraphs a) and c)-i) of Subsection (1) of Section 17.

(2) Where so permitted by law, the extension of a residence permit shall be granted, upon request, if the applicant third-country national has a valid residence permit in addition to what is contained in Subsection (1), and complies with the requirements of social coexistence in cases and in the manner provided for by law.

(3) Extension of a residence permit, with the exception of a guest investor residence

permit and a residence permit for the purpose of family reunification linked to the guest investor residence permit, may be authorized only if the conditions provided for by this Act are satisfied, and if the third-country national's stay in Hungary in possession of a residence permit exceeded ninety days within any one hundred eighty day period before the time of submission of the application for extension of the residence permit.

(4) In the application of Subsection (2), a residence permit shall be considered valid if there are no proceedings in progress for the withdrawal thereof.

11. Certificate of temporary residence

Section 20

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

a) who has filed an application for a residence permit, and whose previous residence permit has already expired before the permit is issued, or shall be granted a residence permit in accordance with this Act, furthermore, if the applicant has submitted an application for a residence permit under Subsection (2) of Section 9, except if the third-country national failed to abide by the expulsion ordered before the application was submitted;

b) who has submitted an application for a temporary residence card or for a national residence card in accordance with Subsection (2) of Section 94 of the Free Movement Act in the territory of Hungary;

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

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

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

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

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

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

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

j) who is subject to an order of compulsory confinement at an assigned place under Paragraph *a), b), c), d), f), g)* or *h)* of Subsection (1) of Section 128;

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

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

a) shall be up to three months in the cases specified in Paragraphs *a)-c)* and *f)-h)* of

Subsection (1), and it may be extended by maximum three additional months at a time;

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

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

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

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

(3) A third-country national holding a certificate of temporary residence shall be allowed to work if:

a) having submitted an application for residence permit for the purpose of taking up employment in possession of a residence permit that was issued for the purpose of work;

b) having submitted an application for the extension of a visa issued for seasonal employment for a planned duration not exceeding ninety days, for the purpose of seasonal employment;

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

d) having submitted an application for the extension of his or her residence permit issued for seasonal employment, for the purpose of seasonal employment; or

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

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

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

CHAPTER III

THIRD-COUNTRY NATIONAL ENTREPRENEURS

12. Migrant self-employed workers

Section 21

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

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

b) to engage - save where Paragraph *a*) applies - in any gainful activity in the capacity of

executive officer of a for-profit business association, cooperative or some other legal entity.

(2) The Government is authorized to lay down conditions for the businesses underlying the purpose of residence referred to in Subsection (1) by means of a decree. A residence permit for the purpose of migrant self-employment shall not be issued or extended if the holder business is unable to meet such conditions.

(3) The validity period of the migrant self-employed residence permit shall not exceed one year, and it may be extended by up to two years for the same purpose, on condition that the residence permit may not be extended for a period exceeding three years from the date when first issued.

(4) The extension of the residence permit issued for the purpose of migrant self-employment may be authorized only if the conditions set out in this Act are met and if the applicant has complied with the obligation of regular reporting ordered by the immigration authority after the issuance of the residence permit.

(5) A migrant self-employed person residing in the territory of Hungary and holding a valid residence permit issued for the purpose of migrant self-employment may submit an application for residence permit for the purpose specified in Subsection (1) beyond the time limit specified in Subsection (3) if he or she fulfills the requirements set out in this Act. As regards the validity of the residence permit Subsection (3) shall apply.

(6) During the validity of the residence permit for migrant self-employment and after its expiration, another type of residence permit may not be requested in Hungary.

(7) For one year from the date of issue of the migrant self-employment residence permit - except for the residence permit referred to in Subsection (5) -, right of residence shall not be granted to another third-country national on the grounds of the migrant self-employed person's residence in Hungary.

(8) A migrant self-employed person shall not be eligible for a national residence card.

13. Guest investors

Section 22

(1) A guest investor residence permit is a residence permit that entitles its holder to reside in the territory of Hungary and to engage in activities that can be carried out independently, in return for consideration according to the relevant legislation, or in the form of gainful activity in the capacity of executive officer of a for-profit business association, cooperative or some other legal entity.

(2) The guest investor residence permit, as well as the residence permit for the purpose of family reunification linked to the guest investor residence permit shall constitute entitlement for its holder to effectively work for or under the direction of another person, under a contractual employment relationship, in return for consideration, where the third-country national is entitled to work in Hungary without restriction.

(3) A guest investor residence permit may be issued to a third-country national:

a) whose entry and stay is in the interest of the national economy given their investments in Hungary;

b) who is able to comply with the requirements set out in Paragraphs *a), c)-e), h)* and *i)* of Subsection (1) of Section 17; and

c) who has a valid guest investor visa, save where Subsection (4) applies.

(4) A guest investor residence permit may also be granted to a third-country national who

complies with Paragraphs *a*) and *b*) of Subsection (3), and if he or she lawfully resides in the territory of Hungary as a national of a state listed in Annex II to Regulation 2018/1806/EU of the European Parliament and of the Council, and if able to verify the conditions specified in Subsections (2) and (3) of Section 16.

(5) The application for a guest investor residence permit shall be submitted by a third-country national with a guest investor visa, or if a national of a state listed in Annex II to Regulation 2018/1806/EU of the European Parliament and of the Council after lawfully entering the territory of Hungary for the first time and after compliance with the obligation set out in Subsection (7) to the competent immigration authority or via the electronic platform designated for opening immigration cases within ninety-three days at the latest.

(6) The validity period of a national residence permit shall not exceed ten years, and it may be extended by up to ten years for the same purpose. The validity period of the guest investor residence permit may exceed the validity period of the applicant's travel document.

(7) In case where a third-country national submits an application for guest investor residence permit, he or she shall, within three months of entering the territory of Hungary, certify through the electronic platform designated for opening immigration cases to have completed any of the investments undertaken by the statement provided for in Paragraphs *c*) and *e*) of Subsection (2) of Section 16.

(8) The immigration authority shall open an inquiry if proof of completion of the investment specified in Paragraphs *c*) and *e*) of Subsection (2) of Section 16 is submitted past the deadline prescribed in Subsection (7) hereof.

(9) In order to fulfill the provisions of Paragraph *a*) of Subsection (3) of Section 16, the third-country national shall hold, for at least five years, investment units issued by a real estate fund,

a) whose net asset is made up of investments in residential properties located in Hungary for not less than 40 per cent, and

b) whose real estate fund manager has at least a simplified facility security clearance, or included in the list provided for in Point 28 of Section 3 of Act XXX of 2016 on Procurements Involving Defense and Security Aspects (hereinafter referred to as "DSP").

(10) A real estate fund manager who does not have facility security clearance may request preliminary classification according to Section 118 of the DSP. The classification procedure and the procedure related to the list shall be covered by the DSP, where the Alkotmányvédelmi Hivatal (*Agency for Constitutional Protections*) shall have competence.

(11) As regards the real estate investments referred to in Paragraph *b*) of Subsection (3) of Section 16,

a) at the time of acquisition of the right of ownership of the residential property by the third-country national, a prohibition on alienation and encumbrance shall be filed in the real estate register for a period of up to five years from the date of conclusion of the sales contract, in accordance with the conditions laid down by the relevant legislation,

b) exclusive ownership of the property shall be retained for five years

ba) by the third-country national who submitted the application for the guest investor residence permit, or

bb) by the third-country national who submitted the application for the guest investor residence permit jointly with one or more family member referred to in Subsection (2) of Section 71.

(12) A third-country national holding a guest investor residence permit, if there is any change in his or her data underlying the verification referred to in Subsection (3) during the

validity period of the guest investor residence permit, shall report it within five days from the effective date of the change through the electronic platform designated for opening immigration cases.

(13) The extension of a guest investor residence permit in accordance with Subsection (6) hereof - with the exception set out in Subsection (3) of Section 19 subject to the fulfillment of other criteria set out in the relevant legislation - may be permitted if:

a) the third-country national has the investment specified in Paragraph *a)* of Subsection (3) of Section 16 at the time the application is submitted;

b) the third-country national has the ownership interest defined in this Act in the case of an investment referred to in Paragraph *b)* of Subsection (3) of Section 16 in the real estate property on the basis of which the guest investor residence permit is granted;

c) in the case of an investment referred to in Paragraph *b)* of Subsection (3) of Section 16, with regard to the real estate property on the basis of which the guest investor residence permit is granted

ca) after the prohibition on alienation and encumbrance is lifted, the property is no longer owned by the third-country national, or

cb) the value of the ownership share held by the third-country national is below 500,000 euros,

the third-country national has the investment specified in Paragraph *b)* of Subsection (3) of Section 16 at the time the application is submitted; or

d) the guest investor residence permit was granted based on the investment referred to in Paragraph *c)* of Subsection (3) of Section 16.

(14) A family member defined in Subsection (2) of Section 71 of a third-country national holding a guest investor residence permit shall be able to enter and stay in Hungary in accordance with this Act.

CHAPTER IV

MIGRANT WORKERS

14. Seasonal migrant workers

Section 23

(1) A residence permit for the purpose of seasonal employment may be issued to migrant workers whose purpose of residence is to perform seasonal work defined in specific other legislation.

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

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

a) to any migrant worker covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of

the provision of services (hereinafter referred to as “Directive 96/71/EC of the European Parliament and of the Council”), as long as he or she is posted on the territory of Hungary; or

b) to any migrant worker who has the right of free movement and residence under the relevant legislation.

(4) During the validity of the residence permit issued for the purpose of seasonal employment and after its expiration, another type of residence permit may not be requested in Hungary.

(5) No right of residence may be granted to another third-country national on the grounds of a migrant worker’s residence in Hungary in possession of a residence permit issued for the purpose of seasonal employment.

(6) A migrant worker holding a residence permit issued for the purpose of seasonal employment shall not be eligible for national residence card.

15. Employment of migrant workers for the implementation of an investment

Section 24

(1) A residence permit for the purpose of taking up employment for the implementation of an investment may be issued to a migrant worker:

a) for the purpose of performing work effectively for or under the direction and/or supervision of others, for remuneration, under a contractual employment relationship for the purpose of implementation of an investment;

b) whose employer has entered into an agreement or contract with the minister responsible for external economic relations acting on behalf of the Government for the purpose of implementation of an investment, or has accepted his offer of support; and

c) whose employer has a prior approval for group employment as provided for by other legislation (an official promise for the employment of a specific number of migrant workers for a specific period of time for the purpose of implementation of an investment).

(2) The prior approval for group employment shall be granted upon the employer’s request by the minister responsible for the employment of third country nationals in Hungary according to the relevant government decree.

Section 25

(1) A residence permit issued for the purpose of taking up employment for the implementation of an investment shall confer the right of residence in Hungary until the implementation of the investment, not exceeding three years.

(2) The validity period of a residence permit issued for the purpose of taking up employment for the implementation of an investment shall not exceed the period specified in the prior approval for group employment. A residence permit issued for the purpose of taking up employment for the implementation of an investment may not be extended beyond the duration defined in Subsection (1).

(3) During the validity period of a residence permit issued for the purpose of taking up employment for the implementation of an investment, and after its expiry a residence permit on other grounds may not be requested in Hungary.

(4) No right of residence in Hungary may be granted to another third-country national on the grounds of a migrant worker's residence in possession of a residence permit for the purpose of taking up employment for the implementation of an investment.

(5) A migrant worker holding a residence permit for the purpose of taking up employment for the implementation of an investment shall not be eligible for national residence card.

Section 26

(1) The employer shall be given preference for setting up the migrant workers' accommodation in Hungary at a location linked to the investment, in an area separated from local residents.

(2) The issue or extension of a residence permit for the purpose of taking up employment for the implementation of an investment may be refused also if the migrant workers' accommodation in Hungary provided by the employer is in an area separated from local residents that is, however, not linked to the investment.

Section 27

(1) If the employment of a migrant worker holding a residence permit for the purpose of taking up employment for the implementation of an investment ceases or terminated, the employer shall be liable to ascertain that he or she leaves the territory of Hungary no later than the sixth day after the termination of employment.

(2) If the employer fails to comply with the obligation prescribed in Subsection (1), the immigration authority shall impose a fine of five million forints on such employer. The employer shall be excused of payment of the fine if able to demonstrate that in discharging the obligation referred to in Subsection (1) he has taken all measures within reason in the circumstances.

(3) The employer shall be liable to cover the costs of expulsion, removal and detention in immigration proceedings advanced by the immigration authority and the body established for carrying out official police business, if:

- a) the expelled migrant worker does not have sufficient funds to cover the costs; and
- b) expulsion was ordered

ba) because the migrant worker failed to comply with the requirements set out in this Act for the right of residence,

bb) because the migrant worker performs work in the absence of the prescribed work permit or any permit prescribed under statutory provision, or

bc) the entry and residence of the migrant worker represents a threat or it is potentially dangerous to public health.

16. Occupation-based residence permit

Section 28

(1) An occupation-based residence permit may be given to a migrant worker who performs work for or under the direction and/or supervision of others, for remuneration, under a contractual employment relationship. The minister in charge of employment and labor may, by means of a communication, determine specific occupations for which an

occupation-based residence permit cannot be issued.

(2) If a migrant worker is employed in Hungary based on an existing employment relationship with an employer established in a third country in order to fulfill an agreement concluded with a domestic employer, he or she may be given an occupation-based residence permit.

(3) The minister responsible for the employment of third-country nationals in Hungary may determine - by means of a decree adopted with the approval of the Defense Council - that, apart from the provisions of Subsections (1) and (2), occupation-based residence permits may be granted to nationals of specific third countries.

(4) In addition to what is contained in Subsections (1) and (2), upon the issue of an occupation-based residence permit, the number of residence permits granted to migrant workers and occupation-based residence permits combined may not exceed the number of permits determined by the minister in charge of employment and labor for a year.

(5) Fixed-term occupation-based residence permits are issued for residence in Hungary not exceeding two years.

(6) The occupation-based residence permit may be extended by up to one year, with the proviso that the occupation-based residence permit may not be extended for a period exceeding three years from the date of first issue in accordance with this Act.

(7) A migrant worker present in the territory of Hungary with a valid occupation-based residence permit may submit an application for an occupation-based residence permit beyond the period referred to in Subsection (6), provided that he or she fulfills the requirements set out in this Act. As regards the validity of occupation-based residence permits, Subsections (5) and (6) shall apply.

(8) During the validity of the occupation-based residence permit and after its expiration, another type of residence permit may not be requested in Hungary.

(9) No right of residence in Hungary may be granted to another third-country national on the grounds of a migrant worker's residence in possession of an occupation-based residence permit.

(10) A migrant worker holding an occupation-based residence permit shall not be eligible for national residence card.

(11) If the migrant worker wishes to enter into a contractual employment relationship with another employer, or there is a change in the job description or the place of work, the migrant worker shall submit an application for the extension of his or her occupation-based residence permit.

Section 29

(1) If the employment of a migrant worker holding a residence permit for the purpose of taking up employment ceases or terminated, the employer shall be liable to ascertain that he or she leaves the territory of Hungary no later than the sixth day after the termination of employment.

(2) If the employer fails to comply with the obligation prescribed in Subsection (1), the immigration authority shall impose a fine of five million forints on such employer. The employer shall be excused of payment of the fine if able to demonstrate that in discharging the obligation referred to in Subsection (1) he has taken all measures within reason in the circumstances.

(3) The employer shall be liable to cover the costs of expulsion, removal and detention in

immigration proceedings advanced by the immigration authority and the police, if:

- a) the expelled migrant worker does not have sufficient funds to cover the costs; and
- b) expulsion was ordered
- ba) because the migrant worker failed to comply with the requirements set out in this Act for the right of residence,
- bb) because the migrant worker performs work in the absence of the prescribed work permit or any permit prescribed under statutory provision, or
- bc) the entry and residence of the migrant worker represents a threat or it is potentially dangerous to public health.

17. Migrant worker's residence permit

Section 30

(1) A migrant worker's residence permit may be given to a migrant worker:

- a) whose purpose of residence is to perform work in the territory of Hungary for or under the direction and/or supervision of others, for remuneration, under a contractual employment relationship;
- b) whose employer is a registered preferential employer or a registered certified temporary-work agency;
- c) who is a national of a third country so determined by the minister responsible for the employment of third country nationals in Hungary by means of a decree adopted with the approval of the Defense Council; and
- d) whose employment is in an occupation that is not excluded by the minister in charge of employment and labor in a communication.

(2) Preferential employer means:

- a) an employer having signed a strategic partnership agreement with the Government;
- b) an employer who implements an investment project of preferential status for national economy considerations;
- c) an employer who has a partnership agreement within the framework of the Key Exporter Partnership Program.

(3) Certified temporary-work agency means an employer listed in the register of certified temporary-work agencies defined in the relevant government decree.

(4) In addition to what is contained in Subsection (1), upon the issue of a migrant worker's residence permit, the number of residence permits granted to migrant workers and occupation-based residence permits combined may not exceed the number of permits determined by the minister in charge of employment and labor for the year.

Section 31

(1) Fixed-term migrant worker's residence permits are issued for residence in Hungary not exceeding two years.

(2) The migrant worker's residence permit may be extended by up to one year, with the proviso that the migrant worker's residence permit may not be extended for a period exceeding three years from the date of first issue.

(3) A migrant worker present in the territory of Hungary with a valid migrant worker's residence permit may submit an application for a new migrant worker's residence permit

beyond the period referred to in Subsection (2), provided that he or she fulfills the requirements set out in this Act. As regards the validity of migrant worker's residence permits, Subsections (1) and (2) shall apply.

(4) During the validity of the migrant worker's residence permit and after its expiration, another type of residence permit may not be requested in Hungary.

(5) No right of residence in Hungary may be granted to another third-country national on the grounds of a migrant worker's residence in possession of a migrant worker's residence permit.

(6) A migrant worker shall not be eligible for a national residence card.

(7) The validity period of the migrant worker's residence permit, if extended, may be up to the period specified in the specialist authority's assessment, not exceeding the date specified in Subsection (2).

(8) If the migrant worker wishes to enter into a contractual employment relationship with another employer, the migrant worker shall submit an application for the extension of his or her migrant worker's residence permit.

(9) The employer shall report any change in the employment conditions of a migrant worker employed by him to the immigration authority within five days of the effective date of the change accompanied by the following information:

a) employer information (name, address, registered address, place of business, company form, company registry number);

b) the migrant worker's natural identification data;

c) number of the residence authorization of the migrant worker;

d) description and FEOR number of the authorized and changed occupation;

e) the address of the authorized and changed place of work in Hungary.

(10) The report referred to in Subsection (9) shall be sent to the immigration authority by way of electronic means, through the electronic platform designated for opening immigration cases. The immigration authority shall record the report and the date when filed, as well as the details specified in Subsection (9) of the report.

Section 32

(1) If the employment of a migrant worker holding a migrant worker's residence permit ceases or terminated, the employer shall be liable to ascertain that he or she leaves the territory of Hungary no later than the sixth day after the termination of employment.

(2) If the employer fails to comply with the obligation prescribed in Subsection (1), the immigration authority shall impose a fine of five million forints on such employer. The employer shall be excused of payment of the fine if able to demonstrate that in discharging the obligation referred to in Subsection (1) he has taken all measures within reason in the circumstances.

(3) The employer shall be liable to cover the costs of expulsion, removal and detention in immigration proceedings advanced by the immigration authority and the police, if:

a) the expelled migrant worker does not have sufficient funds to cover the costs; and

b) expulsion was ordered

ba) because the migrant worker failed to comply with the requirements set out in this Act for the right of residence,

bb) because the migrant worker performs work in the absence of the prescribed work permit or any permit prescribed under statutory provision, or

bc) the entry and residence of the migrant worker represents a threat or it is potentially dangerous to public health.

18. Loss of the legal basis for the employment of a migrant worker

Section 33

(1) The legal basis for a migrant worker's stay in Hungary is the existence of a contractual employment relationship of the migrant worker with the employer named in the residence permit.

(2) If the migrant worker's employment is terminated within the validity period of the issued residence permit, there shall be no recourse to any other administrative proceedings by the immigration authority regarding the revocation of the residence permit under this Chapter, and the residence permit shall no longer be valid from the sixth day after the date of the employer's report of termination of the employment relationship.

(3) The application for a residence permit under this Chapter shall be accompanied by the migrant worker's statement of commitment to voluntarily leave the territory of the Member States of the European Union and other Schengen States if his or her residence permit turns invalid according to Subsection (2), within eight days after the date of invalidity, indicating also the country of destination.

(4) The immigration authority shall inform the migrant worker of the legal consequences of invalidity referred to in Subsection (2) and the statement under Subsection (3).

19. Registration and employment fee

Section 34

(1) Certified temporary-work agencies and preferential employers shall be liable to pay registration fee and employment fee, if they apply for registration as prescribed in the relevant government decree.

(2) The registration fee shall be charged when the employers specified in Subsection (1) are registered. The amount of the registration fee shall be determined by government decree.

(3) The employment fee shall be payable following registration as specified in Subsection (2), once a year as a lump sum payment. The amount thereof shall be calculated based on the number of applications for the employment of third-country workers submitted by the employer specified in Subsection (1) in the year preceding the given year, multiplied by the amount specified in the relevant government decree.

(4) The obligation to pay the employment fee shall cease at the end of the year when the employer is removed from the register. In the year of removal from the register specified in Subsection (1) the employment fee defined in Subsection (3) shall be due and payable for that year.

(5) The government agency shall be responsible for maintaining the register specified in Subsection (1) and for levying the registration fee and the employment fee referred to in Subsection (2) and Subsection (3), respectively, according to the procedural rules defined in the relevant government decree.

CHAPTER V

STAY OF HIGHLY COMPETENT THIRD-COUNTRY NATIONALS

20. Interpretative provisions

Section 35

For the purposes of this Act:

a) 'first Member State' shall mean the Member State of the European Union which first issues:

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

ab) an authorization to a third-country national pursuant to Directive (EU) 2016/801 of the European Parliament and of the Council, or

ac) an EU Blue Card to a third-country national;

b) 'host entity' shall mean:

ba) the entity to which the intra-corporate transferee is transferred and that is established, regardless of its legal form, as a legal person in accordance with the relevant legislation, and

bb) a research organization, a higher education institution, an education establishment, an entity hosting trainees provided for in specific other legislation;

c) 'second Member State' shall mean any Member State other than the first Member State:

ca) in which the intra-corporate transferee intends to exercise or exercises the right of mobility within the meaning of this Act,

cb) in which the third-country national intends to exercise or exercises the right of mobility within the meaning of law under Directive (EU) 2016/801 of the European Parliament and of the Council, or

cc) in which the EU Blue Card holder intends to exercise or exercises the right of mobility defined in Section 38.

21. Stay of highly qualified workers - the Hungarian Card

Section 36

(1) The Hungarian Card is a residence permit authorizing its holder with higher professional qualifications to stay in the territory of Hungary and at the same time to take up work that requires higher professional qualifications.

(2) Higher professional qualifications shall mean qualifications attested by evidence of higher education qualifications and professional qualifications.

(3) A Hungarian Card may be issued to a third-country national:

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

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

(4) If a third-country national with higher professional qualifications is employed in

Hungary based on an existing employment relationship with an employer established in a third country in order to fulfill an agreement concluded with a domestic employer, he or she may be given an Hungarian Card as well.

(5) A third-country national who meets the conditions set out in Subsections (3) and (4) may be granted a Hungarian Card if:

a) he or she has the professional qualifications specified by the minister responsible for higher education in a communication drawn up in agreement with the minister in charge of vocational education, the minister in charge of adult education, the minister in charge of employment and labor and the minister responsible for the employment of third-country nationals in Hungary;

b) he or she is a professional athlete or professional trainer;

c) he or she is a performing artist; or

d) he or she is a third-country national actually employed by a motion picture company that is registered by the motion picture authority according to the Act on Motion Pictures.

(6) The validity period of a Hungarian Card shall not exceed three years, and it may be extended by maximum three additional years at a time, if the third-country national is able to meet the requirements of social coexistence within the framework of the relevant legislation.

22. Stay of highly qualified workers based on European Union legislation - the EU Blue Card

Section 37

(1) EU Blue Card shall mean a residence permit authorizing its highly qualified holder to reside and work in highly qualified employment in the territory of a Member State in accordance with the conditions laid down in this Act.

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

a) who meets the requirements set out in Paragraphs *a), d), h) and i)* of Subsection (1) of Section 17;

b) who has the higher professional qualifications required for the job in question, or the relevant higher professional skills of a specific duration as defined by legislation;

c) who did not disclose false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or did not mislead the competent authority in respect of the purpose of residence, or who is not residing for purposes other than that for which the holder was authorized to reside;

d) who is not subject to the disqualifying factors listed under Subsection (3);

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

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

g) who has reported a genuine domestic address as accommodation in Hungary.

(3) An EU Blue Card shall not be given:

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

- b) to any person who has been granted temporary protection in Hungary;
- c) to persons authorized to stay under the Asylum Act (hereinafter referred to as “person authorized to stay”);
- d) to any third-country national who applies for authorization to stay as a researcher, in order to carry out a research project;
- e) to any third-country national holding an EU residence permit certifying continuous residence status granted by any Member State of the European Union;
- f) to any third-country national who enter the territory of Hungary under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons, with the exception of third-country nationals whose entry and residence in any Member State was authorized in the framework of an intra-corporate transfer;
- g) to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council, as long as he or she is posted on the territory of Hungary.

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

(5) The validity period of an EU Blue Card shall not exceed four years, and it may be extended by four additional years at a time.

Section 38

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

- a) after twelve months of legal residence in the Member State having issued the EU Blue Card, or six months in the second Member State, and
- b) he or she meets the conditions set out Subsection (2) of Section 37.

Section 39

(1) For a period of one year after the date of issue, the holder of an EU Blue Card shall be allowed to work:

- a) only in the employment relationship for which it was issued, or
- b) only in an employment relationship authorized in connection with domestic employment policy considerations,

for the purpose of highly qualified employment.

(2) The EU Blue Card holder shall not take up the altered employment referred to in Paragraph b) of Subsection (1) before the issue of the statutory assessment decision, for a period not exceeding thirty days.

23. Intra-corporate transfer

Section 40

(1) ‘Intra-corporate transferee’ shall mean any third-country national who resides outside the territory of the Member States of the European Union at the time of application for an

intra-corporate transferee permit and who is subject to an intra-corporate transfer.

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

(3) 'Group of companies' shall mean two or more companies recognized as linked under national law in the ways under Paragraphs *a)-d)*, in relation to another company

- a)* directly or indirectly, holds a majority of that company's subscribed capital;
- b)* controls a majority of the votes attached to that company's issued share capital;
- c)* is entitled to appoint more than half of the members of that company's administrative, management or supervisory body; or
- d)* the companies are managed on a unified basis by the parent company.

Section 41

(1) 'Intra-corporate transferee permit' shall mean a residence permit entitling its holder to reside and work in the territory of the first Member State and, where applicable, of second Member States, under the terms of the relevant legislation.

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

- a)* who provides evidence that the host entity and the company established in a third country belong to the same company or group of companies;
- b)* who is able to meet the conditions set out in Paragraphs *a), d), h) and i)* of Subsection (1) of Section 17, and who is not subject any grounds for refusal of the issue of a residence permit for the purpose of intra-corporate transfer under Subsection (3) hereof;
- c)* who provides evidence of employment within the same company or group of companies, at least three uninterrupted months immediately preceding the date of the intra-corporate transfer in the case of executive employees, specialists and trainee employees;
- d)* who provides evidence that the duration of intra-corporate transfer is the longest in Hungary relative to the stay in other Member States of the European Union;
- e)* who has the professional qualifications and experience needed in the host entity to which he or she is to be transferred as an executive employee or specialist or, in the case of a trainee, the university degree required;
- f)* whose employment is justified in line with specific guidelines laid down by the relevant legislation, or on grounds of domestic employment policy considerations;
- g)* who has full healthcare insurance or applied for coverage for healthcare services with respect to all periods when his or her contractual employment relationship carries no insurance;
- h)* who has sufficient resources for themselves and their family members not to become a burden on the social assistance system of Hungary during their period of residence; and
- i)* who has reported a genuine domestic address as accommodation in Hungary.

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

- a) to any third-country national holding a residence permit for the purpose of carrying out scientific research;
- b) to any third-country national who, under agreements between the European Union and its Member States and third countries, enjoy rights of free movement equivalent to those of European Union citizens or are employed by a business established in those third countries;
- c) to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council, as long as he or she is posted on the territory of Hungary;
- d) to private entrepreneurs;
- e) to third-country nationals assigned for work by employment agencies, temporary work agencies or any other companies engaged in making available labor to work under the supervision and direction of another company;
- f) to persons admitted as full-time students or who are undergoing a short-term supervised practical training as part of their studies.

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

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

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

(7) Third-country nationals with entitlement to receive a residence permit for the purpose of intra-corporate transfer shall not be eligible for a residence permit for the purpose of taking up employment under this Act.

Section 42

A third-country national holding a residence permit for the purpose of intra-corporate transfer issued in any Member State of the European Union shall be granted a residence permit (permit for long-term mobility) if he or she is able to meet the conditions set out in Paragraphs a) and d) of Subsection (1) of Section 17 and Paragraphs a) and b) and Paragraphs f)-i) of Subsection (2) of Section 41.

24. Stay of researchers

Section 43

(1) ‘Researcher’ shall mean a third-country national who holds a doctoral degree or an appropriate higher education qualification which gives that third-country national access to doctoral programs, who is admitted to and stays in the territory of a Member State and selected by a research organization for carrying out a research activity for which such qualification is normally required.

(2) ‘Research organization’ shall mean a research organization accredited under legislation.

Section 44

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

a) seeking admission to the territory of Hungary for the purposes of carrying out research under a hosting agreement concluded with a research organization accredited under the relevant legislation; and

b) for whom the research organization provides a written commitment for reimbursing the costs of expulsion in cases where the researcher remains in the territory of Hungary past the period authorized - if the researcher does not have the financial means necessary.

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

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

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

c) to persons authorized stay;

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

e) to persons with the right of free movement and residence;

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

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

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

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

a) shall be at least one year, not exceeding two years;

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

(4) The validity period of a residence permit for the purpose of research may be extended by a period corresponding to the duration of the hosting agreement, not exceeding two years.

Section 45

(1) Third-country nationals who are in possession of a permit issued by a Member State of the European Union for the purpose of research shall be entitled to a short-term research mobility certificate for a maximum duration of stay in the territory of Hungary for a period of one hundred eighty days in any three hundred sixty day period, if they intend to carry out part of the research in a Hungarian research organization under a hosting agreement concluded with a research organization accredited under specific other legislation.

(2) With the notification for the issue of a short-term researcher mobility certificate researchers shall enclose:

a) the hosting agreement concluded with the accredited Hungarian research organization;

b) the short-term mobility plan, indicating also the planned duration and dates of the mobility;

c) documents evidencing compliance with the conditions set out in Paragraphs *f)* and *g)* of Subsection (1) of Section 17; and

d) a document showing the actual place of accommodation in the territory of Hungary.

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

*a) documents evidencing compliance with the requirements specified in Paragraphs *a), f)* and *g)* of Subsection (1) of Section 17;*

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

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

(4) The validity period of the researcher's family member's short-term mobility certificate issued for the purpose of research under Subsection (3) shall be up to one hundred eighty days in any three hundred sixty day period, however, it may not exceed the validity period of the short-term researcher mobility certificate.

Section 46

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

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

a) the hosting agreement concluded with the Hungarian research organization;

b) the long-term mobility plan, indicating also the planned duration and dates of the mobility;

*c) documents evidencing compliance with the conditions set out in Paragraphs *f)* and *g)* of Subsection (1) of Section 17; and*

d) a document showing the actual place of accommodation in the territory of Hungary.

(3) A long-term mobility residence permit for the purpose of research may be issued for a maximum duration of up to three hundred sixty-five days.

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

*a) documents evidencing compliance with the requirements specified in Paragraphs *a), f)* and *g)* of Subsection (1) of Section 17;*

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

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

(5) The validity period of the researcher's family member's long-term mobility residence permit issued for the purpose of research under Subsection (4) shall be three hundred sixty

days maximum, however, it may not exceed the validity period of the researcher's long-term mobility residence permit for the purpose of research.

Section 47

(1) A residence permit for the purpose of job-searching or entrepreneurship may be issued to third-country nationals who are in possession of a valid residence permit for the purpose of research and able to prove the completion of the research activity, if able to meet the conditions set out in Paragraphs *a*) and *f)-i*) of Subsection (1) of Section 17, and the employment the third-country national is seeking or the business he or she is in the process of setting up corresponds to the level of research completed.

(2) The validity period of a residence permit provided for in this Section shall not exceed nine months.

(3) The residence permits provided for in this Section are not renewable.

(4) Third-country nationals who are in possession of a valid residence permit defined in this Section may apply in Hungary, during the period of validity of such permit:

- a*) for a Hungarian Card;
- b*) for an EU Blue Card; or
- c*) for a residence permit for migrant self-employment.

25. Relocation of a business to Hungary - the Company Card

Section 48

(1) A Company Card may be issued on to a third-country national who is the executive officer or employee of a legal entity that is an employer defined in the relevant government decree or an economic operator who has entered into an establishment agreement with such employer.

(2) A Company Card may be provided to a third-country national whose objective is:

- a*) to engage in any gainful activity in the capacity of executive officer of a for-profit business association, cooperative or other legal entity;
- b*) to actually work beside the activities defined in Paragraph *a*); or
- c*) to work effectively for or under the direction and/or supervision of others, for remuneration, under a contractual employment relationship.

Section 49

(1) Fixed-term Company Cards are issued for residence in Hungary not exceeding four years.

(2) The Company Card may be renewed, each time for up to four years, for this purpose only.

(3) During the validity of the Company Card and after its expiration, another type of residence permit may not be requested in Hungary.

CHAPTER VI

STAY OF THIRD-COUNTRY NATIONALS OF SPECIFIC NATIONALITY

- THE NATIONAL CARD

26. The National Card

Section 50

Serbian and Ukrainian nationals may be provided with a National Card if their purpose of residence is to perform work for or under the direction and/or supervision of others, for remuneration, under contractual employment relationship, including temporary agency work.

Section 51

(1) A National Card is an authorization to reside in the territory of Hungary for more than ninety days within any one hundred eighty day period, not exceeding a limited duration of two years.

(2) The National Card is renewable, each time for up to three additional years.

Section 52

If the Serbian and Ukrainian national wishes to enter into a contractual employment relationship with another employer, he or she shall submit an application for the renewal of his or her National Card.

Section 53

As regards National Cards, Section 33 shall be applied.

CHAPTER VII

OTHER FORMS OF RIGHTS OF RESIDENCE

27. Students' stay for the purpose of studies

Section 54

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

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

higher education, which may cover a preparatory course prior to such education;

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

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

d) who is able to evidence compliance with the requirements set out in Paragraphs *c), d)* and *f)-i)* of Subsection (1) of Section 17; and

e) who has reported a genuine domestic address as accommodation in Hungary.

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

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

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

c) to persons authorized stay;

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

e) to persons with the right of free movement and residence;

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

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

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

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

a) shall be at least one year, not exceeding three years; or

b) shall be for a duration consistent with the duration of the training if the duration of training is less than one year.

(4) The validity period of a residence permit for the purpose of studies may be extended by at least one year each time, not exceeding three years.

(5) The validity period of a residence permit for the purpose of studies may not exceed the validity period of the applicant's travel document even in the case defined in Subsection (4).

(6) No right of residence in Hungary may be granted to another third-country national on the grounds of a third-country national's residence in possession of a residence permit for the purpose of studies.

(7) A third-country national holding a residence permit for the purpose of studies shall not be eligible for national residence card.

(8) Third-country nationals holding a residence permit for the purpose of studies or a student mobility residence permit and/or a student mobility certificate may engage in occupational activity during their term-time for maximum thirty hours weekly, and outside their term-time for a maximum period of ninety days in a year full time.

Section 55

(1) A residence permit for the purpose of job-searching or entrepreneurship may be issued to students who are third-country nationals, and who are in possession of a valid residence permit for the purpose of studies and able to prove the completion of studies, meet the

conditions set out in Paragraphs *a*) and *f)-i*) of Subsection (1) of Section 17, and the employment the third-country national is seeking or the business he or she is in the process of setting up corresponds to the level of studies completed.

(2) The validity period of a residence permit provided for in this Section shall not exceed nine months.

(3) The residence permits provided for in this Section are not renewable.

(4) Third-country nationals who are in possession of a valid residence permit defined in this Section may apply in Hungary, during the period of validity of such permit:

a) for a Hungarian Card;

b) for an EU Blue Card; or

c) for a residence permit for migrant self-employment.

Section 56

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

(2) Students who are in possession of a residence permit issued by another Member State of the European Union for the purpose of studies and who are not covered by a European Union or multilateral program that comprises mobility measures or by an agreement between two or more higher education institutions, and who are in possession of a valid residence permit for the purpose of study issued by the first Member State, shall be entitled to a student mobility residence permit if they intend to carry out part of the studies in the higher education institution provided for in other legislation.

(3) Simultaneously with submitting the application for student mobility residence permit, students shall enclose:

a) the agreement with a Hungarian higher education institution or a certificate of admission;

b) documents evidencing compliance with the conditions set out in Paragraphs *f*) and *g*) of Subsection (1) of Section 17;

c) proof of payment of the fee charged by the higher education institution; and

d) a document showing the actual place of accommodation in the territory of Hungary.

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

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

a) the agreement with a Hungarian higher education institution or a certificate of

admission;

b) documents evidencing compliance with the conditions set out in Paragraphs *f)* and *g)* of Subsection (1) of Section 17;

c) proof of payment of the fee charged by the higher education institution; and

d) a document showing the actual place of accommodation in the territory of Hungary.

(6) The maximum duration of stay in the territory of Hungary for third-country nationals holding a student mobility residence permit provided for in Subsection (2), or a student mobility certificate provided for in Subsection (4) is three hundred sixty days.

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

Section 57

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

a) who meet the conditions set out Paragraphs *a)* and *c)-i)* of Subsection (1) of Section 17; and

b) who participate in a scholarship program in Hungary provided by the Government or a ministry.

(2) A residence permit for the purpose of training may not be issued to any third-country national who meets the conditions for the issue or extension of a residence permit for the purpose of studies.

(3) A residence permit for the purpose of training may be granted for a period of up to one year, and cannot be renewed for the same purpose. A third-country national may apply for the renewal of his or her residence permit solely for the purpose of studies.

(4) No right of residence in Hungary may be granted to another third-country national on the grounds of a third-country national's residence in possession of a residence permit for the purpose of training.

(5) A third-country national holding a residence permit for the purpose of training shall not be eligible for national residence card.

28. Stay of trainees

Section 58

(1) 'Trainee' shall mean a third-country national who holds a degree of higher education or is pursuing a course of study in a third country that leads to a higher education degree and who is admitted to the territory of Hungary for a training program for the purpose of traineeship.

(2) 'Traineeship' shall mean the activity pursued by a trainee for the purpose of gaining practice in the profession covered by his or her studies or by a trainee holding higher education qualification within a training program for the purpose of gaining knowledge, practice and experience in a professional environment.

Section 59

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

national:

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

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

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

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

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

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

c) to persons authorized stay;

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

e) to persons with the right of free movement and residence;

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

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

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

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

a) shall be maximum six months; or

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

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

(5) No right of residence in Hungary may be granted to another third-country national on the grounds of a third-country national's residence in possession of a residence permit issued for the purpose of traineeship.

(6) During the validity of the residence permit issued for the purpose of traineeship and after its expiration, another type of residence permit may not be requested in Hungary.

(7) A third-country national holding a residence permit issued for the purpose of traineeship shall not be eligible for national residence card.

29. Stays for official business

Section 60

(1) Unless otherwise provided by law, residence permits for official business may be issued to third-country nationals who comply with the conditions set out in Paragraphs *a)* and *c)-i)* of Subsection (1) of Section 17, and who is seeking admission to the territory of

Hungary:

- a) as a person enjoying any special privileges and immunities under diplomatic relations or international law, including the family members of such persons;
- b) as a member of an official delegation of a foreign state or foreign government body, or of an international organization;
- c) as a journalist;
- d) within the framework of an international convention, international cooperation or an intergovernmental aid program in the field of education, science or culture or participating in continuing professional training;
- e) as a staff member of a scientific, education and cultural institution operating in Hungary under an international convention or as a person seeking admission in connection with the activities of such institutions.

(2) The validity period of a residence permit for official business shall correspond to the duration of the activity referred to in Paragraphs a)-e) of Subsection (1), not exceeding three years, and it may be extended by the duration corresponding to any extension of the official assignment, training or continuing professional training, not exceeding three years.

30. Temporary residence permits issued in accordance with the international agreements on employment in a Working Holiday Scheme

Section 61

(1) The immigration authority shall issue temporary residence permits in accordance with the international agreements on employment in a Working Holiday Scheme.

(2) A temporary residence permit may be issued to a third-country national:
a) who fulfills the conditions defined in the relevant international agreements supported by documents, and
b) who is able to comply with the requirements set out in Paragraphs h) and i) of Subsection (1) of Section 17.

(3) The period of validity of a temporary residence permit may not exceed the term specified in the international agreement based on which it was issued.

(4) Temporary residence permits are not renewable.
(5) The number of temporary residence permits issued in a year may not exceed the limit set out in international agreements.
(6) During the validity of the temporary residence permit and after its expiration, another type of residence permit may not be requested in Hungary.
(7) A third-country national holding a temporary residence permit shall not be eligible for national residence card.

31. Stay of digital nomads - the White Card

Section 62

(1) 'White Card' shall mean a residence permit whose holder is engaged, as verified, under contract for some form of employment in a country other than Hungary, and who is working from Hungary using advanced digital technologies, or has a verified ownership

interest in a profitable enterprise in a country other than Hungary, and who works in or runs the enterprise from Hungary using advanced digital technologies.

(2) A White Card may be issued to a third-country national:

a) who is engaged, as verified, under contract for some form of employment in a country other than Hungary, and who is working from Hungary using advanced digital technologies, or has a verified ownership interest in a profitable enterprise in a country other than Hungary, and who works in or runs the enterprise from Hungary using advanced digital technologies;

b) who is able to meet the conditions set out in Paragraphs *a)* and *c)-i)* of Subsection (1) of Section 17, and who is not subject to the grounds for exclusion under Subsection (3) hereof; and

c) who is not engaged in any gainful employment in Hungary, and has no ownership interest in a Hungarian enterprise.

(3) A White Card may not be issued:

a) to third-country nationals who meet the conditions applicable to the issue of a residence permit for migrant self-employment, a guest investor residence permit, a residence permit for the purpose of taking up employment for the implementation of an investment, an occupation-based residence permit, a migrant worker's residence permit, a National Card, Hungarian Card or a Company Card;

b) to persons admitted as full-time students or who are undergoing a short-term supervised practical training as part of their studies;

c) to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council, as long as he or she is posted on the territory of Hungary;

d) to third-country nationals who applied for refugee status with the refugee authority, or who requested temporary or subsidiary protection from the refugee authority;

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

f) to persons authorized stay;

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

h) to third-country nationals holding an EC permanent residence permit or an EU residence card;

i) to third-country nationals who come to the European Union in the context of an intra-corporate transfer; and

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

(4) A White Card is issued for a maximum period of one year, and it may be extended once only for the same purpose, by an additional year.

(5) During the validity of the White Card and after its expiration, another type of residence permit may not be requested in Hungary.

(6) No right of residence in Hungary may be granted to another third-country national on the grounds of a third-country national's residence in possession of a White Card.

(7) A third-country national holding a White Card shall not be eligible for national residence card.

32. Posting

Section 63

(1) A posted person shall mean a third-country national covered by Directive 96/71/EC of the European Parliament and of the Council who is posted to the territory of Hungary.

(2) A residence permit for the purpose of posting may be issued to:

a) a third-country national holding a residence permit issued by any Member State of the European Union for the purpose of employment at the time the application for residence permit for the purpose of posting is submitted; and

b) a third-country national who plans to work in the territory of Hungary for a limited period of time based on an employment relationship with the company making the posting,

ba) on the account and under the direction of the company making the posting, under a contract concluded between the company making the posting and the party for whom the services are intended, operating in the given Member State,

bb) at a place of business or company owned by the group making the posting, or

bc) dispatched by a temporary employment company or placement agency, to a company established in Hungary or operating in the territory of Hungary.

(3) The company making the posting and the employee shall be engaged under an employment relationship at the time of posting, service is provided on the account and under the direction of the company making the posting, under contract between the company making the posting and the recipient of the service operating in the given Member State.

(4) The validity period of a residence permit issued for the purpose of posting shall correspond to the duration of posting, not exceeding two years. The residence permit may be extended for the same purpose within a period of two years from the date of issue.

(5) The validity period of the residence permit for the purpose of posting determined according to Subsection (4) may not exceed the validity period of the residence permit issued by a Member State of the European Union.

33. Stay for medical purposes

Section 64

(1) Residence permits for medical purposes may be issued to third-country nationals who comply with the conditions set out in Paragraphs *a)* and *c)-i)* of Subsection (1) of Section 17, and:

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

b) accompanying his or her child who is minor under Hungarian law or a family member defined in this Act who is in need of support for receiving medical treatment in Hungary.

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

(3) During the validity of the residence permit for medical purposes and after its expiration, another type of residence permit may not be requested in Hungary.

(4) A third-country national holding a residence permit for medical purposes shall not be eligible for national residence card.

34. Stay for the purpose of voluntary activities

Section 65

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

a) who meet the conditions set out Paragraphs *a*) and *c)-i*) of Subsection (1) of Section 17; and

b) seeking admission into the territory of Hungary under a voluntary service agreement concluded with a host entity provided for in other legislation for carrying out voluntary activities of public concern, or to volunteers participating in the European Voluntary Service.

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

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

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

c) to persons authorized stay;

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

e) to persons with the right of free movement and residence;

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

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

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

Section 66

(1) The validity period of a residence permit for the purpose of voluntary activities - except as provided in Subsection (2) - shall be at least one year and shall be at most two years.

(2) If the term of a volunteer agreement is less than one year, the validity period of a residence permit for the purpose of voluntary activities shall be the same as the term of the hosting agreement.

(3) No right of residence in Hungary may be granted to another third-country national on the grounds of a third-country national's residence in possession of a residence permit for the purpose of voluntary activities.

(4) During the validity of the residence permit for the purpose of voluntary activities and after its expiration, another type of residence permit may not be requested in Hungary.

(5) A third-country national holding a residence permit for the purpose of voluntary activities shall not be eligible for national residence card.

35. Residence permits issued for reasons of national interest

Section 67

(1) For reasons of national interest, the minister in charge of immigration and asylum may grant a residence permit issued for reasons of national interest.

(2) The minister in charge of immigration and asylum may issue a residence permit for reasons of national interest to a third-country national for the purpose of performing work effectively for or under the direction and/or supervision of others, for remuneration, under a contractual employment relationship.

(3) When issuing a residence permit for reasons of national interest the minister in charge of immigration and asylum may take into account the interests of Hungary in terms of economic, national policy, scientific, cultural and sports considerations.

(4) As to whether national political interest applies shall be determined by the minister in charge of immigration and asylum in consultation with the specialist authority designated by the Government by means of a decree.

(5) With regard to the existence of Hungary's economic, scientific, cultural and sports interests, the minister in charge of immigration and asylum shall request the opinion of a body appointed by government decision. The minister in charge of immigration and asylum shall not be bound by the opinion of that body.

(6) A residence permit issued for reasons of national interest may be issued for a maximum duration of up to three years, and may be renewable each time for up to three additional years.

(7) In the process of issuing a residence permit for reasons of national interest, the conditions defined in this Act shall not be considered, except for the condition set out in Subsection (2).

(8) No remedy shall lie against the decision brought in connection with an application for residence permit issued for reasons of national interest.

36. Entry and stay of 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 68

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

(2) The aforementioned civilian personnel shall not be required to obtain visas for a validity period exceeding ninety days within any one hundred eighty day period, and shall not be required to provide proof for the requirements set out in Paragraphs *e)-g)* of Subsection (1) of Section 17.

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

(4) The treatment under Subsections (1)-(3) shall also apply to the civilian staff of the armed forces of the States participating in the Agreement by the parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace, promulgated by Act CII of 1995, regarding the status of their forces and their relatives.

37. Entry and stay of members of the civilian staff, US contractors and their relatives covered by the Agreement on Defense Cooperation Between the Government of Hungary and the Government of the United States of America

Section 69

(1) Based on the Agreement on Defense Cooperation Between the Government of Hungary and the Government of the United States of America, promulgated by Act LI of 2019, as regards the entry and stay:

- a)* of the civilian personnel defined in Point 3 of Article II,
- b)* of the US contractors defined in Point 4 of Article II, and
- c)* the family members defined in Point 5 of Article II

of the Agreement on Defense Cooperation Between the Government of Hungary and the Government of the United States of America, the provisions of this Act shall apply with the derogation set out in Subsections (2) and (3) hereof, subject to verification of their status described under Points 3-5 of Article II.

(2) The persons defined in Subsection (1) shall not be required to obtain visas for stays exceeding ninety days within any one hundred eighty day period, and shall not be required to provide proof for the requirements set out in Paragraphs *e)-g)* of Subsection (1) of Section 17.

(3) The immigration authority shall notify the department appointed by the minister in charge of defense concerning the arrest or detention of the person defined in Subsection (1), for the department to notify the State of origin.

38. Residence permit granted on humanitarian grounds

Section 70

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

- a)* a person recognized by Hungary as a stateless person;
- b)* a person who has been authorized to stay in Hungary;
- c)* on the strength of law, any third-country national who applied to the refugee authority for asylum, or who applied to the refugee authority for any subsidiary form of protection or temporary protection;
- d)* any third-country national who was born in the territory of Hungary and who has been removed from the custody of his guardian having custody according to Hungarian law, and/or unaccompanied minors;
- e)* for substantial national security or law enforcement reasons - by initiative of the court, the public prosecutor's office, national security or law enforcement agency, or the

investigating arm of the Nemzeti Adó- és Vámhivatal (*National Tax and Customs Authority*) - to any third-country national, or other affiliated third-country nationals on his or her account, who has cooperated with the authorities in a crime investigation and has provided considerable assistance to gather evidence;

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

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

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

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

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

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

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

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

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

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

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

(5) Third-country nationals to whom a residence permit had been issued under Paragraph *e*) of Subsection (1), who are victims of trafficking in human beings shall be provided aid and support specified in other legislation.

(6) For the purposes of Paragraph *f*) of Subsection (1), 'particularly exploitative working conditions' shall mean working conditions, including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers' health and safety, and which offends against human dignity.

CHAPTER VIII

FAMILY REUNIFICATION

39. Eligibility

Section 71

(1) A residence permit for the purpose of family reunification may be issued to the family members of:

- a) a third-country national holding a residence permit;
- b) a third-country national with an immigration, permanent residence, interim permanent residence, national residence or EC permanent residence permit;
- c) a third-country national holding a temporary residence card, a national residence card or an EU residence card;
- d) a third-country national holding a residence card, permanent residence card or long-term residence card granted under the Free Movement Act; or
- e) a third-country national who is a Hungarian citizen;

(for the purposes of this chapter, hereinafter referred to collectively as “sponsor”).

(2) ‘Family member’ shall mean:

- a) the spouse of a third-country national or a Hungarian citizen;
- b) the minor child, including adopted and foster children, of a third-country national and his or her spouse;
- c) the minor child, including adopted and foster children, of a third-country national where this third-country national has parental custody and the children are dependent on him or her;
- d) the minor child, including adopted and foster children, of the spouse of a third-country national or a Hungarian citizen where the spouse has parental custody and the children are dependent on him or her;
- e) the person who has parental custody of a minor child who is a Hungarian citizen, exercising parental authority and living in the same household with the Hungarian citizen.

(3) In addition to what is contained in Subsection (1), a residence permit may be issued on the grounds of family reunification:

- a) to family members of persons with refugee status; and
- b) to the
 - ba) parents of unaccompanied minors with refugee status, or
 - bb) in the absence of the person referred to in Subparagraph ba), to the legally appointed guardian of unaccompanied minors with refugee status.

(4) A residence permit for the purpose of family reunification may not be issued to a third-country national if the sponsor:

- a) does not have a residence permit for migrant self-employment for at least a year;
- b) has a residence permit issued for the purpose of seasonal employment;
- c) has a residence permit issued for the purpose of taking up employment for the implementation of an investment;
- d) has an occupation-based residence permit;
- e) has a migrant worker’s residence permit;
- f) has a White Card;
- g) has a residence permit for the purpose of study or training;
- h) has a residence permit for the purpose of traineeship; and
- i) has a residence permit for the purpose of voluntary activities.

(5) The children of third-country nationals with a residence permit born in the territory of Hungary shall be issued a residence permit on the grounds of family reunification, unless otherwise provided by law.

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

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

- a) their parents who are dependents; and
- b) their siblings and relatives in the direct line, if they are unable to provide for themselves due to health reasons.

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

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

Section 72

(1) Family members - unless they have obtained the right of residence on any other grounds - shall be authorized to extend his or her stay:

- a) after five years from the date of issue of his or her first residence permit, or
- b) upon the death of the sponsor or the person with refugee status, and if other requirements for further stay are ensured.

(2) If the sponsor has an EC permanent residence permit or an EU residence card, and has previously received an EU Blue Card as well because he or she has lawfully resided in the territory of Hungary for an uninterrupted period of at least the preceding two years before the application was submitted, and he or she has lawfully resided in the territory of Member States of the European Union continuously for at least five years with an EU Blue Card, a residence permit for the purpose of research or studies, in the case of his or her family member, the five-year period referred to in Subsection (1) shall cover any duration spent in the territory of the European Union in possession of a residence permit issued for the purpose of family reunification by any Member State of the European Union, provided that the applicant has resided in Hungary lawfully and for an uninterrupted period of at least two years within the five-year period immediately preceding the submission of the application.

40. Validity period of a residence permit issued for the purpose of family reunification

Section 73

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

- a) a maximum period of three years - with the exceptions provided for in Paragraphs b)-d) -, and it may be extended by up to three additional years at a time;
- b) a maximum period of three years, and it may be extended by up to four additional years at a time, if the sponsor has an EU Blue Card or a Company Card;
- c) a maximum period of five years, and it may be extended by up to five additional years at a time, if the sponsor is a Hungarian citizen or has an EC permanent residence permit or

EU residence card issued under Paragraph *b*) of Subsection (1) of Section 87;

d) a maximum period of ten years, and it may be extended by up to ten additional years at a time, if the sponsor has a guest investor residence permit.

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

(3) The validity period of a residence permit issued for the purpose of family reunification may not exceed the validity period of the applicant's travel document even in the cases under Subsections (1) and (2).

PART FOUR

CONTINUOUS RESIDENCE OF THIRD-COUNTRY NATIONALS IN HUNGARY

CHAPTER IX

GENERAL PROVISIONS

41. Right of continuous residence

Section 74

(1) A third-country national shall have the right of continuous residence if he or she was granted:

- a*) before the time of this Act entering into force,
 - aa*) an immigration permit,
 - ab*) a permanent residence permit,
 - ac*) a temporary residence permit,
 - ad*) a national permanent residence permit,
 - ae*) an EC permanent residence permit;
- b*) in accordance with this Act,
 - ba*) a temporary residence card,
 - bb*) a national residence card, or
 - bc*) an EU residence card.

(2) A third-country national with the right of continuous residence shall have the same rights existing under the relevant legislation as holders of residence permits, with the proviso that he or she shall be authorized to reside in the territory of Hungary for an indefinite period of time, except as provided in Subsection (3).

(3) A temporary residence permit and a temporary residence card shall constitute an authorization to reside in the territory of Hungary during its validity period.

(4) In the cases covered by the Act on Records of the Personal Data and Addresses of Citizens, the competent authority shall notify the body operating the register of personal

data and address records of citizens concerning:

a) an authorization granted for the right of continuous residence to a third-country national with refugee status or subsidiary protection status for the purpose of registration of the new status in addition to the existing one; and

b) the withdrawal of an immigration permit, permanent residence permit, temporary residence permit, national residence permit or EC permanent residence permit, and a temporary residence card, national residence card and EU residence card.

(5) In the proceedings governed in this Chapter, the authority specified in the relevant government decree shall convey its assessment decision as to whether the continuous residence of a third-country national constitutes a threat to the public security or national security of Hungary:

a) within twenty days in proceedings of first instance,

b) within fifteen days in proceedings of second instance,

to the competent immigration authority, and it may be extended once by another twenty days in proceedings of first instance, or once by another fifteen days in proceedings of second instance. Such duration shall not be included in the administrative time limit.

(6) The provisions of this Part shall apply to the extension and withdrawal of the authorizations referred to in Paragraph *a)* of Subsection (1), with the proviso that

a) the provisions on the extension and withdrawal of temporary residence cards shall apply to temporary residence permits;

b) the provisions on the withdrawal of national residence cards shall apply to immigration permits, permanent residence permits and national permanent residence permits;

c) the provisions on the withdrawal of EU residence cards shall apply to EC permanent residence permits.

42. General conditions for obtaining the right of continuous residence

Section 75

(1) A temporary residence card, national residence card or EU residence card may be issued to a third-country national:

a) whose accommodation and subsistence in the territory of Hungary is provided for;

b) who has full healthcare insurance coverage or, in the absence thereof, has sufficient financial resources to cover the costs of healthcare services; and

c) who is not subject to any of the disqualifying factors set out in this Act.

(2) A temporary residence card, national residence card or EU residence card may not be issued to a third-country national:

a) whose residence in the territory of Hungary constitutes a threat to the public security or national security of Hungary;

b) who is subject to expulsion or exclusion from Hungary or for whom an alert has been issued in the SIS; or

c) who has disclosed false information or untrue facts in the interest of obtaining the card, or otherwise misled the competent authority.

43. Stay of the child of a person who has been granted the right of continuous residence

Section 76

If a third-country national with the right of continuous residence has a child born in the territory of Hungary, who is considered a third-country national, the birth of such child shall be registered and:

- a) a temporary residence card shall be issued for the child if the parent has a temporary residence card, or
- b) a national residence card shall be issued for the child if the parent has an immigration permit, a permanent residence permit, national permanent residence permit or EC permanent residence permit, a national residence card or an EU residence card.

CHAPTER X

TEMPORARY RESIDENCE CARD

44. Issue of temporary residence cards

Section 77

A temporary residence card represents a derivative right of residence in connection with an EU residence permit certifying continuous residence status granted by any Member State of the European Union.

Section 78

(1) The third-country nationals holding an EU residence permit certifying long-term residence status granted by any Member State of the European Union under Council Directive 2003/109/EC shall be issued a temporary residence card if seeking admission to the territory of Hungary:

- a) for the purpose of taking up employment or entrepreneurial activity, not including seasonal work,
- b) for the pursuit of studies or for the purpose of vocational training, or
- c) for other justified reasons,

and if he or she fulfills all other conditions defined by the relevant legislation.

(2) Family members from third countries of third-country nationals applying together for a temporary residence card, and the family members of third-country nationals holding a temporary residence permit or temporary residence card shall be issued a temporary residence card if their family relationship already existed in the Member State of the European Union where the EU residence permit certifying continuous residence status was issued, and if able to meet all other conditions specified by the relevant legislation.

Section 79

(1) The validity period of a temporary residence card shall not exceed five years, and it may be extended by five additional years at a time. An application for the extension of a temporary residence card may not be refused for public health reasons, if the disease was

contracted after the temporary residence card sought to be renewed was issued.

(2) The validity of the temporary residence card of a third-country family member applying for a temporary residence card together with a third-country national, as well as a family member of a third-country national holding a temporary residence permit or a temporary residence card, shall be the same as the validity of the third-country national's temporary residence permit or temporary residence card.

45. Withdrawal of temporary residence cards

Section 80

(1) The temporary residence card of a third-country national may be withdrawn if:

a) his or her accommodation and subsistence in the territory of Hungary is no longer provided for; or

b) he or she does not have full healthcare insurance coverage or is unable to secure sufficient financial resources for healthcare services in any other way.

(2) The temporary residence card shall be withdrawn if:

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

b) the third-country national constitutes a threat to the public security or national security of Hungary.

(3) The temporary residence card issued to a family member of a third-country national based on the right of that third-country national shall be withdrawn if:

a) the third-country national's temporary residence permit or temporary residence card had been withdrawn; or

b) the family relationship no longer exists, except where, following the third-country national's death,

ba) the family member's accommodation and subsistence in the territory of Hungary is provided for, and

bb) the family member has full healthcare insurance coverage or sufficient financial resources for healthcare services.

46. Flow of information between Member States of the European Union

Section 81

(1) The immigration authority shall notify the Member State of the European Union concerning the issue of a temporary residence card, and also if withdrawn with the reasons indicated, where the EU residence permit certifying continuous residence status was issued for the third-country national.

(2) Where a third-country national holding an EU residence permit certifying continuous residence status has been granted refugee status or subsidiary protection by a Member State of the European Union, the immigration authority shall - before making out the temporary residence card - contact the Member State of issue of the EU residence permit, accompanied by the natural identification data of the third-country national to ascertain whether the refugee status or subsidiary protection still exist.

(3) Where a third-country national holding an EU residence permit certifying continuous

residence status has been granted refugee status or subsidiary protection by the Hungarian refugee authority or court, the immigration authority shall - before making out the temporary residence card - contact the Member State of issue of the EU residence permit accompanied by the natural identification data of the third-country national to update the heading "Megjegyzések" (Remarks) of the EU residence permit.

CHAPTER XI

NATIONAL RESIDENCE CARDS AND EU RESIDENCE CARDS

47. Administrative time limit

Section 82

An application for national residence card and for EU residence card shall be determined:

- a) by the authority of first instance within seventy days,
- b) by the authority of second instance within thirty days.

48. Eligibility for national residence card

Section 83

(1) A national residence card for the purpose of continuous residence in Hungary may be issued - with the exception set out in Subsection (4) - to third-country nationals holding a residence permit, a temporary residence permit or a temporary residence card, and:

- a) who has lawfully resided in the territory of Hungary for at least an uninterrupted period of three years before the application was submitted;

- b) who is a dependent direct relative in the ascending line of a Hungarian citizen or a third-country national with the right of continuous residence, or who has been granted refugee status, and living in the same household for at least one year before the application was submitted;

- c) who is the spouse of a Hungarian citizen, a third-country national with the right of continuous residence, or who has been granted refugee status, provided that the marriage was contracted at least two years before the application was submitted;

- d) who was formerly a Hungarian citizen and whose citizenship was rescinded, or whose ascendant is or was a Hungarian citizen; or

- e) who is a minor child of a third-country national with the right of continuous residence, or who has been granted refugee status.

(2) A national residence card for the purpose of continuous residence in Hungary may be issued to a third-country national if the conditions set out in Subsection (1) are fulfilled, and if:

- a) the continuous stay of the third-country national is in accordance with the interest of Hungary, and

- b) the third-country national fulfills the requirements of social coexistence defined by the relevant legislation.

(3) The third-country nationals who has been granted refugee status by the refugee authority may apply for a national residence card in the absence of a long-term visa or residence permit.

(4) A national residence card shall not be issued to any third-country national who has a prior criminal record, until exonerated from the detrimental consequences of having a criminal record.

(5) A third-country national shall not be eligible for a national residence card:

- a) if holding a residence permit for migrant self-employment;
- b) if holding a residence permit issued for the purpose of seasonal employment;
- c) if holding a residence permit issued for the purpose of taking up employment for the implementation of an investment;
- d) if holding an occupation-based residence permit;
- e) if holding a migrant worker's residence permit;
- f) if holding a residence permit for the purpose of studies (including if looking for a job and starting a business);
- g) if holding a residence permit for the purpose of training;
- h) if holding a temporary residence permit;
- i) if holding a residence permit for medical purposes;
- j) if holding a White Card;
- k) if holding residence permit for the purpose of posting;
- l) if holding a residence permit for the purpose of traineeship;
- m) if holding a residence permit for the purpose of voluntary activities.

(6) If an application for national residence card is refused on the basis of Subsection (2), in an administrative action brought against the authority's definitive decision of refusal the court shall have no recourse to reverse that decision.

49. Calculation of the duration of stay in the territory of Hungary

Section 84

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

(2) The immigration authority may authorize the continuous residence of a third-country national in the territory of Hungary even if residence is interrupted for a period longer than what is described in Subsection (1), if residence was interrupted for reasonable cause, such as medical treatment abroad or foreign assignment of the third-country national in connection with his or her gainful employment.

(3) The duration of residence required for a national residence card shall not include:

- a) time spent in Hungary with residence permit issued to members - including their family members - of diplomatic and consular missions - led by a career consulate officer - located in Hungary, international organizations, including their Hungarian branches, posts, offices, furthermore, members of organizations having privileges and immunities by virtue of law;

- b) time spent in Hungary with a White Card.

50. National residence card issued for reasons of national interest

Section 85

(1) For reasons of national interest, a third-country national who is unable to satisfy the conditions set out in this Chapter may be granted a national residence card by decision of the minister in charge of immigration and asylum.

(2) When issuing a national residence card for reasons of national interest the minister in charge of immigration and asylum may take into account the interests of Hungary in terms of economic, national policy, scientific, cultural and sports considerations.

(3) As to whether national political interest applies shall be determined by the minister in charge of immigration and asylum in consultation with the specialist authority designated by the Government by means of a decree.

(4) With regard to the existence of Hungary's economic, scientific, cultural and sports interests, the minister in charge of immigration and asylum shall request the opinion of a body appointed by government decision. The minister in charge of immigration and asylum shall not be bound by the opinion of that body.

(5) No remedy shall lie against the decision of the minister in charge of immigration and asylum brought in connection with a national residence card issued for reasons of national interest.

51. Withdrawal of a national residence card

Section 86

(1) The immigration authority may withdraw a national residence card if:

a) the underlying circumstances based on which it was issued have changed to an extent where granting the permit or the card would be excluded, provided that a period of five years has not elapsed from the date of issue of the permit or the card;

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

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

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

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

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

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

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

- e) withdrawal of the permit or card is requested by the third-country national; or
- f) the third-country national constitutes a threat to the public security or national security of Hungary.

52. Eligibility for EU residence card

Section 87

(1) An EU residence card may be issued for continuous residence in the territory of Hungary to a third-country national:

- a) who has lawfully resided in the territory of Hungary for at least an uninterrupted period of five years before the application was submitted; or
- b) who was issued an EU Blue Card, and
 - ba) has lawfully resided in the territory of Hungary uninterrupted, in possession of an EU Blue Card, for at least two years before the application was submitted, and
 - bb) has lawfully resided in the territory of any Member State of the European Union uninterrupted, in possession of an EU Blue Card, for at least five years for the purpose of research or studies.

(2) An EU residence card shall not be given:

- a) to third-country nationals residing in the territory of Hungary in order to pursue studies in an institution of higher education or vocational training;
- b) to third-country nationals residing in the territory of Hungary for the purpose of seasonal employment or voluntary service activities;
- c) to third-country nationals residing in the territory of Hungary under diplomatic or other personal immunity;
- d) to third-country nationals having applied for refugee status to the Hungarian refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority, pending definitive decision of the application;
- e) to persons authorized to stay;
- f) to third-country nationals who were granted refugee status or subsidiary protection by the Hungarian refugee authority or court, or by any Member State of the European Union, on the basis of such status, if refugee status or subsidiary protection is no longer available; and
- g) to third-country nationals who were granted temporary protection.

(3) If a third-country national has a continuous residence permit issued by another Member State of the European Union, the immigration authority shall notify the Member State concerned about the issue of an EU residence card.

53. Calculation of the duration of stay in the territory of Hungary

Section 88

(1) The duration of any earlier lawful residence of a third-country national for the purpose of seasonal employment, as a volunteer, under diplomatic or other personal immunity shall not be included in the duration required to acquire eligibility for EU residence card.

(2) The duration required to acquire eligibility for EU residence card shall include - except

residence with an EU Blue Card - half of the duration of any earlier lawful residence for the purpose of pursuing tertiary studies or vocational training, and the duration of residence with EU Blue Card shall include half of the duration of any earlier lawful residence in the territory of Member States for the purpose of pursuing tertiary studies or vocational training.

(3) The duration of residence of a third-country national in the territory of Hungary under refugee status, or under any subsidiary form of protection or temporary protection shall be included in the length of time required for acquiring eligibility for EU residence card.

(4) The duration required for acquiring eligibility for EU residence card shall include half of the period between the time when the application for asylum of a third-country national who was granted refugee status or subsidiary protection is submitted until the time when the document on refugee status or subsidiary protection is issued. If the aforesaid period exceeds eighteen months, the whole duration shall be included in the length of time required for acquiring eligibility for EU residence card.

(5) Having regard to the duration required for acquiring eligibility for EU residence card, the following shall not be deemed as discontinuity of residence in the territory of Hungary:

a) apart from the case of residence with EU Blue Card, temporary absence from the country of less than six consecutive months at any given time, if the combined duration of absence does not exceed three hundred days over a period of five years; or

b) in the case of residence with EU Blue Card, temporary absence from the territory of Member States of the European Union of less than twelve consecutive months at any given time, if the combined duration of absence does not exceed eighteen months over a period of five years.

54. Withdrawal of EU residence cards

Section 89

(1) The immigration authority shall withdraw the EU residence card if:

a) the third-country national was absent from the territory of European Union Member States for a period of over twelve months;

b) the third-country national was granted continuous residence status in another Member State of the European Union;

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

d) the third-country national disclosed false information or untrue facts to the immigration authority in the interest of obtaining the permit;

e) the third-country national is expelled or excluded; or

f) by way of derogation from Paragraph *a*), the third-country national was granted the EC permanent residence permit or EU residence card as holder of a valid EU Blue Card or as a family member of an EU Blue Card holder, and was absent from the territory of European Union Member States for a period of over twenty-four consecutive months.

(2) The immigration authority may withdraw the EC permanent residence permit or EU residence card if the third-country national no longer has refugee status or subsidiary protection.

(3) In the case of a third-country national whose EC residence permit or EU residence card was withdrawn by the immigration authority on the basis of Paragraphs *a)-c)* of Subsection (1), if he or she applies for an EU residence card again, the duration required for

eligibility shall be considered existing.

(4) The immigration authority shall suspend its proceedings for the extension of permanent residence permit, national permanent residence permit, national residence card or immigration permit, and for the issue of the relevant official certificate until the definitive and enforceable conclusion of proceedings for the review of the permanent residence permit, national permanent residence permit, national residence card or immigration permit.

PART FIVE

STATELESSNESS

Section 90

(1) If the stateless person provides solid proof or establishes such status, he or she may be recognized as stateless in accordance with the relevant provisions of Chapter XXXIII.

(2) Stateless status shall be refused if the applicant falls within the scope of Paragraph 2 of Article 1 of the United Nations Convention relating to the Status of Stateless Persons signed in New York on 28 September 1954, promulgated by Act II of 2002.

Section 91

The provisions of this Act applicable to third-country nationals shall apply to stateless persons.

PART SIX

POLICE REGULATIONS

55. Interpretative provisions

Section 92

(1) For the purposes of this Part:

a) ‘Dublin Regulations’ shall mean Regulation (EU) No. 604/2013 of the European Parliament and of the Council and Commission Implementing Regulation (EU) No. 118/2014;

b) ‘persons eligible for preferential treatment’ shall mean unaccompanied minors, or vulnerable persons such as minors, elderly people, disabled people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, if they are found to have special needs after an individual evaluation of their situation;

c) ‘detention camp’ shall mean a restricted access facility designed specifically for the detainment of aliens whose personal liberty is restricted as ordered in immigration proceedings;

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

e) ‘SIS alert’:

ea) SIS alert for the purpose of expulsion shall mean data files installed in the Schengen Information System by any Schengen State for the purposes of monitoring compliance with the obligation to return issued for third-country nationals to whom the expulsion decision apply, and for supporting the enforcement of expulsion decisions, and

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

f) ‘Visa Code’ shall mean Regulation (EC) No. 810/2009 of the European Parliament and of the Council.

56. Immigration control

Section 93

(1) The immigration authority shall have power to control compliance with and enforce the provisions of immigration regulations.

(2) Upon request for checks, third-country nationals shall produce and hand over their travel documents, residence authorization and other personal identification documents.

(3) In the event that any travel document is found during an inspection 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 confiscated by the immigration authority properly documented with the issue of a receipt, and - if no criminal charges are filed - sent to the Hungarian mission of the issuing State, or failing this, it shall be returned to the issuing state via the minister in charge of foreign policies.

(4) Any third-country national who is unable to verify his or her lawful residence in Hungary or is unable to produce credible evidence of his or her identity, or who violates the immigration regulations set out in the relevant legislation shall be detained and taken into custody by the immigration authority.

(5) The immigration authority shall have power to process the personal data of third-country nationals contained in the storage medium of the document evidencing their right of residence including biometric data, obtained by recording the physical attributes (facial image, fingerprint images) of such persons, by way of reading the personal data from the storage medium for the purposes specified in point 4 of Article 1 of Council Regulation (EC) No. 380/2008.

(6) The immigration authority shall be allowed to process fingerprint images taken for the

purposes referred to in Subsection (5) for verifying the stipulations mentioned in point 4 of Article 1 of Council Regulation (EC) No. 380/2008, until the verification process is completed, after which the fingerprint images shall be deleted immediately.

(7) If the grounds for residence of the third-country national or the identity of the third-country national mentioned above cannot be established while in custody, the third-country national may be kept in custody for an additional period of maximum twelve hours; this action may be contested.

(8) In situations where an exceptionally large number of third-country nationals in custody places an unforeseen heavy burden on the capacity of the immigration authority, the immigration authority may extend the duration of custody provided for in Subsection (7) for a maximum period of twenty-four hours. This action may be contested.

(9) If the third-country national declares while in custody, extended or otherwise, his or her intention before the immigration authority to submit an application for international protection, the immigration authority may keep the third-country national in custody for an additional period of maximum twelve hours, in addition to the duration of custody, extended or otherwise, until the refugee authority takes action. This action of retention may be contested.

CHAPTER XII

ENTRY AND RETURN

57. Admission of third-country nationals exercising their right to mobility as students or researchers

Section 94

(1) Third-country nationals exercising their right to mobility as students or researchers shall be authorized to enter the territory of Hungary if he or she has:

a) a valid travel document;
b) a residence permit issued by the first Member State; and
c) a copy of the notification provided for the issue of a student mobility certificate or short-term researcher mobility certificate, or in the absence thereof, evidence that the student carries out part of the studies in the framework of a Union or multilateral program that comprises mobility measures or an agreement between two or more higher education institutions, or for researchers, either a copy of the hosting agreement, or a letter from the research organization that specifies at least the duration of mobility and the address of the research organization, or the student mobility certificate or short-term researcher mobility certificate.

(2) Admission shall be refused if:

a) the third-country national has no valid travel document;
*b) the third-country national does not have the document specified in Paragraph *c*) of Subsection (1);*
c) the third-country national has been excluded; or
d) an alert has been issued for the third-country national in the SIS.

(3) The family members of a researcher exercising short-term mobility shall be entitled to enter the territory of Hungary if they are in possession of:

- a) a valid travel document;
- b) a residence permit issued by the first Member State in proof of family relationship; and
- c) a short-term researcher mobility certificate or a copy of the notification for short-term researcher mobility.

58. Refusal of entry

Section 95

(1) The authority carrying out border checks shall refuse the entry of third-country nationals seeking admission for a planned duration not exceeding ninety days according to the provisions of the Schengen Borders Code, and shall return such persons - in due observation of its interests:

- a) to the country of origin;
- b) to the country that is liable to accept the third-country national in question;
- c) to the country where the third-country national's habitual residence is located;
- d) to any third country prepared to accept the third-country national in question.

(2) If entry is refused because the third-country national is under exclusion, the visa issued in accordance with this Act shall be void.

(3) The decision for the refusal of entry may not be appealed.

59. Assisted return

Section 96

(1) In executing the assisted return of a third-country national whose entry was refused, he or she shall:

a) remain on the means of transport that is scheduled to return to the point of origin or depart to another destination of transit for not more than eight hours;

b) remain in a designated place located in the frontier zone for not more than seventy-two hours, or if having arrived by means of air transport, in a designated place of the airport for not more than eight days; and

c) transfer onto another means of transport of the carrier that is liable to provide return transport.

(2) If the return cannot be executed within the time limit specified in Paragraph b) of Subsection (1), the third-country national shall be expelled.

(3) Where a third-country national used a falsified or forged document or a genuine document issued under the name of another person for entering the territory of Hungary, it shall not prevent the enforcement of the return measure and/or expulsion under Subsection (2). In such cases criminal proceedings shall be initiated only if the return measure and/or expulsion under Subsection (2) is not ordered.

CHAPTER XIII

CASES, OBSTACLES AND ORDER OF EXPULSION

60. Cases of expulsion

Section 97

(1) The immigration authority shall have power to order the expulsion of a third-country national from the territory of Hungary, other Member States of the European Union and other Schengen States in the cases defined by this Act (expulsion measure under immigration laws).

(2) The immigration authority shall provide for the execution of:

- a) an expulsion measure ordered by the court in criminal proceedings;
- b) an expulsion measure ordered by the refugee authority in accordance with the Act on Asylum; or
- c) in the cases provided for in this Act, an expulsion measure ordered by the authorities of another Member State of the European Union or another Schengen State.

(3) The expelled person shall be liable to leave the territory of Hungary, other Member States of the European Union and other Schengen States in accordance with the provisions of the expulsion decision.

61. Expulsion measures under immigration laws

Section 98

(1) An expulsion measure may be ordered against a third-country national:

- a) for crossing the frontier of Hungary illegally, or for an attempt to do so;
- b) for failure to comply with the requirements set out in this Act for the right of residence, or the legal basis for the third-country national's residence in Hungary ceased to exist;
- c) for taking up work in the absence of the prescribed work permit or a permit prescribed in this Act;
- d) if his or her entry and residence represents a threat to national security, public security or public policy; or
- e) if his or her entry and residence represents a threat or it is potentially dangerous to public health.

(2) Where Paragraph d) of Subsection (2) applies, an exclusion measure may be ordered against a third-country national also upon the initiative of law enforcement agencies delegated under the relevant government decree within the framework of discharging their duties relating to the protection of public policies defined by this Act, including a recommendation for the duration of the exclusion order. The immigration authority shall not derogate from said recommendation.

(3) Where the right of residence of a third-country national in Hungary ceases, the expulsion measure shall be ordered in the decision on the refusal of the application for residence permit or in the decision on the withdrawal of the document evidencing right of residence. Third-country nationals may seek remedy against the expulsion order in the appeal submitted to challenge the decision on the refusal of the application for residence

permit or in the decision on the withdrawal of the document evidencing right of residence.

(4) If:

- a) a residence permit issued for the purpose of seasonal employment,
- b) a residence permit for the purpose of taking up employment for the implementation of an investment,
- c) an occupation-based residence permit,
- d) a migrant worker's residence permit, or
- e) a National Card

becomes invalid by virtue of this Act, expulsion shall be ordered pursuant to Paragraph b) of Subsection (1) hereof, having regard to the migrant worker's statement defined in Subsection (3) of Section 33. When making the decision, the immigration authority shall not summon the migrant worker. The decision shall be communicated by way of public notice, by posting the operative part of the decision on the website of the immigration authority, or if the migrant worker has an authorized representative, the decision shall be communicated to him or her. The decision shall be considered communicated on the day of publication.

62. Enforcement of an expulsion measure ordered by other authorities

Section 99

(1) The immigration authority shall order the execution of an expulsion measure ordered by the court by means of a ruling.

(2) No expulsion measure may be ordered against a third-country national who has been expelled by a definitive and enforceable decision of the authority of another Member State of the European Union or another Schengen State and the data necessary to order the execution of the expulsion is made available to the immigration authority. The immigration authority shall carry out such expulsion decision by means of a ruling, in accordance with the provisions contained therein.

(3) A demurrer of enforcement may be lodged against the ruling referred to in Subsections (1) and (2).

Section 100

(1) The court or the penal institution shall forthwith notify the immigration authority, accompanied by the final judgment and by the expected date of release, respectively, to carry out the expulsion measure.

(2) The immigration authority, upon receipt of the notice referred to in Subsection (1), shall order the enforcement of the expulsion measure.

(3) Upon receipt of notice from the penal institution under Subsection (1) hereof, the immigration authority shall have power to take measures for establishing the identity of the third-country national even before the ruling referred to in Subsection (1) of Section 99 is adopted, and to make arrangements for carrying out the expulsion.

63. Expulsion decision

Section 101

(1) Expulsion orders shall specify:

a) the deciding factors if they should be assessed in making the expulsion decision;

b) the duration of exclusion;

c) the country to which the person in question is expelled;

d) the time limit for voluntary departure from the territory of the Member States of the European Union and from Schengen States, or from the territory of Hungary in the cases defined by this Act;

e) the obligation of tolerating being photographed and fingerprinted; and

f) where expulsion is ordered on the basis of voluntary departure, a warning to the third-country national affected of facing deportation in the eventuality of his or her refusal to depart voluntarily.

(2) Expulsion orders may not be appealed, however, it may be challenged by bringing administrative action within eight days. The court shall deliver its decision in such action within fifteen days from the time of receipt of the statement of claim. If the plaintiff is held in immigration detention, on the day of the hearing the court shall give to the parties and other interested parties in attendance a certified copy of the operative part of the judgment executed in writing, and shall deliver it to the competent immigration authority as well by way of electronic means. The court shall execute the judgment in writing within three working days, and shall deliver it to the immigration authority by way of electronic means. There shall be no further remedy against the court's decision. If the court's action is required to render the statement of claim suitable for adjudication as to merits, the time limit shall begin at that time.

(3) By way of derogation from Subsection (2) hereof, a hearing may not be requested in administrative actions brought against the expulsion decision referred to in (4) of Section 98. The court shall deliver its decision on the application within eight days from the time of receipt of the application, and shall communicate its judgment to the parties within three days.

CHAPTER XIV

OBSTACLES TO EXPULSION AND RETURN

64. Prohibition of return and for ordering and carrying out expulsion measures

Section 102

(1) Third-country nationals may not be turned back or expelled to the territory of a country that fails to satisfy the criteria of safe country of origin or safe third country regarding the person in question, in particular where the third-country national is likely to be subjected to persecution on the grounds of his or her race, religion, nationality, social affiliation or political conviction, nor to the territory or the frontier of a country where there is substantial reason to believe that the expelled third-country national is likely to be subjected to the actions or conduct defined in Article XIV(3) of the Fundamental Law (non-refoulement).

(2) In connection with any third-country national whose application for asylum is pending, prohibition against refoulement and/or expulsion shall apply and such person may not be returned or expelled if the third-country national in question has the right of residence within the territory of Hungary under the relevant legislation.

(3) Third-country nationals shall be under asylum procedure for the duration prescribed in the Act on Asylum.

Section 103

(1) The immigration authority shall take into account the principle of non-refoulement in the proceedings relating to the ordering and enforcement of expulsion measures.

(2) A ban for the enforcement of expulsion measures ordered by the court may be imposed by the sentencing judge based on the opinion of the refugee authority expressed as defined by other legislation.

(3) Where Subsection (2) applies, the person expelled may appeal directly to the sentencing judge on one occasion - in connection with the execution of the same judgment - for declaring the expulsion non-enforceable. If the person expelled submits his request which was addressed to the sentencing judge to the immigration authority, the immigration authority shall forward it without undue delay to the competent sentencing judge with its opinion attached via the public prosecutor of competence for the place where the immigration authority is located.

(4) The enforcement of expulsion shall be suspended for the duration of the proceeding of the sentencing judge.

(5) If the sentencing judge declared the expulsion order non-executable under the principle of non-refoulement, and the principle of non-refoulement no longer applies with respect to a specific country based on the opinion of the refugee authority expressed as defined by other legislation, or the country of destination for the enforcement of expulsion was changed, the competent immigration authority shall move to initiate through the public prosecutor of jurisdiction by reference to its seat to review the ban on the enforceability of the expulsion order.

Section 104

If there is no safe third country offering refuge to the third-country national affected, if assisted return or expulsion is not an option, the refugee authority shall extend temporary protection to the third-country national in question, and shall issue a humanitarian residence permit in accordance with Paragraph b) of Subsection (1) of Section 70.

65. Obstacles to ordering expulsion

Section 105

If the procedure for issuing a residence permit or other authorization offering a right to stay for a third-country national who resides in the territory of Hungary unlawfully, or the extension of an existing one is in progress, the immigration authority may decide not to order his or her expulsion pending definitive conclusion of the procedure, except if the third-country national submits an application for residence permit after the immigration

authority's refusal of his or her previous application.

Section 106

(1) The immigration authority shall weigh the following factors before adopting a decision for ordering the expulsion of a third-country national who has a family member who resides in Hungary on the long term in accordance with this Act:

a) the age and family status of the third-country national, possible consequences of his or her expulsion on his or her family members present in Hungary;

b) links of the third-country national to Hungary, or the absence of links with his or her country of origin.

(2) Any third-country national who:

a) resides in the territory of Hungary under the right of continuous residence, or

b) is bound to a third-country national who has the right of continuous residence by marriage or in the context of a shared domestic life, and has a residence permit, may be expelled only upon weighing the criteria referred to in Subsection (1) if his or her continued residence represents a serious threat to national security, public security or public policy.

(3) The assessment criteria referred to in Subsection (1) shall also apply to the immediate family members - defined by other legislation - of a third-country national who has applied to the refugee authority for refugee status for the duration of the application pending definitive decision, and those with refugee status or for whom any subsidiary form of protection or temporary protection was granted.

Section 107

A third-country national holding an authorization issued by a Member State of the European Union or any Schengen States offering a right to stay in the territory of that state, may be expelled only if:

a) he or she refused to leave the territory of Hungary immediately upon receipt of notice from the immigration authority in writing, or

b) his or her residence in the territory of Hungary represents a serious threat to national security, public security or public policy.

Section 108

(1) Third-country nationals who are victims of trafficking in human beings may be expelled during the time of deliberation they are afforded only if their residence in the territory of Hungary constitutes any threat to national security, public security or public policy.

(2) Third country nationals below the age of eighteen, who entered the territory of Hungary unaccompanied by an adult responsible by law or custom to exercise custody, or minors who are left unaccompanied after they entered the territory of Hungary (unaccompanied minor) may be expelled only if adequate protection is ensured in his or her country of origin or in a third country by means of reuniting him or her with other members of his or her family, or is state or other institutional care is available.

Section 109

(1) Expulsion may not be ordered under immigration laws against a third-country national who was convicted for a crime in the court of law, yet the sentence did not include expulsion in any form.

(2) Expulsion of the third-country national may not be ordered for the same infringement on the same legal grounds and under the same cause of action if the previous expulsion is still in effect, however, it has not yet been executed. In that case, measures shall be taken without delay to carry out the expulsion previously ordered.

(3) By way of derogation from Paragraph *a*) of Subsection (1) of Section 98, the immigration authority shall not order the expulsion of any third-country national residing unlawfully, who submitted an application for asylum according to Paragraph *b*) of Subsection (1) of Section 71/A or Chapter IX/A of Act LXXX of 2007 on Asylum.

(4) The immigration authority shall not order the expulsion of any third-country national residing unlawfully, who has been readmitted by another Member State of the European Union or another Schengen State under a bilateral readmission agreement or other similar agreement signed before 13 January 2009. The immigration authority shall decide on return by means of a ruling, a demurrer of enforcement may be lodged against such decision. The provisions on deportation measures shall also apply to the enforcement of return measures.

CHAPTER XV

COMPLIANCE WITH EXPULSION MEASURES

66. Means of compliance with expulsion measures

Section 110

An expulsion measure may be executed:

- a*) by voluntary departure of the person expelled; or
- b*) by carrying out expulsion under official escort (hereinafter referred to as “deportation”).

67. Voluntary departure of the person expelled

Section 111

(1) If the third-country national undertakes to voluntarily leave the territory of the Member States of the European Union and other Schengen States, the immigration authority shall set a deadline for voluntary departure in the expulsion decision or in the ruling for the execution of the expulsion (hereinafter referred to collectively as “expulsion decision”), unless this Act contains provisions to the contrary.

(2) If according to the immigration authority’s expulsion decision, expulsion is to be carried out by way of deportation, a time limit shall not be specified for voluntary departure.

(3) The deadline for voluntary departure shall be determined so that it falls on at least the seventh and at most the thirtieth day from the definitive date of the expulsion decision. The time limit prescribed in the expulsion decision shall not exclude the possibility for the

third-country national concerned to leave earlier.

(4) Where justified by the personal circumstances of the person expelled - such as the length of stay in the territory of Hungary, on account of which more time is required for making preparations for departure, or the existence of other family and social links - , the immigration authority may - upon request or on its own motion - extend the period for voluntary departure by a period of up to thirty days. If the child, student who is in the parental custody of an expelled third-country national pursues studies in a public education institution or a specialized vocational institution, the immigration authority may - upon request or on its own motion - extend the period for voluntary departure by a period up to the end of the running semester. Enforcement of the ruling on the extension of the time limit for voluntary departure may be contested by way of a demurrer of enforcement.

(5) No time limit for voluntary departure shall be specified, or the immigration authority may set the deadline for voluntary departure before the seventh day following the time of delivery of the expulsion decision in the following cases:

a) the third-country national's right of residence was terminated due to his or her expulsion or exclusion, or for whom an alert has been issued in the SIS;

b) the third-country national's application for the issue or renewal of a residence permit was refused or withdrawn because the third-country national disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence, or established the family relationship for the purpose of obtaining a residence permit on the grounds of family reunification;

c) the third-country national has expressly refused to leave the country voluntarily, or, based on other substantiated reasons, is not expected to abide by the decision for his or her expulsion;

d) the third-country national's residence in Hungary represents a serious threat to public security, public policy or national security.

(6) Subsections (4) and (5) shall apply with respect to persons eligible for preferential treatment, taking due account of their special needs stemming from their specific situation.

Section 112

The immigration authority shall make arrangements without delay for recording the SIS alert for the purpose of expulsion, showing the deadline for voluntary departure. If the deadline for voluntary departure is extended, it shall be recorded in the SIS alert for the purpose of expulsion. Furthermore, where the enforcement of an expulsion order is suspended, that too shall be recorded in the SIS alert for the purpose of expulsion.

68. Removal by deportation

Section 113

(1) A return or expulsion measure ordered by the court, or the immigration authority or refugee authority, or by a Member State of the European Union or any Schengen States shall be enforced by way of deportation if:

a) monitoring the exit of the third-country national is required by commitment under international treaty, or for the protection of national security, public security or public

policy; or

b) the third-country national did not fulfill his or her obligation to leave by the deadline specified in the expulsion decision.

(2) In carrying out the deportation measure, restriction of personal freedom shall be based on the decision of the authority ordering the deportation.

(3) Deportation shall be ordered in the expulsion decision made in immigration proceedings or in the ruling for the enforcement of expulsion if ordered by the court. In all other instances it shall be ordered by separate decision or ruling. Where expulsion is ordered by a Member State of the European Union or any Schengen State, or by the refugee authority, the immigration authority shall order deportation by means of a separate decision in the case under Paragraph b) of Subsection (1).

(4) The third-country national affected may lodge a complaint against the specific decision or ruling ordering the deportation measure.

(5) The immigration authority shall ex officio amend the decision or ruling ordering the deportation measure in terms of enforcement if deemed justified by developments taking place during the process of carrying out the deportation, such as, in particular, changes in the third-country national's conduct or other circumstances having an impact on the means of enforcement of deportation. No remedy shall lie against the amending decision or ruling.

(6) If the immigration authority changes the country of destination for the enforcement of expulsion in its decision for reasons attributable to the client, in particular if the third-country national provides false information concerning his or her nationality, or if so justified due to factors affecting the country of destination for the expulsion, the amending decision or ruling may be appealed.

(7) The immigration authority may cooperate in the enforcement of expulsion ordered by a State that is required to apply the provisions of Council Directive 2003/110/EC.

(8) The deportation of a person shall be suspended if:

- a) the entry of the person deported to the country of destination is no longer an option;
- b) the person deported requires urgent medical attention;
- c) the country from whom permission was requested for using its territory for transit by air in connection with deportation as prescribed in other legislation (hereinafter referred to as "requested State") did not grant consent, or revoked its previous consent;
- d) the person deported entered the territory of the requested State without authorization during transit.

(9) The competent public prosecutor shall oversee the deportation procedure in accordance with the relevant regulations, and shall carry out the responsibilities provided for in Article 50(3) of Regulation 2019/1896/EU of the European Parliament and of the Council.

(10) The provisions of this Section shall apply with respect to persons eligible for preferential treatment, taking due account of their special needs stemming from their specific situation.

Section 114

Deportation of a third-country national shall not be prevented by any criminal or misdemeanor proceedings in progress. The deportation measure can be carried out, except if the judge hearing the criminal case or - before the indictment - the public prosecutor determines that:

- a) the criminal proceedings cannot be carried out in the absence of the expelled third-country national,
- b) outbound travel restriction had been ordered against the third-country national affected, or
- c) coercive measures restricting the personal liberty of the third-country national affected have been ordered in the criminal proceedings.

69. Means of execution of expulsion measures

Section 115

(1) Expulsion measures shall be executed primarily based on the provisions of the international convention relating to the procedure for the transfer of persons at state frontiers, and the transport or transit of such persons under official escort (readmission agreement).

(2) In order to secure the enforcement of an expulsion or return measure, the immigration authority shall be authorized to confiscate the travel document of the third-country national affected; this action cannot be contested independently.

(3) Execution of an expulsion measure may be suspended until the necessary means and conditions are secured, in particular until the travel document, visa, transport ticket is obtained. No remedy shall lie against the decision ordering suspension.

(4) Where expulsion is ordered before the application for international protection is submitted, the immigration authority shall suspend the execution of such measure until the binding conclusion of the asylum procedure conducted under the relevant legislation, if the third-country national has the legal right of residence within the territory of Hungary as provided for by law. No remedy shall lie against the decision ordering suspension.

(5) Where a third-country national used a falsified or forged document, or a document issued under the name of another person, for entering the territory of Hungary, this shall not prevent the enforcement of administrative expulsion. In such cases criminal proceedings shall be initiated only if the administrative expulsion is not ordered.

Section 116

(1) If the third-country national has an EU residence permit certifying continuous right of residence, before adopting a return decision the immigration authority shall contact the Member State of issue of the EC residence permit certifying continuous right of residence, indicating the personal identification data of record in the central immigration register, to verify as to whether the refugee status or subsidiary protection of the person affected still exist. If refugee status or subsidiary protection of the person affected still exist, the immigration authority shall expel the third-country national holding an EU residence permit certifying continuous right of residence from the territory of Hungary to the Member State of the European Union or other Schengen State where refugee status or subsidiary protection exist.

(2) If a third-country national holding an EC permanent residence permit or EU residence card, who is recognized by the Hungarian refugee authority or court as a refugee or having granted any subsidiary form of protection is expelled by any Member State of the European Union or other Schengen State, and refugee status or subsidiary protection exists, the

third-country national recognized as a refugee or having granted subsidiary protection, and his or her family members shall be readmitted to the territory of Hungary.

(3) If a third-country national holding an EC permanent residence permit or EU residence card, or his or her family member has been expelled by any Member State of the European Union or other Schengen State, he or she shall be allowed to return to the territory of Hungary even if his or her EC permanent residence permit or EU residence card has expired.

(4) The immigration authority shall have power to expel a third-country national holding an authorization issued by a Member State of the European Union or other Schengen State offering a right to stay in the territory of that Member State from the territory of Hungary, to the State where the residence permit is valid.

(5) A third-country national holding an EU Blue Card or residence permit for the purpose of intra-corporate transfer issued by any Member State of the European Union or other Schengen State, and his or her family member shall be expelled to the Member State having issued the EU Blue Card or the residence permit for the purpose of intra-corporate transfer or family reunification, even if the EU Blue Card or the residence permit for the purpose of intra-corporate transfer or family reunification has expired during the third-country national's residence in Hungary.

(6) If a third-country national holding an EU Blue Card or residence permit for the purpose of intra-corporate transfer, and his or her family member, or a third-country national exercising short-term or long-term mobility for the purpose of research, and his or her family member has been expelled by any Member State of the European Union or other Schengen State, he or she shall be allowed to return to the territory of Hungary even if his or her EU Blue Card or residence permit for the purpose of intra-corporate transfer or for the purpose of research, and for family reunification has expired. The provisions contained in Subsection (1) of Section 226, Subsection (2) of Section 230, Section 231 and in Subsection (1) of Section 232 shall apply concerning the third-country national and his or her family member after readmission.

(7) If the immigration authority decided to abstain from ordering expulsion of a third-country national on the grounds specified in Subsection (3) of Section 106 or Subsections (1) and (2) of Section 108, and the third-country national affected is unable to satisfy the statutory requirements of residence, the immigration authority shall issue a humanitarian residence permit on his or her behalf.

CHAPTER XVI

COSTS OF EXPULSION AND RETURN MEASURES

Section 117

(1) The costs of expulsion and return to any Member State of the European Union or other Schengen State shall be covered by the third-country national.

(2) In order to secure the costs referred to in Subsection (1) and to ensure that the obligation specified in Subsection (4) is satisfied, the immigration authority may sequestrate the travel ticket if the third-country national in question has one, or - if sufficient financial means cannot be ensured otherwise - may confiscate his or her money in the amount

required for purchasing the ticket and for obtaining a travel document. In order to secure the costs specified in Subsection (7) of Section 128 and Paragraph *e*) of Subsection (5) of Section 135, which are to be covered by the third-country national affected, and to ensure that the obligation therein provided for is satisfied, if sufficient financial means cannot be secured otherwise, the competent immigration authority shall have power to seize funds in the third-country national's possession up to the amounts specified in Subsection (7) of Section 128 and Paragraph *e*) of Subsection (5) of Section 135. No remedy shall lie against the ruling on sequestration.

(3) Where the expulsion measure cannot be carried out because the third-country national does not have the financial means necessary, the competent immigration authority shall advance the costs of departure.

(4) Unless otherwise provided for by law, the costs advanced according to Subsection (3) shall be repaid:

a) by the third-country national expelled or returned;

b) by the employer, if expulsion was ordered under Paragraph *c*) of Subsection (1) of Section 98 or Subsection (4) of Section 98;

c) by the research organization, if the person affected was admitted for the purposes of carrying out a research project and if expulsion was ordered under Paragraph *b*) of Subsection (1) of Section 98;

d) by the host entity if the person affected was admitted for the purposes of traineeship and if expulsion was ordered under Paragraph *b*) of Subsection (1) of Section 98.

(5) The liability of the research organization and the host entity under Subsection (4) shall remain in effect for six months following termination of the hosting agreement.

(6) Where the right of residence of the researcher is extended for the purpose of job-searching or entrepreneurship, the responsibility of the research organization referred to in Subsection (5) shall be limited until the starting date of the residence permit for the purpose of job-searching or entrepreneurship.

CHAPTER XVII

RULES OF THE PROCEDURES UNDER THE DUBLIN REGULATIONS

Section 118

(1) If during immigration proceedings for the expulsion of a third-country national there is any indication that the Dublin Regulations should be applied, the immigration authority shall move to request the refugee authority to carry out the Dublin process, and shall suspend the immigration proceedings until the conclusion of the Dublin process.

(2) The ruling for the suspension of the procedure referred to in Subsection (1) may not be appealed.

Section 119

(1) Where, in accordance with the Dublin Regulations, any State that applies the Dublin Regulations is required to take the applicant back, the refugee authority shall adopt a ruling on returning the third-country national affected. Such ruling may be challenged by

administrative action.

(2) The application for challenging the ruling on return shall be submitted within three working days.

(3) The refugee authority shall forward the application to the court together with the documents of the case and its statement of defense attached within three working days.

(4) The court shall deliver its decision on the application within eight days from the time of receipt thereof. There shall be no remedy against the court's decision closing the proceedings.

(5) In administrative actions, the filing of an application, and a request for the suspension of carrying out the transfer decision shall have no suspensive effect relating to the execution of the ruling.

Section 120

(1) If the Dublin process culminates in the third-country national's return, the immigration proceedings shall be terminated at the time of return.

(2) The ruling adopted for terminating the procedure may not be appealed.

CHAPTER XVIII

EXCLUSION ORDERS

70. Legal effects, types and the duration of exclusion orders

Section 121

(1) Third-country nationals whose exclusion was ordered may enter the territory of Hungary only upon the specific consent of the ordering authority.

(2) An exclusion measure may be ordered:

a) in itself; or

b) in connection with an expulsion measure.

(3) The duration of an exclusion measure shall be determined in years, up to five years maximum. The duration of an exclusion measure may not exceed ten years if the third-country national's presence in the territory of Hungary represents a serious threat to public security, public policy or national security. An expulsion measure ordered by the court shall be for the duration specified in the court's decision.

71. Stand-alone exclusion order

Section 122

(1) The immigration authority shall autonomously order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and:

a) who must not be allowed to enter the territory of Hungary under international

commitment;

- b) who is to be excluded by decision of the Council of the European Union;
- c) whose entry and residence represents a threat to national security, public security or public policy;
- d) who has failed to repay any repayable financial aid advanced by the Hungarian State;
- e) who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanor proceeding within the prescribed deadline, and/or there is no possibility to enforce it; or
- f) who did not pay the customs penalty imposed by final decision under the Act on the Implementation of Union Customs Law, or if the enforcement thereof is not possible.

(2) In the event that the residence permit becomes invalid or revoked, the immigration authority may autonomously order an exclusion measure against the migrant worker under Paragraph c) of Subsection (1).

(3) The immigration authority shall autonomously order the exclusion of a third-country national within the meaning of Paragraph c) of Subsection (1):

- a) under its own authority, or
- b) on a recommendation by the law enforcement agencies delegated under the relevant government decree regarding the duration of exclusion, that shall be binding upon the immigration authority, in the context of its own functions within the framework of discharging its duties relating to the protection of public policies defined by law.

(4) The duration of stand-alone exclusion ordered under Paragraphs a) and b) of Subsection (1) shall be adapted to the period of the underlying obligation. The duration of exclusion that was ordered independently under Paragraphs d)-f) of Subsection (1), Subsection (2) and Paragraph a) of Subsection (3) shall be determined by the competent immigration authority, not exceeding five years, and it may be extended by up to five additional years at a time. If the exclusion order included in the proposal referred to in Paragraph b) of Subsection (3) stipulates a period of validity longer than three years, the independent exclusion order shall be reviewed together with the corresponding SIS alert within five years. A stand-alone exclusion order shall be cancelled without delay when the grounds therefor no longer exist.

(5) There shall be no right of appeal against an exclusion ordered independently. An exclusion that was ordered independently under Paragraphs a) and b) of Subsection (1) and under Subsection (2) may not be appealed.

72. Exclusion measure ordered in conjunction with an expulsion measure

Section 123

(1) Unless otherwise provided in this Act, exclusion shall be ordered in conjunction with expulsion ordered under immigration laws, if the immigration authority has ordered the deportation of the third-country national concerned.

(2) Where expulsion is ordered by the immigration authority or the refugee authority, the immigration authority may also order exclusion taking into account the nature and severity of the infringement, the personal circumstances of the third-country national concerned, and as to whether his or her entry and continued residence represents a serious threat to national security, public security, public policy or national security.

(3) The duration of exclusion ordered in conjunction with expulsion shall apply from the date of departure from the territory of the Member States of the European Union and the

territory of Schengen States, or the date of departure from Hungary if expulsion from the territory of Hungary is ordered, or if this is not known, from the deadline prescribed therefor.

Section 124

(1) The immigration authority shall order exclusion by means of an autonomous decision, if:

- a)* the third-country national's deportation has been ordered because he or she failed to voluntarily leave the territory of Hungary or the territory of Member States of the European Union or other Schengen States within the time limit prescribed for departure by the expulsion decision, or
- b)* the expulsion decision of the refugee authority was ordered by the immigration authority to be carried out by means of deportation.

(2) The third-country national affected shall have the right to appeal the decision adopted independently on exclusion. There shall be no further appeal against the decision. The appeal shall be submitted within twenty-four hours from the time of delivery of the decision to the same immigration authority that has ordered it. The immigration authority shall forward the appeal, together with the documents of the case, to the authority of competent jurisdiction, that shall render a decision within eight days.

73. Entering the exclusion order into the travel document

Section 125

The definitive decision of expulsion and the duration of exclusion shall be recorded in the passport in the form of an entry.

Such entry

- a)* shall not be made if the third-country national affected is holding a valid residence permit issued by any Member State of the European Union or any Schengen State, or
- b)* may be ignored if the foreign national affected agrees to leave Hungary on his or her own accord, or leaves the territory of Hungary within the framework of a voluntary return program.

74. Withdrawal and shortening the duration of expulsion measures and exclusion orders

Section 126

(1) The immigration authority may withdraw - upon request or on its own motion - the exclusion order, or may reduce its duration, if:

- a)* the third-country national's exclusion was ordered in conjunction with expulsion featuring the possibility of voluntary departure, and the third-country national affected is able to demonstrate that he or she has fully complied with the expulsion decision, or
- b)* keeping the exclusion order in force is no longer justified due to considerable changes in the underlying circumstances.

(2) Where the legal basis for ordering the expulsion or exclusion differs from what is contained in Paragraph *d*) of Subsection (1) of Section 98, the immigration authority may - ex officio - withdraw such expulsion order before it is executed, if:

a) expulsion is not carried out within twenty-four months following the date when the expulsion order became final and enforceable for reasons beyond the third-country national's control, or

b) after the expulsion was ordered, there has been a significant change in the health or living conditions of the person concerned, as demonstrated by the third-country national.

(3) Where exclusion is ordered in conjunction with expulsion, it shall be withdrawn by the immigration authority if:

a) the person expelled was granted authorization to stay or refugee status, and/or temporary or subsidiary protection by decision of the Hungarian authorities after the expulsion was ordered, or

b) the threat to national security, public order, or public safety no longer exists, according to the information provided by the law enforcement agency specified in the relevant government decree.

(4) The decision adopted under Subsections (1) and (2) may not be appealed.

CHAPTER XIX

OUTBOUND TRAVEL RESTRICTIONS, COMPULSORY CONFINEMENT

75. Outbound travel restrictions

Section 127

(1) Upon receipt of notice from the court or public prosecutor's office under the Act on International Travel, the immigration authority shall introduce outbound travel restrictions against third-country nationals whose travel document is to be confiscated on the basis of such notice.

(2) Upon receipt of notice as specified in Subsection (1), the immigration authority shall adopt a decision on outbound travel restrictions and shall confiscate the travel document of the third-country national affected.

(3) The aforesaid decision may not be appealed.

(4) Upon receipt of notice from the court, the public prosecutor's office or the investigating authority for lifting the outbound travel restriction, or if it learns through other means that the outbound travel restriction defined by the Act on International Travel no longer applies to the third-country national, the immigration authority shall cancel the outbound travel restriction without delay and shall release the third-country national's travel document as well.

76. Ordering compulsory confinement

Section 128

(1) The immigration authority shall have powers to order the confinement of a third-country national in a designated place, if the third-country national in question:

a) cannot be returned or expelled due to commitments of Hungary undertaken in international treaties and conventions;

b) is a minor who should be placed under detention;

c) should be placed under detention, in consequence of which his or her minor child residing in the territory of Hungary would be left unattended if he or she was to be detained;

d) is released from detention, however, there are still grounds for his or her detention;

e) has a residence permit granted on humanitarian grounds;

f) has been expelled, and is lacking adequate financial resources to support him or herself and/or does not have adequate accommodation;

g) should be placed under detention under immigration laws according to Paragraph *a)* or *b)* of Subsection (1) of Section 132, and detention would result in a disproportionate punishment taking into account the state of health and the age of the third-country national concerned;

h) is undergoing immigration proceedings.

(2) The operative part of the decision shall specify:

a) the place of compulsory confinement;

b) the code of conduct to be observed;

c) the obligation to appear at specific intervals before the authority if the place of confinement is not a community hostel or a refugee center.

(3) The code of conduct referred to in Paragraph *b)* of Subsection (2) shall also state that the third-country national is not authorized to move outside the territory of the greater county specified in the decision ordering the compulsory confinement, except if the third-country national holds a humanitarian residence permit issued under Paragraph *b)* or *e)* of Subsection (1) of Section 70, or if so authorized by the immigration authority at the request of the third-country national.

(4) The immigration authority may ex officio modify the rules of conduct if it is of the opinion that the third-country national's conduct no longer poses a risk to the outcome of the immigration proceedings, or if other rules of conduct should be introduced for other reasons.

(5) The compulsory place of confinement may be designated at a community hostel or refugee center if the third-country national is not able to support himself and has no adequate place of abode, financial resources or income, and does not have a relative liable to provide support.

(6) In a mass migration crisis the compulsory place of confinement may be designated in the transit zone as well.

(7) The costs of confinement in a community hostel, reception center or transit zone shall be borne by the third-country national, unless he or she is issued a residence permit on humanitarian grounds, or if the third-country national has been granted international or subsidiary protection by the court or the refugee authority.

(8) Proceedings for placement under compulsory confinement may not be suspended upon the third-country national's request.

(9) A third-country national placed under compulsory confinement may lodge a complaint - as a form of remedy, alleging an infringement of the law - before the district court of jurisdiction by reference to the assigned place of residence against the decision ordering his or her confinement; such complaint shall have no suspensive effect on the execution of the

decision. The complaints shall be subject to the provisions of Section 138 and Section 140, and may be submitted any time during the term of compulsory confinement.

(10) The court shall determine such complaints within eight days.

(11) The immigration authority shall terminate the confinement of a third-country national in an assigned place by way of a formal decision, if:

a) the third-country national has absconded or left without authorization the assigned place and did not return within one month;

b) the grounds for confinement in an assigned place no longer exist.

(12) The third-country national shall have recourse to challenge the decision terminating his or her compulsory confinement in accordance with Subsections (9) and (10), with the exception that objections shall be presented within eight days following delivery of the decision terminating the proceedings.

Section 129

(1) If two months have lapsed from the date when compulsory confinement in a community hostel or reception center was ordered, and the underlying circumstances still exist, the third-country national in question shall be transferred to another assigned place.

(2) In the case of persons eligible for preferential treatment under this Act the immigration authority may ex officio authorize under the principle of fairness, in particular having regard to the health of the person affected, the extension of residence in a community hostel if placement of the third-country national is not provided for as defined by the relevant legislation.

(3) If the third-country national does not leave the community hostel or reception center after being requested to do so, the immigration authority shall order the enforcement of such obligation within five days. The third-country national affected may lodge a demurrer of enforcement - as a form of remedy, alleging an infringement of the law - against the ruling ordering the enforcement procedure. The immigration authority may seek police assistance for enforcing its order to leave the community hostel or the reception center.

Section 130

(1) Any third-country national who has been ordered by the immigration authority to remain in a community hostel or reception center, or within the administrative area of a specific greater county, shall be entitled to engage in gainful employment within the framework of public benefit employment, except if the person in question has any income:

a) from an employment relationship provided for in Subsection (2),

b) from an employment relationship governed by the regulations on employment of third-country nationals in Hungary, or

c) from any other lawful gainful employment provided for in this Act.

(2) Any third-country national who has been ordered by the immigration authority to remain in an assigned place pursuant to Paragraph *e)* of Subsection (1) of Section 128 shall be entitled to engage in gainful employment - subject to the immigration authority's consent - in due compliance with the provisions on taking up employment in Hungary.

(3) Third-country nationals shall meet the obligation of repayment provided for in Subsection (7) of Section 128 from the income earned from the employment defined in Subsection (1) hereof.

CHAPTER XX

DETENTION

77. Types of detention

Section 131

(1) Detention under this Act may be in the following forms:

- a) immigration detention, and
- b) detention prior to expulsion.

(2) The detention of a third-country national under immigration laws or prior to expulsion (hereinafter referred to collectively as “detention”) may not be ordered for the sole reason of the third-country national having submitted an application for asylum.

(3) Subject to the exception set out in Subsection (4), the detention of a third-country national under the age of sixteen years may not be ordered.

(4) Families with a child under the age of sixteen years and children over the age of sixteen years shall only be detained as a measure of last resort and for not more than thirty days where the best interests of the child shall be a primary consideration, if the immigration authority is of the opinion that the objective of detention cannot be ensured by the provisions of Subsection (2) of Section 115 or Subsection (1) of Section 128.

(5) If a third-country national who was previously detained is subject to expulsion measure ordered on the basis of new facts, the duration of such previous detention shall not be factored in the duration of the latter detention.

(6) Detention shall be terminated immediately when the grounds therefor cease to exist.

(7) Third-country nationals may not apply for the suspension of proceedings for ordering their detention.

(8) The immigration authority shall bring a decision to change the place of detention based on notification defined by legislation. The decision shall be executed at the time when communicated.

(9) The decision ordering detention and the decision to change the place of detention may not be appealed.

78. Immigration detention

Section 132

(1) In order to secure the deportation of a third-country national, the immigration authority shall have powers to detain the person in question if:

- a) he or she is hiding from the authorities or is obstructing the enforcement of the deportation in any other way;
- b) he or she has refused to leave the country, or, based on other substantiated reasons, is allegedly delaying or preventing the enforcement of expulsion, or there is a risk of absconding of the third-country national;
- c) he or she has seriously or repeatedly violated the code of conduct of the place of

compulsory confinement;

d) he or she has failed to appear before the authority as ordered despite of being so advised, by means of which to forestall conclusion of the pending immigration proceeding; or

e) he or she is released from imprisonment as sentenced for a deliberate crime.

(2) Before ordering immigration detention on the basis of Paragraph *a)* and/or *b)* of Subsection (1), the immigration authority shall consider whether the deportation can be ensured in accordance with Subsection (2) of Section 115 or Subsection (1) of Section 128.

(3) Immigration detention shall be ordered by way of a formal decision, and shall be carried out when communicated.

(4) Immigration detention may be ordered for a maximum duration of seventy-two hours, and it may be extended by the district court of jurisdiction by reference to the place of detention until the third-country national's deportation, not exceeding sixty days at a time.

(5) Immigration detention may be extended - according to Subsection (4) - by up to six additional months on the expiry of a period of six months, if carrying out the expulsion order takes more than six months, in spite of having taken all necessary measures, due to:

a) the failure of the third-country national affected to cooperate with the immigration authority, or

b) delays in obtaining the documents required for deportation attributable to the authorities of the third-country national's country of origin, or another state liable for readmission under readmission agreement or which is otherwise liable to accept him or her.

(6) Immigration detention shall be terminated:

a) when the conditions for carrying out the expulsion are provided for;

b) when it becomes evident that the expulsion cannot be executed;

c) after six months from the date when ordered, or twelve months under the conditions referred to in Subsection (5);

d) the third-country national is entitled to reside in the territory of Hungary in accordance with the relevant legislation based on his or her application for international protection;

e) detention of the third-country national is ordered in asylum proceedings; or

f) if the availability of the third-country national is considered feasible by the immigration authority by means of a bail, and orders the posting of such bail.

(7) The immigration authority shall have power to ex officio terminate the immigration detention ordered under Paragraph *b)* of Subsection (1), if based on major changes in the third-country national's circumstances he or she shall no longer be assumed to make efforts to delay or prevent the enforcement of expulsion, nor there is risk of absconding of the third-country national.

(8) In the application of Paragraph *c)* of Subsection (6), the duration of detention prior to expulsion shall be included in the duration of detention. The duration of detention in asylum proceedings shall not be included in the duration of immigration detention nor in the duration of detention prior to expulsion.

(9) In connection with the termination of detention under Paragraphs *b)*, *c)* and/or *f)* of Subsection (6) and under Subsection (7), the immigration authority ordering the detention shall order the third-country national affected to stay at an assigned place.

(10) Where immigration detention is terminated without carrying out the expulsion order, the immigration authority shall arrange for the entering of an SIS alert for the purpose of expulsion.

79. Detention prior to expulsion

Section 133

(1) The immigration authority may order the detention of the third-country national prior to expulsion in order to secure the conclusion of the immigration proceedings pending,

- a) if his or her identity is unclear,
- b) the legal grounds of his or her residence is unclear, or
- c) based on a bilateral readmission agreement, his or her return to a Member State of the European Union or another Schengen State is in progress.

(2) Detention prior to expulsion shall be ordered by way of a formal decision, and shall be carried out when communicated.

(3) Detention prior to expulsion may be ordered for a duration of seventy-two hours, and it may be extended by the district court of jurisdiction by reference to the place of detention until the third-country national's identity or the legal grounds for his or her residence is conclusively established, not exceeding thirty days.

80. Execution of detention

Section 134

(1) The third-country national placed under detention shall be informed of his or her rights and obligations in his or her native language or another language he or she understands.

(2) If so requested by the third-country national or if so prescribed by a bilateral consular agreement, the authority ordering detention prior to deportation shall inform - directly and without delay - the Hungarian consular or diplomatic mission of the third-country national concerning his or her detention, the obligation of compulsory confinement, and the extension of the duration of detention.

(3) As a provisional measure, the authority ordering the detention shall immediately provide for the placement of dependent family members of the third-country national apprehended, who have remained without supervision, and/or for the safeguarding of his or her valuables which have been left unattended.

Section 135

(1) The immigration authority shall carry out the detention in places designated for that purpose.

(2) With the exception of married couples, men placed under detention shall be housed in separate quarters from women, furthermore, families with minors and persons under eighteen years of age shall be provided with separate accommodation from all other detainees guaranteeing adequate privacy.

(3) Third-country nationals placed under detention shall have the right to:

- a) housing and nourishment, have the right to wear their own clothes or shall be provided with seasonal clothing if necessary, and medical care as specified in other legislation;
- b) consult their legal representative or a member of the consular representation of their host country without any censorship, and to be visited by relatives under censorship;

- c) send and receive packages and letters as specified in other legislation, and to receive visitors;
- d) supplement their diet at their own expense;
- e) practice their religion, including the provision of food suitable for their religion;
- f) use the educational and cultural facilities of the institution;
- g) make complaints and present any requests, protests, notifications of public concern, whistleblowing reports;
- h) spend at least one hour each day outdoors.

(4) In addition to what is contained in Subsection (3), minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and minors under the age of sixteen years held in detention shall have access to education appropriate for their age, depending on the length of detention.

(5) Third-country nationals placed under detention shall have the obligation to:

- a) abide by the house rules of the detention facility, and to obey the instructions received in that respect;
- b) conduct themselves so as not to injure the rights of other detainees, and not to disturb them;
- c) take part in cleaning the areas they use, without any compensation;
- d) subject themselves to examinations, to permit the searching of their clothing, and not obstruct the confiscation of any contrabands;
- e) with the exception provided for in Subsection (7), repay the costs of their keep and support and cover the costs of any damage caused willfully.

(6) The examination of the person placed under detention in accordance with Paragraph d) of Subsection (5) shall also include medical examination required for admission to the country of expulsion, or for transit as provided for by the relevant legislation as a precondition for deportation. These examinations are enforceable and the third-country national shall not have the right of refusal.

(7) Third-country nationals shall not be required to repay the costs of their keep and support if the refugee authority or court granted international or subsidiary protection, or if granted authorization to stay.

Section 136

(1) Subsection (1) of Section 135 and Subsection (1) of Section 139 shall not apply in situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of hostels of restricted access, or on the immigration authority itself.

(2) In the case defined in Subsection (1), as long as the exceptional situation persists, the immigration authority may decide to appeal to the district court within five days from the date when the detention was ordered to extend the period of detention past seven days.

(3) In the case defined in Subsection (1) hereof, the immigration authority may carry out the detention at a place other than what is contained in Subsection (1) of Section 135.

81. Immigration bail

Section 137

(1) The immigration authority shall ex officio examine whether the conditions for posting immigration bail are met for a third-country national held in immigration detention. Authorization for posting a bail may not be requested by the third-country national. If the availability of the third-country national expelled or whose deportation is pending for the execution of expulsion or the success of deportation is considered feasible by the immigration authority by means of posting an immigration bail, the immigration authority shall inform the third-country national to that effect and shall request the third-country national to make a statement whether he or she agrees to post bail as defined in relevant legislation. If the third-country national agrees to post bail as defined in the relevant legislation, the immigration authority shall adopt a formal a decision on posting the bail.

(2) The immigration authority may authorize the posting of immigration bail in any stage of the proceedings, up to the time when deportation is arranged.

(3) There shall be no recourse to remedy against the decision of the immigration authority referred to in Subsection (1).

(4) After the immigration bail is posted, the immigration authority shall assign a compulsory place of confinement for the third-country national, and shall inform him or her about the obligations concerning availability, and that the third-country national shall not be able reclaim the immigration bail posted upon any breach of such obligations.

(5) If the third-country national complies with the obligation of availability, the immigration bail posted shall be returned to the third-country national, minus the costs of transfer, and minus the costs of execution of expulsion, the costs of his or her keep and support and the costs of damages caused willfully by the person expelled, provided that such costs had not been reimbursed by the third-country national.

(6) If the immigration bail cannot be reclaimed by the expelled third-country national, or the bail may not be returned after one year from the time when repayment was frustrated due to his or her fault, the amount thereof shall devolve upon the Hungarian State.

82. Objection

Section 138

(1) The third-country national placed under detention may lodge a complaint - having no suspensory effect on the execution of the decision- in the event of the immigration authority's failure to comply with its obligations set out under Sections 134-136.

(2) The complaint shall be adjudged by the district court of jurisdiction by reference to the place of detention.

(3) According to the court's decision any measure that has been omitted must be carried out, and/or any infringement must be remedied.

(4) The court shall adopt a decision for such complaints within eight days.

(5) The court's decision on the complaint shall not have the effect of terminating the detention.

83. Extension of the duration of detention by court order

Section 139

(1) The immigration authority shall file its request for an extension beyond the seventy-two-hour time limit at the district court of competence within twenty-four hours from the time when ordered.

(2) The court may grant an extension of immigration detention for a maximum duration of sixty days at a time. Any additional sixty-day extension of detention in immigration proceedings may be requested at the court by the immigration authority, where the court must receive the request within eight working days prior to the due date for extension.

(3) The immigration authority shall provide an explanation for the aforesaid request.

84. Common provisions for court proceedings

Section 140

(1) The court shall proceed with a single judge presiding in proceedings concerning complaints and for the extension of detention and shall conclude the case by way of a ruling.

(2) If the court has dismissed a complaint or a motion, another request or motion may not be lodged on the same grounds.

(3) In court proceedings representation for the third-country national may only be provided by legal counsel.

(4) The court shall appoint a representative ad litem for any third-country national who does not understand the Hungarian language and is unable to contract the services of a legal representative on his or her own.

(5) In any case concerning the extension of detention for the first time, and in proceedings relating to complaints and further extension of detention the detainee shall be granted a personal hearing upon request.

(6) The hearing may be conducted also in the absence of the third-country national's legal representative.

(7) The hearing shall be conducted at the place of detention, or through an electronic communications network, if the relevant conditions are satisfied at the place of detention.

(8) The court may disregard the holding of a hearing if the third-country national is unable to attend due to being treated in an in-patient medical institution, or if the complaint or the motion does not originate with a party entitled to do so.

(9) The third-country national and the immigration authority shall present their evidence in writing or verbally during the hearing. Parties shall be given the opportunity to study the evidence presented. If the third-country national is not present, or the proponent immigration authority is not represented, but they have submitted their comments in advance in writing, they will be introduced by the court.

(10) The court's decision shall be delivered to the third-country national affected and to the immigration authority as well. If the third-country national has retained the services of a legal representative or if a representative ad litem has been appointed, they shall be informed as well. The court decision adopted during the hearing shall be announced verbally and shall also be delivered in writing without delay. The court shall deliver its decision adopted outside the hearing to the third-country national affected through the immigration authority ordering the detention.

(11) There shall be no further appeal against the court's decision.

(12) The court proceedings are exempt from charges.

CHAPTER XXI

PHOTOGRAPHING AND FINGERPRINTING, WARRANT OF ARREST

85. Photographing and fingerprinting

Section 141

(1) With a view to avoiding any overlap in proceedings and for establishing the identity of third-country nationals, the authority ordering detention prior to expulsion, return under readmission agreement, or expulsion under immigration laws, compulsory confinement, immigration detention or carrying out the expulsion ordered by the court shall take the facial image and fingerprint of the third-country national affected.

(2) As regards applications for local border traffic permits, residence permits, temporary residence cards, national residence cards and EU residence cards, and the issue of humanitarian residence permit under Paragraphs *a), b) and d)-f)* of Subsection (1) of Section 70, and in connection with the exchange or replacement of immigration permits and permanent residence permits, national permanent residence permits, EC permanent residence permits, temporary residence cards, national residence cards and EU residence cards, the immigration authority shall proceed in accordance with Regulation 2017/1954/EU of the European Parliament and of the Council.

(3) The above-specified third-country national shall submit to having his or her fingerprint and facial image recorded.

86. Warrant of arrest

Section 142

(1) In order to locate a third-country national whose whereabouts are unknown, the immigration authority may issue a warrant if the person in question:

a) is subject to any immigration proceedings specified in this Chapter;
b) has escaped from detention or is on unauthorized absence from the place of compulsory confinement ordered in immigration proceedings in violation of the code of conduct;
c) failed to comply with the definitive decision of expulsion.

(2) The decision on issuing the warrant may not be appealed.

(3) The warrant shall be revoked if it is unlikely to bring any results or when the underlying reason no longer applies.

PART SEVEN

VESTED RESPONSIBILITIES

87. Carriers' liability

Section 143

(1) 'Carrier' shall mean any natural or legal person, or unincorporated organization whose profession it is to provide transport of persons.

(2) Carriers providing travel accommodations to third-country nationals by means of air, water or scheduled road transport shall be required to check the travel document and visa of their passengers before boarding for travelling to Hungary or to another country through the territory of Hungary to ensure that they have travel documents required for entry or for transit, or visas for a planned duration not exceeding ninety days.

(3)³

(4)⁴

(5) The carrier transporting any third-country national by means of air, water, road or railway transport shall provide for the return of such third-country national to the country of departure or to the country which is liable to accept him or her:

a) if its passenger is refused admission to the territory of Hungary for lacking any of the requirements specified by law;

b) if its passenger is refused admission to another country and is turned back to the territory of Hungary; or

c) if the carrier to which the passenger was scheduled to be transferred refused to admit the passenger on his means of transport.

(6) If return cannot be promptly executed, the carrier in question shall bear all costs incurred in connection with the stay of the third-country national until his or her return.

(7) When a third-country national is refused admission and the carrier disputes its obligation to return the person in question or to finance his or her stay, the immigration authority shall adopt a formal decision to order the carrier to comply.

(8) For any failure to comply with the obligation specified in Subsection (2) as set out in other legislation, a penalty for the protection of public policy shall be imposed upon the carrier in question.

(9) A carrier shall be exempted from the payment of penalty for the protection of public policy if able to verify of having proceeded with due care and diligence to ensure compliance with the obligation of control specified in Subsection (2).

Section 144

(1) The immigration authority shall impose a penalty for the protection of public policy by recommendation of the authority carrying out border checks upon any air carrier who fails to supply information - in violation of the provisions set out in the Aviation Act - on passengers it transports from outside of any Member State of the European Union or from outside of the territory of any Schengen State into the territory of Hungary.

(2) The provisions laid down in Subsection (1) shall also apply where the information the air carrier has supplied is incomplete or untrue stemming from its failure to exercise due care and diligence.

88. Liability of employers and host entities

³ This provision shall enter into force on the day set out in the Commission decision referred to in Article 66(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council.

⁴ This provision shall enter into force on the day set out in the Commission decision referred to in Article 88(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council.

Section 145

(1) The employer or host entity shall be required to ascertain on or before the first day of employment of a third-country national that the third-country national affected has a valid residence permit for the purpose of taking up employment with the employer or host entity.

(2) The employer or host entity is required to keep a copy of the residence permit defined in Subsection (1) presented by the third-country national for the entire duration of employment.

(3) The employer or host entity shall be required to notify the immigration authority of the start of employment of third-country nationals within the time limits specified below:

a) if the employer or host entity applied for the residence permit for the purpose of taking up employment, within five days of receipt of the residence permit issued to the third-country national for the purpose of taking up employment;

b) if the employer or host entity applied for the residence permit for the purpose of taking up employment, however, the third-country national arrives to Hungary after the date of acceptance, within a reasonable time relative to the expected starting date stipulated in the preliminary agreement, within five days of the day of entry;

c) in the cases not covered by Paragraphs *a)* and *b)*, within five days of receipt of the residence permit issued to the third-country national for the purpose of taking up employment;

d) if the third-country national has a residence permit for the purpose of studies, within five days after starting to work.

(4) The employer or host entity shall be required to notify the immigration authority within the time limits specified below, if the third-country national failed to report for work as authorized:

a) if the employer or the host entity applied for the residence permit for the purpose of taking up employment, and the employer or the host entity learns that the third-country national failed to report for work at the employer or host entity, immediately, or at the latest within five days upon gaining knowledge thereof;

b) if it was not the employer or the host entity who applied for the residence permit for the purpose of taking up employment, and the employer or the host entity learns that the third-country national will not start work for the employer or the host entity within a reasonable time relative to the expected starting date stipulated in the preliminary agreement concluded for the purpose of establishing an employment relationship, immediately, or at the latest within five days of the planned starting date specified in the employment contract.

(5) The employer or host entity shall be required to report to the immigration authority if employment terminates within the validity period of the residence permit for the purpose of taking up employment, within five days of occurrence of the fact or circumstance underlying the report.

(6) The employer or host entity shall submit the reports referred to in Subsections (3)-(5) accompanied by the following information:

a) employer's or host entity's particulars (name, address, registered address, place of business, company form, registered number);

b) the natural identification data of the third-country national worker or intra-corporate transferee;

c) number of the residence authorization of the third-country national worker or intra-corporate transferee;

d) job description;

e) the date of taking up work or effective date of intra-corporate transfer, or failure to do so as scheduled, or the date of termination of employment before the expiry of the work permit or single permit.

(7) Any employer or host entity that fails to satisfy the obligations defined in Subsections (1)-(5) shall be subject to a penalty for the protection of public policy - provided for in other legislation -, which shall increase in amount according to the number of employed third-country nationals, levied by the immigration authority.

(8) An employer or host entity shall be exempted from the payment of penalty for the protection of public policy if able to verify of having satisfied the obligations of notification and control specified in Subsections (1)-(5), except if the document presented as a residence permit or other form of authorization turned out to be untrue, of which the employer had been aware, or should have been aware given reasonable care.

(9) If the employer or host entity fails to comply with the obligation set out in:

- a) Subsection (1) of Section 27;*
- b) Subsection (1) of Section 29;*
- c) Subsection (1) of Section 32;*
- d) Subsection (4) hereof; or*
- e) Subsection (5) hereof;*

having regard to 30 per cent of the number of migrant workers the employer or host entity brings to Hungary within one calendar year, the infringing employer or host entity shall not be allowed to hire additional migrant workers over and above the existing migrant worker staff for two years following the date when the fine or penalty for the protection of public policy defined in Subsection (2) of Section 27, Subsection (2) of Section 29, Subsection (2) of Section 32 is imposed.

(10) The main contractor and all subcontractors shall be jointly and severally liable with the subcontractor employer or host entity for payment of the penalty for the protection of public policy, where they knew or should have been aware given reasonable care that the subcontractor employer employed third-country nationals without residence authorization prescribed by this Act.

(11) The host entity shall report at the latest within five days following the date of taking up work the employment of a third-country national holding a residence permit issued in any Member State of the European Union for the purpose of intra-corporate transfer in Hungary at the host entity for a planned duration not exceeding ninety days for the purpose of intra-corporate transfer. The report shall be accompanied by the natural identification data of the third-country national, the planned duration of intra-corporate transfer and an indication if the host entity belongs to a group of companies.

(12) Employers shall file the report referred to in Subsections (3)-(5) and (11) by way of electronic means, following electronic identification, on the electronic platform designated for opening immigration cases.

89. Notification of traineeship programs and host entities

Section 146

(1) Host entities are required to notify the immigration authority in advance of their intention to set up and operate a traineeship program, and shall report changes in the

information thus provided. Host entities shall submit the notification by way of electronic means following electronic identification.

(2) The following may function as an entity hosting trainees:

- a) municipal governments;
- b) nationality self-governments, in the context of fulfillment of public functions defined by law;
- c) budgetary authorities within the scope of their basic functions;
- d) ecclesiastical legal entities established in Hungary, in the context of religious and public benefit activities and operations;
- e) business associations having signed a strategic partnership agreement with the Government, in connection with training provided within the framework of strategic cooperation agreement.

(3) This notification shall include:

- a) the host entity's name, registered office and tax number;
- b) the name and the beginning and end of the traineeship program;
- c) the content of the traineeship program.

(4) If the host entity:

a) is an ecclesiastical legal entity, the immigration authority shall obtain from the register of listed church, and shall verify the host entity's particulars, and/or the particulars of the internal legal entities of the church in the case of non-registered internal legal entities of the church;

b) is a business association, the immigration authority shall obtain the certificate of incorporation directly from the register of companies by way of electronic means.

(5) The immigration authority shall keep records on the data provided so as to ensure the publicity of host entities and for the protection of trainees. Upon registration, the immigration authority shall inform the host entity within fifteen days from the time of receipt of the complete notification. The immigration authority shall post the name of registered host entities on its website.

(6) The procedures for the notification of host entities, reporting changes in their particulars and for the removal of host entities from the records are free of charges.

(7) The immigration authority shall refuse the registration of a host entity and/or a traineeship program, and shall remove the host entity and/or the traineeship program from the records if the notification does not meet the conditions laid down in Subsections (2) and (3) or the trainee is admitted for purposes other than the scope of activities shown in the register of companies of the host entity provided for in Paragraph e) of Subsection (2).

(8) In the examination of the requirements set out in Subsection (7), the immigration authority may request the opinion of the ministries concerned having regard to the nature of the employment, including trade associations, and also from the employment supervisory authority and the government employment agency. The requested body shall send its opinion to the immigration authority within five working days.

(9) If the host entity fails to comply with the notification requirement, the immigration authority shall bring a formal decision - taking into account the gravity of the infringement - to remove the host entity from the register of host entities and shall ban the host entity in question from hosting trainees for up to one year.

PART EIGHT

REPORTING OBLIGATIONS AND ISSUING TRAVEL DOCUMENTS TO THIRD-COUNTRY NATIONALS

90. Obligation of third-country nationals to register their place of accommodation

Section 147

(1) Third-country nationals shall be required to register their place of accommodation in Hungary with the immigration authority and shall simultaneously disclose the following information:

- a)* natural identification data;
- b)* particulars of the travel document;
- c)* address of place of accommodation;
- d)* date of arrival to and estimated departure from the place of accommodation; and
- e)* serial number of visa or residence permit.

(2) The particulars detailed in Subtitle 6/B of Act CLVI of 2016 on Public Tasks Relating to the Development of Tourist Areas (hereinafter referred to as “Tourism Act”) of third-country nationals staying in commercial lodgings or other hotel establishments of legal persons shall be recorded by the lodging operator at the time the third-country nationals check in to the lodging on the dedicated storage space of the hosting provider delegated by the Government in the manner provided for in the Tourism Act.

(3) The data recorded as provided for in Subsection (2) shall be transmitted to the immigration authority from the providers of accommodation services through the hosting provider, via IT application, and it shall keep records on such transmissions for the purpose of monitoring the right of residence.

(4) Third-country nationals shall register their place of accommodation and any change therein electronically, through the electronic platform designated for opening immigration cases, following electronic registration.

91. Reporting obligation of third-country nationals relating to employment

Section 148

Third-country nationals holding EU Blue Cards are required to report to the immigration authority

- a)* the termination of their contract for employment relationship, within five days of the date of termination; and
- b)* the entry into a new contract for employment relationship after the termination of the legal relationship according to Paragraph *a*), within five days of the effective date of such relationship.

Section 149

Third-country nationals holding a White Card shall notify the immigration authority

concerning the termination of their, verified, contract for employment relationship or cessation of their business operations in a country other than Hungary within five days from the date of termination or cessation.

Section 150

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

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

b) if he or she has:

ba) a residence permit for the purpose of family reunification,

bb) an EU Blue Card,

bc) a residence permit for migrant self-employment,

bd) a Hungarian Card,

be) a residence permit issued on humanitarian grounds under Paragraphs *a)*, *e)-f)* of Subsection (1) of Section 70,

bf) a residence permit issued for the purpose of scientific research;

bg) a residence permit issued for the purpose of seasonal employment,

bh) a residence permit issued for the purpose of intra-corporate transfer, or

bi) a permit for long-term mobility,

immediately upon conclusion of the prior agreement provided for by law, at the latest within five days.

(2) Unless otherwise provided for by law, the third-country national may start working under the conditions set out in the notification referred to in Subsection (1) only after the extension of the residence permit has been approved, provided that the extension of the residence permit is permitted under this Act.

92. Registration of birth

Section 151

If a third-country national holding a visa for a planned duration not exceeding ninety days, a visa for a validity period exceeding ninety days within any one hundred eighty day period, or a residence permit or the right of continuous residence has a child born in the territory of Hungary who is a third-country national, the immigration authority shall be notified thereof accompanied by the following information:

a) the child's personal identification data;

b) the particulars of the child's travel document; and

c) the address of the child's place of accommodation or home address.

93. Reporting obligation of educational institutions

Section 152

(1) With a view to carrying out procedures under this Act, education institutions are required to notify the immigration authority of jurisdiction by reference to where the education institution is located in connection with students who are foreign nationals, concerning the taking up, pursuit and suspension of their studies within eight working days after the effective date thereof, including those who failed to comply with the obligation of enrollment, and whose student status has been terminated, accompanied by the following information:

- a) particulars of the reporting education institutions (name, address);
- b) natural identification data of the third-country national, number of document evidencing right of residence;
- c) type of student relationship, date and time of taking up, suspension and termination of such relationship, and the method of termination;
- d) description of training the student was attending, mode of financing and scheduling, semesters in progress, period of suspension of studies, and the foreseeable date of completion of the training.

(2) Education institutions shall be able to file the report referred to in Subsection (1) also by way of electronic means, following electronic identification.

94. Reporting obligations and regulatory measures in connection with the personal documents of third-country nationals

Section 153

(1) Third-country nationals shall promptly notify the immigration authority if their travel document or residence permit is lost, stolen or destroyed. The immigration authority shall confirm receipt of such notification in writing.

(2) The immigration authority shall be immediately notified in the event that a travel document, which was presumed lost and reported as such, is found subsequently.

(3) Unless otherwise stipulated by international agreement, third-country nationals whose travel document is lost, stolen, destroyed or has expired shall be liable to obtain a replacement travel document. Such third-country nationals shall be allowed to leave the country only in possession of the new travel document and a certificate of the notification referred to in Subsection (1), or in possession of the expired travel document.

(4) The immigration authority shall provide for the forwarding of any travel documents found via the minister in charge of foreign policies to the foreign representation of the State having jurisdiction at the place of issue.

95. Issuing travel documents to third-country nationals

Section 154

The foreign representation of Hungary shall issue a single-entry travel document to a third-country national who has been granted stateless status by Hungary, and to third-country nationals with the right of continuous residence, if his or her travel document was lost or destroyed abroad and cannot be replaced abroad or it would entail unreasonable difficulties, and thus he or she is unable to return to the territory of Hungary.

Section 155

(1) The immigration authority may issue a travel document for the purpose of traveling abroad, permitting reentry to the territory of Hungary if requested by a third-country national with the right of continuous residence, if he or she does not have a valid travel document from his or her country of origin and if it cannot be replaced for reasons beyond his or her control.

(2) The travel document shall be valid for one year from the date of issue.

Section 156

The immigration authority may issue a travel document for a single occasion to a third-country national for the purpose of return to the country of his or her permanent residence, if the travel document of such person was lost or destroyed and cannot be replaced.

Section 157

(1) The immigration authority may issue a travel document - upon request - to a stateless person residing in the territory of Hungary for the purpose of traveling abroad, permitting reentry to the territory of Hungary, within the period of validity.

(2) The travel document shall be valid for one year from the date of issue.

Section 158

Upon receipt of notice from the court or the public prosecutor's office under the Act on International Travel, the immigration authority shall confiscate the travel document of third-country nationals holding a travel document issued by the immigration authority, or of stateless persons residing in the territory of Hungary, whose travel document is to be confiscated on the basis of such notice.

PART NINE

IMMIGRATION PROCEEDINGS

CHAPTER XXII

GENERAL RULES OF IMMIGRATION PROCEEDINGS

96. Rules of competence

Section 159

(1) For the purposes of proceedings before the immigration authority the following

definitions shall apply:

a) 'supervisory body' shall mean, unless otherwise provided for by an act or government decree, the body that is or should be vested with powers to function as a supervisory body to adjudicate appeal cases;

b) 'immigration authority' shall mean a body, organization or person empowered or designated by a government decree to exercise public authority in immigration matters;

c) 'immigration matter' shall mean:

ca) all proceedings involving the entry and stay of foreign nationals, where the immigration authority brings a decision to define a client's right or obligation, to establish a client's infringement, to verify a fact, status or data, or to keep records, and where it moves to enforce such decisions,

cb) actions where the immigration authority carries out a regulatory inspection,

cc) proceedings for determining statelessness,

cd) the levying of a penalty for the protection of public policy,

ce) the levying of a fine under Subsection (2) of Section 27, Subsection (2) of Section 29 and Subsection (2) of Section 32.

(2) Cases falling within the competence of the immigration authority may not be transferred.

97. Client

Section 160

(1) 'Client' shall mean:

a) any natural person who applies to the immigration authority for authorization for entry and stay;

b) any natural or legal person, other entity who is the subject of any data contained in the immigration register;

c) any natural or legal person, other entity who is subjected to inspection by the immigration authority;

d) any natural or legal person, other entity for whom the immigration authority has established any right or obligation in connection with the rules for admission and stay;

e) any natural or legal person, other entity against whom the immigration authority enforces its decision;

f) any natural person who applied for establishing his or her statelessness;

g) any natural person whose any right or obligation established by the immigration authority is being reviewed by the immigration authority in connection with the rules for admission and stay and with establishing his or her statelessness.

(2) In proceedings opened for determining an application for a visa for a planned duration not exceeding ninety days, client means the third-country national who applies for the visa.

Section 161

(1) Unless otherwise provided for by this Act, in immigration proceedings client succession is not allowed.

(2) Where a penalty for the protection of public policy has been imposed, the obligation of payment of such penalty shall accrue upon the successor under civil law in the event of the

natural person obligor's death, or upon the successor under civil law if the obligor is a legal person.

(3) Where an obligation is established by definitive decision and the obligor is terminated by succession, the successor shall be given the opportunity to comply with the obligation voluntarily, in justified cases, by providing an extension of the respective time limit.

(4) Any ruling adopted in connection with succession, or with setting a new deadline for performance shall be delivered to the client. A ruling adopted on the subject of succession and refusing to prescribe a new deadline for performance may be appealed separately.

98. Rules of competence

Section 162

(1) Unless otherwise provided for by law, from the immigration authorities vested with analogous competences, the immigration authority within whose area of jurisdiction the client's home address, habitual residence or place of accommodation, or registered office in the case of legal persons, is located, or where the infringement was committed shall have competence.

(2) If the client's home address, habitual residence or place of accommodation, or registered office in the case of legal persons is unknown, the last known home address, habitual residence or place of accommodation, or registered office in the case of legal persons shall be taken into consideration, or if that cannot be identified, the immigration authority provided for by other legislation shall have exclusive jurisdiction to hear and determine the immigration matter on hand.

99. Examination of powers and competences

Section 163

(1) The immigration authority shall - of its own motion - ascertain its powers and competencies during all stages of the proceedings. If either is lacking, and if the authority vested with powers and competences can be identified beyond reasonable doubt, the case shall be transferred, or failing this the proceedings shall be terminated or the application shall be refused without any examination as to merits. The immigration authority shall inform the requesting party on the transfer, at the time of the transfer, or if transfer is not possible, it shall so inform the requesting party.

(2) The immigration authority shall handle cases falling within its competence inside its area of jurisdiction.

100. Use of language

Section 164

(1) In immigration proceedings no one shall be allowed to suffer any disadvantage on account of his or her lack of knowledge of the Hungarian language. In immigration proceedings the client may use his or her native language or any other language he or she

understands for verbal and written communication.

(2) In visa proceedings the costs of translation and interpreting services, and the fees of a sign language interpreter (hereinafter referred to as “costs of language services”) shall be borne by the applicant.

(3) In addition to what is contained in Subsection (2), in immigration proceedings opened upon request, the costs of translation and interpreting services, and the fees of a sign language interpreter shall be covered by the competent immigration authority, whereas the costs of language services in connection with other procedural steps shall be borne by the applicant. The immigration authority shall provide for covering and prepayment of costs by way of a ruling.

(4) In immigration proceedings opened ex officio, the costs of language services shall be borne by the competent immigration authority, unless otherwise provided for by this Act.

(5) The costs of interpreting services in hearings held during the proceedings concerning complaints and for the extension of detention shall be covered by the court. The responsibility for the appointment of an interpreter lies with the judge.

(6) In immigration proceedings opened ex officio, in cases of emergency the competent immigration authority may use an interpreter in the absence of a ruling of appointment based on a contract between the immigration authority and the interpreter.

(7) In visa proceedings the costs of language services related to delivering the decision shall be covered by the client.

101. Requests

Section 165

The requested body shall respond to requests sent during the period of custody or retention without delay, at the latest before the period of custody or retention expires.

102. General rules on communication

Section 166

(1) In the case under Subsection (4) of Section 168, the competent immigration authority may communicate during the proceedings with the employer as well, however, the client has to be informed of the contents of documents sent to the employer. If the competent immigration authority does not maintain communication with the employer, the employer shall be informed of the contents of the document sent to the client.

(2) Unless otherwise provided for by this Act, the immigration authority may communicate with the client by post only if the client has a Hungarian postal address.

(3) By way of derogation from Subsection (2), a decision imposing a penalty for the protection of public policy, and documents of visa procedures can be mailed to a foreign address as well.

(4) In those proceedings where the client’s physical presence is required, the client shall not be authorized to communicate with the authority by way of electronic means.

(5) In ex officio proceedings the mode of communication shall be selected by the immigration authority.

(6) The immigration authority shall set up and operate an electronic information system (hereinafter referred to as “electronic platform designated for opening immigration cases”). In the electronic platform designated for opening immigration cases clients are registered:

- a) by way of electronic identification service; or
- b) by way of electronic means, following entry of the client’s natural identification data.

(7) As regards the registration under Paragraph b) of Subsection (6), the identification of clients shall take place at the time of first appearance before the authority. Documents submitted by the client shall be considered authentic if so acknowledged at the time of said appearance.

(8) The authority shall set up and maintain a dedicated storage space through the electronic platform designated for opening immigration cases for the clients and employers registered according to Subsection (6) for delivering consignments. Section 14 and Subsections (2) and (3) of Section 15 of Act CCXXII of 2015 on the General Rules for Trust Services for Electronic Transactions shall apply to the service of electronic documents with the derogation that if the system confirms that the addressee did not collect the consignment after being notified on two occasions, the electronic document shall be considered served on the fifth working day following the date of the second notice.

(9) In the case of procedural steps where physical presence is not mandatory, natural person clients shall be able to maintain communication with the immigration authority in accordance with Subsections (6)-(8) and as provided in the relevant government decree. The authority shall maintain communication with registered clients via the electronic platform designated for opening immigration cases in connection with procedural steps where so permitted by this Act. In maintaining communication through the electronic platform designated for opening immigration cases documents lacking the electronic signature of the client may also be accepted.

103. Data processing and access to the documents of proceedings

Section 167

The client or his or her authorized representative shall be allowed access in the process of enforcement of the immigration authority’s decisions to documents only to an extent not to jeopardize the outcome of the enforcement.

CHAPTER XXIII

RULES OF IMMIGRATION PROCEEDINGS OPENED UPON REQUEST

104. The application

Section 168

(1) Unless otherwise provided for by this Act, in immigration proceedings which are subject to application, the person so entitled may submit the application using the standard printed form provided for by other legislation in person, accompanied by the supporting

documents required under the government decree implementing this act with the immigration authority of competence to adopt a decision on the subject of the application, save where otherwise provided for by legislation.

(2) The competent immigration authority may not require an applicant to appear in person if he or she is unable to do so due to health reasons.

(3) Unless otherwise provided for by law, if the applicant is a minor of limited capacity or if incompetent, the application may be submitted by the applicant's legal representative in his or her stead. If the minor client has reached the age of six at the time the application is submitted, he or she shall be required to appear in person when the application is submitted. The responsibility for ascertaining the minor's physical presence before the immigration authority lies with the legal representative.

(4) In the cases of residence permits issued for the purpose of taking up employment for the implementation of an investment, residence permits for the purpose of intra-corporate transfer, residence permits for the purpose of scientific research, migrant worker's residence permits, National Cards, EU Blue Cards and Company Cards, and also where additional rights of residence may be granted on the grounds of a third-country national's residence pursuant to this Act, and also if a family member of the third-country national is listed as a co-applicant, the application for the issue or extension of a residence permit may be submitted through an employer or host entity, provided that the client has consented by means of a unilateral written statement and:

a) the third-country national has yet to enter the territory of Hungary; or

b) the third-country national is legally present in Hungary, and, according to this Act, an application for residence permit may be submitted in Hungary by the third-country national present in Hungary.

(5) As regards the third-country national's consent under Subsection (4), the immigration authority shall send to the employer or host entity the request for remedying deficiencies, as well as the decision on the application.

(6) For the purpose of compliance with requirements set out by law, the client shall appear in person before the competent immigration authority when so requested by the authority, also if Subsection (4) applies.

(7) The applications provided for in Subsections (1)-(3) - except as provided in Subsection (8) - may be submitted by third-country nationals electronically, also through the electronic platform designated for opening immigration cases, following electronic registration.

(8) The applications provided for in Subsections (1)-(3) may not be submitted by third-country nationals through the electronic platform designated for opening immigration cases,

a) in the case of applications submitted at foreign missions; or

b) if an application for residence permit may not be submitted in accordance with this Act by third-country nationals present in Hungary.

(9) The following may only be submitted electronically, through the electronic platform designated for opening immigration cases, following electronic registration:

a) applications for the issue or renewal of national residence cards and EU residence cards;

b) applications for the extension of residence permits;

c) applications for the exchange or replacement of residence authorizations; and

d) applications for official certificates.

(10) If the authorized representative of the third-country national in proceedings opened

upon request under Subsection (7) is a legal counsel or legal person, the application may be submitted only through the electronic platform designated for opening immigration cases, following electronic registration.

(11) Once delivered, an application shall be considered received by the immigration authority if the third-country national or his or her authorized representative:

- a) has paid the application fee, if the proceeding is subject to a fee; and
- b) if the third-country national's facial likeness and fingerprint has been taken, and specimen signature has been given in accordance with Subsection (2) of Section 141 - except as provided in Subsections (2) and (3) hereof - at the latest within fifteen days of the date of receipt of confirmation.

(12) The application delivered shall not be considered received by the immigration authority if the applicant fails to comply with the obligation of payment of the fee or the obligation of physical presence within the time limit specified in Paragraph b) of Subsection (11).

(13) The application specified in Subsection (4) shall be submitted by the employer or host entity only by way of electronic means, following electronic identification.

(14) The application referred to in Subsection (13) shall not be considered received by the immigration authority if:

- a) it was submitted not by the employer provided for in Subsection (4) or the host entity;
- b) the application does not bear the client's facial likeness; or
- c) the application fee was not paid, if the proceeding is subject to a fee.

(15) If the conditions set out in Subsection (14) are met, the application delivered shall be considered received by the immigration authority and it shall be confirmed by the immigration authority by means of notice.

(16) The immigration authority shall delete applications which are not considered received by the immigration authority on the sixteenth day following confirmation, and shall notify the client thereof through the electronic platform designated for opening immigration cases.

(17) In immigration proceedings opened subject to application pursuant to Part Six, the application may be submitted by the person so entitled in writing and in person, before the immigration authority authorized to conduct the procedure, or at the foreign mission where his or her habitual residence is located.

105. Remedy deficiencies

Section 169

(1) If the application:

- a) is not in compliance with the requirements provided for by law, or
- b) is in compliance with the requirements provided for by law, however, it is deemed necessary in connection with any new information that may have emerged in the process of ascertaining the relevant facts,

the competent immigration authority shall advise the applicant to remedy the deficiencies within a prescribed time limit of not more than forty-five days, indicating also the legal consequences of non-compliance.

(2) The competent immigration authority may - at the client's request - extend the deadline for compliance with the notice for remedying deficiencies on one occasion, by up

to twenty-one days, if so permitted by the objective time limit applicable to the case in question. The extended time limit shall not be allowed to exceed the deadline referred to in Subsection (1).

(3) The ruling on allowing or refusing the extension of the time limit for compliance with the notice for remedying deficiencies may not be appealed independently, it may be contested in the decision brought in immigration proceedings.

(4) The client or his or her authorized representative, and in cases provided for by an act, the employer shall have the option to comply with a notice for remedying deficiencies through the electronic platform designated for opening immigration cases. Where deficiencies are remedied by way of electronic means, it shall be considered received by the immigration authority on the next working day when delivered to the immigration authority.

(5) The client may not be required to supply - apart from the data required for the identification of the client - any data that is available publicly, or that should be available in a public register set up on the strength of law.

106. Rejection of an application without examination as to merits

Section 170

The immigration authority shall refuse an application without any examination as to merits within eight days if:

- a) the immigration authority has no competence or jurisdiction, and the application cannot be transferred;
- b) the application pertains to an objective that is manifestly impossible, and/or there is no legal basis for executing the request;
- c) submission of the application is subject to a deadline or time limit provided for by law, and the application was filed in delay or prematurely;
- d) the immigration authority has already adopted a decision regarding the application as to merits, and another application pertaining to the same right has been submitted while the relevant facts of the case and the applicable laws remained the same;
- e) the request has apparently been filed by a person other than the rightful applicant; or
- f) the application cannot be submitted in Hungary in accordance with this Act.

107. Termination of proceedings

Section 171

(1) The immigration authority shall terminate the proceedings:

- a) if the client fails to provide a statement as requested by the immigration authority, or failed to attach in due time the documents the immigration authority has requested, and the application cannot be decided in absence thereof;
- b) if the applicant fails to appear before the immigration authority despite being duly notified or summoned by the immigration authority, and did not provide reasonable justification in advance as to the reason for his or her absence, or did not offer substantive excuse after the impediment as to his or her appearance has been eliminated, thus obstructing efforts for ascertaining the relevant facts of the case;

c) where final decision in the proceeding requires the preliminary judgment of an issue (hereinafter referred to as “incidental question”) where the decision lies with a court or another body, and the client fails to comply with the immigration authority’s request for initiating such proceeding;

d) if the proceeding has become devoid of purpose;

e) if the proceeding was opened upon request and the client has withdrawn his or her application;

f) if the client fails to comply with the obligation of advancing the costs of interpreters, translators, experts;

g) if the proceedings of the authority is subject to payment of duties or an administrative service fee, and the client failed to comply within the prescribed time limit in spite of being notified by the competent immigration authority;

h) if attempts to ascertain the relevant facts of the case to the extent necessary for passing the decision in ex officio immigration proceedings have failed, and further procedural steps are unlikely to bring the results desired;

i) if no infringement had been established in ex officio immigration proceedings;

j) if the proceedings are to be terminated on the grounds set out in Section 163 or Subsection (4) of Section 178;

k) if the application should have been refused without examination as to merits, however, the immigration authority obtained information concerning the grounds for refusal following the opening of the proceedings.

(2) The client shall be able to provide justification under Paragraph b) of Subsection (1) on the day following the day of summons, or on the day after the impediment as to his or her appearance has been eliminated. No justification shall be accepted after five days following the day when the order for physical presence was issued.

108. Stay of proceedings

Section 172

(1) The immigration authority shall suspend the proceedings where the final decision requires the preliminary judgment of an issue where the decision lies with another authority, or the case cannot be reliably resolved without a decision in another proceeding under the competence of the same authority that closely relates to the case on hand.

(2) The immigration authority shall suspend the proceedings also if a foreign body should be consulted in the given case.

(3) The request for suspension of the proceedings may not be submitted by the client or his or her representative.

(4) Upon the suspension of proceedings all deadlines shall be suspended as well, and shall recommence when suspension is terminated. The suspension period may not exceed the objective time limit prescribed for certain specific proceedings by an act.

(5) All procedural steps taken during the period of suspension shall be of no effect, except for the ones intended to eliminate the grounds for suspension.

(6) The ruling on suspension of the proceedings may not be appealed.

(7) If the client has the right to initiate proceedings before the court or another authority, the immigration authority shall advise the client to do so within the prescribed time limit.

109. Administrative time limit and calculation of other time limits

Section 173

(1) Unless otherwise provided for by an act or government decree, the administrative time limit in immigration proceedings shall be twenty-one days. The administrative time limit shall commence on the working day following the day when the application is received by the authority.

(2) In ex officio proceedings the administrative time limit shall be reckoned from the day when the first procedural step is carried out.

(3) The administrative time limit shall not include:

a) the length of the period required for the appointment of the competent immigration authority in proceedings for the exclusion of the immigration authority;

b) the length of time between the receipt of the notice for remedying deficiencies or a request for information for ascertaining the relevant facts of the case, until they are provided, or until the date of expiry of the time limit;

c) the length of the period of suspension of the proceedings;

d) unless otherwise prescribed by this Act or a government decree, the duration of specialist authority proceedings;

e) the time required for serving a summons;

f) the length of the period of any system breakdown or some other unavoidable circumstance that has the potential to disable the immigration authority's functions for at least one full day;

g) the length of time required for the preparation of expert assessment;

h) except for requests sent during the period of custody or retention, the length of the period between the time of dispatching the authority's request or decision and the time it is delivered, and the time required for delivery where it takes place by way of posted notice;

i) where another body or department is requested with a view to ascertaining the relevant facts of the case, the length of the period between the date of dispatch of the request for inspection and the date when information concerning the outcome of the inspection is delivered to the immigration authority.

(4) In the proceedings of an immigration authority of appellate jurisdiction or any supervisory organ, and in reopened cases the administrative time limit shall commence on the day following the date of delivery of all documents of the case to the competent authority. The immigration authority shall supply the documents that the supervisory body has requested.

(5) In justified cases, the head of the competent immigration authority may extend the administrative time limit on one occasion, by up to twenty-one days. Where the proceedings are opened upon request, the client concerned shall be notified thereof.

Section 174

If the last day of a time limit falls on a day that is declared a non-working day for the immigration authority, the time limit - including the administrative time limit - shall expire on the next working day.

110. Application for justification

Section 175

(1) The application for justification shall be adjudged by the immigration authority proceeding at the time of the omission. The application for justification for failure to meet the deadline for appeal shall be adjudged by the immigration authority of first instance.

(2) Unless otherwise provided for by an act, the application for justification shall be submitted within five days from the time of becoming aware of the default or from the time the obstruction is eliminated, where applicable, not later than within thirty days from the last day of the time limit or deadline in question.

(3) If the immigration authority complied with the regulations concerning the notification of clients and the delivery of decisions, an application for justification shall not be accepted for missing the deadline for lodging an appeal on the grounds that the notice and/or the decision was delivered by means other than the postal service.

(4) The ruling of refusal of the application for justification may not be appealed, refusal of the application for justification may be contested in the context of remedy available against the ruling for the refusal of the application without examination as to merits.

(5) If the authority accepts the application for continuation, no specific ruling shall be adopted thereof.

111. Summons

Section 176

(1) In case of urgency, the writ of summons may be served at short notice by phone, or by means of electronic mail or by a process server. This type of service of the summons shall be indicated in the relevant documents.

(2) The immigration authority shall summon to appear a minor under the age of fourteen years through his or her legal representative, with a warning that such representative is held responsible to ascertain the minor's appearance. Where a minor over the age of fourteen years is summoned to appear, the immigration authority shall notify the legal representative of the summons even if the legal representative is summoned to appear on the same day as well.

(3) With respect to a minor under the age of fourteen years the provisions set out in Subsections (1) and (2) of Section 60 of Act CL of 2016 on General Public Administration Procedures (hereinafter referred to as "Administrative Procedure Act") shall not apply, however, if the minor under the age of fourteen years fails to appear to testify despite of being summoned as required, or if absent without permission to leave, and the legal representative failed to show cause for the minor's non-appearance or absence, an administrative penalty may be imposed upon the legal representative.

112. Clarification of the facts and client statement

Section 177

(1) If deemed necessary to ascertain the relevant facts of the case, the immigration authority shall request the client to make a statement. The client shall be given the

opportunity to make such statement either orally or in writing. If the client makes the statement orally, the competent immigration authority shall transcribe it in a report. If drawing up the report is not possible due to objective reasons, the immigration authority shall make a transcript of the client's oral statement.

(2) If the client or his or her representative provides any false information that is considered material for the immigration case on hand in spite of his knowledge otherwise, or suppresses such information, or fails to comply with the disclosure requirement, he or she may be subject to an administrative penalty unless otherwise provided for by this Act.

(3) In its proceedings the immigration authority shall provide the client with a warning of his or her rights and obligations, and of the legal consequences of perjury and for providing any evidence that is falsified or forged.

113. General rules on specialist authority proceedings

Section 178

(1) In the proceedings governed by this Act, the Government shall designate a specialist authority in the government decree implementing this Act for the assessment of specific issues.

(2) The competent immigration authority shall disclose to the specialist authority, accompanied with the request, all facts or circumstances which may affect the contents of the specialist authority's assessment. If the competent immigration authority becomes aware of such fact or circumstance after the request is sent to the specialist authority, the specialist authority shall be immediately informed thereof.

(3) Unless otherwise provided for by this Act or a government decree, the administrative time limit of specialist authority proceedings shall be fifteen days. In justified cases, the head of the specialist authority may extend the administrative time limit on one occasion, by fifteen days, of which the competent immigration authority shall be informed. The duration of specialist authority proceedings shall not include the time of remedying deficiencies according to Section 169, if such deficiencies cover any fact or circumstance that is considered necessary for a substantiated assessment by the specialist authority.

(4) Where deficiencies are remedied according to Subsection (3), the specialist authority shall notify the immigration authority without delay. If the client fails to comply with such request in proceedings opened upon request, the specialist authority shall inform the authority on the client's failure to remedy deficiencies, upon which the authority shall terminate the proceedings if it cannot be continued ex officio.

(5) If the specialist authority fails to provide an assessment to the competent immigration authority within the time limit prescribed for specialist authority proceedings, the specialist authority's approval shall be considered granted, save where an act or government decree provides otherwise.

Section 179

(1) In the event of any information arising in the specialist authority's sphere of interest after the official assessment is delivered concerning the third-country national to whom it pertains, based on which the official assessment and approval is to be revoked, the aforesaid specialist authority shall forthwith send a new assessment to the competent immigration

authority.

(2) If the specialist authority subsequently finds its assessment unlawful, it may alter the assessment on one occasion before the date when the immigration authority's decision or ruling for the termination of the proceedings becomes definitive.

(3) The specialist authority need not be contacted if the application is to be refused without any examination as to merits, or if the competent immigration authority finds within eight days of the date of submission of the application that the application has to be refused irrespective of the specialist authority's assessment.

(4) The specialist authority's assessment shall be binding upon the competent immigration authority having regard to the specific issue on hand.

(5) The competent immigration authority, if the conditions for the specialist authority's participation are met, shall forward the data of the third-country national from the central immigration register to the specialist authority, unless otherwise provided for by an act or government decree. The specialist authority may inspect the documents enclosed with the application, or make copies of such documents.

(6) If so authorized by the relevant legislation, the specialist authority is allowed to interview the applicant.

(7) The provisions on authorities shall also apply to specialist authorities *mutatis mutandis*.

(8) The specialist authority's assessment:

a) shall indicate the name of the specialist authority,
b) shall contain in the operative part of the specialist authority's approval, any provision or condition prescribed by the special authority, or its refusal to grant approval.

(9) The specialist authority's decision may be challenged in the context of an appeal submitted against the decision adopted in conclusion of the proceedings.

114. Means of evidence - documents

Section 180

(1) The immigration authority may request the client to present specific documents or other instruments with a view to establishing the relevant facts of the case.

(2) An authentic instrument made out abroad, and any private document certified by a foreign court, administrative body, notary public or any other person vested with authenticity shall - unless an act or international agreement, or the principle of reciprocity suggests otherwise - be considered to have evidentiary effect according to Hungarian law if diplomatic recertification was provided by the Hungarian foreign mission in the country where it was issued. The immigration authority may decide not to request diplomatic recertification by the Hungarian foreign mission in cases provided for by law. Any instrument made out in a language other than Hungarian shall be accepted only with the certified Hungarian translation attached, unless otherwise provided by law.

115. Means of evidence - witness

Section 181

(1) Any fact that pertains to the immigration case may be verified by witness testimony as well.

(2) Subject to the exception specified in this Act, a person summoned as a witness must testify.

(3) Giving testimony in immigration proceedings may be refused if:

- a) it would implicate the witness him or herself or his or her family member in some criminal activity; or
- b) the witness is protected by diplomatic immunities.

(4) An incompetent person or a person of limited capacity may be asked to testify in immigration proceedings only if there is no other way to obtain the evidence the testimony is expected to provide.

(5) Any person whose ability to comprehend the significance of refusal to testify on account of his or her mental or other condition may be questioned as a witness only if he or she wishes to testify, and this is approved by the legal representative.

(6) In immigration proceedings the hearing of an incompetent person or a person of limited capacity may be attended by his or her legal representative.

(7) If there exists any conflict of interest between the witness and his or her legal representative, the guardian authority shall appoint an ad hoc conservator or caretaker officer.

(8) In immigration proceedings a testimony taken in violation of the provisions contained in Subsection (2) of Section 66 of the Administrative Procedure Act may not be admissible, or any testimony where the witness was not advised beforehand concerning his or her right explained in Subsection (3).

(9) An administrative penalty may be imposed if the person summoned to testify - except if incompetent - fails to comply with the obligation to give evidence in spite of being advised concerning the legal implications.

Section 182

The immigration authority may authorize the witness to make his or her testimony in writing after or instead of the examination. In this case the witness shall him or herself write down his or her testimony and sign it, or if the witness's testimony is written in any other way, it shall be endorsed by a judge or notary public. If the witness is incompetent or of limited legal capacity, the legal representative, and in the event of conflict of interest the ad hoc conservator or the caretaker officer shall also sign the written witness statement. Making a written witness statement shall not prevent the immigration authority to summon the witness for making an oral testimony.

116. Means of evidence - experts and interpreters

Section 183

(1) For reasons of cost-effectiveness and simplification, the immigration authority may authorize any third person to function as interpreter, subject to the client's consent, and if the third person in question incontrovertibly speaks the language the client understands.

(2) Where the technical means are available, and if so justified by reasons of cost-effectiveness and security, the third-country national may be interviewed via

closed-circuit telecommunications network if direct connection between the designated venue of the hearing and the place where the interviewed person or the interpreter is located is ensured by a device that is capable of simultaneous transmission of video and audio signals in real-time.

(3) If the interview is conducted via closed-circuit telecommunications network, the legal counsel of the third-country national may be present at the venue of the hearing.

(4) At the beginning of the interview the immigration authority shall establish the interpreter's identity. The competent immigration authority shall call upon the interpreter to state his or her relation with the clients, and whether or not he or she is biased.

117. Consequences for obstruction of proceedings, administrative penalty

Section 184

In the cases specified in this Act any breach of obligations within the perpetrator's control shall be subject to an administrative penalty. If the client or any other party to the proceeding otherwise acts in bad faith, engages in conduct for the obstruction of the immigration proceedings, the authority may impose an administrative penalty upon such client or party.

118. Minutes and transcripts

Section 185

In the case of audiovisual recordings, at the client's request the immigration authority shall provide a transcript referred to in Subsection (2) of Section 78 of the Administrative Procedure Act of the audiovisual recording.

119. Rules on representation

Section 186

(1) If the client's physical presence is not mandatory by law, unless otherwise provided for by this Act,

a) the client may be substituted by:

aa) his or her legal representative,

ab) his or her spouse with the right of residence in Hungary for a period exceeding ninety days,

ac) his or her adult child with the right of residence in Hungary for a period exceeding ninety days in the case of a dependent ascendant, or

ad) a person designated by the client or his or her legal representative, spouse or adult child in the case of a dependent ascendant; furthermore

b) the client may proceed together with his or her representative.

(2) An application for visa for a planned duration of stay in Hungary not exceeding ninety days may be submitted only by the client or a representative authorized by a power of attorney given by the client, as well as in proceedings defined in Part Six.

(3) In immigration proceedings legal representation shall be construed as legal services provided by an attorney under other legislation, legal counsel shall be construed as a person authorized to practice law under other legislation.

(4) If the client is held in immigration detention, representation may be provided by the legal counsel only.

(5) If the client is not involved personally, the immigration authority shall check the representative's authorization for representation. The representative shall be required to verify his or her authorization for representation by way of the means specified in this Act.

(6) If the authorized legal counsel is unavailable during the proceedings, he or she must provide a replacement. If the authorized legal counsel is unavailable, this shall be no ground for requesting an extension of the time limit for remedying deficiencies, nor for lodging an application for justification. The immigration authority shall refuse any requests submitted on those grounds within five days by means of a ruling.

Section 187

(1) The power of attorney shall be executed in an authentic instrument or a private document representing conclusive evidence. The power of attorney shall be signed by the principal and the representative by their own hand, or in the case of electronic communication it shall be authenticated under the rules of certification documents. In immigration proceedings, a general power of attorney covering all cases may not be given, a power of attorney shall always be given for a specific procedure only.

(2) A power of attorney issued by means of remote identification in proceedings before an immigration authority may not be used to verify the power of representation.

(3) If the power of attorney is shown in the register of dispositions, the client and/or the representative shall make a reference to that fact during the proceedings.

(4) The authorized representative shall attach the original of the power of attorney, or a certified copy to the documents at the time of first communication.

(5) Where a power of attorney is given by a third-country national in Hungary, a document verifying the third-country national's right of residence in Hungary at the date the power of attorney is made out shall also be enclosed.

(6) Where the power of attorney is made out abroad, it shall be executed in an authentic instrument or a certified private document, and unless otherwise inferred from this act or international agreement, or principle of reciprocity, the genuineness of the client's signature, initials shall be verified by consular certificate of the Hungarian foreign mission in the place where issued, or by way diplomatic recertification in accordance with the rules of recertification in the case of authentic instruments. A power of attorney made out in a language other than Hungarian shall be accepted only with the certified Hungarian translation attached.

(7) The power of attorney may apply to the entire immigration proceedings, or to certain procedural steps only.

(8) Where the power of attorney applies to the entire immigration proceedings, it shall cover all statements and acts related to the immigration proceedings and the administrative action.

(9) Where the power of attorney is terminated by way of withdrawal or rescission, or upon the death of the client, it shall take effect vis-à-vis the authority upon the time of notification of the authority thereof.

Section 188

(1) In immigration proceedings the immigration authority shall reject any representative:

- a)* who is clearly unqualified to provide adequate representation in the immigration proceedings;
- b)* who fails to provide proof of authorization of representation when requested, or the power of attorney enclosed is not in conformity with the requirements set out in this Act, and fails to provide proof despite having been asked to do so; or
- c)* who engages in conduct during the immigration proceedings to prevent clarifying the relevant facts of the case, or whose actions are aimed at the protraction of the immigration proceedings, or to prevent the proceedings by any means.

(2) If the representative is rejected the authority shall call upon the client to proceed in person, or to provide a suitable replacement representative. If the client fails to provide a suitable replacement representative despite being asked to do so by the authority, and fails to carry on the case in person, the immigration authority shall terminate the immigration proceedings.

(3) The immigration authority shall reject the representative by way of a ruling; such ruling may be appealed separately in the cases under Paragraphs *a)* and *c)* of Subsection (1). In the case under Paragraph *b)* of Subsection (1) the ruling may not be appealed separately, it may be challenged in the context of an appeal submitted against the immigration authority's decision or ruling of termination.

(4) If the client has a representative, and the client does not provide otherwise, the immigration authority shall send the documents to the representative, except for a summons ordering the client's physical presence. As regards the summons ordering the client's physical presence, the authority shall simultaneously inform the representative thereof.

CHAPTER XXIV

DECISIONS OF THE IMMIGRATION AUTHORITY

120. Formal decisions and rulings

Section 189

(1) Subject to the exceptions specified by law, the immigration authority shall adopt a decision in immigration proceedings on the merits, and shall deliver other decisions during the process in the form of a ruling.

(2) Upon receipt of a visa application the competent immigration authority shall issue the visa or shall reject the application by way of a formal decision.

(3) Upon receipt of an application for residence permit the competent immigration authority shall issue the residence permit in the form of a document, or shall reject the application by way of a formal decision.

(4) Upon receipt of an application for national, temporary or EU residence card, the competent immigration authority shall issue a document evidencing right of continuous residence, or shall reject the application by way of a formal decision.

(5) The immigration authority shall deliver the decision worded in the form of a separate document, record it in a report or enter it on the case file.

(6) In the cases under Subsections (2)-(5), if the competent immigration authority approves a visa application, an application for residence permit, national, temporary or EU residence card on the whole, it shall suffice to indicate on the case file that a decision had in fact been made. In that case, if a specialist authority had also been involved in the immigration proceedings, the immigration authority shall inform the specialist authority about the decision.

Section 190

(1) A decision shall contain all data and information required for the identification of the competent immigration authority, the client and the case, the operative part - including the authority's decision, the assessment of the specialist authority, information for seeking legal remedy and the procedural costs incurred -, and the ascertained facts of the case, the evidence available, explanation for the specialist authority's assessment, the reasons for deliberation and the decision, and the specific statutory provisions on the basis of which the decision was adopted.

(2) As regards the content of the decisions of the immigration authority, additional detailed provisions may be introduced with respect to certain types of cases by an act or government decree.

(3) If the decision contains an obligation, a deadline or time limit shall be prescribed for the fulfillment of such obligation.

(4) As regards the form and content requirements of decisions on return measures, the provisions of the Schengen Borders Code shall apply, and as regards the form and content requirements of decisions on the annulment or revocation of visas, the provisions of the Visa Code shall apply.

121. Communication of decisions

Section 191

(1) The immigration authority shall communicate its decisions to the client, the representative, and the specialist authorities involved in the case. If the decision had been communicated to the client and the representative both, the legal effects shall transpire on the day of the earlier communication.

(2) If the decision is entered on the case file, the immigration authority shall inform the client, the representative and the specialist authority about the decision.

(3) The immigration authority shall communicate the ruling to the parties in respect of whom it contains provisions and whose rights or legitimate interests are affected.

(4) Subject to the derogations provided for in this Act, the decisions adopted in immigration proceedings shall be delivered by service of process.

(5) Unless otherwise provided for by this Act, the following shall be delivered orally to the client in his or her native language or in another language he or she understands:

- a)* formal decisions;
- b)* the court's decision adopted in the administrative action brought with respect to a decision;

c) the court's decision adopted during the hearing in connection with the extension of detention, or the decision ordering detention delivered via the immigration authority.

(6) If the client is present, the immigration authority may communicate the expulsion decision to the client by handing over the translation of the operative part of the decision into a language the person expelled understands. This method of communication may not be requested by the client.

(7) The fact and time of oral delivery shall be recorded in a report.

(8) Decisions of the immigration authority of second instance shall be delivered through the immigration authority of first instance.

(9) If the client's whereabouts is unknown, the decision and ruling shall be communicated by way of public notice, whereas the operative part of the decision shall be posted on the website of the immigration authority. No administrator for service of process shall be appointed.

(10) The separate decision ordering the exclusion measure, and a decision ordering expulsion and exclusion citing any risk to public order, public security or national security shall be considered served on the day of publication.

(11) Where in the case of a foreign address tracking of postal delivery is not possible, or the first attempt of delivery has failed, decisions and rulings shall be delivered in accordance with the rules of posted notice.

122. Rules of delivery

Section 192

(1) If the addressee is not a natural person, an objection may be filed by the client or his or her authorized legal counsel only if service took place unlawfully.

(2) Except for third-country nationals holding a national permanent residence permit granted in the interest of the national economy, or their family members, an agent for service of process may not be involved in immigration proceedings. The legal counsel shall function as agent for service of process.

CHAPTER XXV

OFFICIAL INSTRUMENTS, CERTIFICATES, RECORDS AND REGISTERS

123. Official instruments

Section 193

(1) Official instruments are construed as formal decisions.

(2) The immigration authority shall issue, at the client's request, official instruments for the verification of alien status, with the purpose of use indicated.

(3) The immigration authority shall refuse to issue an official instrument if the client requests verification of any data that is untrue, or in connection with which the immigration

authority has no information available.

124. Official certificates

Section 194

- (1) Official certificates are construed as formal decisions.
- (2) The immigration authority shall issue an official certificate in cases provided for by law - containing the information prescribed therein - as regular proof of the data or rights of the client.
- (3) If an authority or public official duly authorized to check the official certificate determines that the official certificate or the data it contains is false or untrue, the official certificate shall be confiscated for further action against a receipt issued.

125. Official records and registers

Section 195

- (1) The immigration authority shall maintain an official public register on data specified by law, as provided for by law.
- (2) Entries made into the registers the immigration authority maintains in accordance with the law shall be construed formal decisions.
- (3) Pending proof to the contrary, data contained in the official registers maintained by the immigration authority shall be presumed to exist, and data deleted from the official registers maintained by the immigration authority shall be presumed not to exist.

CHAPTER XXVI

REGULATORY INSPECTIONS CONDUCTED BY THE IMMIGRATION AUTHORITY

126. Objectives of regulatory inspections conducted by the immigration authority

Section 196

- (1) The provisions of this Act applicable to immigration proceedings shall apply to the regulatory inspections of the immigration authority with the derogations set out below.
- (2) In immigration proceedings the immigration authority shall monitor compliance with legal requirements, as well as the exercise of the right of entry and exit, and the right of residence granted to third-country nationals in accordance with the relevant legislation.
- (3) The objective of the regulatory inspections conducted by the immigration authority is to examine compliance with the requirements and obligations prescribed by law, and to enable the immigration authority to identify and prove such facts, circumstances and data

which are necessary for determining cases pending before the immigration authority, and on the basis of which any infringement or abuse of rights can be established in the framework of a separate procedure.

(4) Means of regulatory inspections conducted by the immigration authority:

- a) data disclosure, submission of documents and other forms of information and statements requested for the purposes of inspection;
- b) site inspections;
- c) sending a request to the body authorized to issue specialist authority's assessment or opinion.

127. Site inspection

Section 197

(1) The immigration authority shall be entitled to carry out site inspections, within the context of regulatory inspection, in the process of ascertaining the relevant facts of the case underlying the right of residence.

(2) In carrying out site inspections the immigration authority shall have discretionary power to decide which person, activity, conduct or circumstance to examine within the framework of immigration proceedings in clarifying the relevant facts of the case.

(3) In the context of site inspection, the immigration authority shall be entitled to examine:

- a) the veracity of statements submitted;
- b) the veracity of contracts, documents and other instruments enclosed with the application;
- c) proposed and existing working conditions and circumstances of foreign workers;
- d) the conditions for the lawful employment of foreign workers;
- e) the circumstances and conditions in relation to entrepreneurship;
- f) the conditions, circumstances of family reunification;
- g) living conditions, circumstances;
- h) means of subsistence.

128. General provisions relating to site inspections

Section 198

(1) Where ascertaining the relevant facts of a case requires the inspection or surveillance of any movable property, real estate property (hereinafter referred to collectively as "subject-matter of the inspection"), or a person, the immigration authority may order a site inspection. The inspection shall be carried out within twenty days following the receipt of the relevant request and the requesting party shall be informed of the outcome thereof.

(2) The holder of the subject-matter of the inspection and the person mentioned in Subsection (1) shall be notified in advance - at least three days before the planned site inspection - of the inspection, if it does not endanger the success of the inspection.

(3) If the holder of the subject-matter of the inspection is absent, it shall not prevent the inspection, provided that his presence is not necessary.

(4) The client affected may attend the site inspection, except where the natural identification data and home address of the holder of the subject-matter of the inspection is handled confidentially.

129. Opening and conduct of site inspections

Section 199

(1) Site inspections shall be carried out by the immigration authority.

(2) Site inspections shall be conducted between 08:00 and 20:00 hours, however, the immigration authority shall be allowed to carry out inspections at other times in duly justified cases.

(3) In the context of site inspections, the person inspected, and the owner, holder of the movable property, real estate property shall perform tolerate the inspection and shall refrain from engaging in any conduct to prevent the inspection.

(4) In the home of a private individual the immigration authority shall be allowed to perform an inspection if the property is or has been or will be used as the home, habitual residence or place of accommodation of the client or his or her close relative, or there is reason to believe that the client can be found there.

(5) During the site inspection the officer of the authority on the scene shall - in particular - be empowered:

a) to enter the inspected area, building and other establishment, including business, administration and other premises deemed necessary for the inspection of economic activities;

b) to examine any document, article or work process;

c) to photograph the site, movable property, real estate property, private individual and the activities, work processes, or to make audiovisual recording;

d) to request information; and/or

e) to take other evidence.

(6) Any person who obstructs the site inspection in any way shall be subject to administrative penalty.

130. Measures that may be adopted by the immigration authority during regulatory inspections

Section 200

(1) In carrying out the tasks prescribed in this Act and in the government decree implementing this Act, the immigration authority shall have powers to order:

a) a foreign national, or

b) any private individual if there is reason to believe based on the prevailing circumstances that the private individual is in contact with the foreign national or involved in his or her conduct,

to produce proof of identity.

(2) A person required to identify him or herself shall produce authentic proof of his or her personal identification data. A personal identification document, passport, document

evidencing right of residence shall be construed as principal means of identification. With the exception of foreign nationals, any document providing conclusive evidence of the identity of the person may be accepted, and/or the authority may accept a statement of verification provided by another person present whose identity has been properly established.

(3) If during the identity check the immigration authority finds that the foreign national is unable to present any proof of his or her lawful residence in Hungary, the immigration authority may ask for assistance by the body established for carrying out official police business. The immigration authority shall have power to apprehend the person affected until the body established for carrying out official police business arrives to the scene.

(4) The identity check may only last for the time it takes to establish identity. The person whose identity is being checked shall be informed of the underlying reason.

(5) If the client, his representative or witness fails to meet his obligation to attend in person despite being duly summoned, and upon his failure to provide a reasonable excuse for his absence, the head of the competent immigration authority may order the arrest of such person. The arrest warrant shall be approved by the public prosecutor in advance.

131. Rights and obligations of the immigration authority during regulatory inspections

Section 201

(1) Before commencing the inspection, the person carrying out the regulatory inspection shall proactively identify him or herself and produce his or her service identification card so as to verify his or her entitlement to conduct the inspection.

(2) The person carrying out the regulatory inspection shall evaluate the facts, circumstances and data, and - in the case of immigration proceedings opened ex officio - shall inform the client concerning the findings of the inspection.

(3) Where a site inspection has been ordered, the immigration authority shall be obligated to clarify the facts of the case during the inspection and to prove its findings to the extent required for bringing a decision, unless the burden of proof is conferred upon the client by law.

(4) Documents, expert opinions, statements made by the client, his representative, testimonial evidence, site inspection reports, transcripts, simplified reports, data from the records of other authorities or publicly available electronic data and information shall, in particular, be construed as admissible means of evidence and proof.

(5) In the course of clarifying the relevant facts of the case, the immigration authority shall also investigate facts to the client's benefit.

132. Rights and obligations of clients in regulatory inspections

Section 202

(1) The client under inspection shall be required to cooperate with the immigration authority during the inspection, and shall ensure the necessary conditions for the regulatory inspection.

(2) The client shall have the right:

- a) to confirm the identity of the person carrying out the inspection;
- b) to be present at any and all acts of the inspector,
- c) to have an attorney present.

(3) The client exercising the right provided for in Paragraph c) of Subsection (2) should not compromise the successful conclusion of the regulatory inspection within a reasonable timeframe.

(4) In immigration proceedings opened upon request the client shall have the right of access to the documents of the inspection.

(5) In immigration proceedings opened ex officio the client shall have the right of access to the documents of the inspection, to request information concerning the findings of the inspection, comment on such findings, read the inspection report and the transcript, and make comments electronically within three days of receipt of the report, transcript.

133. Recording procedural steps

Section 203

(1) An oral request - if not promptly executed - and any procedural step performed with a view to ascertaining the relevant facts of the case shall be recorded in a report if the relevant conditions are met, or a transcript shall be made in other cases.

(2) If at the venue of the regulatory inspection:

- a) no person who can be heard as client or witness is in attendance, or
- b) interviewing those in attendance as client or witness is not possible on account of the presence of specific circumstances, or
- c) the case officer does not speak the language used by the client present or by the person to be heard as witness, or an interpreter cannot be made available,

the officer of the competent immigration authority shall draft a transcript on the regulatory inspection.

(3) If the conditions for drawing up the report are not available on site, at least two public officials must be in attendance at the site inspected for verifying the contents of the transcript drafted subsequently.

(4) The transcript shall contain the place and the date where and when drawn up, data required for the identification of the persons who were in attendance at the place of the procedural action, the essence of their statements, and the findings made while carrying out the action relating to ascertaining the relevant facts of the case. Additionally, the report shall contain an indication of rights and obligations.

(5) The transcript shall be signed by the two public officials in attendance, and the report shall be signed by the case officer and persons who participated in the procedural action.

(6) The immigration authority shall be entitled to make video and sound recordings on specific procedural actions. If recorded in that fashion, it shall suffice to indicate in the transcript drafted subsequently the data required for the identification of the persons who participated in the procedural action, and the place and the date where and when it was made.

(7) The client and other parties to the immigration proceedings shall have access to the transcript for the purpose of inspection during the proceedings.

CHAPTER XXVII

EX OFFICIO PROCEEDINGS

134. Derogations

Section 204

(1) In respect of ex officio immigration proceedings, the provisions of this Act on requested immigration proceedings shall apply subject to the derogations set out in this Chapter.

(2) When the immigration authority considers that a breach of the rights and obligations provided for by law has been committed, it shall open immigration proceedings of its own motion when it acquires knowledge of facts giving rise to initiating proceedings.

(3) The immigration authority shall launch ex officio proceedings also if:

- a)* so instructed by its supervisory body;
- b)* otherwise prescribed by law.

(4) Where ex officio immigration proceedings are opened against a client who is not present before the immigration authority, the immigration authority shall summon such client to appear before the immigration authority, indicating also the reason. The provisions of this Act shall apply to such summons.

(5) The summons referred to in Subsection (4) may be omitted only if:

- a)* it is likely to jeopardize the outcome of the proceedings;
- b)* the authority adopts a decision on the merits within eight days following the opening of the proceedings, or terminates the proceedings;
- c)* the proceedings are opened on grounds of public order, national security, public safety; or
- d)* the client is not present in Hungary.

(6) The immigration authority shall inform the client when appeared before the immigration authority concerning the reasons for the opening of ex officio immigration proceedings against him or her, and also about his or her procedural rights and obligations.

(7) In ex officio proceedings the client shall - when requested by the authority - disclose the data necessary for reaching a decision on the merits. Failure to comply with the obligations of disclosure, or if supplying false information, may be sanctioned on the strength of an act or government decree. Data disclosure may be refused by the client if he or she would have the right to refuse to testify under the same circumstances.

CHAPTER XXVIII

ENFORCEMENT MEASURES

135. Sequestration

Section 205

(1) If there is no other way to ascertain the relevant facts of the case or it would take an unreasonably long time, or if discounting sequestration may endanger the success of ascertaining the relevant facts of the case, the immigration authority shall have power to remove one's property from one's possession (hereinafter referred to as "sequestration").

(2) The ruling ordering sequestration, and the ruling declining a request for the termination of the effect of sequestration may not be appealed.

Section 206

The immigration authority shall request expert assistance for gaining access to data stored in a sequestered device. If the stored data contain any personal data, the immigration authority shall be allowed to use and store such data for the time and to the extent required for establishing identity in the immigration proceedings. The immigration authority and the expert in its employ may not delete any data from the sequestered device, and shall use the device properly in the interest of extracting data from it.

Section 207

(1) If the sequestered article is a false or forged paper or document, it may not be released even after the conclusion of the immigration proceedings.

(2) Where money has been sequestered from a client, it may be withheld in security for any cash payment for which the client is liable.

(3) If the money sequestered from the client cannot be returned to the client for reasons within his or her control, after one year from the time of attempted return the immigration authority shall have the right to dispose of the sum thus remaining in its possession.

CHAPTER XXIX

REMEDIES AND DEMURRER OF ENFORCEMENT

136. Rules on remedies

Section 208

The provisions of this Act shall apply to redress procedures subject to the derogations provided for in this Chapter.

Section 209

(1) Unless otherwise provided for by law, the decisions adopted by the immigration authority may be subject to remedy.

(2) There shall be no remedy against the immigration authority's decision in favor of the application in residence permit proceedings.

(3) A ruling of the immigration authority may be subject to individual remedy if permitted

by this Act. In other cases the right to seek remedy against rulings may be exercised within the framework of remedies available against decisions, or failing this against rulings for the termination of the proceedings.

137. Appeals

Section 210

(1) Unless an act or government decree provide otherwise, an appeal may be lodged within fifteen days from the date of delivery of the decision at the competent immigration authority of first instance, save as otherwise provided by legislation.

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

(3) In the appeal no new evidence may be introduced, of which the client was aware before the decision was adopted. The appeal shall be reasoned. The immigration authority is not bound by the arguments set out in the appeal.

(4) An appeal may be lodged independently against a ruling of first instance:

- a) on refusing the application without examination as to merits;
- b) on the termination of the proceedings, unless otherwise provided by this Act;
- c) on a payment obligation provided for in this Act;
- d) on imposing an administrative penalty;
- e) on the refusal of justification for failure to observe the deadline for filing an appeal;
- f) on the restriction of exercising the right of access to documents or on the refusal of a request for exercising the right of access.

(5) The immigration authority of first instance shall forward the appeal together with the documents of the case to the authority of second instance within ten days following the time of receipt of the appeal - or within fifteen days where a specialist authority is involved -, unless the immigration authority has withdrawn or supplemented the appealed decision or made the requested amendment or correction, or if refuses the appeal without any examination as to merits, and also if the appeal is withdrawn before being forwarded. In the process of forwarding the appeal the immigration authority of first instance shall make known its position on the appeal.

(6) If the client lodged an application for justification for failure to observe the time limit for appeal, the time limit shall begin after the decision allowing for such justification becomes definitive. If the appeal is submitted to the immigration authority of appellate jurisdiction, the time limit for forwarding shall begin when the appeal is received by the immigration authority of first instance.

(7) The immigration authority of first instance shall forward the appeal to the specialist authority. If the appeal is not concerned with the assessment of the specialist authority, the authority of first instance shall not forward the appeal to the specialist authority. The specialist authority may modify or withdraw its assessment based on the appeal.

(8) The time limit for determining an appeal lodged against a decision shall be twenty-one days, and the time limit for determining an appeal lodged against a ruling shall be eight days.

(9) If the decision of the competent immigration authority can be appealed and

- a) the information available is insufficient to adopt a decision in the second instance,

b) new facts are presented after the decision has been adopted in the first instance,
c) incidentally further evidence is required to ascertain the relevant facts of the case, or
d) the decision of the authority of first instance is unlawful,
the immigration authority of second instance shall annul the decision and refer the case - by means of a ruling - back to the immigration authority of first instance to open new proceedings, or shall proceed to obtain additional evidence on its own accord, and shall adopt a decision accordingly.

(10) The rulings adopted by the immigration authority of second instance on rulings of first instance may not be appealed.

(11) The immigration authority of first instance shall refuse without any examination as to merits:

- a)* any appeal that is lodged beyond the relevant deadline;
- b)* any appeal that is filed by a person without proper entitlement;
- c)* any appeal lodged against a ruling that cannot be appealed independently; and
- d)* any appeal lodged in breach of the provisions set out in Subsection (3).

(12) Where a client submits an application for cost exemption inside the time limit specified in Subsection (13) for remedying deficiencies, it shall be determined by the authority of first instance.

(13) The authority of first instance shall, furthermore, refuse the appeal without any examination as to merits if the client failed to comply within the prescribed time limit with the obligation of payment of duties or an administrative service fee charged for the appellate procedure, in spite of being notified by the authority of first instance, and is not exempted from the payment of costs.

138. Demurrer of enforcement

Section 211

(1) If, according to this Act, a demurrer of enforcement may be lodged, it may be submitted to the immigration authority of first instance that made the decision within twenty-four hours after the communication of the decision.

(2) The demurrer of enforcement shall have no suspensive effect on the enforcement of return measures and on carrying out the deportation procedure.

(3) The third-country national affected may request suspension of the deportation procedure in the demurrer of enforcement lodged according to Subsection (4) of Section 113.

(4) The immigration authority of first instance shall forward the demurrer of enforcement lodged in accordance with Subsection (1), in the absence of applicability of Subsection (6), to the authority of competent jurisdiction within one day, and such authority shall render a decision on the demurrer of enforcement within eight days. No remedy shall lie against the decision on the objection to enforcement.

(5) If:

- a)* the information available to the authority of competent jurisdiction is insufficient to bring a decision,
- b)* new facts are presented after the decision challenged by the demurrer of enforcement has been adopted,
- c)* incidentally further evidence is required to ascertain the relevant facts of the case, or

d) the decision of the authority that has adopted the decision by the demurrer of enforcement is unlawful,

the authority of competence for determining the demurrer of enforcement shall annul the decision and refer the case - by means of a ruling - back to the immigration authority that has adopted the decision challenged by the demurrer of enforcement to open new proceedings, or shall proceed to obtain additional evidence on its own accord, and shall adopt a decision accordingly.

(6) The immigration authority that has adopted the challenged decision shall refuse the demurrer of enforcement without any examination as to merits:

a) if filed in delay;

b) if it was submitted by a person other than the one entitled to lodge a demurrer of enforcement;

c) the client failed to comply within the prescribed time limit with the obligation to pay the fee prescribed by the relevant legislation in spite of being notified by the authority of first instance, and has not been exempted from the payment of costs.

139. Administrative actions

Section 212

(1) In administrative actions brought in immigration matters the court shall - unless otherwise provided for by this Act - deliver its decision within sixty days from the time of receipt of the statement of claim. If court's action is required to render the statement of claim suitable for determination as to merits, the time limit shall begin at that time.

(2) Except for the proceedings for determining statelessness, the decisions of the immigration authority may not be overturned by the court.

CHAPTER XXX

RULES OF ENFORCEMENT

140. Enforcement of the decisions of the immigration authority

Section 213

(1) If the client fails to comply with the immigration authority's instruction set out in its definitive decision, it shall be deemed enforceable. Enforcement shall be ordered by means of a ruling, unless otherwise provided by this Act.

(2) The ruling ordering the enforcement may not be appealed.

(3) The immigration authority shall order enforcement of its own motion.

Section 214

Enforcement of a payment obligation ordered under this Act shall be carried out by the state tax authority, unless an act or government decree provide otherwise.

Section 215

(1) Unless otherwise provided for by this Act, the term of limitation of a payment obligation provided for by an act or implementing decree an enforcement order shall expire after three years from the last day of the time limit for performance.

(2) An administrative penalty may not be enforced after one year from the date when the decision on levying the administrative penalty became definitive. The period of limitation shall not include any period of deferment or installment plan granted for payment of the administrative penalty.

(3) The period of limitation shall be interrupted by any action taken for the enforcement of any unpaid administrative penalty. The period of limitation shall restart on the day of the interruption.

(4) The resolution on imposing the administrative penalty may not be enforced after two years from the date when the decision on levying the administrative penalty became definitive.

(5) The immigration authority shall ex officio suspend the enforcement of a ruling against a third-country national whose whereabouts are unknown or who resides abroad and who has been excluded, for the recovery of expenses advanced under obligation of repayment by the Hungarian State for as long as the exclusion order is in effect. The term of limitation shall be dormant for the duration of suspension of the enforcement procedure.

Section 216

(1) Any other obligation - other than a payment obligation - ordered by the immigration authority shall expire after five years from the date when the relevant decision became definitive.

(2) The term of limitation of a right of enforcement shall be interrupted by any act of enforcement.

(3) The term of limitation shall be dormant for the duration of suspension of the enforcement procedure.

(4) Ten years after the time specified in Subsection (1) the decision may not be executed.

Section 217

The authority ordering the enforcement shall terminate the enforcement procedure if:

a) the debt was time-barred, and termination of enforcement was requested by the obligor;

or

b) further procedural steps are not expected to bring any results.

CHAPTER XXXI

OTHER PROCEDURAL RULES

141. Costs of proceedings, bearing and prepayment of costs

Section 218

(1) Procedural costs shall cover all costs arising over the course of immigration proceedings.

(2) The fees for immigration proceedings subject to application shall be determined by legislation.

(3) Procedural costs that cannot be charged to anyone shall be covered by the competent immigration authority.

(4) Except as provided in Subsection (7), the costs of the procedure for taking evidence shall be advanced by the party requesting the evidence.

(5) The authority shall decide concerning prepayments at the time of occurrence of the costs, however, where the costs will be substantial, or if so justified by other reasons, the authority may order the client affected to deposit in advance the sum estimated to cover such costs with the authority.

(6) In immigration proceedings, if the administrative service fee provided for by other legislation was not determined, the relevant provisions of Act XCIII of 1990 on Duties shall apply.

(7) The cost of the real estate expert assigned by the immigration authority in the procedure for issuing the guest investor residence permit shall be paid in advance and borne by the applicant.

142. Legal aid

Section 219

In immigration proceedings relating to expulsion, third-country nationals shall have the opportunity to seek legal advice at their own expense, and to retain the services of legal counsel. The authority shall provide assistance in connection with legal advice, where deemed necessary, by means of providing an interpreter.

Section 220

(1) Third-country nationals shall have access to free legal aid - upon request - covered by legislation in connection with bringing administrative action for challenging a decision containing the order for immigration expulsion measure.

(2) The immigration authority shall deliver to the legal assistance service the application for legal aid for challenging the definitive expulsion decision without delay, by means of electronic communication equipment (such as electronic mail), with a copy of the decision on the expulsion enclosed.

143. Application of the Administrative Procedure Act

Section 221

In proceedings governed under this Act the following provisions of the Administrative Procedure Act shall apply, subject to the derogations specified in this Act:

1. Sections 1-6;
2. Section 15;

- 3. Subsections (1) and (4) of Section 20;
- 4. Section 22;
- 5. Subsections (1)-(3) and (5) of Section 23;
- 6. Sections 24-28;
- 7. Sections 33 and 34;
- 8. Subsections (1)-(3), (5) and (6) of Section 52;
- 9. Subsections (1), (4) and (5) of Section 53;
- 10. Section 54;
- 11. Sections 58-62;
- 12. Subsection (2) of Section 66;
- 13. Subsections (1)-(4) and (6) of Section 67;
- 14. Sections 71-73;
- 15. Subsections (2) and (3) of Section 77;
- 16. Section 78;
- 17. Paragraph *a*) of Subsection (2) of Section 81;
- 18. Section 82;
- 19. Section 84;
- 20. Subsection (5) of Section 85;
- 21. Section 86;
- 22. Subsection (2) of Section 88;
- 23. Sections 90 and 91;
- 24. Sections 108-110;
- 25. Sections 113-115;
- 26. Sections 120-123;
- 27. Sections 131-136.

CHAPTER XXXII

SPECIFIC PROCEDURAL RULES RELATING TO VARIOUS FORMS OF RIGHTS OF RESIDENCE

144. Special procedural rules relating to visas for a planned duration not exceeding ninety days

Section 222

Visas for a planned duration not exceeding ninety days shall be issued in accordance with the procedures and under the conditions set out in the Visa Code.

Section 223

(1) In the cases defined by the minister in charge of immigration, the minister in charge of foreign policies, the minister in charge of supervising the national security services, and the minister overseeing civil intelligence activities for reasons of public security and national security, and for assessment of the risks of illegal immigration and the prevention and

identification of abuses and fraud as provided for in the Visa Code, visas for a planned duration not exceeding ninety days may only be granted upon the prior consent of the central visa authority.

(2) The central visa authority shall consult with the central authorities of the Schengen States requesting consultation prior to granting consent for the issue of a visa for a planned duration not exceeding ninety days.

(3) The decisions adopted in connection with applications for visas for a planned duration not exceeding ninety days, if approved, may not be appealed.

(4) The decisions adopted for the refusal of applications for visas for a planned duration not exceeding ninety days, or for the annulment and revocation of visas, may be appealed.

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

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

(7) The court shall deliver its decision on the statement of claim in simplified proceeding, within eight days from the time of receipt of the statement of claim. The Fővárosi Törvényszék (*Budapest Metropolitan Court*) shall have exclusive jurisdiction to hear such cases. The decision of the court shall not be subject to redress procedure. The competent immigration authority shall promptly forward the application to the court together with the documents of the case and its statement of defense attached.

Section 224

(1) The diplomatic or consular missions of other Schengen States with proper entitlement may also issue visas for a planned duration not exceeding ninety days in the name and on behalf of Hungary.

(2) The diplomatic or consular missions of Hungary with proper entitlement may also issue visas in the name and on behalf of other Schengen States.

145. Presentation of applications for residence permit in the territory Hungary

Section 225

Unless otherwise provided for by law, applications submitted by third-country nationals present in the territory of Hungary for residence permit shall be accepted if they meet the requirements set out in Paragraphs *a*) and *c)-i*) of Subsection (1) of Section 17 and:

a) except as provided in Paragraphs *c*), *e*) and *f*), he or she is lawfully residing in the territory of Hungary as a national of the states listed in Annex II to Regulation 2018/1806/EU of the European Parliament and of the Council, and also where additional rights of residence may be granted on the grounds of the third-country national's residence, together with such third-country national in the capacity of a family member;

b) if the purpose of residence for a period longer than ninety days is research; or

c) an application for residence permit for migrant self-employment

ca) is submitted by a national of the states listed in Annex II of Regulation 2018/1806/EU of the European Parliament and of the Council for the first time, or

cb) is submitted in possession of a valid residence permit for migrant self-employment, with which the maximum period of stay permitted by this Act would expire calculated

together with the extension, not more than forty days before the expiration of the period of validity of the residence permit;

d) he or she is a third-country national lawfully residing in Hungary submits an application for guest investor residence permit;

e) an application for occupation-based residence permit

ea) is submitted by a national of the states listed in Annex II of Regulation 2018/1806/EU of the European Parliament and of the Council for the first time, or

eb) is submitted in possession of a valid occupation-based residence permit, with which the maximum period of stay permitted by this Act would expire calculated together with the extension, not more than forty days before the expiration of the period of validity of the residence permit;

f) an application for migrant worker's residence permit

fa) is submitted by a national of the states listed in Annex II of Regulation 2018/1806/EU of the European Parliament and of the Council for the first time, or

fb) is submitted in possession of a valid migrant worker's residence permit, with which the maximum period of stay permitted by this Act would expire calculated together with the extension, not more than forty days before the expiration of the period of validity of the residence permit;

g) a third-country national lawfully residing in the territory of Hungary or holding a certificate referred to in Paragraph *k)* of Subsection (1) of Section 20 submits an application for EU Blue Card;

h) he or she is a third-country national holding a residence permit issued for the purpose of an intra-corporate transfer issued by a Member State of the European Union submits an application for residence permit (permit for long-term mobility) for the purpose of intra-corporate transfer, and any a family member lawfully residing in Hungary with a third-country national holding such permit submits an application for residence permit, provided that their residence permit issued by the first Member State is valid;

i) he or she is a third-country national holding a valid residence permit for the purpose of job-searching or entrepreneurship applies for a Hungarian Card, EU Blue Card or residence permit for migrant self-employment;

j) he or she is a third-country national lawfully residing in Hungary with a valid residence permit for the purpose of taking up employment issued by a Member State of the European Union submits an application for residence permit for the purpose of posting;

k) he or she is a third-country national lawfully residing in Hungary submits an application for residence permit for reasons of national interest;

l) he or she is a third-country national holding a valid residence permit for the purpose of research submits an application for residence permit for the purpose of job-searching or entrepreneurship after the completion of his or her research activities;

m) he or she is a third-country national holding a valid residence permit for the purpose of studies submits an application for residence permit for the purpose of job-searching or entrepreneurship after the successful completion of his or her studies;

n) he or she is a student holding a residence permit for the purpose of studies issued by a Member State of the European Union, and submits an application for student mobility permit, and/or a notice;

o) he or she is a researcher holding a permit issued by another Member State of the European Union for the purpose of research submits an application for short-term and long-term mobility, and/or notice;

p) he or she is a family member lawfully residing in Hungary together with a third-country national holding a permit referred to in Paragraph *o*), issued by another Member State of the European Union submits a notice or an application for residence permit;

q) he or she is a third-country national holding a valid EU Blue Card issued by a Member State of the European Union submits an application for EU Blue Card;

r) he or she is a family member lawfully residing in Hungary together with a third-country national holding a permit referred to in Paragraph *q*), issued by another Member State of the European Union submits an application for residence permit.

146. Conditions for issuing and extending a residence permit, withdrawal of residence permits

Section 226

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

a) who fails to comply with either of the requirements set out in Paragraphs *a), c)-i)* of Subsection (1) of Section 17;

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

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

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

e) the residence permit issued to him or her would be in excess of the upper limit of the number of residence permits issued to third-country nationals with the same nationality for a year as prescribed by the Government by means of a decree.

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

Section 227

(1) Apart from the cases provided for in Paragraphs *b), c)* and *e)* of Subsection (1) of Section 226, the issue or renewal of a guest investor residence permit shall be refused also:

a) if the third-country national is unable to comply with the requirements set out in Paragraphs *a), c), d), f)-i)* of Subsection (1) of Section 17;

b) if the third-country national declares after the issue of the guest investor visa that he or she will not implement the investment undertaken in accordance with Paragraphs *c)* and *e)* of Subsection (2) of Section 16, or based on the available data and facts it appears unlikely that he or she will implement the investment;

c) in the event of non-compliance with the deadline prescribed in Subsection (7) of Section 22 for implementing the investment undertaken in accordance with Paragraphs c) and e) of Subsection (2) of Section 16;

d) in the case of an extension, if the third-country national has not fulfilled the requirements set out in Subsection (13) of Section 22.

(2) In addition to what is contained in Subsection (1), the issue of a guest investor residence permit shall be refused also if there exist a gross disparity in value according to the expert opinion prepared by a real estate expert assigned by the immigration authority between the purchase price and the value of the property.

(3) A guest investor residence permit shall be withdrawn:

a) in the cases set out in Paragraphs a)-c) of Subsection (1); or
b) if based on the data and information available, there is reason to believe that the investment undertaken in accordance with Paragraphs c) and e) of Subsection (2) of Section 16 will not exist within the period specified in this Act.

Section 228

(1) Apart from the cases provided for in Paragraphs a)-c) and e) of Subsection (1) of Section 226, the issue of a residence permit for the purpose of seasonal employment shall be refused also if the third-country national:

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

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

(2) Apart from the cases provided for in Paragraphs a)-c) and e) of Subsection (1) of Section 226, the renewal of a residence permit for the purpose of seasonal employment shall be refused, or the residence permit issued for the purpose of seasonal employment shall be withdrawn, also if the third-country national has already had a residence permit issued for the purpose of seasonal employment for six months within a period of twelve months before the date of submission of the application.

(3) The immigration authority may refuse to renew a residence permit for the purpose of seasonal employment, or may revoke a residence permit issued for the purpose of seasonal employment above and beyond the cases under Subsection (2) also if the third-country national applied to the refugee authority for refugee status, or requested any subsidiary form of protection or temporary protection from the refugee authority.

Section 229

The issue or extension of a residence permit issued for the purpose of seasonal employment, residence permit for the purpose of taking up employment for the implementation of an investment, occupation-based residence permit, migrant worker's residence permit and a National Card shall be refused also if the statement of the migrant worker under Subsection (3) of Section 33 is not enclosed with the application for the residence permit.

Section 230

(1) The issue of an EU Blue Card shall be refused if the third-country national fails to comply with either of the requirements set out in Subsection (2) of Section 37.

(2) In addition to the case referred to in Paragraph *e*) of Subsection (1) of Section 226, renewal of an EU Blue Card shall be refused or the EU Blue Card issued shall be withdrawn if the third-country national:

a) fails to comply with either of the requirements set out in Paragraphs *a*), *c*) and *d*) of Subsection (2) of Section 37, or failed to meet such conditions at the time of issue of the EU Blue Card;

b) does not have the higher professional qualifications required for the job in question, or the relevant higher professional skills of a set duration as defined by legislation;

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

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

e) is not engaged under any contract for employment relationship for at least three consecutive months over a period of two years after the issue of the EU Blue Card, or for at least six consecutive months past the two-year period after the issue of the EU Blue Card;

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

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

h) fails to comply with the requirement set out in Paragraph *b*) of Subsection (2) of Section 37 because

ha) the employer has not fulfilled its legal obligations defined by legislation relating to social security, taxation, employer's rights and/or working conditions, or

hb) the conditions for highly qualified employment are no longer fulfilled in the relevant occupational branches,

and no new employment relationship was reported within the time limit prescribed by the immigration authority in accordance with the relevant legislation;

i) failed to report any change in the conditions specified in Subsection (2) of Section 37 or the requirements set out in Paragraph *a*) of Subsection (1) of Section 150, except if able to verify that the notification was not received by the authority for reasons beyond his or her control; or

j) failed to meet the conditions defined in Section 38.

Section 231

(1) Apart from the cases provided for in Paragraphs *b*), *c*) and *e*) of Subsection (1) of Section 226, the issue or renewal of a residence permit for the purpose of intra-corporate transfer shall be refused also:

a) if the third-country national is unable to comply with the requirements set out in Paragraphs *a*), *c*), *d*), *f*)-*i*) of Subsection (1) of Section 17;

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

c) the third-country national has already had a residence permit issued for the purpose of intra-corporate transfer for a period of three years in the case of executive employees and specialists provided for in other legislation, or for one year in the case of trainee employees.

(2) A residence permit issued for the purpose of intra-corporate transfer shall be withdrawn in the cases provided for in Paragraphs *a*) and *b*) of Subsection (1).

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

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

- a*) if the third-country national fails to comply with the conditions specified in Section 42;
- b*) where Paragraph *b*) of Subsection (1) of Section 226 or Subsection (1) hereof apply with respect to the third-country national; or
- c*) if the third-country national's residence permit issued for the purpose of intra-corporate transfer in any Member State of the European Union has expired.

Section 232

(1) Apart from the cases provided for in Paragraphs *b*), *c*) and *e*) of Subsection (1) of Section 226, the issue or renewal of a residence permit for the purpose of studies, research, voluntary service and traineeship shall be refused, or an existing permit shall be withdrawn also if:

- a*) the third-country national does not fulfill the conditions set out in Paragraphs *a*)-*d*) and *f*)-*i*) of Subsection (1) and Subsection (4) of Section 17, Section 44, Subsection (1) of Section 54, Section 56, Section 59 and Section 65;
- b*) the host entity had not been accredited in accordance with the relevant legislation;
- c*) the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals;
- d*) where the host entity's business is being or has been undergoing liquidation proceedings under insolvency laws or no economic activity is taking place, and/or the host entity has failed to meet its legal obligations regarding social security, taxation, labor rights or working conditions;
- e*) the third-country national would reside for purposes other than those for which he or she applies to be admitted;
- f*) the third-country national failed to report the particulars of an actual place of accommodation in the territory of Hungary.

(2) The immigration authority may refuse the renewal of a residence permit for the purpose of studies, or may withdraw the permit if the student:

- a*) fails to comply with the conditions set out in Subsection (8) of Section 54; or
- b*) does not obtain the certificate within one and half times the period of time fixed for basic academic and examination requirements.

(3) If the grounds for refusal under Paragraph *c*) or *d*) of Subsection (1) in the case of withdrawal or renewal of the residence permit for the purpose of studies exist, the student

shall be allowed to present proof - before the decision is adopted - of pursuing studies in a field analogous with his or her prior studies.

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

Section 233

(1) Within thirty days from having received the complete notification for the issue of a short-term mobility certificate for the purpose of research, the immigration authority shall object - by means of a formal decision - to such notification where:

a) the notification is submitted not on the standard form and with data content provided for by specific other legislation, or if the researcher fails to comply with the requirements set out in Subsection (2) of Section 45;

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

c) the researcher has supplied false or untrue information to the immigration authority in the interest of obtaining the short-term researcher mobility certificate; or

d) the maximum duration of stay referred to in Subsection (1) of Section 45 has been reached.

(2) The immigration authority shall make out a certificate on the acceptance of the notification for short-term researcher mobility certificate with data content provided for in other legislation.

(3) Within thirty days from having received the complete notification provided for in Subsection (3) of Section 45 of the researcher's family member, the immigration authority may object - by means of a formal decision - to such notification where:

a) the requirements set out in Subsection (3) of Section 45 are not satisfied;

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

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

d) the immigration authority objected to the researcher's notification for the issue of a short-term researcher mobility certificate.

(4) The immigration authority shall make out a certificate on the acceptance of the notification referred to in Subsection (3) of Section 45 with data content provided for in other legislation.

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

a) the application is submitted not on the standard form and with data content provided for by other legislation, or if the researcher fails to comply with the requirements set out in Subsection (2) of Section 46;

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

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

d) the maximum duration of stay referred to in Subsection (3) of Section 46 has been

reached.

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

- a) if the researcher ceases to comply with the requirements set out in Subsection (2) of Section 46;
- b) if the researcher's residence will be a threat to public order, public security, national security or public health in Hungary; or
- c) in the case under Subsection (1) of Section 232.

(7) The immigration authority shall refuse the application for residence permit provided for in Subsection (4) of Section 46, submitted by the researcher's family member, where:

- a) the requirements set out in Subsection (4) of Section 46 are not satisfied;
- b) the third-country national or the researcher has supplied false or untrue information to the immigration authority in the interest of obtaining the long-term mobility permit for the purpose of research;
- c) the family member's residence will be a threat to public order, public security, national security or to public health in Hungary;
- d) the immigration authority refused the researcher's application for long-term mobility residence permit for the purpose of research, or has withdrawn such residence permit;
- e) the validity period of the researcher's residence permit issued in the first Member State has expired;
- f) the duration of stay referred to in Subsection (3) of Section 46 has been reached; or
- g) in the case under Subsection (1) of Section 232.

(8) The immigration authority may withdraw the long-term mobility residence permit for the purpose of research issued for the researcher's family member provided for in Subsection (4) of Section 46 if the researcher's long-term mobility residence permit for the purpose of research has been withdrawn, and the family member is not entitled to stay on his or her own right.

Section 234

(1) Within thirty days from having received the complete application or notification for mobility residence permit, the immigration authority shall refuse to issue the student mobility residence permit defined in Subsection (2) of Section 56, or shall object - by means of a formal decision - to the notification defined in Subsection (4) of Section 56, where:

a) the application referred to in Subsection (2) of Section 56 is submitted not on the standard form and with data content provided for by specific other legislation, and/or if the student fails to comply with the requirements set out in Subsection (3) of Section 56;

b) the notification referred to in Subsection (4) of Section 56 is submitted not on the standard form and with data content provided for by specific other legislation, or if the student fails to comply with the requirements set out in Subsection (5) of Section 56;

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

d) the student has supplied false or untrue information to the immigration authority in the interest of obtaining the student mobility permit; or

e) the maximum duration of stay referred to in Subsection (6) of Section 56 has been reached.

(2) The immigration authority shall make out a certificate on the acceptance of the

notification referred to in Subsection (4) of Section 56 with data content provided for in other legislation.

Section 235

(1) In addition to the case referred to in Paragraph *e*) of Subsection (1) of Section 226, the issue of a residence permit for the purpose of job-searching or entrepreneurship shall be refused if the third-country national:

- a*) fails to satisfy the conditions specified in Section 47 or Section 55;
- b*) submitted the application past the deadline prescribed by other legislation.

(2) In addition to the case referred to in Paragraph *e*) of Subsection (1) of Section 226, the residence permit for the purpose of job-searching or entrepreneurship shall be withdrawn also if the third-country national:

- a*) no longer meets the requirements laid down in Paragraphs *a*), *f*), *g*)-*i*) of Subsection (1) of Section 17;
- b*) failed to report the particulars of an actual place of accommodation in the territory of Hungary; or
- c*) failed to verify after three months from the issue of the residence permit under Section 47 of Section 55 that he or she has a genuine chance of being engaged or of launching a business.

Section 236

The issue or renewal of a residence permit for official business shall be refused, or the residence permit issued for official business shall be withdrawn, above and beyond the cases defined in Paragraphs *a*)-*c*) and *e*) of Subsection (1) of Section 226, if the third-country national fails to comply with the conditions set out in Section 60.

Section 237

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 Paragraphs *h*) and *i*) of Subsection (1) of Section 17; or
- c*) to whom either of the conditions set out in Paragraphs *b*) and *c*) of Subsection (1) of Section 226 apply.

Section 238

The immigration authority shall withdraw the White Card in the cases set out in Subsection (1) of Section 226 and also if the third-country national:

- a*) is unable to comply with the conditions specified in Subsection (2) of Section 62 or either of the conditions defined in Subsection (3) of Section 62 apply;
- b*) has left the territory of Hungary for a period of over ninety days; or
- c*) is working for, or in the interest of, a domestic employer, or acquired an ownership interest in a Hungarian enterprise.

Section 239

Apart from the cases provided for in Paragraphs *a)-c)* and *e)* of Subsection (1) of Section 226, the renewal of a residence permit for medical purposes shall be refused, or the residence permit issued for medical purposes shall be withdrawn also if the third-country national fails to comply with the conditions set out in Section 64.

Section 240

In the cases under Paragraphs *b), d)* and *e)* of Subsection (1) of Section 226, the issue or extension of a residence permit for the purpose of family reunification may be refused, and the residence permit issued may be withdrawn.

Section 241

By way of derogation from Subsection (1) of Section 226, a residence permit granted on humanitarian grounds may not be extended, or it shall be withdrawn if:

- a)* any requirement for issue is no longer satisfied;
- b)* the third-country national in question has disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence;
- c)* withdrawal is requested by the authority or body on whose initiative it was issued on the grounds specified in Paragraph *a)* or for some other reason.

147. Provisions relating to the issue and renewal of a single permit

Section 242

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

- a)* a residence permit for the purpose of seasonal employment;
- b)* a residence permit for the purpose of taking up employment for the implementation of an investment;
- c)* an occupation-based residence permit;
- d)* a migrant worker's residence permit;
- e)* a National Card;
- f)* a Hungarian Card;
- g)* an EU Blue Card;
- h)* a residence permit for the purpose of intra-corporate transfer;
- i)* a residence permit for the purpose of research;
- j)* a short-term researcher mobility certificate;
- k)* a long-term mobility residence permit for the purpose of research;
- l)* a Company Card provided for in Paragraphs *b)* and *c)* of Subsection (2) of Section 48; and
- m)* a residence permit issued for reasons of national interest under Subsection (2) of Section 67.

(2) The issue or renewal of a residence permit is carried out by way of the single

application procedure also if the third-country national plans to enter into a contract for employment relationship in accordance with the permits granted for the purpose of taking up employment under this Act, and:

a) applied for a humanitarian residence permit provided for in Paragraphs *a), e) and f)* of Subsection (1) of Section 70;

b) applied for a residence permit for the purpose of family reunification.

(3) The issue or renewal of a residence permit is carried out by way of the single application procedure also if the third-country national plans to enter into a contract for employment relationship in accordance with the permits granted for the purpose of taking up employment under this Act, and:

a) has a residence permit for the purpose of family reunification;

b) has a Company Card defined in Paragraph *a)* of Subsection (2) of Section 48;

c) has a residence permit issued on humanitarian grounds under Paragraphs *a), e) and f)* of Subsection (1) of Section 70; or

d) has a residence permit issued for reasons of national interest.

(4) The single application procedure shall not apply:

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

b) to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council, as long as he or she is posted on the territory of Hungary;

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

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

e) to any person who has been granted refugee status, or any subsidiary form of protection or temporary protection in Hungary, except if applying for an EU Blue Card;

f) to persons authorized to stay;

g) to any third-country national holding an EU residence permit certifying continuous residence status granted by any Member State of the European Union;

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

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

j) to any third-country national who plans to enter and stay in the territory of Hungary for a short period of time.

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

(6) Except as specified in Subsection (7), the immigration authority shall have power to issue a single permit within the framework of a single authorization procedure, if:

a) the third-country national's employment is justified in line with specific guidelines laid down by the relevant legislation, or on grounds of domestic employment policy considerations relying on the specialist authority's assessment - in proceedings of first instance by the government agency of jurisdiction by reference to the place of work, save as otherwise provided by legislation, in proceedings of second instance by the minister responsible for the employment of third-country nationals in Hungary - or if the third-country national in question is exempt from such considerations under other legislation; and

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

(7) In single application procedures the government agencies and the minister responsible for the employment of third-country nationals in Hungary shall not be involved as specialist authority if the third-country national:

1. applies for a migrant worker's residence permit;
2. applies for the issue or renewal of a residence permit issued for the purpose of taking up employment for the implementation of an investment;
3. applies for the issue or renewal of a National Card;
4. performs work within the framework of post-doctorate related employment, or under the Bolyai János Research Scholarship based on application or within the framework of the scholarship program;
5. is an ecclesiastical person provided for in Subsection (1) of Section 12 of Act CCVI of 2011 on the Right to Freedom of Conscience and Religion, and on the Legal Status of Churches, Religious Denominations and Religious Communities;
6. 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*);
7. 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;
8. is a professional athlete involved in sporting activities within the framework of employment;
9. is a professional trainer engaged in activities to prepare professional athletes for sporting activities;
10. is a close relative of military personnel of Member States which are parties to the NATO-SOFA Agreement, stationed in the territory of Hungary and of the civilian staff described under Paragraphs a) and b) of Point 1 of Article I of the NATO-SOFA Agreement;
11. is a family member of a third-country sponsor provided for in Section 71, 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;
12. is a family member of a person who has been granted refugee status or subsidiary protection, or is the parent of an unaccompanied minor recognized as a refugee, or his or her guardian in the absence thereof, provided that he or 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;
13. applies for a residence permit in accordance with Subsection (16) of Section 95 of the Free Movement Act;
14. applies for residence permit as a family member of a Hungarian citizen;
15. applies for residence permit issued for reasons of national interest in accordance with Subsection (2) of Section 67.

(8) Employers are required - in accordance with Subsection (3) of Section 3 of Act CXXXV of 2020 on Services and Aids Intended to Promote Employment, and on the

Supervision of Employment - to report their labor force demand before the single application procedure for

- a) the issue or renewal of a residence permit for the purpose of seasonal employment, and
- b) for the issue of a migrant worker's residence permit

for the purpose of filling a job vacancy or vacancies, and to submit to the government employment agency a request for a simplified mediation procedure defined in the Government Decree on Services and Aids Intended to Promote Employment.

(9) The application for residence permit specified in Paragraph b) of Subsection (8) shall be accompanied by a certificate issued by the government employment agency on the notification of labor requirement and the result of the simplified mediation procedure conducted.

CHAPTER XXXIII

STATELESSNESS DETERMINATION PROCEDURES

148. Procedures for the determination of stateless status

Section 243

(1) Procedures for the determination of stateless status shall be opened upon request submitted to the immigration authority by a person who lawfully resides in the territory of Hungary (for the purposes of this Chapter hereinafter referred to as "applicant") for recognition of his or her stateless status, which is to be presented verbally or in writing.

(2) Any request submitted verbally shall be recorded in writing by the immigration authority.

(3) Upon submitting the application, the immigration authority shall inform the applicant concerning his or her rights and obligations in the proceedings, the legal consequences of any breach of such obligations and of the designated place of accommodation.

(4) Acknowledgment of the information shall be recorded in writing.

Section 244

(1) The applicant shall attend the proceedings in person and shall be interviewed.

(2) The applicant may use his or her native language or a language he or she understands for verbal and written communication during the proceedings.

(3) The applicant shall be provided access to legal counseling.

Section 245

(1) An application for stateless status shall be refused by way of a formal decision if the applicant:

a) falls within the scope of Paragraph 2 of Article 1 of the United Nations Convention relating to the Status of Stateless Persons signed in New York on 28 September 1954, promulgated by Act II of 2002;

b) terminated his or her nationality deliberately, with a view to obtaining stateless status;

or

c) is considered to be a threat, or his or her residence is considered to be harmful to the national security of Hungary.

(2) The immigration authority shall terminate the proceedings:

a) if the applicant dies;

b) if the applicant withdraws his or her application in writing;

c) if the applicant fails to appear in the interview in person in spite of repeated written notices and is unable to justify his or her absence;

d) if the proceeding cannot continue for the applicant's whereabouts is unknown.

(3) The competent authority shall adopt a decision within forty-five days in proceedings for the determination of stateless status.

(4) In proceedings for determining statelessness the authority provided for in other legislation shall make available its assessment decision as to whether a third-country national constitutes a threat to the national security of Hungary to the competent immigration authority within twenty days.

Section 246

(1) In the proceedings for the determination of stateless status the applicant is required to prove or substantiate his or her stateless status, with particular regard to the State:

a) where his or her place of birth is located;

b) where his or her previous permanent or habitual residence is located; and

c) of the nationality of his or her family members and parents.

(2) In the proceedings referred to in Subsection (1) the immigration authority shall - upon request - provide administrative help via the Hungarian foreign missions.

Section 247

(1) Decisions adopted in proceedings for the determination of stateless status may not be appealed.

(2) Decisions may be challenged by bringing administrative action within fifteen days. The authority shall promptly forward the statement of claim to the court together with the documents of the case and its statement of defense attached.

(3) The Fővárosi Törvényszék (*Budapest Metropolitan Court*) shall have exclusive jurisdiction to hear such cases. The court shall deliver its decision on the statement of claim within ninety days from the time of receipt of the statement of claim. In the hearing the court may interview the applicant in person as well.

(4) The proceedings for the determination of stateless status are exempt from charges.

Section 248

The representative of the Office of the United Nations High Commissioner for Refugees may participate in any stage of the proceedings for the determination of stateless status. In that context,

a) the representative may be present when the applicant is interviewed;

b) the representative may provide administrative assistance to the applicant;

c) the representative may gain access to the documents of the proceedings and make copies thereof;

d) the immigration authority shall send the administrative decision or court decision to the representative.

149. Review of the conditions for determining statelessness

Section 249

(1) Stateless status shall be withdrawn if:

- a)* the stateless person has voluntarily reacquired his or her lost nationality;
- b)* the stateless person has acquired a new nationality;
- c)* it was granted in spite of the existence of the exclusion clauses referred to in Subsection (1) of Section 245, or if falling under the said exclusion clauses;
- d)* the conditions for the decision on granting temporary protection did not exist at the time it was adopted;
- e)* the stateless person has misled the authorities during the procedure for determining statelessness by presenting false information or documents or by withholding relevant information or documents, provided that it had a decisive impact on the decision for determining statelessness.

(2) The provisions of Sections 243-248 shall apply mutatis mutandis to the withdrawal proceedings.

(3) The competent immigration authority shall adopt a decision within forty-five days in proceedings for the review of stateless status.

PART TEN

REGULATIONS RELATING TO THE PROCESSING OF THE DATA OF THIRD-COUNTRY NATIONALS

150. General provisions

Section 250

For the purposes of this Part:

*a)*⁵

*b)*⁶

c) ‘natural identification data’ shall mean:

ca) surname and forename (names),

cb) surname and forename (names) at birth,

cc) any previous surname and forename (names),

cd) place and date of birth,

ce) sex,

⁵ This provision shall enter into force on the day set out in the Commission decision referred to in Article 66(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council.

⁶ This provision shall enter into force on the day set out in the Commission decision referred to in Article 88(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council.

- cf) mother's surname and forename (names) at birth;
- cg) nationality (nationalities) or stateless status;
- d)⁷
- e) 'Visa Information System' shall mean the Visa Information System as established by Council Decision 2004/512/EC;
- f) 'Visa Code' shall mean Regulation (EC) No. 810/2009 of the European Parliament and of the Council.

Section 251

The immigration authority shall process the personal data of third-country nationals obtained within the framework of this Act in the sub-registers of the central immigration register for the purpose of establishing their identity, for checking the authenticity of documents, to determine the duration of lawful residence and to avoid any overlap in procedures.

Section 252

(1) For the purpose of verifying the residence of a third-country national in Hungary or in the territory of a Member State of the European Union, and in the case of interrelated rights of residence with a view to exercising related rights, the duration of data processing shall end at the time specified in connection with the most recent rights of residence.

(2) In relation to Subsection (1), all residence rights that are conditional or consequential of each other are construed interrelated rights of residence, such as in particular the extension of a residence permit, the shorter right of residence stipulated as a condition for receiving the right of continuous residence, provided that they are connected to each other in time.

Section 253

The immigration authority shall entrust the data processing duties related to the central immigration register exclusively to government agencies, or business associations owned by the State exclusively.

151. Immigration sub-registers

Section 254

(1) The immigration authority shall process the following data of third-country nationals in connection with visa applications and the visa issued, or document in place of visas (in this Section hereinafter referred to collectively as "visa"):

- a) natural identification data;
- b) facial image;
- c) particulars of the travel document;
- d) the purpose of entry and the planned duration of stay, and the country of previous usual residence;

⁷ Shall enter into force as of 1 January 2025.

- e) particulars of the documents provided in support of the conditions required for entry and stay;
- f) the fact and reasons for the refusal of a new visa or for the renewal of an existing one, and for the withdrawal of a visa;
- g) the number and validity period of the visa issued (extended), and information relating to limited territorial validity;
- h) the date and place of entry and exit, and the country of next usual residence;
- i) address of the place of accommodation;
- j) the technical catalogue number assigned to each facial image, as provided in the Act on the Facial Images Analysis Database and on the Facial Recognition System;
- k) the name and address for service of process of the third-country national's authorized representative.

(2) The immigration authority shall process the data referred to in Subsection (1) for five years in connection with the refusal of a visa application from the date when refused, in connection with a visa issued (extended) from the date of expiry or the date of withdrawal.

(3) In connection with visa applications submitted at any land, air or water border crossing points of Hungary under Chapter VI of the Visa Code, the competent immigration authority shall take the applicant's fingerprint and shall forward it to the immigration authority in charge for the assessment of visa applications for having the immigration authority in charge for the assessment of visa applications entering the data in the Visa Information System in accordance with Article 9 of Regulation (EC) No. 767/2008 of the European Parliament and of the Council (hereinafter referred to as "VIS Regulation").

(4) The immigration authority having collected the applicant's fingerprint shall process such fingerprint data until it is forwarded to the immigration authority in charge for the assessment of visa applications. Thereafter the fingerprint data must be deleted without delay.

(5) The immigration authority in charge for the assessment of visa applications shall process the fingerprint data only until it is entered in the Visa Information System. Thereafter the fingerprint data must be deleted without delay.

(6) The immigration register shall be construed as an official public register regarding the data provided for in Subsection (1).

Section 255

(1) The immigration authority shall have powers to take the fingerprints of third-country nationals for the purpose of cross-referencing in the Visa Information System, and for the purpose of verification under Articles 19 and 20 of the VIS Regulation.

(2) The immigration authority shall be authorized to process the fingerprints collected for the purposes mentioned in Subsection (1) for running the search under Articles 19 and 20 of the VIS Regulation, until it is completed, and shall thereafter delete them without delay.

Section 256

(1) The immigration authority shall process the following data of third-country nationals in connection with applications for residence permits, mobility notifications and the residence permits issued, and with mobility certificates:

- a) natural identification data;
- b) facial image;

- c) particulars of the travel document;
- d) the purpose of stay;
- e) the fact and reasons for the refusal of a new residence permit and mobility certificate, or for the extension of an existing one, including any objection, and for the withdrawal of a residence permit or mobility certificate;
- f) the number, serial number and validity period of the residence permit, and mobility permit issued (extended);
- g) address of the place of accommodation;
- h) the duration of the intended stay;
- i) country of previous usual residence;
- j) data related to professional qualifications and education;
- k) the name and address for service of process of the third-country national's authorized representative;
- l) particulars of the documents provided in support of the conditions required for entry and stay;
- m) the date of first entry and final exit;
- n) facial image and fingerprint provided for in Council Regulation 1030/2002/EC, Council Regulation 380/2008/EC and Regulation 2017/1954/EU of the European Parliament and of the Council;
- o) the technical catalogue number assigned to each facial image, as provided in the Act on the Facial Images Analysis Database and on the Facial Recognition System;
- p) details regarding the delivery of the residence permit document.

(2) The data referred to in Paragraph l) of Subsection (1) are as follows:

- a) data supplied by the third-country national so as to support his or her application;
- b) in single application procedures:
 - ba) employer information (name, address, registered address, place of business, company form, tax number, KSH number, TEÁOR number),
 - bb) place of work,
 - bc) the occupation (FEOR number), and
 - bd) duration of the employment relationship;
- c) knowledge required for the performance of work (practical experience, skills, special expertise, vocational skills, knowledge of languages);
- d) particulars of the educational institution or the host entity.

(3) The immigration authority shall process the data referred to in Subsection (1), except as provided in Subsection (4), until the end of the fifth calendar year in connection with the refusal of an application for residence permit, or any objection against notification for mobility from the date when refused, in connection with a residence permit issued (extended) or mobility certificate from the date of expiry, or from the date of withdrawal.

(4) The immigration authority shall be allowed to process the data referred to in Paragraph n) of Subsection (1) hereof insofar as the definitive and enforceable decision is adopted relating to the application for residence permit, or until the humanitarian residence permit specified in Paragraphs a), b) and d)-f) of Subsection (1) of Section 70 is issued, after which the data in question must be deleted immediately.

(5) The immigration register shall be construed as an official public register regarding the data provided for in Paragraphs a)-j) of Subsection (1) and Subsection (2).

The immigration authority shall be allowed to process the facial images and fingerprints taken for the purposes of local border traffic permits in accordance with Council Regulation 1030/2002/EC and Council Regulation 380/2008/EC insofar as the definitive and enforceable decision is adopted relating to the application for local border traffic permit, after which the data in question shall be deleted immediately.

Section 258

(1) The immigration authority shall process the following data of third-country nationals in connection with certificates of temporary residence:

- a) natural identification data;
- b) facial image;
- c) the number, serial number and validity period of the certificate of temporary residence issued (extended);
- d) address of the place of accommodation;
- e) particulars of the travel document;
- f) the reason for the issue of the certificate of temporary residence;
- g) any extension of the certificate of temporary residence, and its withdrawal, including the reasons for the extension and withdrawal;
- h) the technical catalogue number assigned to each facial image, as provided in the Act on the Facial Images Analysis Database and on the Facial Recognition System.

(2) The immigration authority shall process the data referred to in Subsection (1) until the end of the fifth calendar year from the date of expiry, or from the date of withdrawal of the certificate of temporary residence issued (extended).

(3) The immigration register shall be construed as an official public register regarding the data provided for in Paragraphs a)-d) of Subsection (1).

Section 259

(1) The immigration authority shall process the following data of third-country nationals in connection with applications for immigration permits and permanent residence permits, temporary residence cards, national residence cards or EU residence cards, and for temporary residence permits, national permanent residence permits, EC permanent residence permits or as regards temporary residence cards, national residence cards or EU residence cards issued:

- a) natural identification data;
- b) facial image;
- c) the fact of refusal of these permits and the fact of their withdrawal;
- d) the number, serial number and validity period of the permits issued (extended);
- e) particulars of the travel document;
- f) particulars of the documents provided in support of the conditions required for these permits;
- g) the date of first entry and final exit, the country of previous usual residence and the country of next usual residence;
- h) first registered address in Hungary;
- i) facial image and fingerprint defined in Council Regulation 1030/2002/EC and Council Regulation 380/2008/EC;
- j) the technical catalogue number assigned to each facial image, as provided in the Act on

the Facial Images Analysis Database and on the Facial Recognition System;

k) the name and address for service of process of the third-country national's authorized representative.

(2) Except as provided in Subsection (3), the immigration authority shall process the data referred to in Subsection (1) for ten years in connection with the refusal of an application for these permits from the date when refused, or from the date of termination of the legal status in question.

(3) The immigration authority shall be allowed to process the data referred to in Paragraph *k)* of Subsection (1) insofar as the definitive and enforceable decision is adopted relating to the application for the permit, after which the data in question shall be deleted immediately.

Section 260

(1) The foreign missions of Hungary and the immigration authority shall process the following data of third-country nationals applying for travel document or single-entry travel document:

- a)* natural identification data;
- b)* number and validity of the document evidencing the right of continuous residence, stateless status;
- c)* the third-country national's facial image and handwritten signature;
- d)* type, number and validity of the travel document issued;
- e)* details for the exchange or replacement of the travel document;
- f)* unique identification code of the officer of the relevant passport authority;
- g)* the third-country national's address of place of accommodation or home address, and e-mail address and phone number subject to prior consent;

h) personal data, personal identification code of the legal representative of a minor or a third-country national placed under conservatorship precluding legal competency, including the number of the legal representative's official identification certificate and handwritten signature;

i) in the case of minors, the particulars of the statement of consent for outbound travel, and of the details of the final decision on the cessation or suspension of the parent's right of custody, the name of the court or authority, the case number, date of the decision, the period of suspension, and the starting date of termination;

j) information on the processing of a SIS alert issued in the Schengen Information System;

k) an indication of any outbound travel restriction, or the lifting of such restriction;

l) the reasons for the refusal of an application for travel document.

(2) The immigration authority shall process the data referred to in Subsection (1) for ten years in connection with the refusal of an application for travel document from the date when refused, in connection with a travel document issued from the date of expiry or the date of withdrawal.

(3) The immigration register shall be construed as an official public register regarding the data provided for in Paragraphs *a)-f)* of Subsection (1).

Section 261

(1) The immigration authority shall process the following data of third-country nationals whose travel document or document evidencing right of residence was reported lost or stolen:

- a) natural identification data;
- b) type of travel document or document evidencing right of residence reported lost, stolen or destroyed, and its particulars, and an indication if a SIS alert has been issued in the Schengen Information System;
- c) the date and time when reported;
- d) the number and validity of the document evidencing residence and the name of the issuing authority;
- e) the type, number and validity of the new travel document;
- f) name of the authority to which the report was filed.

(2) The immigration authority shall process the data referred to in Subsection (1) until the travel document is found, or for a maximum period of ten years from the date of data entry.

(3) The immigration register shall be construed as an official public register regarding the data provided for in Paragraphs a)-e) of Subsection (1).

Section 262

(1) The immigration authority shall process the following data of a third-country national who has been ordered to leave the territory of Hungary or the territory of all Member States of the European Union and other Schengen States, or who is subject to compulsory confinement, expulsion ordered under immigration laws, expulsion ordered by the refugee authority, expulsion by court order, exclusion, detention prior to expulsion or immigration detention:

- a) natural identification data;
- b) information on the place of accommodation;
- c) facial image and fingerprint;
- d) the way of entering the country;
- e) the name of the ordering body and the measure, the number of the decision;
- f) the legal grounds for the measure, order or decision, and the related deadline or duration;
- g) the nature of the threat to public order, public security, national security, behavioral characteristics;
- h) in connection with the expulsion, any liability for covering the costs, and the amount thereof;
- i) country of expulsion;
- j) the date and place of exit in connection with expulsion; and
- k) if immigration bail is posted:
 - ka) the amount of the immigration bail,
 - kb) the registration number of the immigration bail,
 - kc) the date and time of posting (payment) of the immigration bail,
 - kd) the number of the decision establishing the posting of the immigration bail,
 - ke) if the expelled, deported third-country national requests the immigration bail to be transferred to another person, the name, home address, place of accommodation or habitual residence of that person, and the number of his or her travel document, residence authorization or other personal identification document, furthermore, the bank account number,
 - kf) the date of return of the immigration bail,
 - kg) the date when the immigration bail shall devolve upon the State.

(2) The immigration authority shall process the following data of third-country nationals in connection with requesting assistance relating to or the authorization of transit for the purposes of expulsion by air:

- a) natural identification data;
- b) the type, number and validity of the travel document;
- c) particulars of direct flight or flights used for the purpose of expulsion (flight number, place of departure and arrival, time of departure and arrival);
- d) the reasons for official escort, if any;
- e) information relating to medical treatment and to contagious diseases that can be identified;
- f) information concerning any previous failed attempt for expulsion.

(3) The immigration authority shall process the data specified in Subsection (1) for five years after the expulsion or exclusion is lifted.

(4) The immigration authority shall process the data specified in Subsection (2) for five years following the date when the request for transit was received.

(5) The immigration register shall be construed as an official public register regarding the data provided for in Subsection (1).

Section 263

(1) The immigration authority shall process the following data of third-country nationals subject to outbound travel restriction:

- a) the natural identification data of such third-country nationals;
- b) the name of the authority ordering the outbound travel restriction; and
- c) type, number and validity of the third-country national's travel document.

(2) The immigration authority shall process the data specified in Subsection (1) for three years after the restriction is lifted.

(3) The immigration register shall be construed as an official public register regarding the data provided for in Subsection (1)

Section 264⁸

Section 265⁹

Section 266¹⁰

Section 267

(1) In conjunction with the commitments of Hungary conferred in international treaties and conventions, the immigration authority shall process the following data of third-country nationals detained or taken into custody in Hungary or whose liberty has been limited in any

⁸ This provision shall enter into force on the day set out in the Commission decision referred to in Article 66(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council.

⁹ This provision shall enter into force on the day set out in the Commission decision referred to in Article 88(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council.

¹⁰ Shall enter into force as of 1 January 2025.

other way, or affected by some extraordinary event (i.e. death, accident resulting in serious injury, etc.):

- a) natural identification data;
- b) address of the place of accommodation, home address;
- c) information on the extraordinary event, name of the acting authority and the case number.

(2) The immigration authority shall process the data specified in Subsection (1) for three years after the information obligation is discharged.

Section 268

The immigration authority shall process the data specified in Article 14(1) of Regulation (EU) No. 603/2013 of the European Parliament and of the Council.

Section 269

(1) In its proceedings provided for in this Act, the immigration authority shall have power to obtain and process personal data from the records of the International Criminal Police Organization accessible publicly through the INTERPOL FIND alerts on persons networked database, which data can be processed in accordance with this Act.

(2) In its proceedings provided for in this Act, the immigration authority shall have power to obtain and process personal data construed as information of public interest, which can be processed in accordance with this Act, including data from publicly available foreign data sources.

Section 270

(1) The immigration authority shall have power to process the following data of proceedings for the issue of letters of invitation opened in accordance with Act II of 2007 on the Admission and Residence of Third-Country Nationals (hereinafter referred to as "RRTN") before the time of entry into force of this Act:

- a) the natural identification data of the host, if a natural person, or the corporate name of the host if a legal person or an unincorporated organization;
- b) the host's home address if a natural person, or the host's registered office (place of business) if a legal person or unincorporated organization;
- c) the natural identification data of the invited third-country national;
- d) the duration of commitment;
- e) the serial number of the letter of invitation with an official certificate affixed;
- f) if the official certificate is refused, the reasons therefor.

(2) The immigration authority shall process the data referred to in Subsection (1) for five years following the expiration of the commitment.

Section 271

The immigration authority shall process the following data of entities hosting trainees:

- a) the host entity's name, registered office and tax number;
- b) the name and the beginning and end of the traineeship program;
- c) in the case of host entities banned from the continuation of the traineeship program, the

date of the beginning and end of the ban, including the reason for the ban.

152. Transmission of data

Section 272

(1) The immigration authority may disclose data of the type specified by law from the immigration sub-registers to the following bodies to the extent required to discharge their duties conferred upon them by law:

1. judicial bodies;
2. the investigating authority and the body conducting preliminary proceedings;
3. the national security services;
4. the refugee authority;
5. the tax and customs authority;
6. the authorities participating in immigration proceedings;
7. law enforcement agencies;
8. the body in charge of naturalization and nationality matters and the minister in charge of naturalization and nationality;
9. the body operating the register of personal data and address records of citizens;
10. the employment supervisory authority;
11. the occupational safety authority;
12. the public health authority;
13. the health insurance administration agency, rehabilitation authority and the pension insurance administration agency;
14. the bodies of municipal governments vested with regulatory capacity;
15. district (Budapest district) offices of Budapest and greater county government agencies;
16. misdemeanor authorities and the authorities conducting misdemeanor preliminary hearings so as to verify the identity of the respondent in the misdemeanor proceedings;
17. penal institutions in the process of reception for the purpose of verifying the identity of convicted persons, and for information purposes concerning administrative expulsion;
18. stemming from Article 27 of Regulation (EU) No. 514/2014 of the European Parliament and of the Council, the Responsible Authority provided for in the Government Decree on the Appropriation of Aids from the Internal Security Fund and the Asylum, Migration and Integration Fund During the 2014-2020 Program Period (hereinafter referred to as "Responsible Authority") for the purpose of monitoring the appropriation of European Union financial assistance;
19. to the company information and electronic company registration service for checking the identity of persons shown in the register of companies;
20. the body in charge of the traffic records and the traffic control authority, by way of direct access, for the verification of the identity of persons contained in the traffic records, for verifying the power of representation and for discharging their vested duties relating to traffic administration and control;
21. as follows from Articles 12, 31, 36-40, 48, 49, 51 and 52 of Regulation 2019/1896/EU of the European Parliament and of the Council, the European Border and Coast Guard Agency and its staff for the purposes laid down in Regulation 2019/1896/EU of the European Parliament and of the Council, and the staff of the bodies set up under Articles 12,

31, 36-40, 48, 49, 51 and 52 of Regulation 2019/1896/EU of the European Parliament and of the Council;

22. the body operating the education information system provided for in the Act on the Education Information System; and

23. Hungarian foreign missions, and if it is required by international or bilateral agreement, or if it is necessary for the successful completion of the procedure, or at the client's request, in procedures related to expulsion decisions, consular missions headed by a diplomatic or career consulate officer working in Hungary or accredited to Hungary.

Section 273

(1) The immigration authority may disclose data from the immigration sub-register to the Nemzeti Információs Központ (*National Information Center*) for the purpose of risk analysis of passenger data, analysis and assessment and compliance with requests for intelligence report.

(2) The Nemzetközi Bűnügyi Együttműködési Központ (*International Law Enforcement Cooperation Center*), and the Hungarian law enforcement agency authorized under the Act on the International Cooperation of Law Enforcement Authorities to exchange information shall be entitled to disclose information from the immigration sub-registers to the law enforcement agencies of EEA Member States or third countries under international agreement, to the extent and for the purposes defined therein, promulgated by an act of Parliament on the international cooperation of law enforcement authorities.

(3) The immigration authority shall make available for the list of wanted persons the facial images of persons falling under the scope of the sub-registers provided for in Sections 254, 256, 258 and 259 in accordance with the Act on the List of Wanted Persons, for the purpose of registration of facial images.

(4) In procedures for clemency the Prosecutor General and/or the minister in charge of the judicial system may request data from the registers provided for in Paragraphs *a*, *e* and *f* of Subsection (1) of Section 262 and in Subsection (1) of Section 267. The minister in charge of the judicial system may request data from the immigration sub-registers in composition procedures for awarding monetary compensation due to delays in court proceedings and in simplified compensation procedures for unlawful restriction of liberty, covering natural identification data, address data and contact address to the extent required for conducting the said procedures.

(5) The immigration authority shall provide direct access to the central immigration register with respect to data and information relating to expulsion, exclusion orders, immigrant or continuous residence status for the authority of competence to assess applications for Hungarian Nationality Cards and Hungarian Ethnicity Cards, to the extent required for the procedures for examining such applications in terms of conditions for eligibility and for determining whether any grounds for revocation exist in the proceedings opened for the revocation of such cards.

(6) The immigration authority shall provide data upon request to the Budapest and greater county government agencies for the purpose of verification of eligibility for benefits in cash and in kind provided under the Act on Social Administration and Social Welfare Benefits and for the advancement of child support payments under the Act on Child Protection and Custody Administration, and for the provision, maintenance and termination of such benefits.

(7) The immigration authority shall keep records of its data transmissions.

Section 274

(1) The immigration authority shall make available to the facial profile register the facial images of persons falling under the scope of the sub-registers provided for in Sections 254, 256, 258 and 259, together with the technical catalogue number of each facial image, for the purpose of creating and registration of facial profiles.

(2) The bodies provided access under the Act on the Facial Images Analysis Database and on the Facial Recognition System may request information - subject to the conditions set out in this Act - from the register also by means of the technical catalogue number assigned to the facial image, provided for in the Act on the Facial Images Analysis Database and on the Facial Recognition System.

(3) The immigration authority shall supply information without delay to the body delegated to maintain the facial profile register about the registration of the facial images of persons falling under the scope of the sub-registers provided for in Sections 254, 256, 258 and 259, using the technical catalogue numbers of the facial images defined in the Act on the Facial Images Analysis Database and on the Facial Recognition System, for the purpose of creating and registration of facial profiles, including any subsequent changes in such data.

Section 275

The immigration authority may disclose data from the immigration sub-registers to foreign law enforcement agencies, border authorities, immigration and law enforcement authorities, international organizations, to Community bodies established on the strength of directly applicable Community legislation pursuant to directly applicable Community legislation or international agreement, to the extent specified therein.

Section 276

(1) The immigration authority may request data in connection with its proceedings conducted under this Act from the following:

- a)* the personal data and address records;
- b)* the register of convicted criminals, the register of persons with no prior criminal record and unreleased from detrimental legal consequences, the register of individuals indicted under criminal charges, including the register of biometric data related to criminal prosecution and law enforcement;
- c)* the watch list by way of direct access;
- d)* the register of persons with work permits;
- e)* the register of companies;
- f)* the register of private entrepreneurs;
- g)* the public health authority;
- h)* the register of taxpayers free of tax debt obligations;
- i)* the higher education information system;
- j)* the tax authority in cases provided for by an act;
- k)* the data file management authority provided for in the Act on Social Administration and Social Welfare Benefits regarding benefits provided under the Act on Social Administration and Social Welfare Benefits;

- l)* the national security and law enforcement agencies of Hungary;
- m)* the body in charge of naturalization and nationality matters;
- n)* the health insurance administration agency, rehabilitation authority and the pension insurance administration agency.

(2) The immigration authority may receive data for the purposes of immigration proceedings from the foreign law enforcement agencies, border authorities, immigration and law enforcement authorities, international organizations, Community bodies established on the strength of directly applicable Community legislation pursuant to directly applicable Community legislation or international agreement, to the extent specified therein.

(3) The immigration authorities delegated by the Government in a decree shall have direct access to the Visa Information System for the purposes referred to in Articles 15-20 of the VIS Regulation.

(4) In proceedings relating to the issue of temporary and EU residence cards, and relating to expulsion orders, in connection with the requests made according to Subsections (2) and (3) of Section 81 and Subsection (1) of Section 116 the immigration authority shall be authorized to receive from the Member State of the European Union affected the third-country national's natural identification data and information concerning refugee status and subsidiary protection.

Section 277

The data processed on the basis of this Act may be used for statistical purposes and such data may be supplied by the body operating the central immigration register for statistical purposes, in a form precluding personal identification.

Section 278

(1) The Responsible Authority provided for in Article 25(1)(a) of Regulation (EU) No. 514/2014 of the European Parliament and of the Council shall maintain a register on persons participating in programs financed by the Asylum, Migration and Integration Fund (hereinafter referred to as "Fund") for the purpose of monitoring the appropriation of aids.

(2) The register shall contain the following particulars of persons belonging to the target group provided for in the government decree on the appropriation of aids from the Asylum, Migration and Integration Fund, as supplied by the beneficiaries financed by the Fund:

- a)* surname and forename;
- b)* place of birth;
- c)* date of birth;
- d)* sex;
- e)* nationality;
- f)* legal title of residence in Hungary;

g) an indication if preferential treatment of a person belonging to the target group is in order, also if such person is an unaccompanied minor;

- h)* number of document made out in Hungary for the person belonging to the target group.

(3) The data registered in accordance with Subsection (2) may be accessed by the body responsible for monitoring the appropriation of European Union financial assistance.

(4) The data contained in the register may be used for statistical purposes and may be disclosed for statistical use in a form precluding personal identification.

- (5)* The data provided for in Subsection (2) may be processed for a period of ten years

following the closing of the eligibility period relating to the funds available to the Fund from the EU budget for the 2014-2020 period.

Section 279

(1) The minister in charge of foreign policies shall have authority to process the particulars of diplomatic and consular missions - directed by a career consulate officer - operating in Hungary, international organizations, including their Hungarian branches, posts, offices, as well as organizations benefiting from privileges and immunities granted under international treaty by virtue of law (hereinafter referred to collectively as "representation office"), and the following data of members - including their family members - of such entities and organizations benefiting from immunities under international treaty:

- a)* surname and forename, place and date of birth, sex, nationality, diplomatic rank, military rank and facial image;
- b)* passport or personal identification document particulars, and a photocopy thereof;
- c)* name of the diplomatic mission where employed, showing also their title, position;
- d)* status (whether a seconded officer or a family member);
- e)* the length of the service period (date of beginning and estimated date of ending);
- f)* habitual residence in Hungary;
- g)* address shown in the identification documents;
- h)* the following particulars of family members living in their household in Hungary:
 - ha)* surname and forename,
 - hb)* place and date of birth,
 - hc)* nationality,
 - hd)* relationship,
 - he)* number of personal identification document or passport, facial image;
- i)* the particulars provided for in Subparagraphs *ha)*, *hb)* and *hc)* of Paragraph *h)* of foreign nationals employed by the above-specified persons solely in private employment.

(2) In the interest of performance of international commitment, the minister in charge of foreign policies shall have authority to process the following data in addition to those mentioned in Subsection (1):

- a)* the particulars provided for in Subparagraphs *ha)*, *hb)* and *hc)* of Paragraph *h)* of Subsection (1) of members of consular missions in Hungary, directed by an honorary consul;
- b)* the particulars of motor vehicles bearing a special registration plate, used by the persons and institutions referred to in Subsection (1); and
- c)* the particulars of motor vehicles used for official purposes by the missions specified in Paragraph *a)*.

Section 280

The purpose of the register provided for in Section 279 is to ascertain the status of the organizations and persons referred to in Subsection (1) of Section 279 stemming from international agreements and granted by Hungarian legislation in conformity with the generally recognized principles of international law. Unless a longer period is granted by law, the data above-specified may be processed for thirty years.

Section 281

(1) The minister in charge of foreign policies shall make available the data provided for in Paragraphs *a*, *c*, *d* and *e*, Subparagraphs *ha*, *hb*, *hc* and *hd* of Paragraph *h*, and Paragraph *i* of Subsection (1) of Section 279, for procedures affecting the data subject, or the legitimate interests of the data subject, to:

- a*) the competent court;
- b*) the acting public prosecutor's office;
- c*) the acting investigating authority;
- d*) the competent misdemeanor authority and/or the authorities conducting preliminary proceedings;
- e*) the notary public conducting the non-contentious proceeding;
- f*) the immigration authority;
- g*) the state tax and customs authority;
- h*) with regard to the persons referred to above with no address card, the notary of the municipal government where the Hungarian habitual residence is situated, or the district (Budapest district) offices of the competent Budapest and greater county government agency;
- i*) the national security services for the fulfillment of national security and defense related functions under specific other legislation, for intelligence gathering operations, furthermore, for investigations with a view to protecting national security and internal security, and for reasons of crime prevention;
- j*) at the request of persons or organizations provided for in Section 279, the bodies empowered to set the conditions of proceedings or legal acts in connection with applications for address cards or for registration deemed necessary for financing or education, or other reasons considered essential for everyday life, to the extent indicated in the application.

(2) Additionally, the data disclosure referred to in Subsection (1) shall be carried out on condition that the requesting body is able to verify the purpose of the intended processing, including its entitlement, with respect to the data requested.

(3) The minister in charge of foreign policies shall keep records of all data transferred under Subsection (1).

Section 282

The minister in charge of foreign policies shall have authority to issue documents evidencing the legal status of persons or organizations provided for in Section 279 in Hungary, their data and entitlements, and to determine the form in which to provide them in due consideration of the statutory provisions on the mandatory layout of such documents, as well as the procedure of issue. Said document shall be treated as authentic proof of the data therein contained.

PART ELEVEN

FINAL PROVISIONS

Section 283

(1) The Government is hereby authorized to decree:

1. the authorities of competence in connection with immigration proceedings, the registration of accommodations and home addresses, and the data of third-country nationals that may be processed on the strength of this Act, their scope of jurisdiction and the detailed regulations for their proceedings;
2. the immigration related tasks and duties and the powers and authorizations of visa authorities, the detailed regulations for the issue of visas, the type of documents evidencing the right of entry and residence without a visa, and the prescribed form of visas;
3. the conditions for issuing residence permits, certificates of temporary residence, temporary residence cards, national residence cards and EU residence cards, and the formal requirements for these documents;
4. the travel documents recognized;
5. the detailed regulations for initiating the issue, renewal and withdrawal of residence permits granted on humanitarian grounds, and the detailed regulations for cooperation between the immigration, national security and law enforcement agencies;
6. the amount of the immigration bail, the procedural rules relating to posting the immigration bail, and the provisions for managing the immigration bail;
7. the regulations concerning detention prior to expulsion and immigration detention, and for setting up and the designation of a compulsory place of confinement, and the detailed regulations for the provision of healthcare services and other assistance to third-country nationals in detention;
8. the healthcare services provided to third-country nationals, and the financial requirements for healthcare services and the means of verification thereof;
9. the amount limits of the financial penalties to be imposed on carriers and employers under this Act, and the procedure for levying them;
10. the rules of conduct for persons placed under compulsory confinement;
11. the regulations for the provisions to third-country nationals ordered to stay in the airport transit zone;
12. the regulations for the provisions and support granted to persons residing in community hostels and reception centers, and to third-country nationals who are victims of trafficking in human beings;
13. the requirements set out for community hostels and the house rules of community hostels;
14. the detailed provisions relating to the entry and stay of members of the civilian staff, US contractors and their relatives covered by the NATO-SOFA Agreement and the Agreement on Defense Cooperation Between the Government of Hungary and the Government of the United States of America;
15. the detailed regulations for recognition and enforcement of expulsion orders adopted by Member States of the European Union or other Schengen States;
16. the detailed regulations concerning the proceedings for the recognition of stateless status;
17. the detailed regulations for the issue of travel documents to third-country nationals;
18. the designation of the law enforcement agencies vested with powers to initiate exclusion independently and to make recommendations as to the duration of exclusions;
19. the content requirements for single permits and the conditions for their issue, and the

rules for the single application procedure;

20. the detailed provisions relating to the submission of applications through the electronic platform designated for opening immigration cases;

21. the detailed rules related to the provision of accommodation in Hungary to migrant workers by the employer.

(2) The Government is hereby authorized to designate the authorities appointed to carry out the authentication of storage mediums containing the biometric data of documents evidencing right of residence issued under Council Regulation 1030/2002/EC and Council Regulation 380/2008/EC.

(3) The Government is hereby authorized to:

a) designate the specialist authorities required to participate in proceedings of the immigration authority by means of a decree;

b) decree the competence of special authorities within the framework of which they are required to provide an assessment in proceedings of the immigration authority;

c) decree the requirements as to the contents of any provision or condition prescribed by the specialist authority in proceedings of the immigration authority, the criteria under which the specialist authority is required to provide its assessment;

d) decree the regulations concerning the participation of specialist authorities in proceedings of the immigration authority, and the detailed procedures for cooperation between the authority of competence to adopt a decision on the merits of the case and the specialist authority.

(4) The Government is hereby authorized to decree the detailed provisions for applying the framework to ensure interoperability between EU information systems and Europol data, including the immigration and visa-issuing authorities of competence in the operation of interoperability and their specific tasks relating to interoperability.

(5) The Government is hereby authorized to:

a) lay down the procedural rules for applying for guest investor visas by means of a decree;

b) determine the conditions and procedural rules for the completion of investments implemented with a view to qualifying for guest investor visa and guest investor residence permit, and for the certification of the completion of those investments by means of a decree.

(6) The Government is hereby authorized to decree the requirements of social coexistence relating to the renewal of residence permits and the issue of national residence cards.

(7) The Government is authorized to lay down, by means of a decree, conditions relating to enterprises for the immigration authority to consider for the issue or renewal of residence permits for migrant self-employment.

(8) The Government is hereby authorized to decree the detailed rules relating to registration and employment fees.

(9) The Government is hereby authorized to decree the detailed requirements relating to employers in connection with Company Card applications and to the economic operators entering into an establishment agreement with such employers.

(10) The Government is hereby authorized to determine, by means of a decree, the upper limit of the number of residence permits issued to third-country nationals with the same nationality in a year, separately for each purpose of stay or collectively.

(11) The Government is hereby authorized to:

a) decree the detailed rules regarding the prior approval procedure for employment in

groups;

b) decree the detailed provisions for agreements concluded with investors serving as basis for residence permit for the purpose of taking up employment for the implementation of an investment; and

c) lay down conditions for investments underlying the issue and renewal of residence permits for the purpose of taking up employment for the implementation of an investment.

Section 284

(1) The minister in charge of immigration and asylum is hereby authorized to decree, in agreement with the minister in charge of foreign policies and the minister in charge of taxation:

a) the fees for the procedures relating to the entry, exit and residence of third-country nationals, and for the procedures relating to the issue of travel documents to third-country nationals;

b) the financial resources deemed adequate for entry and residence;

c) the rules for covering the costs of immigration related procedures.

(2) The minister in charge of immigration and asylum is hereby authorized to decree the content specifications and enclosures of the forms and documents prescribed by this Act.

(3) The minister in charge of immigration and asylum is hereby authorized to decree, in agreement with the minister in charge of foreign policies, the form of travel documents issued to third-country nationals.

(4) The minister in charge of foreign policies is hereby authorized to decree, in agreement with the minister in charge of immigration and asylum, the detailed regulations concerning the entry and exit and the right of residence of persons enjoying any special privileges and immunities under diplomatic relations or international law.

(5) The minister in charge of immigration and asylum is hereby authorized to decree, in agreement with the minister in charge of the judicial system, the regulations for the execution of immigration detention and deportation.

(6) The minister in charge of the healthcare system is hereby authorized to decree, in agreement with the minister in charge of immigration and asylum, the types of diseases which are potentially dangerous to public health.

(7) The minister in charge of immigration and asylum is hereby authorized to decree, in agreement with the minister in charge of foreign policies, the minister in charge of supervising the national security services and the minister overseeing civil intelligence activities, the cases where, for reasons of public security and national security, and for assessment of the risks of illegal immigration and the prevention and identification of abuses and fraud as provided for in the Visa Code:

a) the consent of the central visa authority is required for the issue of a visa for a planned duration not exceeding ninety days; and

b) the central visa authority is required to consult with the central authorities of other Schengen States requesting consultation prior to granting consent for the issue of a visa for a planned duration not exceeding ninety days.

(8) The minister in charge of immigration and asylum is hereby authorized to decree, in agreement with the minister in charge of foreign policies, the minister in charge of supervising the national security services and the minister overseeing civil intelligence activities, the list of third countries whose nationals are required to obtain airport transit

visas in accordance with Article 3(2) of the Visa Code.

(9) The minister in charge of immigration and asylum is hereby authorized to decree, in agreement with the minister in charge of foreign policies, the minister in charge of supervising the national security services and the minister overseeing civil intelligence activities, the list of third countries, where the central visa authority is to request information of visas issued to the nationals of such third countries in accordance with Article 31(1) of the Visa Code.

(10) The minister in charge of foreign policies is hereby authorized to decree the detailed provisions regarding the form and procedure for issuing identity cards and documents evidencing the legal status in Hungary and the data and rights of the persons and organizations specified in Subsection (1) of Section 279.

(11) The minister in charge of employment and labor is hereby authorized to decree:

a) the total number of occupation-based residence permits and migrant worker's residence permits that may be issued in Hungary in a year;

b) the procedural and detailed rules for prohibiting the employment of additional migrant workers against an employer or host entity in breach of the obligations regarding the employment relationship of migrant workers.

(12) The minister responsible for the employment of third-country nationals in Hungary is hereby authorized to determine, by means of a decree, the nationals of specific third countries for whom an occupation-based residence permit or migrant worker's residence permit may be granted for the purpose of employment.

154. Implementing provisions

Section 285

(1) This Act - subject to the exceptions set out in Subsections (2)-(5) - shall enter into force on 1 January 2024.

(2) Paragraph *b*) of Section 328, Section 351, Subtitle 218 and Section 398 shall enter into force on 2 January 2024.

(3) Paragraph *d*) of Section 250, Section 266 and Subtitle 227 shall enter into force on 1 January 2025.

(4) Paragraph *a*) of Section 10, Subsection (4) of Section 143, Paragraph *b*) of Section 250, Section 265, Section 289, Section 319, Paragraphs *c*), *d*), *f*), *g*) and *i*) of Section 390, Subtitle 228, Subtitle 229 and Subtitle 231 shall enter into force on the day set out in the Commission decision referred to in Article 88(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorization System (ETIAS) and amending Regulations (EU) No. 1077/2011, (EU) No. 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226.

(5) Subsection (3) of Section 143, Paragraph *a*) of Section 250, Section 264, Subtitle 167 and Paragraphs *a*), *b*), *e*) and *h*) of Section 390 shall enter into force on the day set out in the Commission decision referred to in Article 66(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No. 767/2008 and (EU) No.

1077/2011.

(6) The minister in charge of supervising the national security services shall confirm the calendar date for the entry into force of the provisions referred to Subsection (4) by means of an individual decision published in the *Magyar Közlöny (Official Hungarian Gazette)* immediately after it becomes known.

(7) The minister responsible for border protection shall confirm the calendar date for the entry into force of the provisions referred to in Subsection (5) by means of an individual decision published in the *Magyar Közlöny (Official Hungarian Gazette)* immediately after it becomes known.

155. Transitional provisions

Section 286

(1) With regard to applications for residence and permanent residence permits submitted before the entry into force of this Act, the proceedings shall be suspended between 1 January 2024 and 29 February 2024.

(2) Between 1 January 2024 and 29 February 2024:

a) applications for residence permit, with the exception of residence permits issued for reasons of national interest,

b) applications for residence permit and for residence card provided for in this Act, with the exception of applications for national residence card issued for reasons of national interest

shall not be accepted.

(3) The validity period of residence permits and permanent residence permits set to expire between 1 January 2024 and 29 February 2024 shall be extended until 30 April 2024.

(4) The visas, residence permits, certificates of temporary residence issued before the time of this Act entering into force shall evidence the right of stay contained therein within their period of validity.

(5) The immigration permits and permanent residence permits, temporary, national and EC permanent residence permits and travel documents issued before the time of this Act entering into force shall evidence the right of stay contained therein within their period of validity.

(6) The applications for visas and residence permits submitted before the time of this Act entering into force, and still pending definitive decision, shall be assessed based on the provisions of the RRTN, whereas reopened cases shall be assessed based on the provisions of this Act. If a residence permit can be issued for the purpose of family reunification based on a residence permit granted under the RRTN, it shall remain to be issued after the entry into force of this Act in accordance with the RRTN and shall be subject to the provisions of the RRTN.

(7) The applications submitted for national permanent residence permit or EC permanent residence permit submitted before the time of this Act entering into force and pending definitive decision, and also in reopened cases, shall be assessed based on the provisions of the RRTN and the Free Movement Act.

(8) Where an application for the issue and renewal of a temporary, national and EC permanent residence permit pending at the time of this Act entering into force is approved, a temporary, national and EU residence card shall be issued.

(9) As regards the exchange or replacement of a temporary, national and EC permanent residence document submitted after the entry into force of this Act, a temporary, national and EU residence card shall be issued.

(10) After the date of entry into force of this Act, until 31 December 2025 the travel document defined in Section 155 may be issued also in the format in effect before the entry into force of this Act.

(11) Proceedings for determining statelessness submitted before the time of entry into force of this Act and pending definitive decision, and to reopened cases the provisions of the RRTN shall apply.

(12) The proceedings opened before 31 December 2023 on the basis of the application recorded on the electronic platform designated for opening immigration cases shall be considered pending if the administrative service fee has been paid by 31 December 2023.

(13) Except as provided in Subsections (14)-(17), the provisions of this Act shall be applied from 1 March 2024.

(14) The following provisions of this Act shall apply from 1 January 2024:

- a) Subtitle 35;
- b) Subsections (1)-(3) of Section 74;
- c) Subtitle 50;
- d) PART ELEVEN.

(15) Until 29 February 2024, the provisions of Chapter I, Chapter II, Section 13, Section 14, Section 16, Section 17, Subsection (1) of Section 18, Section 23, Paragraphs *b*) and *c*) of Subsection (1) of Section 29, Paragraphs *b*) and *c*) of Subsection (2) of Section 29, Paragraphs *f*)-*h*) and *j*) of Subsection (1) of Section 30, Paragraphs *a*) and *d*) of Subsection (2) of Section 30, Chapter V, Chapter VI, Chapter VII, Chapter VIII and Chapter X of the RRTN in effect on 31 December 2023 shall be applied.

(16) Until 29 February 2024 the provisions of Chapter IX of the RRTN in effect on 31 December 2023 shall be applied.

(17) Subtitles 8 and 13 of this Act shall apply from 1 July 2024.

Section 287

(1) Third-country nationals holding a valid residence permit in Hungary at the time of entry into force of this Act may apply for a residence permit on the grounds defined in this Act, only electronically, through the electronic platform designated for opening immigration cases, at the earliest forty-five days before the expiration of the residence permit, with the exception of changes in employment conditions, where the validity period of the residence permit document shall be considered as if it began with the residence permit application submitted under this Act, except for the residence permits specified in Subsection (2).

(2) An application for residence permit issued for the purpose of seasonal employment, residence permit for the purpose of intra-corporate transfer, White Card, residence permit for the purpose of traineeship, residence permit for the purpose of job-searching or entrepreneurship, temporary residence permit, residence permit for the purpose of voluntary activities, and for mobility certificate and mobility residence permit submitted in accordance with this Act shall be approved if the total duration of the third-country national's stay does not exceed the validity period of the document evidencing right of residence for the given residence title, taking into account his or her previous residence authorizations.

(3) A third-country national holding a residence permit for the purpose of gainful

employment may apply for a residence permit for the purpose of migrant self-employment in accordance with the provisions of Subsection (1).

(4) A third-country national holding a residence permit for the purpose of employment may apply for a residence permit for the purposes of taking up employment as defined in this Act in accordance with the provisions of Subsection (1).

(5) A third-country national who received a residence permit for the purpose of family reunification before 31 August 2024 and whose permit is valid at the time of entry into force of this Act, shall have the rights and obligations set out in this Act relating to residence for the purpose of family reunification, provided that his or her residence permit for the purpose of family reunification can be renewed also if no right of residence may be granted in accordance with this Act to another third-country national on the grounds of the sponsor third-country national's residence. In the case of renewal, the third-country national shall undertake the commitment, through the legal representative if a minor, to voluntarily exit the territory of the Member States of the European Union and other Schengen States if his or her residence permit received for the purpose of family reunification becomes invalid on the strength of this Act, within eight days of the date of invalidity.

(6) If the application for a residence permit referred to in Subsections (1) and (5) is submitted in delay, an application for justification may not be submitted beyond the period of validity of the residence permit.

Section 288

(1) The provisions of PARTS SIX through TEN of this Act shall also apply to proceedings opened before the time of entry into force of this Act.

(2) The detention of third-country nationals prior to expulsion ordered before the time of this Act entering into force and immigration detention shall be governed by the relevant provisions of this Act.

(3) The provisions of this Act shall apply to third-country nationals ordered before the time of entry into force of this Act to stay at an assigned place in a community hostel and reception center.

(4) The provisions of this Act relating to enforcements shall also apply to enforcement procedures not yet ordered at the time of entry into force of this Act, including pending procedures.

Section 289¹¹

Section 290

Qualified temporary employment agencies registered at the time of entry into force of this Act, shall be liable to pay the registration fee specified in Subsection (2) of Section 34 when so requested by the government agency. After that time the provisions set out in Subsection (4) of Section 34 shall apply to the obligation of payment of employment fee.

156. Compliance with majority requirement

¹¹ This provision shall enter into force on the day set out in the Commission decision referred to in Article 88(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council.

Section 291

Of the provisions of this Act:

- a) Section 159, Section 163, Section 167, Section 168, Section 170, Section 171, Section 177, Section 189, Section 190, Subsection (1) of Section 191, Subsections (2) and (16) of Section 286, Paragraphs *b), d), f), g), i), j), l), n), o)* and *p)* of Section 350 and Paragraph *c)* of Section 397 shall be considered cardinal pursuant to Article XIV(1) of the Fundamental Law,
- b) Section 308 shall be considered cardinal pursuant to Paragraph (4) of Article *G*) of the Fundamental Law,
- c) Section 311, Section 318 and Section 320 shall be considered cardinal pursuant to Article 46(6) of the Fundamental Law,
- d) Paragraphs *a), b)* and *c)* of Section 353 shall be considered cardinal pursuant to Article XIV(5) of the Fundamental Law.

157. Compliance with the Acquis

Section 292

(1) This Act serves the purpose of partial compliance with the following legislation of the Communities:

- 1. 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;
- 2. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;
- 3. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;
- 4. Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;
- 5. 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;
- 6. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data;
- 7. 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;
- 8. Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons;
- 9. Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control;
- 10. Council Recommendation of 4 March 1996 relating to local consular cooperation regarding visas;
- 11. Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;

12. Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience;

13. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals;

14. Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC;

15. 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;

16. 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;

17. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast);

18. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast);

19. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast);

20. 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;

21. 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;

22. 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;

23. 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.

Section 293

This Act contains provisions for the implementation of the following legislation of the European Union:

1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code);

2. Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals;

3. 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;

4. Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals;

5. Articles 6, 9, 19 and 20 of Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation);

6. Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code);

7. Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code);

8. Regulation (EC) No. 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection;

9. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No. 1052/2013 and (EU) 2016/1624;

10. 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;

11. Regulation (EU) No. 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 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 on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No. 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice;

12. Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals;

13. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No. 1987/2006;

14. 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;

15. 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;

16. 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;

17. Regulation (EU) No. 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management;

18. Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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;

19. Regulation (EU) 2019/592 of the European Parliament and of the Council of 10 April 2019 amending Regulation (EU) 2018/1806 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, as regards the withdrawal of the United Kingdom from the Union;

20. Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement;

21. Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No. 767/2008 and (EU) No. 1077/2011;

22. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorization System (ETIAS) and amending Regulations (EU) No. 1077/2011, (EU) No. 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226;

23. Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No. 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA;

24. Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816.

CHAPTER XXXIV

AMENDMENTS

158-231¹²

Sections 294-400¹³

¹² Repealed under Sections 12-12/B of Act CXXX of 2010, effective as of 3 January 2024.
¹³ Repealed under Sections 12-12/B of Act CXXX of 2010, effective as of 3 January 2024.

TARTALOMJEGYZÉK

A tartalomjegyzék megjelenítéséhez kattintson a szürke hátterű szövegrészen jobb egér gombbal és válassza ki a Mező frissítése menüpontot.