

Act II of 2007

on the Admission and Right of Residence of Third-Country Nationals¹

With a view to partaking in the progressive establishment of an area of freedom, security and justice, and to promoting the social and economic development and advancement of countries within and outside the borders of the European Union, Parliament has adopted the following Act concerning the admission and residence of third-country nationals:²

Chapter I

General Provisions

Section 1.

(1)³ Hungary shall ensure the right of entry, exit and residence of third-country nationals in accordance with the provisions of this Act.

(2) The right of entry, exit and residence of third-country nationals may be restricted in accordance with the provisions set forth in this Act.

(3) This Act - with the exceptions set out in Subsections (4)-(5) - shall not apply to persons with the right of free movement and residence.

(4)⁴ The persons referred to in Subsection (3) of this Section, if not nationals of any Member State of the European Union, shall be subject to the provisions of Chapter IV of this Act pertaining to EC permanent residence permits, and the provisions of Chapter VIII of this Act governing stateless status and the issue of travel documents to stateless persons.

(5) The provisions of this Act shall apply to the persons referred to in Subsection (3) if they are third-country nationals by definition of specific other legislation, and if they apply for authority to reside specified in this Act following termination of their right of residence specified in specific other legislation.

Section 2.

For the purposes of this Act:

a) 'third-country national' shall mean any person who is not a Hungarian citizen and stateless persons, other than the persons referred to in Subsection (3) of Section 1;

b) 'stateless person' shall mean a person who is not recognized as a citizen by any country under his/her national law;

¹ Promulgated on 5 January 2007.

² Amended: by Section 300 of Act CCI of 2011. In force: as of 1. 01. 2012.

³ Amended: by subparagraph a) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴ Established: by Section 32 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

c) '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;

d) 'family member' shall mean:

da) the spouse of a third-country national;

db) the minor child (including adopted children) of a third-country national and his/her spouse;

dc) 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/her;

dd) the minor child, including adopted and foster children, of the spouse of a third-country national where the spouse has parental custody and the children are dependent on him/her;

e)⁵ 'unaccompanied minor' shall mean third country nationals below the age of eighteen, who arrive on the territory of Hungary unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of Hungary;

f)⁶ 'exile' shall mean any person who is provided temporary shelter and may not be returned to the country of his/her nationality, or in the case of a stateless person to the country of domicile, for fear of being subjected to the actions or conduct defined in Article XIV(2) of the Fundamental Law, and there is no safe third country offering refuge, and who is not entitled to asylum or treatment as a stateless persons, nor to any subsidiary form of protection or temporary protection;

g)⁷ 'travel document' shall mean 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/her citizenship (stateless status);

h)⁸ 'carrier' shall mean any natural or legal person, or unincorporated organization whose profession it is to provide transport of persons;

i) 'readmission agreement' shall mean 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;

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

k)⁹ 'employer' shall mean any natural person or any legal entity, or unincorporated organization, including temporary work agencies referred to in Paragraph b) of Subsection (1) of Section 214 of Act I of 2012 on the Labor Code, for or under the direction and/or supervision of

⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁶ Amended: by subparagraph c) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁸ Amended by Section 81 of Act CCLII of 2013.

⁹ Established: by paragraph (1) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.

Amended: by paragraph (3) Section 62 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

whom the employment is undertaken;

l)¹⁰ 'host' shall mean any natural or legal person, or business association lacking the legal status of a legal person, who undertakes a commitment in a letter of invitation - with an official certificate affixed - to provide room and board and financial support for the invited third-country national during his stay in the territory of Hungary, and, unless an international treaty provides otherwise, to cover the costs of medical care and the costs of exit of such third-country national.

m)¹¹ 'visa for an intended stay of no more than ninety days within a one hundred eighty day period' shall mean an authorization defined in Article 2(2) of Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (hereinafter referred to as "Visa Code");

n)¹² 'Dublin Regulations' shall mean Council Regulation (EC) No. 343/2003 of 18 February 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, and Commission Regulation (EC) No. 1560/2003 of 2 September 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.

o)¹³ 'employment' shall mean the exercise of activities covering whatever form of labor or work performed under employment relationship for or under the direction and/or supervision of an employer;

p)¹⁴ 'highly qualified employment' shall mean the employment of a person who has the required adequate and specific competence, as proven by higher professional qualifications, for consideration in an amount specified by the relevant decree on the method for establishing the minimum remuneration payable to third-country nationals, or for higher pay;

q)¹⁵ 'higher professional qualifications' shall mean qualifications attested by evidence of higher education qualifications or professional qualifications;

r)¹⁶ 'EU Blue Card' shall mean a residence permit entitling its highly qualified holder to reside and work in highly qualified employment in the territory of a Member State under the terms set out in Section 20/C;

s)¹⁷ '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.

t)¹⁸ '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

¹⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹¹ Established: by paragraph (1) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

¹² Enacted: by Section 33 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹³ Enacted: by paragraph (2) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁴ Enacted: by paragraph (2) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁵ Established: by paragraph (1) Section 57 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹⁶ Established: by paragraph (1) Section 57 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹⁷ Enacted: by paragraph (2) Section 88 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁸ Enacted: by paragraph (1) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

an individual evaluation of their situation;

u)¹⁹ ‘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.

v)²⁰ ‘single permit’ shall mean a residence permit allowing a third-country national to enter into a contract for employment relationship with an employer and to reside legally in the territory of Hungary for the purpose of work;

w)²¹ ‘single application procedure’ shall mean any procedure leading, on the basis of a single application made by a third-country national, to a decision ruling on that application for an intended stay of more than ninety days within any one hundred eighty day period and for entering into a contract for employment relationship with an employer in the territory of Hungary.

Section 3.

The following persons shall be treated as third-country nationals:

a) any person who uses a valid travel document issued by a third country to verify his/her nationality, unless proven to the contrary; or

b) any person who is unable to show proof of having the right of free movement and residence under specific other legislation.

Section 4.

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 treaties or international agreements, unless prescribed otherwise by international treaty.

Section 5.²²

(1) Of the provisions of this Act only the ones contained under Chapters IV, V and X shall apply to the third-country nationals recognized by the Hungarian refugee authority or court, or by any Member State of the European Union as refugees or having granted any subsidiary form of protection.

(2) Of the provisions of this Act the ones contained in Chapter IV pertaining to national permanent residence permits, and the provisions of Chapters V and X shall apply to the third-country nationals having granted temporary protection by the Hungarian refugee authority or court.

Chapter II

Regulations for the Right of Residence for an Intended Duration of No More

¹⁹ Enacted: by paragraph (1) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²⁰ Enacted: by paragraph (2) Section 57 of Act XCIII of 2013. In force: as of 1. 01. 2014.

²¹ Enacted: by paragraph (2) Section 57 of Act XCIII of 2013. In force: as of 1. 01. 2014. Shall enter into force with the text amended: by Section 20 of Act CXCVIII of 2013.

²² Established: by Section 1 of Act XXVII of 2012. In force: as of 20. 05. 2012.

*Than Ninety Days Within Any One Hundred Eighty Day Period*²³

General Rules

Section 6.

(1)²⁴ Third-country nationals may enter the territory of Hungary for an intended stay of no more than ninety days within a one hundred eighty day period from the time of first entry (hereinafter referred to as “intended stay of no more than ninety days”) under the conditions set out in Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (hereinafter referred to as “Schengen Borders Code”).

(2)²⁵ The third-country nationals who satisfy the conditions set out in Subsection (1) shall be authorized to stay in the territory of Hungary for an intended duration of no more than ninety days.

*Section 7.*²⁶

Unless otherwise prescribed by any directly applicable Community legislation, an international agreement, this Act or a government decree adopted by authorization of this Act, third-country nationals shall be admitted for stays for an intended duration of no more than ninety days in possession of a visa.

*Section 7/A.*²⁷

Third-country nationals holding a visa for an intended stay of no more than ninety days, and persons lawfully residing in Hungary as nationals of the states listed in Annex II of Council Regulation 539/2001/EC may undertake gainful employment in accordance with Subsection (1) of Section 20, unless this Act contains provisions to the contrary.

Visas for an intended duration of no more than ninety days²⁸

*Section 8.*²⁹

²³ Established: by paragraph (2) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

²⁴ Established: by paragraph (3) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

²⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

Amended: by paragraph (1) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

²⁶ Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

²⁷ Enacted: by Section 34 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

²⁸ Amended: by paragraph (1) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

Visas for an intended stay of no more than ninety days shall be issued in accordance with the procedures and under the conditions set out in the Visa Code.

*Section 9.*³⁰

(1)³¹ 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, visas for an intended stay of no more than ninety days may only be granted upon the prior consent of the central visa authority.

(2)³² 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 an intended stay of no more than ninety days.

(3)³³ The resolutions adopted in connection with applications for visas for an intended stay of no more than ninety days, if approved, may not be appealed.

(4)³⁴ The decisions adopted for the refusal of applications for visas for an intended stay of no more than ninety days, or for the annulment and revocation of visas, may be appealed.

(5)³⁵ The decisions adopted to dismiss the appeal may be subject to judicial review.

(6)³⁶ The petition for judicial review of the appeal decision referred to in Subsection (4) shall be submitted to the authority of the first instance within three days following the date of delivery of the decision adopted to dismiss the appeal. The authority shall forward the petition without delay to the competent court together with the documents of the case and any cross-complaint attached.

(7)³⁷ The court shall adopt a decision concerning the petition referred to in Subsection (6) in non-contentious proceedings within eight days of receipt thereof. The Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*) shall have exclusive jurisdiction to hear such cases. There shall be no further appeal against the decision of the Fővárosi Közigazgatási és Munkaügyi Bíróság.

(8)³⁸ The acting court shall proceed in due observation of the provisions of the Act on the Code of Civil Proceedings pertaining to administrative lawsuits, unless the non-contentious nature of the proceedings suggests otherwise.

²⁹ Established: by Section 28 of Act XL of 2010. In force: as of 5. 04. 2010. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³⁰ Established: by Section 29 of Act XL of 2010. In force: as of 5. 04. 2010.

³¹ Amended: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³² Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³³ Established: by paragraph (1) Section 35 of Act CXXXV of 2010. In force: as of 5. 04. 2011. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³⁴ Established: by paragraph (1) Section 58 of Act XCIII of 2013. In force: as of 1. 07. 2013. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³⁵ Enacted: by paragraph (2) Section 58 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁶ Enacted: by paragraph (2) Section 58 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁷ Enacted: by paragraph (2) Section 58 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁸ Enacted: by paragraph (2) Section 58 of Act XCIII of 2013. In force: as of 1. 07. 2013.

*Sections 10-11.*³⁹

Section 12.

(1)⁴⁰ Under international agreement the diplomatic or consular missions of other Schengen States with proper entitlement may also issue visas for an intended stay of no more than ninety days in the name and on behalf of Hungary.

(2) Under international agreement the diplomatic or consular missions of the Republic of Hungary with proper entitlement may also issue visas for a validity period not exceeding three months in the name and on behalf of other Schengen States.

Chapter III

Provisions Governing the Right of Residence for an Intended Duration of More Than Ninety Days Within Any One Hundred Eighty Day Period⁴¹

General Rules

Section 13.

(1) For entry into the territory of Hungary and for stays in the territory of Hungary for an intended duration of more than ninety days within any one hundred eighty day period the entry conditions for third-country nationals shall be the following:⁴²

a) they are in possession of a valid travel document;

b)⁴³ they are in possession of:

ba)⁴⁴ a visa for an intended stay of more than 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,

³⁹ Repealed: by paragraph (2) Section 54 of Act XL of 2010. No longer in force: as of 5. 04. 2010.

⁴⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.
Amended: by paragraph (2) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

⁴¹ Amended: by paragraph (3) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

⁴² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.
Amended: by paragraphs (3) and (4) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

⁴³ Established: by Section 89 of Act CV of 2011. In force: as of 1. 08. 2011.

⁴⁴ Amended: by paragraph (3) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

- bg) an EC permanent residence permit, or
 - bh)⁴⁵
 - c) they are in possession of the necessary permits for return or continued travel;
 - d) they justify the purpose of entry and stay;
 - e)⁴⁶ they have accommodations or a place of residence in the territory of Hungary;
 - f) they have sufficient means of subsistence and financial resources to cover their accommodation costs for the duration of the intended stay and for the return to their country of origin or transit to a third country;
 - g) they have full healthcare insurance or sufficient financial resources for healthcare services;
 - h)⁴⁷ they are not subject to expulsion or exclusion, they are not considered to be a threat to public policy, public security or public health, or to the national security of Hungary;
 - i) they are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry.
- (2) In the event of non-compliance with the requirements set out in Subsection (1), the entry and stay of third-country nationals shall be authorized only on humanitarian grounds, on grounds of national interest or because of international obligations.
- (3) The third-country nationals holding either of the permits listed under Paragraph b) of Subsection (1) are not required to certify at the time of entry the requirements specified under Paragraphs c)-g) of Subsection (1).

Visas for an Intended Stay of More Than Ninety Days Within Any One Hundred Eighty Day Period⁴⁸

Section 14.

- (1) Visas for an intended stay of more than ninety days within any one hundred eighty day period are as follows:⁴⁹
- a)⁵⁰ visa for entitlement to receive a residence permit, for single entry into the territory of Hungary for the purpose of collecting the residence permit or the national permanent residence permit granted under Subsection (1) of Section 36, and for stay for a period not to exceed thirty days;
 - b)⁵¹ seasonal employment visa, for single or multiple entry and for employment for an intended stay of more than ninety days within any one hundred eighty day period and maximum six months;
 - c)⁵² national visa, for single or multiple entry and for stays in the territory of Hungary for an

⁴⁵ Repealed: by subparagraph a) Section 83 of Act XCIII of 2013. No longer in force: as of 1. 07. 2013.

⁴⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁴⁸ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁴⁹ Amended: by paragraph (4) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁵⁰ Established: by paragraph (1) Section 64 of Act LXXVI of 2012. In force: as of 27. 06. 2012.

⁵¹ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁵² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

intended stay of more than ninety days within any one hundred eighty day period under international agreement.

(2) The validity period for a visa for an intended stay of more than ninety days within any one hundred eighty day period shall be:⁵³

- a) maximum one year for the visas specified in Paragraphs a) and b) of Subsection (1);
- b) maximum five years for the visa specified in Paragraph c) of Subsection (1).

*Section 15.*⁵⁴

(1)⁵⁵ Visas for entitlement to receive a residence permit may be granted to third-country nationals who have been authorized under this Act to receive a residence permit or a national permanent residence permit under Subsection (1) of Section 36.

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

(3) Seasonal employment visas or national visas may be granted to third-country nationals who satisfy the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13.

(4) Seasonal employment visas and national visas shall be refused, or shall be withdrawn if already issued from the third-country nationals:

- a) who fail to comply with either of the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13;
- b) who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence.

(5) The resolution adopted in connection with applications for seasonal employment visas and national visas, or for the cancellation of such visas may not be appealed.

Residence Permit

Section 16.

(1)⁵⁶ The third-country nationals holding a valid national visa shall be authorized to remain in the territory of Hungary after the period of residence authorized in the visa in possession of a long-term visa or a residence permit expires, unless this Act provides otherwise.

(2)⁵⁷ A residence permit is an authorization to reside in the territory of Hungary for a limited duration of more than ninety days within any one hundred eighty day period and not more than two years.

(3) Unless otherwise prescribed in this Act, a residence permit may be extended for two additional years.

⁵³ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁵⁴ Established: by subparagraph b) paragraph (3) Section 109 of Act II of 2007. In force: as of 21. 12. 2007.

⁵⁵ Established: by paragraph (2) Section 64 of Act LXXVI of 2012. In force: as of 27. 06. 2012.

⁵⁶ Amended: by subparagraph e) paragraph (2) Section 109 of Act II of 2007. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁵⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

(4)⁵⁸ The third-country national whose request for special consideration had been accepted in accordance with the implementing decree of this Act, may submit an application for residence permit in the territory of Hungary.

*Section 17.*⁵⁹

Unless otherwise prescribed in this Act, residence permits may be issued to third-country nationals who satisfy the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13, and

- a) have a valid national visa if applying for a national residence permit, or
- b) have a valid residence permit in the case of applications for the extension of residence permits.

Section 18.

(1) Unless otherwise prescribed in this Act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals:

a)⁶⁰ who fail to comply with either of the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13;

b)⁶¹ who have 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)⁶² who suffer from any disease that is considered to constitute a threat to public health, and who refuse to submit to the appropriate compulsory medical treatment, or who fail to abide by the Hungarian health regulations while staying in the territory of Hungary;

d)⁶³ who established the family relationship for the purpose of obtaining a residence permit on the grounds of family reunification.

(1a)⁶⁴ 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 (1) of Section 20/A.

(1b)⁶⁵ 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 Subsection (1) of Section 20/A, 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;

⁵⁸ Enacted: by Section 36 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁵⁹ Established: by subparagraph c) paragraph (3) Section 109 of Act II of 2007. In force: as of 21. 12. 2007.

⁶⁰ Amended: by subparagraph c) paragraph (4) Section 109 of Act II of 2007.

⁶¹ Established: by Section 37 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁶² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁶³ Amended: by subparagraph d) paragraph (2) Section 130 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁶⁴ Enacted: by Section 90 of Act CV of 2011. In force: as of 1. 08. 2011.

⁶⁵ Enacted: by Section 90 of Act CV of 2011. In force: as of 1. 08. 2011.

c)⁶⁶ does not have sufficient resources to maintain himself 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;

f) was unemployed during the period of validity of an EU Blue Card on at least two occasions; or

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.

(2) By way of derogation from what is contained in Subsection (1), on humanitarian grounds, on grounds of national interest or because of international obligations a third-country national for whom an alert has been issued in the SIS may be granted a residence permit or the existing residence permit shall not be withdrawn.

Special Regulations Relating to Stays for an Intended Duration of More Than Ninety Days Within Any One Hundred Eighty Day Period⁶⁷

Section 19.

(1)⁶⁸ A residence permit may be issued on the grounds of family reunification to a third-country national who is relative of a third-country national who is in possession of a residence permit, immigration permit, permanent residence permit, interim permanent residence permit, a national or EC permanent residence permit, or - under specific other legislation - in possession of a residence card or permanent residence card (for the purposes of this Section hereinafter referred to as "sponsor").

(2) The following persons may be granted a residence permit on the grounds of family reunification:⁶⁹

a) family members of persons with refugee status, and

b) the parents of unaccompanied minors with refugee status, or their legally appointed guardian.

(3) A decision rejecting an application for 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

(4) 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:⁷⁰

a) their parents who are dependants;

⁶⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁶⁷ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

⁶⁸ Amended: by subparagraph b) paragraph (5) Section 109 of Act II of 2007.

⁶⁹ Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007.

⁷⁰ Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007.

b) their brothers and sisters, if they are unable to provide for themselves due to health reasons.

(5)⁷¹ 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.

(6)⁷² The spouse of a sponsor may not be issued a long-term visa or a residence permit if the other spouse of the sponsor has residence permit that was issued on the grounds of family reunification.

(7) Family members - unless they have obtained the right of residence on any other grounds - shall be authorized to extend his/her right of residence after five years from the date of issue of his/her first residence permit, or upon the death of the spouse or the persons with refugee status, and if other requirements for further residence are ensured.

(8)⁷³ The children of third-country nationals with a national visa or a residence permit born in the territory of Hungary shall be issued a residence permit on the grounds of family reunification.

(9)⁷⁴ The validity period of a residence permit issued for the purpose of family reunification shall be:

a) four years maximum, and it may be extended by up to four additional years at a time, if the sponsor has an EU Blue Card;

b) five years maximum, and it may be extended by up to five additional years at a time, if the sponsor has an EC permanent residence permit issued under Paragraph b) of Subsection (1) of Section 38; or

c) three years maximum - with the exceptions provided for in Paragraphs a) and b) -, and it may be extended by up to three additional years at a time.

(10)⁷⁵ 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.

(11)⁷⁶ 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 if the provisions of Subsections (9)-(10) are taken into consideration.

Section 20.

(1) A residence permit may be issued for the purpose of gainful employment to third-country nationals whose nature of stay is:⁷⁷

a)⁷⁸ to perform work for or under the direction and/or supervision of others, for remuneration, under contract for employment relationship;

⁷¹ Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007. Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁷² Amended: by subparagraph c) paragraph (5) Section 109 of Act II of 2007.

⁷³ Amended: by subparagraph d) paragraph (5) Section 109 of Act II of 2007. Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁷⁴ Established: by paragraph (1) Section 59 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁷⁵ Established: by paragraph (1) Section 59 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁷⁶ Enacted: by paragraph (2) Section 59 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁷⁷ Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

⁷⁸ Established: by paragraph (1) Section 91 of Act CV of 2011. In force: as of 1. 08. 2011.

b) to lawfully perform work in a self-employed capacity for remuneration;
c) to engage - save where Paragraph b) applies - in any gainful activity in the capacity of being the owner or director of a business association, cooperative or some other legal entity formed to engage in gainful employment, or is a member of the executive, representative or supervisory board of such entity.

(2)⁷⁹ Unless otherwise prescribed in this Act, the third-country nationals wishing to engage in gainful employment in accordance with Subsection (1):

a) shall have a seasonal employment visa, or
b) shall have a residence permit granted on humanitarian grounds, or
c) shall have a residence permit for the purpose of gainful employment, family reunification or in order to pursue studies, or
d) shall have an EU Blue Card.

(3)⁸⁰ Third-country nationals with a residence permit issued on grounds of pursuit of studies may engage in gainful employment during their term-time for maximum twenty-four hours weekly, and outside their term-time or for a maximum period of ninety days or sixty-six working days.

(4) The validity period of a residence permit granted for the purpose of gainful employment shall be three years maximum, and it may be extended by three additional years at a time.

(5)⁸¹

*Section 20/A.*⁸²

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

a)⁸³ who is able to meet the conditions set out in Paragraphs *a)*, *d)*, *h)* and *i)* of Subsection (1) of Section 13, and who is not subject to the grounds for exclusion under Subsection (2) of this Section and Paragraphs *b)* and *d)* of Subsection (1b) of Section 18;

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

c) 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

d)⁸⁴ who has notified the address of his accommodation in the territory of Hungary.

(2) An EU Blue Card shall be refused, and shall not be issued:

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

b)⁸⁵ to any person who has been granted any subsidiary form of protection or temporary protection in Hungary;

c) to exiles;

⁷⁹ Established: by paragraph (2) Section 91 of Act CV of 2011. In force: as of 1. 08. 2011.

⁸⁰ Amended: by subparagraph h) paragraph (5) Section 109 of Act II of 2007.

⁸¹ Repealed: by subparagraph b) Section 83 of Act XCIII of 2013. No longer in force: as of 1. 01. 2014.

⁸² Enacted: by Section 92 of Act CV of 2011. In force: as of 1. 08. 2011.

⁸³ Established: by paragraph (1) Section 2 of Act XXVII of 2012. In force: as of 20. 05. 2012.

⁸⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁸⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

d) to any third-country national holding a residence permit for the purpose of carrying out scientific research;

e) to any person authorized under specific other legislation to exercise the right of free movement and residence;

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

*g)*⁸⁶ 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;

*h)*⁸⁷ to any third-country national who has been admitted to the territory of Hungary with seasonal employment visa, or who has been admitted to the territory of any Member State of the European Union as a seasonal worker;

*i)*⁸⁸ to any third-country national 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, as long as he/she is posted on the territory of Hungary.

(2a)⁸⁹ In the proceedings for the issue of a EU Blue Card the competent authority shall adopt its decision within ninety days from the date of submission of the application.

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

(4) The validity period of an EU Blue Card shall be four years maximum, and it may be extended by four additional years at a time.

*Section 20/B.*⁹⁰

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 a EU Blue Card:

a) after eighteen months of legal residence in the Member State having issued the EU Blue Card, and

b) if able to meet the requirements set out in Paragraphs *a)-d)* of Subsection (1) of Section 20/A.

*Section 20/C.*⁹¹

For a period of two years 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.

⁸⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁸⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁸⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁸⁹ Enacted: by paragraph (2) Section 2 of Act XXVII of 2012. In force: as of 20. 05. 2012.

⁹⁰ Established: by Section 3 of Act XXVII of 2012. In force: as of 20. 05. 2012.

⁹¹ Enacted: by Section 92 of Act CV of 2011. In force: as of 1. 08. 2011.

Section 21.

(1)⁹² A residence permit may be issued on grounds of pursuit of studies to third-country nationals seeking admission to or accepted by a public education institution registered in the public education information system 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 in the territory of Hungary, or to attend a course in an establishment of higher education, which may cover a preparatory course prior to such education, if they are able to verify the linguistic knowledge required for the pursuit of studies.

(2) The validity period of a residence permit issued on grounds of the pursuit of studies:

- a) shall correspond to the duration of training, if it is less than two years,
- b) shall be at least one year or maximum two years if the duration of training is two years or more, and it may be extended by at least one or at most by two additional years at a time.

(3)⁹³ The validity period of a residence permit issued on grounds of the pursuit of studies may not exceed the validity period of the applicant's travel document even if the provisions of Subsection (2) are taken into consideration.

Section 22.

(1) A residence permit may be issued for the purpose of carrying out scientific research to third-country nationals:⁹⁴

a)⁹⁵ seeking admission to the territory of Hungary for the purposes of carrying out a research project under a hosting agreement concluded with a research organization accredited under specific other legislation; and

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

(2) The validity period of a residence permit granted for the purpose of carrying out scientific research shall correspond to the duration of the hosting agreement, not to exceed five years, and it may be extended by a duration corresponding to any extension of the hosting agreement, not to exceed five years.

Section 23.

(1)⁹⁶ Residence permits may be issued for official duty to third-country nationals:⁹⁷

a) enjoying any special privileges and immunities under diplomatic relations or international law, and their family members;

b) who are members of official delegations of foreign states or foreign government bodies, or

⁹² Established: by Section 60 of Act XCIII of 2013. In force: as of 1. 07. 2013.

⁹³ Enacted: by paragraph (2) Section 39 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

⁹⁴ Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

⁹⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

⁹⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

⁹⁷ Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

international organizations;

c) who are journalists;

d) seeking admission 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)⁹⁸ who are staff members of scientific, educational and cultural institutions operating in Hungary under an international convention and to persons seeking admission in connection with the activities of such institutions.

(2) The validity period of a residence permit issued for official duty shall correspond to the duration of training or continuing professional training, not to exceed three years, and it may be extended by the duration corresponding to any extension of the training or continuing professional training, not to exceed three years.

Section 24.

(1) Residence permits may be issued for the purpose of medical treatment to third-country nationals.⁹⁹

a)¹⁰⁰ seeking admission into the territory of Hungary for the purpose of receiving medical treatment;

b)¹⁰¹ accompanying their minor children or family members in need of support for receiving medical treatment in Hungary.

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

Section 25.

(1)¹⁰² Residence permits may be issued for the purpose of visit to third-country nationals holding a letter of invitation specified in specific other legislation.

(2) The validity period of a residence permit issued for the purpose of visit shall correspond to the duration of the commitment fixed in the letter of invitation, not to exceed one year, and it may not be extended for the purpose of visit.

Section 26.

(1)¹⁰³ A residence permit may be issued for the purpose of voluntary service activities to third-country nationals seeking admission into the territory of Hungary under a voluntary service agreement concluded with the hosting organization specified in specific other legislation for

⁹⁸ Amended: by subparagraph f) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

⁹⁹ Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

¹⁰⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁰¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁰² Amended: by subparagraph f) paragraph (5) Section 109 of Act II of 2007.

¹⁰³ Amended: by subparagraph d) paragraph (4) Section 109 of Act II of 2007. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

providing voluntary services in the public interest.

(2)¹⁰⁴ The validity period of a residence permit issued for the purpose of voluntary service activities shall correspond to the duration of the voluntary services, not exceeding two years.

(3)¹⁰⁵ A residence permit issued for the purpose of voluntary service activities may not be extended.

Section 27.

(1) A national visa or national residence permit may be issued under international agreement to third-country nationals seeking admission into the territory of Hungary:¹⁰⁶

- a) to engage in activities to preserve and maintain the Hungarian language;
- b) to engage in activities intended to preserve cultural and ethnic identity;
- c) for the purpose of learning and enlightenment in an establishment of secondary or higher education recognized by the State;
- d) for the purpose of furthering family ties, other than family reunification.

(2)¹⁰⁷ The validity period of a national residence permit shall be up to five years, and it may be extended by maximum five additional years at a time.

Section 28.

(1)¹⁰⁸ Any third-country national who is able to satisfy the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13 may have a residence permit issued in the absence of the objectives listed under Sections 19-27 for eligibility for a residence permit.

(2) The validity period of a residence permit referred to in Subsection (1) shall be five years at most, and it may be extended by maximum five additional years at a time.

(3)¹⁰⁹ A residence permit may be issued to a third-country national whose entry and residence in Hungary is in the interest of the national economy for reasons related to the investments made by such person in Hungary, and if able to meet the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13.

(4)¹¹⁰ In the application of Subsection (3), national interest shall, in particular, mean:

a) if the third-country national provides evidence that he himself, or a business association in which he has a majority stake has securities with a maturity of not less than five years, of a nominal value of at least 250,000 euro, issued by a company which fulfils all the following conditions:

aa) the company invests exclusively in zero bonds issued by the Hungarian Government for this particular purpose under the conditions decreed by the minister in charge of public finances, with a maturity of not less than five years, of a nominal value of at least 250,000 euro, where the

¹⁰⁴ Established: by Section 61 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹⁰⁵ Established: by subparagraph d) paragraph (3) Section 109 of Act II of 2007. In force: as of 21. 12. 2007.

¹⁰⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁰⁷ Established: by Section 40 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁰⁸ Amended: by subparagraph f) paragraph (4), subparagraph f) paragraph (5) Section 109 of Act II of 2007.

¹⁰⁹ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹¹⁰ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

issuer undertakes the commitment to repay the nominal value at the end of the maturity period, and that the bonds are issued at a discount price, less interest, where the discount rate is 1.5 per cent below the secondary market rate of the Hungarian government bond, denominated in euro, with remaining maturity closest to the five-year period at the time of issue of the bond, but at least 2 per cent,

ab) has a contract - in respect of the activity defined in Subparagraph *aa*) - with the Államadósság Kezelő Központ Zrt. (*Government Debt Management Agency*),

ac) issues registered securities exclusively, and

ad) has all permits and authorizations under the law of the given country, which are required for the activity in question; and

b) if the applicant provides a - final and irrevocable - guarantee made by the company referred to in Paragraph *a*) to subscribe within forty-five days following the date of issue of the applicant's residence permit the government bonds defined in Subparagraph *aa*) of Paragraph *a*) above, of a nominal value of at least 250,000 euro, from the funds made available by the applicant.

(5)¹¹¹ The contract referred to in Subparagraph *ab*) of Paragraph *a*) of Subsection (4) may be concluded by a company so authorized by the Standing Parliamentary Committee for Economic Affairs.

(6)¹¹² The above-specified authorization by the Standing Parliamentary Committee for Economic Affairs shall be limited to one company from any given country.

(7)¹¹³ The authorization granted under Subsection (5) shall be withdrawn, in particular, if the company in question has provided untrue information or if breaches the commitment of subscription.

(8)¹¹⁴ If the authorization is withdrawn, the Parliamentary Committee for Economic Affairs shall inform the immigration authority and the Államadósság Kezelő Központ Zrt. accordingly. If the authorization is withdrawn, the Allamadósság Kezelő Központ Zrt. shall cancel the contract referred to in Subparagraph *ab*) of Paragraph *a*) of Subsection (4).

(9)¹¹⁵ In order to monitor the right of residence, the company shall report to the immigration authority by the tenth of each month and shall supply the necessary data and information, such as the number of securities issued during the month, the natural identification data of the holders of such securities or of the majority owners of the business association, where applicable, including the amount of government bonds subscribed by the company, and an indication of the applicants who provided the funds for the subscription. The immigration authority shall process the data supplied by the company for a period of six years.

(10)¹¹⁶ The residence permit shall, furthermore, be withdrawn if subscription of the government securities according to the commitment did not take place within the time limit specified in Paragraph *b*) of Subsection (4).

(11)¹¹⁷ In the proceedings under Subsection (3) legal representation is mandatory, except where the applicant is required to appear in person under the relevant legislation.

¹¹¹ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹¹² Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹¹³ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹¹⁴ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹¹⁵ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹¹⁶ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹¹⁷ Enacted: by Section 1 of Act CCXX of 2012. In force: as of 28. 12. 2012.

Section 29.

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

- a)¹¹⁸ the person recognized by Hungary as a stateless person;
- b)¹¹⁹ the person who has been granted refugee status in Hungary;
- c)¹²⁰ 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)¹²¹ any third-country national who was born in the territory of Hungary who has been removed from the custody of his guardian having custody according to Hungarian law, and also unaccompanied minors;
- e)¹²² for substantial national security or law enforcement reasons - by initiative of the relevant public prosecutor, court, 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/her account, who has cooperated with the authorities in a crime investigation and has provided significant assistance to gather evidence;
- f)¹²³ 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.

(1a)¹²⁴ In the event of withdrawal of expulsion and exclusion orders under Subsection (10) of Section 47, the immigration authority shall - in the absence of the requirements specified in this Act for residence - issue a residence permit to the third-country national affected on humanitarian grounds if the third-country national:

- a) cooperated with the immigration authority in the process of carrying out the expulsion;
 - b) complied with the prescribed rules of conduct and with the obligation to report on a regular basis; and
 - c) is not implicated in a criminal proceeding and does not have a criminal record.
- (2)¹²⁵ 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 maximum 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 maximum one year at a time;
 - c) shall be up to six months in the cases referred to in Paragraphs c) and e) of Subsection (1), that may be extended by maximum six months at a time.

d)¹²⁶ 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 binding conclusion of proceedings brought by

¹¹⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹¹⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹²⁰ Established: by paragraph (2) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

¹²¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹²² Established: by Section 73 of Act CXLI of 2011. In force: as of 1. 01. 2012.

¹²³ Enacted: by paragraph (2) Section 93 of Act CV of 2011. In force: as of 1. 08. 2011.

¹²⁴ Enacted: by paragraph (1) Section 62 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹²⁵ Established: by Section 41 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹²⁶ Enacted: by paragraph (3) Section 93 of Act CV of 2011. In force: as of 1. 08. 2011.

the third-country national against his/her employer for the purpose of recovering outstanding remuneration.

e)¹²⁷ shall be one year in the case referred to in Subsection (1a), that may be extended by one year at a time.

(3) By way of derogation from Subsection (1) of Section 18, 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.

(4) Where a residence permit was granted on humanitarian grounds by the initiative of a duly authorized 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 authorized authority or body.

(5) 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/her residence permit may be refused only if family reunification in the country of origin or in any other country liable to accept him/her is ensured, or if state or other institutional support is ensured.

(6) Exiles shall be entitled to the rights afforded to persons with residence permits and to the rights granted to exiles in specific other legislation. The exile shall provide assistance for having his identity established, however, failure to establish his identity shall not justify refusal of a residence permit.

(7) Exiles, and the 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 under specific other legislation.

Provisions Relating to the Issue and Renewal of the Single Permit¹²⁸

*Section 29/A.*¹²⁹

(1) A single permit is issued by way of the single application procedure, if the third-country national submitted an application for residence permit for gainful employment for the purpose of residence with a view to entering into a contract for employment relationship with a specific employer.

(2) The issue or renewal of a single 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 and submits an application:

- a) for a residence permit for the purpose of family reunification; or
- b) for an EU Blue Card.

(3) The issue or renewal of a single 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

¹²⁷ Enacted: by paragraph (2) Section 62 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹²⁸ Enacted: by Section 63 of Act XCIII of 2013. In force: as of 1. 01. 2014.

¹²⁹ Enacted: by Section 63 of Act XCIII of 2013. In force: as of 1. 01. 2014.

relationship and holds:

- a)* a residence permit for the purpose of family reunification;
- b)* an EU Blue Card;
- c)* a residence permit issued for the purpose of gainful employment under Paragraphs *b)*-*c)* of Subsection (1) of Section 20; or
- d)* a residence permit issued on humanitarian grounds under Paragraphs *a)*, *e)*-*f)* of Subsection (1) of Section 29 or under Subsection (1a) of Section 29.

(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)* relating to any third-country national 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, as long as he/she is posted on the territory of Hungary;
- c)* relating to any third-country national who has been admitted to the territory of Hungary with seasonal employment visa, or who has been admitted to the territory of any Member State of the European Union as a seasonal worker;
- d)* relating to any third-country national who reside, or seeking admission to reside in the territory of Hungary to work as an intra-corporate transferee, as an au pair or as a seafarer;
- e)* relating to any third-country national who has applied for refugee status to the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority;
- f)* relating to any person who has been recognized as a refugee or has been granted any subsidiary form of protection or temporary protection in Hungary;
- g)* relating to exiles;
- h)* relating to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;
- i)* relating to any third-country national seeking admission to lawfully perform work in a self-employed capacity for remuneration;
- j)* relating to any third-country national seeking admission for the purpose of study; and
- k)* relating to any third-country national authorized to undertake gainful employment under Section 7/A.

(5) If the residence permit is issued or renewed within the framework of a single application procedure the competent authority shall adopt its decision on the merits within ninety days from the date of submission of the application.

(6) In the procedures referred to in Subsections (1)-(3) the immigration authority shall issue the residence permit in the form of a single permit.

(7) The immigration authority shall have powers 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; and
- b)* the third-country national meets the requirements set out by law for the right of residence.

(8) If the residence permit is issued in the form of a single permit, the validity period of a residence permit - with the exception of residence permits received for the purpose of family reunification, EU Blue Card, and humanitarian residence permits granted under Paragraph *a)*, *e)*-*f)* of Subsection (1), or Subsection (1a) of Section 29 - shall be two years maximum, and it may be extended by up to two additional years at a time.

(9) 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 if:

a) employment is set to take place at an employer other than the previous one, or under different conditions, or

b) having the permits referred to in Subsection (3).

Certificate of Temporary Residence

Section 30.

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

a)¹³⁰ who has filed an application for a residence permit, and whose national visa or previous residence permit has already expired before the permit is issued, or shall be granted residence permit in accordance with this Act, furthermore, if the applicant has submitted an application for a residence permit under Subsection (5) of Section 1;

b)¹³¹ who has submitted an application for a or interim permanent residence permit in the territory of Hungary;

c)¹³² who remained in the territory of Hungary beyond the duration of lawful residence due to humanitarian reasons or reasons in connection with his/her gainful employment, or for personal or some other unavoidable reasons beyond his/her control;

d)¹³³ 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 victim support authority, for the duration of support;

f)¹³⁴ whose entry is authorized - in exceptional cases - on humanitarian grounds, 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 law, if he/she does not have any form of authorization to reside in the territory of Hungary;

g)¹³⁵ whose travel document had been confiscated, and he/she does not have any form of authorization to reside in the territory of Hungary;

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

i)¹³⁶ who has applied for stateless status, for the duration of such proceedings, if he/she does not have any form of authorization to reside in the territory of Hungary;

¹³⁰ Amended: by subparagraph j) paragraph (5) Section 109 of Act II of 2007.

¹³¹ Amended: by subparagraph k) paragraph (5) Section 109 of Act II of 2007. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹³² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹³³ Amended: by subparagraph d) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹³⁴ Established: by paragraph (1) Section 42 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹³⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹³⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

j)¹³⁷ who is subject to an order of compulsory confinement under Paragraph *a), b), c), d)* or *f), g)* of Subsection (1) of Section 62.

k)¹³⁸ 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)¹³⁹ 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 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)¹⁴⁰ shall be three months in the case specified in Paragraph *k)* of Subsection (1), and it may not be extended.

(3)¹⁴¹ The third-country nationals to whom a certificate of temporary residence had been granted under Paragraph *a)* of Subsection (1) may engage in gainful employment if having submitted an application for a residence permit for the purpose of gainful employment in possession of a residence permit that was issued for the purpose of gainful employment.

(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)¹⁴² A certificate of temporary residence constitutes the right of residence 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.

Provisions relating to the Entry and Residence of the Civilian Personnel, and their Relatives, under the Convention between the Parties to the North Atlantic Treaty on the Status of their Forces, signed in London on 19 June 1951

Section 31.

(1) With regard to the entry and residence of civilian staff and their relatives (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

¹³⁷ Established: by paragraph (2) Section 42 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹³⁸ Enacted: by paragraph (1) Section 94 of Act CV of 2011. In force: as of 1. 08. 2011.

Amended: by subparagraph *b)* Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹³⁹ Established: by paragraph (3) Section 42 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁴⁰ Enacted: by paragraph (2) Section 94 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁴¹ Amended: by subparagraph *l)* paragraph (5) Section 109 of Act II of 2007.

¹⁴² Amended: by subparagraph *b)* Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

on 19 June 1951 (hereinafter referred to as 'NATO-SOFA Agreement') and promulgated by Act CXVII of 1999, and for the verification of the status of such personnel described under Point 3 of Article III, the provisions of this Act shall be applied subject to the exceptions set out in Subsections (2)-(3) of this Section.

(2)¹⁴³ The aforementioned civilian personnel shall not be required to obtain visas for an intended stay of more than ninety days within any one hundred eighty day period, and shall not be compelled to provide proof for the requirements set out in Paragraphs e)-g) of Subsection (1) of Section 13.

(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.

Chapter IV

Establishing Residence

Section 32.

(1) The third-country nationals in possession of the following permits shall be considered residents:

- a) a permanent residence permit issued before the time of this Act entering into force;
- b) an interim permanent residence permit;
- c) a national permanent residence permit;
- d) an EC permanent residence permit.

(2)¹⁴⁴ Third-country nationals with permanent resident status shall have the rights afforded in the Fundamental Law and in other legislation.

(3)¹⁴⁵ Persons with permanent resident status - other than those with temporary resident status - shall be authorized to reside in the territory of Hungary for an indefinite period of time.

(4) Persons with permanent resident status are entitled to the rights afforded to holders of residence permits by specific other legislation.

(5)¹⁴⁶ The competent authority shall notify the central body operating the register of personal data and address records of citizens concerning:

- a) the issue of a permanent residence permit 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;
- b) the withdrawal of a permanent residence permit, or an interim, national or EC permanent residence permit; and
- c) the withdrawal of an immigration permit.

Section 33.

¹⁴³ Amended: by paragraph (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

¹⁴⁴ Amended: by subparagraph g) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁴⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁴⁶ Established: by Section 4 of Act XXVII of 2012. In force: as of 20. 05. 2012.

(1) The third-country nationals applying for interim permanent residence permit, a national permanent residence permit or an EC permanent residence permit must satisfy the following conditions:

- a)¹⁴⁷ must have a place of abode and subsistence in the territory of Hungary secured;
- b) must have full healthcare insurance or sufficient financial resources for healthcare services; and
- c) must be exempt from any reason for rejection set out in this Act.

(2) No interim permanent residence permit, national permanent residence permit or EC permanent residence permit shall be issued to any third-country national:

- a)¹⁴⁸
- b)¹⁴⁹ whose residence in the territory of Hungary constitutes a threat to public security or national security;
- c)¹⁵⁰ who is subject to expulsion or exclusion from the territory of the Republic of Hungary or for whom an alert has been issued in the SIS for the purposes of refusing entry.
- d)¹⁵¹ who has disclosed false information or untrue facts in the interest of obtaining the permit, or misled the competent authority;

(3) If a third-country national with resident or immigrant status 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:¹⁵²

- a) an interim permanent residence permit shall be issued for him/her if the parent has an interim permanent residence permit;
- b) a national permanent residence permit shall be issued to him/her if the parent has an immigration permit, a permanent residence permit, national permanent residence permit or an EC permanent residence permit.

Interim Permanent Residence Permit

Section 34.

(1)¹⁵³ The third-country nationals holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union under Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents shall be issued an interim permanent residence permit if seeking admission into the territory of Hungary:¹⁵⁴

- a) for the purpose of gainful employment, with the exception of seasonal employment;

¹⁴⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁴⁸ Repealed: by subparagraph a) paragraph (1) Section 21 of Act XXVII of 2012. No longer in force: as of 20. 05. 2012.

¹⁴⁹ Established: by paragraph (1) Section 43 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁵⁰ Amended: by subparagraph g) paragraph (2) Section 109 of Act II of 2007.

¹⁵¹ Enacted: by paragraph (2) Section 43 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁵² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁵³ Established: by Section 95 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁵⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

- b)* for the pursuit of studies or for the purpose of vocational training; or
- c)* for other justified reasons;

if able to meet all other conditions specified by the relevant legislation.

(2)¹⁵⁵ Family members from third countries of the third-country nationals referred to in Subsection (1) applying together for an interim permanent residence permit, and the family members of third-country nationals holding an interim permanent residence permit shall be issued an interim permanent residence permit if their family relationship already existed in the Member State of the European Union where the EC residence permit certifying long-term residence status was issued, and if able to meet all other conditions specified by the relevant legislation.

(3)¹⁵⁶ The validity period of an interim permanent residence permit shall be five years maximum, and it may be extended by five additional years at a time. An application for the extension of an interim permanent residence permit may not be refused for the public health reasons referred to in Paragraph *h*) of Subsection (1) of Section 13, if the disease was contracted after the first interim permanent residence permit was issued.

(4) The period of validity of the interim permanent residence permit of a family member referred to in Subsection (2) shall correspond to the duration of the third-country national's interim permanent residence permit.

(5) An interim permanent residence permit may be withdrawn if the third-country national no longer satisfies the requirements set out in Paragraph a) or b) of Subsection (1) of Section 33.

(6) The interim permanent residence permit must be withdrawn from a third-country national who has been expelled or excluded.

(7) The interim permanent residence permit issued to a family member of a third-country national according to Subsection (2) must be withdrawn if:

- a) the third-country national's interim permanent residence permit had been withdrawn;
- b) the family relationship no longer exists, unless the family member in question satisfies the conditions set out in Paragraphs a) and b) of Subsection (1) of Section 33 following the third-country national's death.

(8) The immigration authority shall notify the Member State of the European Union concerning the issue of an interim permanent residence permit, and also if withdrawn with the reasons indicated, where the EC residence permit certifying long-term residence status was issued for the third-country national.

(9)¹⁵⁷ Where a third-country national holding a EC residence permit certifying long-term residence status has been granted refugee status or subsidiary protection by a Member State of the European Union, the immigration authority shall - before making out the interim permanent residence permit - contact the Member State of issue of the EC residence permit with the data specified in Section 94 indicated to verify whether the refugee status or subsidiary protection still exist.

(10)¹⁵⁸ Where a third-country national holding a EC residence permit certifying long-term 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 interim permanent residence permit - contact the Member State of issue of the EC residence permit with

¹⁵⁵ Established: by Section 95 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁵⁶ Established: by Section 95 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁵⁷ Enacted: by Section 5 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹⁵⁸ Enacted: by Section 5 of Act XXVII of 2012. In force: as of 20. 05. 2012.

the data specified in Section 94 indicated to update the heading 'Remarks' of the EC residence permit.

National Permanent Residence Permit

Section 35.

(1) National permanent residence permits may be issued - with the exception set out in Subsection (4) - to third-country nationals holding a residence permit or an interim permanent residence permit for establishing residence in the territory of Hungary, if:¹⁵⁹

a)¹⁶⁰ having lawfully resided in the territory of Hungary continuously for at least the preceding three years before the application was submitted;

b)¹⁶¹ a dependent direct relative in the ascending line of a third-country national with immigrant or permanent resident status or who has been granted asylum, and living in the same household for at least the preceding one year before the application was submitted;

c) the spouse of a third-country national with immigrant or permanent resident status or who has been granted asylum, provided that the marriage was contracted at least two years before the application was submitted;

d) the applicant was formerly a Hungarian citizen and whose citizenship was terminated, or whose ascendant is or was a Hungarian citizen.

e)¹⁶² having a residence permit issued under Subsection (3) of Section 28 of this Act for at least six months immediately before the application was made;

f)¹⁶³ having a residence permit for at least six months immediately before the application was made, and if residence in Hungary is in the interest of the national economy.

g)¹⁶⁴ an under-age children of a third-country national with immigrant or permanent resident status or who has been granted asylum.

(2)¹⁶⁵ Temporary absence from the territory of Hungary of less than four consecutive months shall not be deemed as discontinuity of residence, if the combined duration of absence does not exceed two hundred and seventy days during the preceding three years before the application was submitted.

(3)¹⁶⁶ The immigration authority may authorize a third-country national to establish permanent residence in the territory of Hungary in the event if any discontinuity of residence for a period longer than that described in Subsection (2), if residence was discontinued for a substantial reason, such as medical treatment of foreign assignment of the third-country national in connection with his/her gainful employment.

(4) The third-country nationals recognized by the refugee authority as refugees may apply for a

¹⁵⁹ Amended: by subparagraph m) paragraph (5) Section 109 of Act II of 2007. Amended: by subparagraph h) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁶⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁶¹ Established: by paragraph (1) Section 64 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹⁶² Enacted: by Section 2 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹⁶³ Enacted: by Section 2 of Act CCXX of 2012. In force: as of 28. 12. 2012.

¹⁶⁴ Enacted: by paragraph (2) Section 64 of Act XCIII of 2013. In force: as of 1. 07. 2013.

¹⁶⁵ Amended: by subparagraph d) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁶⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

national permanent residence permit in the absence of a long-term visa or residence permit.

(5)¹⁶⁷ A national permanent residence permit shall not be issued to any third-country national who has a prior criminal record, until relieved from the detrimental legal consequences related to his criminal record.

Section 36.

(1)¹⁶⁸ Under special circumstances the third-country national who is unable to satisfy the conditions set out in Paragraph *a*) of Subsection (1) of Section 13, Subsection (1) of Section 33 and Subsection (1) of Section 35 may be granted a national permanent residence permit by decision of the minister in charge of immigration.

(2)¹⁶⁹ Within the meaning of Subsection (1) hereof, the minister in charge of immigration may take into account the applicant's particular circumstances, family relations and health condition as special and equitable considerations, as well as the interests of Hungary in terms of economic, national policy, scientific, cultural and sports considerations.

(3) The decision of the minister in charge of immigration cannot be appealed.

Section 37.

(1) The immigration authority may withdraw any authority to reside, a national permanent residence permit or immigration permit in the following cases:

a) the circumstances based on which they were issued have changed to an extent that the criteria for authorization is no longer satisfied, and if a period of five years has not elapsed from the date of issue of the permit;

b)¹⁷⁰ it was issued on the grounds of family reunification, and the marriage was dissolved within three years from receipt of the permit for reasons other than the spouse's death, or if the third-country national no longer has parental custody, unless the third-country national in question has resided in Hungary for at least four years under permanent resident or immigrant status;

c)¹⁷¹ the third-country national has departed from the territory of Hungary and remained absent for a period of over six months, except if a national permanent residence permit was issued pursuant to Paragraph *e*) of Subsection (1) of Section 35.

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

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

b)¹⁷² the immigration authority has withdrawn the authority to reside in the territory of Hungary of the third-country national exercising parental custody over a minor child who is a third-

¹⁶⁷ Enacted: by Section 6 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹⁶⁸ Established: by Section 44 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁶⁹ Established: by paragraph (3) Section 64 of Act LXXVI of 2012. In force: as of 27. 06. 2012.

¹⁷⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

The change does not effect the English version.

¹⁷¹ Established: by paragraph (5) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

¹⁷² Established: by Section 45 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph d) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

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)¹⁷³ it was granted to a third-country national on the grounds of family reunification and his/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.

EC Permanent Residence Permit

Section 38.

(1)¹⁷⁴ EC permanent residence permits may be issued for long-term residence in the territory of Hungary to a third-country national:¹⁷⁵

a)¹⁷⁶ who has lawfully resided in the territory of Hungary continuously for at least a period of five years before the application was submitted; or

b) who was issued an EU Blue Card, and

ba)¹⁷⁷ has lawfully resided in the territory of Hungary continuously for at least a period of two years before the application was submitted, and

bb) has lawfully resided in the territory of any Member State of the European Union continuously for at least five years.

(2) EC permanent residence permits may not be issued to:

a)¹⁷⁸ third-country nationals residing in the territory of Hungary in order to pursue studies in an institution of higher education or vocational training;

b)¹⁷⁹ third-country nationals residing in the territory of Hungary for the purpose of seasonal employment or voluntary service activities;

c)¹⁸⁰ third-country nationals residing in the territory of Hungary under diplomatic or other personal immunity;

d)¹⁸¹ 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 final decision of the application;

e) exiles;

f)¹⁸² third-country nationals recognized by the Hungarian refugee authority or court, or by any Member State of the European Union as refugees or having granted any subsidiary form of protection, on the basis of such status, if refugee status or subsidiary protection is no longer

¹⁷³ Amended: by subparagraph i) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁷⁴ Established: by paragraph (1) Section 96 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁷⁵ Amended: by subparagraph j) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁷⁶ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁷⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁷⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁷⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁸⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁸¹ Established: by paragraph (1) Section 7 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹⁸² Enacted: by paragraph (2) Section 7 of Act XXVII of 2012. In force: as of 20. 05. 2012.

available; and

g)¹⁸³ third-country nationals under temporary protection.

(3) Any duration of previous lawful residence of third-country nationals in accordance with Paragraphs b)-c) of Subsection (2) shall not be included in the duration specified in Subsection (1).

(4) Half of the duration of the previous lawful residence of third-country nationals in accordance with Paragraph a) of Subsection (2) shall be included in the duration specified in Subsection (1).

(5)¹⁸⁴ 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 duration specified in Subsection (1).

(5a)¹⁸⁵ The time periods referred to in Subsection (1) hereof shall include half of the period between the time when the application for asylum of a third-country national recognized as a refugee or having granted any subsidiary form of protection is submitted until the time when the document on refugee status or subsidiary protection is issued. If the aforesaid period exceeds eighteen months, it shall be included in the time periods referred to in Subsection (1) in full.

(6)¹⁸⁶ The following shall not be deemed as discontinuity of residence:

a)¹⁸⁷ in the case defined in Paragraph a) of Subsection (1), temporary absence from the territory of Hungary 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;

b) in the case defined in Paragraph b) of Subsection (1), 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.

(7) If a third-country national has a long-term residence permit issued by another Member State of the European Union, the immigration authority shall notify the Member State affected concerning the issue of an EC permanent residence permit.

Section 39.

(1) The immigration authority shall withdraw the EC permanent residence permit in the following cases:

a) the third-country national was absent from the territory of the Community for a period of over twelve months;

b) the third-country national was granted long-term resident status in another Member State of the European Union;

c)¹⁸⁸ 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;

¹⁸³ Enacted: by paragraph (2) Section 7 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹⁸⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁸⁵ Enacted: by paragraph (3) Section 7 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹⁸⁶ Established: by paragraph (2) Section 96 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁸⁷ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁸⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

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

f)¹⁸⁹ by way of derogation from Paragraph *a*), the third-country national was granted the EC permanent residence permit 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 the Member States of the European Union for a period of over twenty-four consecutive months.

(1a)¹⁹⁰ The immigration authority may withdraw the EC permanent residence permit if the third-country national no longer enjoys refugee status or subsidiary protection.

(2) Any third-country national whose EC permanent residence permit the immigration authority has withdrawn under Paragraphs a)-c) of Subsection (1) shall be granted a new EC permanent residence permit when re-applying, without checking the condition specified in Subsection (1) of Section 38.

Chapter V

Regulations Pertaining to Third-Country Nationals

Refusal of Entry and Assisted Return

Section 40.

(1) The authority carrying out border checks shall refuse the entry of third-country nationals seeking admission for stays for an intended duration of no more than ninety days according to the provisions of the Schengen Borders Code, and shall return such persons - in due observation of its interests.¹⁹¹

- a) to the country of origin of the third-country national in question;
- b) to the country that is liable to accept the third-country national in question;
- c) to the country where the customary residence of the third-country national in question 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.

Section 41.

(1) A third-country national whose entry was refused and is turned back shall:

- a) remain for a maximum period of eight hours on the means of transport that is scheduled to depart to the point of origin or another destination of transit;
- b) remain in a designated place located in the frontier zone for a maximum period of seventy-two hours, or if having arrived by means of air transport, in a designated place of the airport for a

¹⁸⁹ Enacted: by Section 97 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁹⁰ Enacted: by Section 8 of Act XXVII of 2012. In force: as of 20. 05. 2012.

¹⁹¹ Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

maximum period of eight days; or

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

(2)¹⁹² If the return procedure cannot be carried out within the time limit specified in Paragraph *b)* of Subsection (1), the third-country national shall be expelled. If expulsion is ordered for reasons other than what is contained in Paragraph *d)* of Subsection (2) of Section 43, the third-country national in question may not be excluded.

Expulsion and Voluntary Departure¹⁹³

*Section 42.*¹⁹⁴

(1)¹⁹⁵ The immigration authority, if it finds that a third-country national who has lawfully resided in the territory of Hungary no longer has the right of residence, shall adopt a resolution to refuse his/her application for a residence permit or to withdraw the document evidencing right of residence of the third-country national in question, and - with the exceptions set out in this Act - shall order him/her to leave the territory of the Member States of the European Union. The third-country nationals may seek remedy against the expulsion order in the appeal submitted to challenge the resolution adopted to refuse the application for residence permit or to withdraw the document evidencing right of residence.

(2)¹⁹⁶ If the court's decision is for expulsion or the immigration authority considers that the conditions for the third-country national's expulsion under this Act do exist, the immigration authority shall - with the exceptions set out in this Act - adopt a decision ordering the third-country national in question to leave the territory of the Member States of the European Union.

(3)¹⁹⁷ The immigration authority shall prescribe the time limit for voluntary departure in its resolution ordering expulsion, or in its ruling adopted for carrying out the expulsion ordered by the court so that it falls between the seventh and the thirtieth day following the time of delivery of the resolution for expulsion to the third-country national, if the third-country national affected agrees to leave the territory of the Member States of the European Union on his/her own accord, except where the cases defined by this Act apply. The time period provided for above shall not exclude the possibility for the third-country national concerned to leave earlier.

(4)¹⁹⁸ 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 motion - extend the period for voluntary departure by a period of up to thirty days. If the child who is in the parental custody of an expelled third-country

¹⁹² Established: by Section 46 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁹³ Established: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁹⁴ Established: by Section 47 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

¹⁹⁵ Established: by paragraph (1) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011. Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

¹⁹⁶ Established: by paragraph (1) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁹⁷ Established: by paragraph (1) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011.

¹⁹⁸ Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

national pursues studies in an public education institution, the immigration authority may - upon request or on its motion - extend the period for voluntary departure by a period up to the end of the running semester. Extension of the time limit for voluntary departure shall be ordered by way of a ruling.

(5) Enforcement of ruling on the extension of the time limit for voluntary departure may be contested.

(6) No time limit for voluntary departure shall be specified, or the immigration authority may set the deadline for leaving the territory of the Member States of the European Union before the seventh day following the time of delivery of the resolution for expulsion in the following cases:

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

b) the third-country national's application for residence permit was refused by the authority on the grounds referred to in Paragraphs *b)* and *d)* of Subsection (1) of Section 18;

*c)*¹⁹⁹ the third-country national has expressly refused to leave the territory of the Member States of the European Union voluntarily, or, based on other substantiated reasons, is not expected to abide by the decision for his/her expulsion;

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

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

(8)²⁰⁰ The provisions of Subsections (3)-(4) shall apply with respect to persons eligible for preferential treatment, taking due account of their special needs stemming from their specific situation.

Expulsion Ordered Under Immigration Laws and Exclusion

*Section 43.*²⁰¹

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

*a)*²⁰² who must not be allowed to enter the territory of Hungary under international commitment; or

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 refundable financial aid received from the State of Hungary;

*e)*²⁰³ who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanor proceeding within the prescribed deadline, and there is no possibility to enforce it.

¹⁹⁹ Established: by paragraph (2) Section 98 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁰⁰ Enacted: by paragraph (3) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²⁰¹ Established: by Section 48 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁰² Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁰³ Amended: by Section 35 of Act XXXI of 2012. In force: as of 15. 04. 2012.

(2) Subject to the exception set out in this Act, the immigration authority shall order the expulsion of a third-country national under immigration laws who:

- a)*²⁰⁴ has crossed the frontier of Hungary illegally, or has attempted to do so;
- b)* fails to comply with the requirements set out in this Act for the right of residence;
- c)* was engaged in any gainful employment in the absence of the prescribed work permit or any permit prescribed under statutory provision;
- d)* whose entry and residence represents a threat to national security, public security or public policy; or
- e)* whose entry and residence represents a threat and is potentially dangerous to public health.

(3) An independent exclusion order, and an expulsion order under immigration laws may be issued upon the initiative of law enforcement agencies delegated under the relevant government decree on the grounds referred to, respectively, in Paragraph *c)* of Subsection (1) and Paragraph *d)* of Subsection (2) within the framework of discharging their duties relating to the protection public policies defined by law. Where exclusion is ordered independently on the grounds referred to in Paragraph *c)* of Subsection (1), the law enforcement agencies delegated under the relevant government decree shall make a recommendation as to the duration of such exclusion in cases falling within their jurisdiction.

Section 44.

(1)²⁰⁵ The duration of exclusion that was ordered independently under Paragraphs *a)-b)* of Subsection (1) of Section 43 shall be adapted to the period of the underlying obligation or exclusion. The duration of exclusion that was ordered independently under Paragraphs *c)-e)* of Subsection (1) of Section 43 shall be determined by the competent immigration authority, for a period of up to three years, and it may be extended by maximum three additional years at a time. An exclusion order shall be cancelled forthwith when the grounds therefor no longer exist.

(2) An exclusion ordered independently may not be appealed.

(3)²⁰⁶ An exclusion that was ordered independently under Paragraphs *a)-b)* of Subsection (1) of Section 43 may not be appealed.

Section 45.

(1)²⁰⁷ The immigration authority shall have regard for the following factors before adopting an expulsion order under immigration laws concerning a third-country national who is holding a residence permit issued on the grounds of family reunification:

- a)* the duration of stay;
- b)* the age and family status of the third-country national affected, possible consequences of his/her expulsion on his/her family members;
- c)*²⁰⁸ links of the third-country national to Hungary, or the absence of links with the country of origin.

(2) Any third-country national who:

²⁰⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁰⁵ Established: by Section 49 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁰⁶ Enacted: by Section 99 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁰⁷ Established: by paragraph (1) Section 50 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁰⁸ Amended: by subparagraph l) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

a)²⁰⁹ resides in the territory of Hungary under immigrant or permanent resident status;
b) is bound to a third-country national residing in the territory of the Republic of Hungary under immigrant or permanent resident status by marriage or registered partnership, and has a residence permit,

may be expelled only if his/her continued residence represents a serious threat to national security, public security or public policy.

(2a)²¹⁰ The immigration authority shall adopt an expulsion order with respect to a person specified in Subsection (2) having regard to the factors described in Subsection (1).

(2b)²¹¹ Before adopting an expulsion order the immigration authority shall contact the Member State of issue of the EC residence permit with the data specified in Section 94 indicated to verify whether the refugee status or subsidiary protection of the person affected still exist.

(2c)²¹² If refugee status or subsidiary protection of the person affected still exist, the immigration authority shall expel the third-country national holding an EC residence permit certifying long-term residence status from the territory of Hungary to the Member State where refugee status or subsidiary protection exist.

(2d)²¹³ If a third-country national holding an EC permanent residence permit, 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, and refugee status or subsidiary protection exists, the third-country national recognized as a refugee or having granted subsidiary protection, and his/her family members shall be readmitted to the territory of Hungary.

(2e)²¹⁴ If a third-country national holding an EC permanent residence permit, or his/her family member has been expelled by any Member State of the European Union, he/she shall be allowed to return to the territory of Hungary even if his/her EC permanent residence permit has expired.

(3) The provisions of Subsection (2) shall also apply to the immediate family members - defined in specific other legislation - of a third-country national who has applied to the refugee authority for refugee status for the duration of the application pending, and those with refugee status or to whom any subsidiary form of protection or temporary protection was granted.

(4)²¹⁵ 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.

(5) An unaccompanied minor may be expelled only if adequate protection is ensured in his country of origin or in a third country by means of reuniting him with other members of his family or by state or other institutional care.

(6)²¹⁶ The immigration authority may abstain from ordering the expulsion of a third-country national who resides in the territory of Hungary illegally, if he/she is the subject of a pending procedure for renewing his or her residence permit or other authorization offering a right to stay

²⁰⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²¹⁰ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²¹¹ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²¹² Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²¹³ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²¹⁴ Enacted: by Section 9 of Act XXVII of 2012. In force: as of 20. 05. 2012.

²¹⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²¹⁶ Established: by paragraph (2) Section 50 of Act CXXXV of 2010. In force: as of 24. 12. 2010.
Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

in the territory of Hungary.

(7)²¹⁷ Expulsion may not be ordered under immigration laws, and exclusion may not be ordered independently against a third-country national who was convicted for a crime in the court of the law, yet the sentence did not include expulsion in any form.

(8)²¹⁸ A third-country national holding an authorization issued by a Member State of the European Union offering a right to stay in the territory of that Member State, may be expelled only if:

*a)*²¹⁹ he/she refused to leave the territory of Hungary upon receipt of notice from the immigration authority in writing, or

*b)*²²⁰ his/her residence in the territory of Hungary represents a serious threat to national security, public security or public policy.

(8a)²²¹ The immigration authority shall have powers to expel a third-country national holding an authorization issued by a Member State of the European Union offering a right to stay in the territory of that Member State from the territory of Hungary, primarily to the Member State that has issued the residence permit authorizing the third-country national to stay legally on its territory.

(8b)²²² A third-country national holding an EU Blue Card issued by any Member State of the European Union shall be expelled to the Member State having issued the EU Blue Card, even if the EU Blue Card has expired during the third-country national's stay in Hungary.

(8c)²²³ If a third-country national holding an EU Blue Card has been expelled by any Member State of the European Union, he/she shall be allowed to return to the territory of Hungary even if his/her EU Blue Card has expired. The provisions contained in Subsection (1b) of Section 18 shall apply concerning the third-country national after readmission.

(9)²²⁴ If the immigration authority decided to abstain from ordering expulsion of third-country national on the grounds specified in Subsections (3)-(5), 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/her behalf.

*Section 45/A.*²²⁵

(1) By way of derogation from Subsection (2) of Section 43, the immigration authority shall not order the expulsion of any third-country national who has been expelled by the competent authority of another Member State of the European Union:

a) for the reason that the person in question represents a genuine, present and sufficiently serious threat affecting national security or public security;

²¹⁷ Amended: by Section 299 of Act CCXXIII of 2012. In force: as of 1. 07. 2013.

²¹⁸ Enacted: by paragraph (3) Section 50 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²¹⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²²⁰ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²²¹ Enacted: by Section 100 of Act CV of 2011. In force: as of 1. 08. 2011. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²²² Enacted: by Section 100 of Act CV of 2011. In force: as of 1. 08. 2011.

²²³ Enacted: by Section 100 of Act CV of 2011. In force: as of 1. 08. 2011. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²²⁴ Enacted: by paragraph (3) Section 50 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²²⁵ Enacted: by Section 51 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

- b)* in connection with a conviction under the laws of the country where the resolution was adopted for an offence punishable by a penalty involving imprisonment of at least one year;
 - c)* based on suspicion of serious criminal offences; or
 - d)* based on failure to comply with regulations on the entry or residence of foreign nationals.
- (2) The immigration authority shall execute the expulsion order referred to in Subsection (1) in accordance with the provisions contained therein and with the provisions of this Act.

*Section 45/B.*²²⁶

(1) By way of derogation from Subsection (2) of Section 43, 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 under a bilateral readmission agreement or other similar agreement signed before 13 January 2009.

(2) Return under the readmission agreement shall be decided by the immigration authority by way of a ruling, that may be contested by the third-country national affected by lodging a complaint within twenty-four hours following the time of delivery of the ruling. Implementation of the ruling on the return order shall not be suspended upon receipt of the said complaint.

(3) The provisions on deportation measures shall also apply to return under readmission agreement.

Section 46.

(1)²²⁷ Expulsion orders shall specify:

a) the criteria weighted in connection with the decisions adopted under Subsections (1)-(6) of Section 45;

b) the duration of exclusion;

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

*d)*²²⁸ the time limit for voluntary departure from the territory of the Member States of the European Union, or from the territory of Hungary in the cases defined by this Act;

e) a warning to the third-country national affected of facing deportation in the eventuality of his/her refusal to depart voluntarily; and

f) the obligation for being photographed and fingerprinted.

(2) Expulsion orders may not be appealed; however, a petition for judicial review may be lodged within eight days of the date when the resolution was delivered. The court shall adopt a decision within fifteen days upon receipt of the petition.

(3)²²⁹

(4)²³⁰ The final decision of expulsion and the duration of exclusion shall be recorded in the passport in the form of an entry, unless the third-country national affected is holding a valid residence permit issued by any Member State of the European Union. The entry shall not be made if the foreign national affected agrees to leave Hungary on his/her own accord, or leaves the

²²⁶ Enacted: by Section 101 of Act CV of 2011. In force: as of 1. 08. 2011.

²²⁷ Established: by paragraph (1) Section 52 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²²⁸ Established: by paragraph (1) Section 102 of Act CV of 2011. In force: as of 1. 08. 2011.

²²⁹ Repealed: by subparagraph e) paragraph (2) Section 130 of Act CXXXV of 2010. No longer in force: as of 24. 12. 2010.

²³⁰ Established: by paragraph (2) Section 102 of Act CV of 2011. In force: as of 1. 08. 2011.

territory of Hungary within the framework of a voluntary return program.

Section 47.²³¹

(1) Unless otherwise prescribed 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) The immigration authority shall order exclusion by means of a separate resolution, if deportation of the third-country national in question was ordered under Paragraph *d*) of Subsection (1) of Section 65.

(3)²³² The third-country national affected shall have the right to appeal the resolution adopted separately on exclusion. There shall be no further appeal against the resolution. The appeal shall be submitted within twenty-four hours from the time of delivery of the resolution 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.

(4) Where expulsion is ordered on the grounds defined in Subsection (2) of Section 43, 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/her continued residence represents a serious threat to public security, public policy or national security.

(5) The duration of an exclusion measure, ordered in conjunction with expulsion or separately, shall be determined in years, and - subject to the exception set out in Subsection (6) - may not exceed five years.

(6)²³³ The duration of an exclusion measure may not exceed ten years, if the third-country national's residence in the territory of Hungary represents a serious threat to public security, public policy or national security.

(7) 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, or if this is not known, from the deadline prescribed therefor.

(8)²³⁴ Third-country nationals whose exclusion was ordered may enter the territory of Hungary only upon the special consent of the ordering authority.

(9) The immigration authority may withdraw - upon request or on its own motion - the exclusion order if:

a) the exclusion measure was ordered in conjunction with expulsion against a third-country national under Subsection (2) of Section 43, and the third-country national affected is able to demonstrate that he or she has left the territory of a Member State in full compliance with the resolution for expulsion, or

b) continued enforcement is no longer justified due to major changes in the underlying circumstances.

(10)²³⁵ The immigration authority shall have entitlement to withdraw the expulsion and

²³¹ Established: by Section 53 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²³² Amended: by paragraph (75) Section 2 of Act CLII of 2010. In force: as of 1. 01. 2011.

²³³ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²³⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²³⁵ Enacted: by Section 65 of Act XCIII of 2013. In force: as of 1. 07. 2013.

exclusion ordered under Subsection (2) of Section 43 of its own motion, if the expulsion is not carried out within twelve months following the date when the expulsion order became final and enforceable for reasons beyond the third-country national's control.

Section 48.

(1) Expulsion measures shall be carried out primarily in accordance with a readmission agreement.

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

(3) Enforcement of an expulsion measure may be suspended until the necessary means and conditions are secured, i.e. until the travel document, visa, transport ticket is obtained. The decision ordering suspension cannot be contested.

(4)²³⁶ Where expulsion is ordered before the application for asylum is submitted, the immigration authority shall suspend the execution of such measure until the binding conclusion of the asylum procedure conducted under specific other legislation, if the third-country national has the right of residence within the territory of Hungary. The decision ordering suspension cannot be contested.

*Section 48/A.*²³⁷

(1) If during immigration proceedings for the expulsion of a third-country national there is any indication that the Dublin Regulations should be applied, and the third-country national affected did not submit an application for recognition in accordance with the Asylum Act, 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) above may not be appealed.

*Section 48/B.*²³⁸

(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.

(2) The ruling on the return order may be subject to judicial review.

(3) The petition for judicial review shall be submitted to the refugee authority within three days following the date of delivery of the ruling. The refugee authority shall forthwith forward the petition for judicial review to the competent court together with the documents of the case and any cross-complaint attached.

(4) The petition for judicial review shall be adjudged by the court - within eight days following receipt of the petition for judicial review - in nonjudicial proceedings, relying on the available documents. In the proceedings personal interviews may not be conducted. The court's decision is

²³⁶ Enacted: by paragraph (4) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²³⁷ Enacted: by Section 54 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²³⁸ Enacted: by Section 54 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

final, and it may not be appealed.

(5) Pending judicial review, implementation of the ruling on the return order shall not be suspended upon receipt of a request therefor.

*Section 48/C.*²³⁹

(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.

Expulsion by the Court

Section 49.

(1)²⁴⁰ Where expulsion is ordered by the court it shall be carried out by the immigration authority by way of a ruling; this measure may be contested.

(2) The court or the penal institution shall forthwith notify the immigration authority to carry out the expulsion when it becomes final.

(3) The immigration authority, upon receipt of the notice referred to in Subsection (2), shall order the expulsion to be enforced.

Costs of Expulsions

Section 50.

(1) The costs associated with expulsion shall be borne by the person expelled or - if lacking the financial means necessary - by his/her host.

(2) In order to secure the costs of departure, the competent authority may seize the travel ticket if the third-country national in question has one, or - if sufficient financial means cannot be ensured otherwise - may confiscate his money in the amount as is required to purchase the ticket and to obtain a travel document; these actions may not be contested.

(3) Where the expulsion measure cannot be carried out because neither the person being expelled nor his/her host has the financial means necessary, the competent authority shall advance the costs of departure.

(4) The costs advanced according to Subsection (3) shall be repaid:

a) by the person expelled;

b) by the host if the person affected was invited;

c)²⁴¹ by the employer, if expulsion was ordered under Paragraph *c*) of Subsection (2) of Section 43;

d)²⁴² by the research organization if the person affected was admitted for the purposes of

²³⁹ Enacted: by Section 54 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁴⁰ Established: by Section 55 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁴¹ Established: by Section 56 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁴² Established: by Section 56 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

carrying out a research project and if expulsion was ordered under Paragraph *b*) of Subsection (2) of Section 43.

(5) The liability of the research organization mentioned in Paragraph *d*) of Subsection (4) shall remain in effect for six months following termination of the hosting agreement.

Prohibition of Return, and for Ordering and Carrying Out Expulsion Measures

Section 51.

(1)²⁴³ 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/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(2) of the Fundamental Law (non-refoulement).

(2)²⁴⁴ 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 specific other legislation.

Section 52.

(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.

(3)²⁴⁵ 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 - to declare 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.

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

*Section 52/A.*²⁴⁶

(1) 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 immigration authority shall grant refugee status to the third-country national in question, and shall issue a humanitarian residence permit in accordance with Paragraph *b*) of Subsection (1) of Section 29.

²⁴³ Amended: by subparagraph *m*) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁴⁴ Established: by paragraph (5) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²⁴⁵ Established: by Section 57 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁴⁶ Enacted: by Section 58 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

(2) When the grounds for refugee status cease to apply, the immigration authority shall withdraw the refugee status.

(3) Refugee status shall also have to be withdrawn if the third-country national:

a) was granted the right of residence on other grounds, or

b) failed to appear before the competent authority in the course of the review of his/her refugee status upon receipt of notice from the immigration authority, within three months from the date of the notice.

Photographing and Fingerprinting

Section 53.

(1)²⁴⁷ 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 or expulsion under immigration laws, compulsory confinement, detention under immigration laws or carrying out the expulsion ordered by the court shall take the facial image and fingerprint of the third-country national affected.

(1a)²⁴⁸ As regards applications for local border traffic permits, residence permits, EU Blue Cards, interim permanent residence permits, national and EC permanent residence permits, and the issue of humanitarian residence permit under Paragraphs *a)-b)* and *d)-f)* of Subsection (1) and Subsection (1a) of Section 29 the immigration authority shall proceed in accordance with Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals.

(2) The above-specified third-country national shall submit to having his/her fingerprint and a photograph of his/her face taken.

Detention

*Section 54.*²⁴⁹

(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/she is hiding from the authorities or is obstructing the enforcement of the deportation in some other way;

b) he/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/she has seriously or repeatedly violated the code of conduct of the place of compulsory

²⁴⁷ Established: by paragraph (1) Section 59 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁴⁸ Established: by Section 103 of Act CV of 2011. In force: as of 1. 08. 2011. Amended: by subparagraph a) Section 82 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁴⁹ Established: by Section 66 of Act XCIII of 2013. In force: as of 1. 07. 2013.

confinement;

d) he/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/she is released from imprisonment as sentenced for a deliberate crime.

(2) Before ordering detention under immigration laws on the basis of Paragraph *a)* or *b)* of Subsection (1), the immigration authority shall consider whether the deportation can be ensured in accordance with Subsection (2) of Section 48 or Subsection (1) of Section 62.

(3) Detention under immigration laws shall be ordered by way of a formal resolution, and shall be carried out when communicated.

(4) Detention under immigration laws 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) Detention under immigration laws 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 competent 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/her.

(6) Detention ordered under immigration laws 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/her application for international protection; or

e) detention of the third-country national is ordered in asylum proceedings.

(7) 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 detention in immigration proceedings nor in the duration of detention prior to expulsion.

(8) In connection with the termination of detention under Paragraphs *b)* and *c)* of Subsection (6), the immigration authority ordering the detention shall order the third-country national affected to stay at an assigned place.

Section 55.

(1)²⁵⁰ 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, if his/her identity or the legal grounds of his/her residence is not conclusively established, or if the return of the third-country national under the bilateral readmission agreement to another Member State of the European Union is pending.

(2) Detention prior to expulsion shall be ordered by way of a formal resolution, and shall be carried out when communicated.

²⁵⁰ Established: by Section 104 of Act CV of 2011. In force: as of 1. 08. 2011.

(3)²⁵¹ Detention prior to expulsion 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 identity or the legal grounds of his/her residence is conclusively established, or for maximum thirty days.

*Section 56.*²⁵²

(1) 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 that the third-country national is an applicant for asylum.

(2) Subject to the exception set out in Subsection (3), the detention of a third-country national who is a minor may not be ordered.

(3) Families with minors 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 48 or Subsection (1) of Section 62.

(4) If a third-country national who was previously detained is placed under immigration proceedings on the basis of new facts, the duration of such previous detention shall not be factored in the duration of detention.

(5) Detention shall be terminated immediately when the grounds therefor no longer exist.

Complaints

Section 57.

(1) Third-country nationals may not apply for the suspension of proceedings for ordering their detention.

(2)²⁵³ The resolution ordering detention may not be appealed.

(3) The third-country national placed under detention may lodge a complaint in the event of the immigration authority's failure to comply with its obligations set out under Sections 60-61.

(4)²⁵⁴ The complaint shall be adjudged by the district court of jurisdiction by reference to the place of detention.

(5)²⁵⁵ According to the court's decision any measure that has been omitted must be carried out, and/or any infringement must be remedied.

(6)²⁵⁶ The court shall adopt a decision for such complaints within eight days.

Extension of the Duration of Detention by Court Order

²⁵¹ Amended: by subparagraph b) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

²⁵² Established: by Section 61 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁵³ Established: by paragraph (1) Section 62 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁵⁴ Amended: by subparagraph c) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

²⁵⁵ Established: by paragraph (2) Section 62 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁵⁶ Established: by paragraph (2) Section 62 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

Section 58.

(1)²⁵⁷ The immigration authority shall file its request for an extension beyond the seventy-two-hour time limit at the district court within twenty-four hours from the time when ordered.

(2)²⁵⁸ The court may grant an extension of detention in immigration proceedings 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.

Common Provisions for Court Procedures

Section 59.

(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 for extension, another request or motion may not be lodged on the same grounds.

(3) In the court proceedings representation for the third-country national may only be provided by a legal representative.

(4) The court shall appoint a representative ad litem for any third-country national or his/her family member who does not understand the Hungarian language and is unable to contract the services of a legal representative on his/her own.

(5) In any case concerning the extension of detention beyond the seventy-two-hour time limit by the court, 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 at the place of detention and in the absence of the third-country national's legal representative.

(7) 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.

(8) 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 authority is not represented, but they have submitted their comments in advance in writing, they will be introduced by the court.

(9) The court's decision shall be delivered to the third-country national affected, and to the immigration authority. If the third-country national has a legal representative or a representative ad litem, they shall be informed as well. The court decision shall be announced verbally and shall also be delivered in writing without delay.

(10) The court's decision is final.

(11) The court proceedings are exempt from charges.

²⁵⁷ Amended: by subparagraph d) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

²⁵⁸ Established: by Section 67 of Act XCIII of 2013. In force: as of 1. 07. 2013.

Execution of Detention

Section 60.

(1) The third-country national placed under detention shall be informed of his/her rights and obligations in his/her native language or another language he/she understands.

(2)²⁵⁹ 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 forthwith inform the Hungarian consular or diplomatic mission of the third-country national concerning his/her detention without delay, 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/her valuables which have been left unattended.

Section 61.

(1) The immigration authority shall carry out the detention in places designated for this purpose.

(2)²⁶⁰ With the exception of married couples, men placed under detention shall be housed in separate quarters from women, furthermore, families with minors 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 emergency and basic medical care as specified in specific 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 specific other legislation, and to receive visitors;

d) supplement their diet at their own expense;

e)²⁶¹ 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 or notifications of common interest;

h) spend at least one hour each day outdoors.

i)²⁶² minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age;

j)²⁶³ minors in detention shall have, depending on the length of their stay, access to education.

(4) Third-country nationals placed under detention shall have the obligation to:

²⁵⁹ Established: by Section 63 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁶⁰ Established: by paragraph (1) Section 64 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁶¹ Established: by paragraph (1) Section 68 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁶² Enacted: by paragraph (2) Section 64 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁶³ Enacted: by paragraph (2) Section 64 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

- 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 any examinations, to permit the searching of their clothing, and not obstruct the confiscation of any contrabands.
 - e)²⁶⁴ with the exception provided for in Subsection (5), repay the costs of their keep and support and cover the costs of any damage caused willfully.
- (5)²⁶⁵ 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 admitted and recognized as a refugee.

Section 61/A.²⁶⁶

- (1) Subsection (1) of Section 58 and Subsection (1) of Section 61 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)²⁶⁷ 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), the immigration authority may carry out the detention at a place other than what is contained in Subsection (1) of Section 61.

Compulsory Confinement

Section 62.

- (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)²⁶⁸ cannot be returned or expelled due to commitments of Hungary conferred upon it in international treaties and conventions;
 - b) is a minor who should be placed under detention;
 - c)²⁶⁹ should be placed under detention, in consequence of which his/her minor child residing in the territory of Hungary would be left unattended if he/she was to be detained;
 - d) is released from detention, however, there are still grounds for his/her detention;
 - e) has a residence permit granted on humanitarian grounds;
 - f) has been expelled, and is lacking adequate financial resources to support himself and/or does not have adequate dwelling.

²⁶⁴ Established: by paragraph (2) Section 68 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁶⁵ Enacted: by paragraph (3) Section 68 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁶⁶ Enacted: by Section 65 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁶⁷ Amended: by subparagraph e) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

²⁶⁸ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁶⁹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

g)²⁷⁰ should be placed under detention under immigration laws according to Paragraph *a*) or *b*) of Subsection (1) of Section 54, and detention would result in a disproportionate punishment taking into account the state of health and age of the third-country national concerned.

(2) The operative section of the resolution 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.

(2a)²⁷¹ 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 county specified in the resolution ordering the assigned place of residence, except if the third-country national holds a humanitarian residence permit issued under Paragraph *b*) or *e*) of Subsection (1) of Section 29, or if so authorized by the immigration authority at the third-country national's request.

(3) The compulsory place of confinement shall be designated at a community hostel or a refugee center, if the third-country national is not able to support himself, and has no adequate place of abode, financial resources, income, or host or relative who can be compelled to provide support.

(4) The costs of confinement in a community hostel or refugee center shall be borne by the third-country national, unless he is issued a residence permit on humanitarian grounds.

(5)²⁷² Compulsory confinement proceedings may not be suspended upon the third-country national's request.

(6)²⁷³ A third-country national placed under compulsory confinement may lodge a complaint - as a form of remedy, on the grounds of an infringement of the law - against the resolution ordering his/her confinement. Such complaints shall be subject to the provisions of Section 57 and Section 59, and may be submitted any time during the term of compulsory confinement.

(7) The court shall adopt a decision for such complaints within eight days.

(8)²⁷⁴ The immigration authority shall terminate the confinement of a third-country national in an assigned place by way of a resolution, 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; or
c) two months have lapsed from the date when compulsory confinement in a community hostel or reception center was ordered.

(9)²⁷⁵ The third-country national shall have recourse against the resolution terminating his/her confinement in an assigned place in accordance with Subsections (6)-(7).

*Section 63.*²⁷⁶

If two months have lapsed from the date when compulsory confinement in a community hostel

²⁷⁰ Enacted: by paragraph (1) Section 66 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁷¹ Enacted: by paragraph (1) Section 69 of Act XCIII of 2013. In force: as of 1. 09. 2013.

²⁷² Established: by paragraph (2) Section 66 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁷³ Established: by paragraph (2) Section 66 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁷⁴ Enacted: by paragraph (2) Section 69 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁷⁵ Enacted: by paragraph (2) Section 69 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁷⁶ Established: by Section 70 of Act XCIII of 2013. In force: as of 1. 09. 2013.

or reception center was ordered, but the circumstances serving grounds therefor still exists, the third-country national in question shall be transferred to another assigned place.

*Section 64.*²⁷⁷

Any third-country national who has been ordered by the immigration authority to remain in an assigned place under Paragraph *e*) of Subsection (1) of Section 62 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.

Removal by Deportation

*Section 65.*²⁷⁸

(1) A return or expulsion measure ordered by the court or the immigration authority shall be enforced by way of transporting the third-country national affected under official escort (hereinafter referred to as "deportation") if the third-country national:

a) is released from imprisonment as sentenced for a deliberate crime;

b)²⁷⁹

c) makes it necessary to supervise his/her exit for national security reasons, if so required by commitment under international treaty, or for the protection of public security or public policy;

d) failed to leave the territory of the Member States of the European Union by the day following the deadline prescribed in the resolution for expulsion.

(2) Deportation shall be ordered in the resolution ordering expulsion under immigration laws or in the ruling for the enforcement of expulsion if ordered by the court. In all other instances it shall be ordered by specific resolution or ruling.

(3) The third-country national affected may lodge a complaint against the specific resolution or ruling ordering the deportation measure. The complaint shall be submitted within twenty-four hours from the time of delivery of the resolution to the same immigration authority that has ordered it.

(4)²⁸⁰ The immigration authority shall forward the complaint, together with the documents of the case, to the authority of competent jurisdiction, that shall render a decision within eight days.

(5) The third-country national affected may lodge a complaint against the deportation measure.

(6) The third-country national affected may request suspension of the deportation procedure in the complaint submitted against the deportation measure according to Subsection (3).

(7) The immigration authority may cooperate in the enforcement of expulsion ordered by a country that is required to apply the provisions of Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

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

a) the entry of the person deported to the country of destination is no longer an option;

²⁷⁷ Established: by Section 71 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁷⁸ Established: by Section 67 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁷⁹ Repealed: by subparagraph b) paragraph (1) Section 21 of Act XXVII of 2012. No longer in force: as of 20. 05. 2012.

²⁸⁰ Amended: by paragraph (75) Section 2 of Act CLII of 2010. In force: as of 1. 01. 2011.

- 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 specific 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.

(10)²⁸¹ 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.

Outbound Travel Restrictions²⁸²

*Section 66.*²⁸³

(1) Upon receipt of notice from the court or public prosecutor 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 specified in Subsection (1) the immigration authority shall adopt a resolution on outbound travel restriction and shall confiscate the travel document of the third-country national affected.

(3) The aforesaid resolution may not be appealed.

(4) The immigration authority, upon receipt of notice from the court, the public prosecutor or the investigating authority for lifting the outbound travel restriction, shall cancel the outbound travel restriction without delay and shall release the third-country national’s travel document as well.

Control of Third-Country Nationals

Section 67.

(1) The immigration authority shall have powers to control compliance with and enforce the provisions of this Act.

(2) Upon request for checks, third-country nationals shall produce and surrender their travel documents, authority to reside and other personal identification documents.

(3) In the event that any travel document is found in the possession of a third-country national that is issued to another person, and is held illegally by the third-country national, it shall be confiscated 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 agency via the minister in charge of foreign policies.

²⁸¹ Enacted: by paragraph (6) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²⁸² Established: by paragraph (7) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

²⁸³ Established: by paragraph (7) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

(4) Any third-country national who is unable to verify his/her lawful residence in Hungary or is unable to produce credible evidence of his/her identity, or who violates the provisions of this Act shall be apprehended and taken into custody by the immigration authority.

(4a)²⁸⁴ The immigration authority shall be empowered 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 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals.

(4b)²⁸⁵ The immigration authority shall be allowed to process fingerprint images taken for the purposes referred to in Subsection (4a) for verifying the stipulations mentioned in point 4 of Article 1 of 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, until the verification process is completed, after which the fingerprint images must be deleted immediately.

(5) 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.

Checking Third-Country Nationals in the Visa Information System²⁸⁶

*Section 67/A.*²⁸⁷

(1)²⁸⁸ The immigration authority shall have powers to take the fingerprints of third-country nationals for the purpose of cross-referencing in the system for the exchange of visa data established under Council Decision 2004/512/EC (hereinafter referred to as “Visa Information System”), and for the purpose of verification under Articles 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 (hereinafter referred to as “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

²⁸⁴ Enacted: by Section 68 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

²⁸⁵ Enacted: by Section 68 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

²⁸⁶ Enacted: by Section 30 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

²⁸⁷ Enacted: by Section 30 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

²⁸⁸ Established: by Section 72 of Act XCIII of 2013. In force: as of 1. 07. 2013.

Regulation, until it is completed, and shall thereafter delete them without delay.

Warrant of Arrest

Section 68.

(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 proceeding specified in this Chapter;
- b) has escaped from detention or is on unauthorized absence from the place of compulsory confinement in violation of the code of conduct;
- c) failed to comply with the final decision of expulsion.

(2) When the grounds for such a warrant cease to prevail, it shall be withdrawn forthwith.

Chapter VI

Vested Responsibilities

Section 69.

(1)²⁸⁹ 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 an intended stay of no more than ninety days.

(2) 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/her:

a)²⁹⁰ if its passenger is refused admission to Hungary for lacking any of the requirements specified by law;

b)²⁹¹ if its passenger is refused admission to another country and is turned back to 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.

(3) 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/her return.

(4) When a third-country national is refused admission and the carrier disputes its obligation to return the person in question or to finance his/her stay, the immigration authority shall adopt a formal resolution to order the carrier to comply.

²⁸⁹ Established: by Section 73 of Act XCIII of 2013. In force: as of 1. 07. 2013. Amended: by paragraph (2) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

²⁹⁰ Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

²⁹¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.
The change does not effect the English version.

(5) For any failure to comply with the obligation specified in Subsection (1) as set out in specific other legislation, a penalty for the protection of public policy shall be imposed upon the carrier in question.

(6) 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 (1).

Section 70.

(1)²⁹² 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.

Section 71.²⁹³

(1) Employers 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 or some other form of authorization for stay, or has a permit prescribed in this Act for engaging in gainful employment.

(2) Employers are required to keep a copy of the valid residence permit or other form of authorization presented by the third-country national affected for the entire duration of employment.

(3) Employers shall be required to notify the immigration authority of the start of employment of third-country nationals within five days.

(4) Employers shall be required to notify the immigration authority within five days if the third-country national failed to report for work as authorized, or if his/her employment is terminated before the expiration of the validity period of his/her work permit.

(5) Any employer who fails to satisfy the obligations defined in Subsections (1)-(4) shall be subject to a penalty - specified under specific other legislation -, which shall increase in amount according to the number of employed third-country nationals, for the protection of public policy levied by the immigration authority.

(6) An employer 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)-(4), 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.

(7)²⁹⁴ The main contractor and all subcontractors shall be jointly and severally liable with the employing subcontractor for payment of the penalty for the protection of public policy, where

²⁹² Established: by Section 74 of Act XCIII of 2013. In force: as of 1. 07. 2013.

²⁹³ Established: by Section 105 of Act CV of 2011. In force: as of 1. 08. 2011.

²⁹⁴ Established: by paragraph (1) Section 62 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

they knew or should have been aware given reasonable care that the employing subcontractor employed third-country nationals without residence authorization prescribed by this Act.

Section 72.

Hosts shall be held liable for damages they cause to others resulting from any infringement of their obligations.

Chapter VII

Notification Requirements

Obligation of Third-Country Nationals to Register their Place of Accommodation

Section 73.

(1) Third-country nationals shall be required to register their place of accommodation and shall simultaneously disclose the following information to the immigration authority:

- a) the natural identification data specified in Section 94;
- 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;
- e) serial number of visa or residence permit; and
- f) date and place of entering the country.

(2) Operators of commercial lodgings and other hotel establishments of legal persons shall keep records (guest books) on the prescribed forms of the information of their guests who are third-country nationals as defined in Subsection (1).

Registration of Birth

Section 74.

Third-country nationals holding a visa for an intended stay of no more than ninety days, or a visa for an intended stay of more than ninety days within any one hundred eighty day period, a residence permit, and third-country nationals with immigrant or permanent resident status shall report the birth of a child in the territory of Hungary and shall simultaneously supply the following information:²⁹⁵

- a) the natural identification data of the child as specified in Section 94;
- b) particulars of the child's travel document;

²⁹⁵ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.
Amended: by paragraphs (2) and (3) Section 14 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

c) address of the child's place of accommodation or home address.

Notification Obligation of Educational Institutions²⁹⁶

*Section 74/A.*²⁹⁷

Educational institutions are required to notify the competent immigration authority within eight working days in connection with students who are foreign nationals, concerning the taking up, pursuit and suspension of their studies, including those who failed to comply with the obligation of enrollment, and whose student status has been terminated.

Reporting Obligations and Regulatory Measures in Connection with the Personal Documents of Third-Country Nationals

Section 75.

(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)²⁹⁸

(4) Unless otherwise stipulated by international agreement, third-country nationals whose travel document is lost, stolen, destroyed or has expired shall 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.

(5) 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.

Notification Requirement Applicable to Third-Country Nationals Holding EU Blue Cards²⁹⁹

*Section 75/A.*³⁰⁰

Third-country nationals holding an EU Blue Card shall notify the immigration authority

²⁹⁶ Enacted: by Section 69 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁹⁷ Enacted: by Section 69 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

²⁹⁸ Repealed: by subparagraph d) paragraph (1) Section 54 of Act XL of 2010. No longer in force: as of 24. 03. 2010.

²⁹⁹ Enacted: by Section 106 of Act CV of 2011. In force: as of 1. 08. 2011.

³⁰⁰ Enacted: by Section 106 of Act CV of 2011. In force: as of 1. 08. 2011.

concerning the termination of their contracts for employment relationship, of entering into another similar contract subsequently, within five days from the date of commencement and termination of such contracts.

Chapter VIII

Stateless Status and Issuing Travel Documents to Third-Country Nationals

Proceedings for the Recognition of Stateless Status

Section 76.

(1)³⁰¹ Proceedings for the recognition of stateless status are opened upon the submission of a request to the immigration authority for stateless status by a person who lawfully resides in the territory of Hungary (hereinafter referred to as "petitioner"), 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 petition the immigration authority shall inform the petitioner concerning his/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 77.

(1) The petitioner shall attend the proceedings in person and shall be interviewed.

(2) The petitioner may use his/her native language or a language he/she understands for verbal and written communication during the proceedings.

(3) The petitioner shall be provided access to legal counseling.

Section 78.

(1) A petition for stateless status shall be refused by way of a formal resolution if the petitioner:
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; or

b) terminated his/her nationality deliberately, with a view to obtaining stateless status.

(2) The immigration authority shall terminate the proceedings:

a) if the petitioner dies;

b) if the petitioner withdraws his/her petition in writing;

c) if the petitioner fails to appear in the interview in person in spite of repeated written notices and is unable to justify his/her absence;

d) if the proceeding cannot continue for the petitioner's whereabouts is unknown.

³⁰¹ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

Section 79.

(1) In the proceedings for the recognition of stateless status the petitioner is required to prove or substantiate his/her stateless status, with particular regard to the State:

- a) where his/her place of birth is located;
- b) where his/her previous permanent or habitual residence is located; and
- c) of the nationality of his/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 80.

(1) A resolutions adopted in proceedings for the recognition of stateless status may not be appealed.

(2) A petition for the judicial review of such resolutions shall be submitted to the immigration authority within fifteen days from the date when the decision was communicated. The immigration authority shall forward the petition without delay to the competent court together with the documents of the case and any cross-complaint attached.

(3)³⁰² The Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Court of Public Administration and Labor) - having exclusive jurisdiction in such cases - shall adopt a decision within ninety days of receipt of the petition. In the hearing the petitioner shall be interviewed in person. Personal hearing is not required if the petitioner cannot be reached at the address on record or if moved to a place unknown. The court may overturn the resolution.

(4) The proceedings for the recognition of stateless status are exempt from charges.

Section 81.

The representative of the Office of the United Nations High Commissioner for Refugees may participate in any stage of the proceedings for the recognition of stateless status, and:

- a) he may be present when the petitioner is interviewed;
- b) he may provide administrative assistance to the petitioner;
- c) he may gain access to the documents of the proceedings and make copies thereof;
- d) the immigration authority shall send the administrative resolution or court decision to him.

Issuing Travel Documents to Third-Country Nationals

*Section 82.*³⁰³

The foreign representation of Hungary shall issue a single-entry travel document to a third-country national who has been granted treatment as a stateless person by Hungary, and to third-country nationals with immigrant or permanent resident status, if his/her travel document was lost or destroyed abroad and cannot be replaced abroad or it would entail unreasonable difficulties,

³⁰² Amended: by subparagraph f) Section 54 of Act CCXI of 2012. In force: as of 1. 01. 2013.

³⁰³ Established: by Section 70 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by subparagraph n) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

and thus he/she is unable to return to the territory of Hungary.

Section 83.

(1)³⁰⁴ The immigration authority shall 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 immigrant or permanent resident status, if he/she does not have a valid travel document from his/her country of origin and if such cannot be replaced for reasons beyond his/her control.

(2) The above-specified travel document shall be valid for one year from the date of issue.

Section 84.

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/her permanent residence, if the travel document of such person was lost or destroyed and cannot be replaced.

Section 85.

(1)³⁰⁵ The immigration authority may issue a travel document - upon request - to a stateless person residing in the territory of Hungary for the purpose of reentry to the territory of Hungary, within the period of validity, from his/her travel abroad.

(2) The above-specified travel document shall be valid for one year from the date of issue.

*Section 86.*³⁰⁶

Upon receipt of notice from the court or public prosecutor 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.

Chapter IX

Common Provisions

Section 87.

(1) Upon receipt of a visa application the competent authority shall issue the visa or shall reject the application by way of a resolution.

(2) A visa may be issued in expedited proceedings to a minor if the verifiable purpose of entry is the minor's medical treatment.

(3) In visa proceedings the competent authority shall hear the applicant if he/she is a minor

³⁰⁴ Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³⁰⁵ Amended: by subparagraph o) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³⁰⁶ Established: by paragraph (8) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

with limited legal capacity or if incompetent. Such hearing shall be attended by the minor's legal representative or by a person of legal age with legal capacity who has been duly authorized by the legal representative.

Section 88.

(1) In the proceedings launched upon request in accordance with this Act the client shall submit his/her request in person. The competent authority may not require an applicant to appear in person who is unable to do so due to health reasons.

(2) In the proceedings referred to in Subsection (1), with the exception of visa applications, if the request the client has submitted is incomplete, the competent authority shall promptly make out a notice for requesting the missing information.

(3)³⁰⁷ In those proceedings where the applicant is required to appear in person, the client shall not be authorized to communicate with the authority by way of electronic means.

Section 89.

(1) Subject to the exceptions set out in Subsections (2)-(4), the decisions adopted in proceedings falling within the scope of this Act shall be delivered by service of process.

(2) The following shall also be conveyed verbally to the client attending in his/her native language or in another language he/she understands:

a) resolutions;

b) the court's decision adopted in the judicial review of a resolution;

c)³⁰⁸ the court's decision adopted in connection with the extension of such detention.

(3) The fact and time of conveyance shall be recorded in a protocol and it must be signed by the client.

(4) If the client's whereabouts is unknown, the resolution or ruling shall be conveyed by way of a posted notice, with the exception set out in Subsection (5). An administrator for service of process shall not be appointed.

(5)³⁰⁹ The operative part of a resolution ordering exclusion independently shall be displayed on a website specified in specific other legislation. The resolution on exclusion ordered independently under Paragraphs *a)-b)* of Subsection (1) of Section 43 shall be considered delivered on the day of publication.

Section 90.

(1)³¹⁰ Where no appeal is permitted under this Act, reopening the case may not be requested.

(2) In the proceedings governed in this Act, the rulings adopted in the first instance by the authority of the second instance may not be appealed.

³⁰⁷ Established: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁰⁸ Established: by Section 71 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁰⁹ Established: by Section 107 of Act CV of 2011. In force: as of 1. 08. 2011.

³¹⁰ Established: by Section 72 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

Section 91.

(1) 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.

(2) In addition to what is contained in Subsection (1), in the proceedings launched upon request under this Act the costs of delivery of the decision and the costs of language services shall be covered by the competent authority, whereas the costs of language services in other proceedings shall be borne by the applicant.

(3) In proceedings launched ex officio under this Act, the costs of language services shall be borne by the competent authority.

Section 92.

In proceedings launched ex officio under this Act, in cases of emergency the competent authority may use an interpreter in the absence of an order of appointment subject to a contract between the authority and the interpreter.

Section 92/A.³¹¹

In immigration proceedings relating to expulsion third-country nationals shall have the opportunity to use the legal counsel of his choice and expense, to hire a legal counsel, or to accept the legal aid offered by any registered association providing legal protection on a regular basis. In connection with the legal aid offered by a registered association providing legal protection, the authority shall provide assistance, where deemed necessary, by means of providing an interpreter.

Chapter X

Regulations Relating to the Processing of the Data of Third-Country Nationals

Section 93.

The immigration authority shall process the personal data of third-country nationals obtained within the framework of this Act in 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 93/A.³¹²

The immigration authority shall entrust the data processing duties related to the central immigration register exclusively to government agencies, the bureau of forensic records specified

³¹¹ Enacted: by paragraph (1) Section 73 of Act CXXXV of 2010. In force: as of 24. 12. 2010.
Amended: by Section 171 of Act CLXXV of 2011. In force: as of 22. 12. 2011.

³¹² Enacted: by paragraph (2) Section 21 of Act CLVII of 2010. In force: as of 23. 12. 2010.

in the Act on the Penal Register or business associations owned by the State exclusively.

Section 94.

The central immigration register shall contain the following natural identification data of the persons falling within the scope of immigration sub-registers (hereinafter referred to as "natural identification data"):

- a) surname and forename (names);
- b) surname and forename (names) at birth;
- c) any previous surname and forename (names);
- d) place and date of birth;
- e) sex;
- f) mother's surname and forename (names) at birth;
- g) nationality (nationalities) or stateless status.

Section 94/A.³¹³

The registers referred to in Subsection (1) of Section 95, Subsection (1) of Section 96, Subsection (1) of Section 97, Subsection (1) of Section 98, Subsection (1) of Section 99, Subsection (1) of Section 100, Subsection (1) of Section 101, Subsections (1) and (2) of Section 102, Subsection (1) of Section 103 and in Subsection (1) of Section 104 shall be construed as official public registers, with the exception of natural identification data and home addresses.

Immigration Sub-Registers

Section 95.

(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 photograph;
- c) travel document particulars;
- d)³¹⁴ the purpose of entry and the planned duration of stay, and the country of previous usual residence;
- 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)³¹⁵ the number and validity period of the visa issued (extended) and information relating to restricted territorial access;

³¹³ Enacted: by Section 63 of Act LXXXIV of 2013. In force: as of 1. 07. 2013.

³¹⁴ Established: by paragraph (1) Section 108 of Act CV of 2011. In force: as of 1. 08. 2011.

³¹⁵ Amended: by subparagraph j) paragraph (2) Section 109 of Act II of 2007.

- h)³¹⁶ the date and place of entry and exit, and the country of next usual residence;
- i) address of the place of accommodation.

(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)³¹⁷ 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 to enter the data in the Visa Information System in accordance with Article 9 of the VIS Regulation.

(4)³¹⁸ The immigration authority having collected the fingerprint shall be authorized to 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)³¹⁹ The immigration authority in charge for the assessment of visa applications shall be authorized to process the fingerprint data until it is entered in the Visa Information System. Thereafter the fingerprint data must be deleted without delay.

Section 96.

(1) The immigration authority shall process the following data of third-country nationals in connection with applications for residence permits and the residence permits issued:

- a) natural identification data;
- b) facial photograph;
- c) travel document particulars;
- d)³²⁰ the purpose of entry and the planned duration of stay, and the country of previous usual residence.
- 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 residence permit or for the extension of an existing one, and for the withdrawal of a residence permit;

³¹⁶ Established: by paragraph (2) Section 108 of Act CV of 2011. In force: as of 1. 08. 2011.

³¹⁷ Enacted: by paragraph (1) Section 31 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011. Amended: by subparagraph b) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³¹⁸ Enacted: by paragraph (1) Section 31 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

³¹⁹ Enacted: by paragraph (1) Section 31 of Act XL of 2010. Shall enter into force on the date published by the Commission of the European Communities for the start of operations of the system for the exchange of visa data established under Council Decision 2004/512/EC in the Official Journal of the European Union, as of 11. 10. 2011.

³²⁰ Established: by paragraph (1) Section 109 of Act CV of 2011. In force: as of 1. 08. 2011.

g) the number, serial number and validity period of the residence permit issued (extended);
h)³²¹ the date of first entry and final exit, and the country of next usual residence.

i) address of the place of accommodation.

j)³²² facial images and fingerprint images taken in accordance with Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals.

(2)³²³ The immigration authority shall process the data referred to in Paragraphs *a)-i)* of Subsection (1) for five years in connection with the refusal of an application for residence permit from the date when refused, in connection with a residence permit issued (extended) from the date of expiry, or from the date of withdrawal.

(3)³²⁴ The immigration authority shall be allowed to process the data referred to in Paragraph *j)* of Subsection (1) insofar as the binding 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) and Subsection (1a) of Section 29 is issued, after which the data in question must be deleted immediately.

(4)³²⁵ For the purposes of single application procedures the particulars referred to in Paragraph *e)* of Subsection (1) shall in particular include:

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

b) the place of employment;

c) job description (FEOR code); and

d) duration of the employment relationship.

*Section 96/A.*³²⁶

The immigration authority shall be allowed to process the facial images and fingerprint images taken for the purposes of local border traffic permits in accordance with Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals insofar as the binding and enforceable decision is adopted relating to the application for local border traffic permit, after which the data in question must be deleted immediately.

Section 97.

(1) The immigration authority shall process the following data of the host and the invited third-country national:

³²¹ Established: by paragraph (2) Section 109 of Act CV of 2011. In force: as of 1. 08. 2011.

³²² Enacted: by paragraph (1) Section 74 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

³²³ Established: by paragraph (2) Section 74 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³²⁴ Enacted: by paragraph (3) Section 74 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

Amended: by subparagraph b) Section 82 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³²⁵ Enacted: by Section 75 of Act XCIII of 2013. In force: as of 1. 01. 2014.

³²⁶ Enacted: by paragraph (4) Section 74 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

- a) the natural identification data of the host, if a natural person, or the corporate name of the host if a legal person or business association lacking the legal status of a legal person;
 - b) the host's home address if a natural person, or the host's registered office (place of business) if a legal person or business association lacking the legal status of a legal person;
 - 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 98.

- (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 photograph;
 - c) travel document particulars;
 - d) the reason for the issue of the certificate of temporary residence;
 - e) any extension of the certificate of temporary residence, and its withdrawal including the fact and reasons therefor;
 - f) the number, serial number and validity period of the certificate of temporary residence issued (extended);
 - g) address of the place of accommodation.
- (2) The immigration authority shall process the data referred to in Subsection (1) for five years in connection with the certificate of temporary residence issued (extended) from the date of expiry, or from the date of withdrawal.

Section 99.

- (1) The immigration authority shall process the following data of third-country nationals in connection with applications for immigration permits and permanent residence permits, interim permanent residence permits, national permanent residence permits or EC permanent residence permits, and the interim permanent residence permits, national permanent residence permits or EC permanent residence permits issued:
- a) natural identification data;
 - b) facial photograph;
 - c) travel document particulars;
 - d) particulars of the documents provided in support of the conditions required for these permits;
 - e) the fact and reasons for the refusal of these permits or for the extension of existing ones, and for the withdrawal of these permits;
 - f) the number, serial number and validity period of the permits issued (extended);
 - g)³²⁷ the date of first entry and final exit, the country of previous usual residence and the country of next usual residence.
 - h) home address;

³²⁷ Established: by Section 110 of Act CV of 2011. In force: as of 1. 08. 2011.

- i) personal identification number;
- j) number of personal identification document.

k)³²⁸ facial images and fingerprint images taken in accordance with Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals.

(2)³²⁹ The immigration authority shall process the data referred to in Paragraph *a)-j)* of Subsection (1) for twenty 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)³³⁰ The immigration authority shall be allowed to process the data referred to in Paragraph *k)* of Subsection (1) insofar as the binding and enforceable decision is adopted relating to the application for the permit aforementioned, after which the data in question must be deleted immediately.

Section 100.

(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:³³¹

- a) natural identification data;
- b)³³² type of travel document or document evidencing right of residence reported lost, stolen or destroyed, and its particulars, and an indication if an alert has been issued in the Schengen Information System;
- c) the date and time when reported;
- d) place and date of first entry;
- e) address of the place of accommodation, home address;
- f) name of the authority to which the report was filed;
- g) the number and validity of the certificate evidencing residence and the name of the issuing authority;
- h) the type, number and validity of the new travel document.

(2)³³³ 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-capture.

Section 101.

(1) The immigration authority shall process the following data of third-country nationals in connection with the registration of their place of accommodation or place of abode:

- a) natural identification data;
- b) the date of entry (arrival);
- c) address of the place of accommodation, home address.

³²⁸ Enacted: by paragraph (1) Section 75 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

³²⁹ Established: by paragraph (2) Section 75 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³³⁰ Enacted: by paragraph (3) Section 75 of Act CXXXV of 2010. In force: as of 20. 05. 2011.

³³¹ Amended: by paragraph (15) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³³² Established: by paragraph (9) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³³³ Established: by paragraph (10) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

(2) The immigration authority shall process the data referred to in Subsection (1) for five years following the date of registration of the place of accommodation or place of abode, or from the date when the guestbook is surrendered.

Section 102.

(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 who is subject to compulsory confinement, expulsion ordered under immigration laws, expulsion by court order, exclusion or detention under immigration laws.³³⁴

- a) natural identification data;
- b) facial photograph and fingerprint;
- c) name of the ordering authority and the number of the relevant resolution;
- d) the legal grounds for the measure, order or resolution, and the related deadline or duration;
- e) the fingerprint of the persons subject to expulsion under immigration laws or by court order.

(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.

*Section 103.*³³⁵

(1) The immigration authority shall process the following data of third-country nationals subject to outbound travel restriction:

- a) the natural identification data of third-country nationals; and
- b) the name of the authority ordering the outbound travel restriction.

(2) The immigration authority shall process the data specified in Subsection (1) until the restriction is lifted.

Section 104.

(1) In conjunction with commitments of Hungary conferred in international treaties and conventions, the immigration authority shall process the following data of third-country nationals detained, arrested or taken into custody in Hungary, or affected by some extraordinary event (i.e.

³³⁴ Amended: by subparagraph k) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³³⁵ Established: by Section 76 of Act XCIII of 2013. In force: as of 1. 07. 2013.

death, accident resulting in serious injury, etc.):³³⁶

- a) natural identification data;
 - b) address of the place of accommodation, home address;
 - c) information on the criminal proceedings (degree and description of the crime), name of the acting authority and the case number;
 - d) 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 105.

The immigration authority shall process the data specified in Article 8 (1) of Council Regulation 2725/2000/EC of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.

Section 106.

(1) The immigration authority may disclose data of the type of data specified by law from the immigration sub-registers to the following bodies to the extent required to discharge their duties conferred upon them by legal regulation:

- a) law enforcement agencies;
- b) investigation authorities;
- c) national security services;
- d) the refugee authority;
- e) tax authorities;
- f) the authorities participating in immigration proceedings;
- g) the customs authority;
- h)³³⁷ the body in charge of naturalization and nationality matters and the minister in charge of naturalization and nationality;
- i) the body operating the register of personal data and address records of citizens;
- j) the employment and labor authority;
- k) the occupational safety authority; and
- l) the public health authority.
- m)³³⁸ the pension insurance administration agency;
- n)³³⁹ the bodies of municipal governments vested with regulatory capacity; and
- o)³⁴⁰ district (Budapest district) offices of Budapest and county government agencies.
- p)³⁴¹ misdemeanor authorities and the authorities conducting misdemeanor preliminary hearings so as to verify the identity of the respondent in the misdemeanor proceedings.

³³⁶ Amended: by subparagraph f) Section 299 of Act CCI of 2011. In force: as of 1. 01. 2012.

³³⁷ Amended: by Section 81 of Act CCVII of 2012. In force: as of 1. 03. 2013.

³³⁸ Enacted: by Section 76 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³³⁹ Enacted: by Section 76 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁴⁰ Enacted: by Section 76 of Act CXXXV of 2010. In force: as of 24. 12. 2010. Amended: by Section 66 of Act XCIII of 2012. In force: as of 1. 01. 2013.

³⁴¹ Enacted: by Section 77 of Act XCIII of 2013. In force: as of 1. 09. 2013.

(1a)³⁴² The immigration authority may disclose data from the immigration sub-register to the coordination center for combating organized crime for the purpose of risk analysis of passenger data.

(2) The immigration authority shall maintain data transfer records on the disclosures of data specified in Subsection (1), indicating the body to which the data was disclosed and for what purpose. The immigration authority shall process the data contained in the data transfer records for five years following the time of transfer.

(3) If justified on the grounds of national security or criminal investigation, the immigration authority may refuse to disclose any information from the data transfer records.

(4) The immigration authority may request data in connection with its proceedings conducted under this Act from the following:

- a) the register of personal data and address records of citizens;
 - b) the register of convicted criminals, the register of persons incarcerated and the register of individuals indicted under criminal charges;
 - c) the watch list;
 - d) the register of persons with work permits;
 - e) the register of companies;
 - f)³⁴³ the register of private entrepreneurs; and
 - g) the public health authority.
 - h)³⁴⁴ the register of taxpayers free of tax debt obligations.
- (5)³⁴⁵

Section 107.

(1) 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.

(2) The immigration authority may receive data from the bodies and organizations specified in Subsection (1) pursuant to directly applicable Community legislation or international agreement, to the extent specified therein.

(2a)³⁴⁶ 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.

³⁴² Enacted: by paragraph (6) Section 13 of Act CXCVIII of 2013. In force: as of 29. 11. 2013.

³⁴³ Amended: by Section 89 of Act CXV of 2009. In force: as of 1. 01. 2010.

³⁴⁴ Enacted: by paragraph (11) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³⁴⁵ Repealed: by subparagraph b) Section 50 of Act CCVII of 2011. No longer in force: as of 5. 01. 2012.

³⁴⁶ Enacted: by paragraph (1) Section 78 of Act XCIII of 2013. In force: as of 1. 07. 2013.

(3)³⁴⁷ 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)³⁴⁸ In proceedings relating to the issue of interim and EC permanent residence permits, and relating to expulsion orders, in connection with the requests made according to Subsections (9)-(10) of Section 34 and Subsection (2b) of Section 45 the immigration authority shall be authorized to receive from the Member State of the European Union affected the third-country national's personal data specified in Section 94, and information concerning refugee status and subsidiary protection.

*Section 108.*³⁴⁹

(1) 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 manner so as not to allow the identification of specific individuals.

(2) Data may be released from sub-registers specified in Subsection (1) of Section 95, Subsection (1) of Section 96, Subsection (1) of Section 98, and Subsection (1) of Section 99 for the Központi Statisztikai Hivatal (*Central Statistics Office*) for statistical purposes in a manner allowing for the identification of individuals.

Chapter XI

Closing Provisions

Entry into Force

Section 109.

(1) This Act - subject to the exceptions set out in Subsections (2)-(5) - shall enter into force on 1 July 2007.

(2) The following provisions of this Act shall enter into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full:

- a) Paragraph j) of Section 2,
- b) Subsections (4)-(5) and (7) of Section 9,
- c) Sections 10-12,
- d) Paragraph i) of Subsection (1) of Section 13,
- e) in Subsection (1) of Section 16 the passage "in possession of a long-term visa or a residence permit",
- f) Subsection (2) of Section 18,
- g) in Paragraph c) of Subsection (2) of Section 33 the passage "or for whom an alert has been

³⁴⁷ Established: by paragraph (2) Section 78 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁴⁸ Established: by paragraph (2) Section 78 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁴⁹ Established: by Section 77 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

issued in the SIS for the purposes of refusing entry",

h) in Paragraph a) of Subsection (4) of Section 42 the passage "or for whom an alert has been issued in the SIS for the purposes of refusing entry",

i) Subsection (3) of Section 65, and

j) in Paragraph g) of Subsection (1) of Section 95 the passage "and information relating to restricted territorial access".

(3) On the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full:

a) ³⁵⁰ the following provision shall replace Paragraph a) of Subsection (1) of Section 14 of this Act:

a) visa for entitlement to receive a residence permit, for single entry into the territory of the Republic of Hungary for the purpose of collecting the residence permit and for stay for a period not to exceed thirty days;"

b) ³⁵¹ the following provisions shall replace Section 15 of this Act:

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.

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

(3) Seasonal employment visas or national visas may be granted to third-country nationals who satisfy the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13.

(4) Seasonal employment visas and national visas shall be refused, or shall be withdrawn if already issued from the third-country nationals:

a) who fail to comply with either of the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13;

b) who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence.

(5) The resolution adopted in connection with applications for seasonal employment visas and national visas, or for the cancellation of such visas may not be appealed.";

c) ³⁵² the following provisions shall replace Section 17 of this Act:

Section 17 (1) Unless otherwise prescribed in this Act, residence permits may be issued to third-country nationals who satisfy the requirements set out in Paragraphs a), c)-i) of Subsection (1) of Section 13, and

a) have a valid national visa if applying for a national residence permit, or

b) have a valid residence permit in the case of applications for the extension of residence permits.";

d) ³⁵³ the following provision shall replace Subsection (3) of Section 26 of this Act:

(3) A residence permit issued for the purpose of voluntary service activities may not be extended."

³⁵⁰ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵¹ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵² Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵³ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

(4) On the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full:

a) ³⁵⁴ in Subsection (1) of Section 9 of this Act the passage "a), c) and e)" shall be replaced by "a) and c)-e)"

b) ³⁵⁵ in Paragraph a) of Subsection (3) of Section 9 of this Act the passage "a), c) or e)" shall be replaced by "a) or c)-e)";

c) ³⁵⁶ in Paragraph a) of Subsection (1) of Section 18 of this Act the passage "c)-h)" shall be replaced by "c)-i)";

d) ³⁵⁷ in Subsection (1) of Section 26 of this Act the passage "Long-term visa" shall be replaced by "A residence permit";

e) ³⁵⁸ in Subsection (2) of Section 26 of this Act the passage "long-term visa" shall be replaced by "residence permit";

f) ³⁵⁹ in Subsection (1) of Section 28 of this Act the passage "c)-h)" shall be replaced by "c)-i)".

(5) Effective as of the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full the following provisions of this Act shall be repealed:

a) Subsection (2) of Section 9;

b) in Subsection (1) of Section 19 the passage "long-term visa or a", and the passage "long-term visa,";

c) in Subsections (2), (4), (5) and (6) of Section 19 the passage "a long-term visa or";

d) in Subsection (8) of Section 19 the passage "long-term visa,";

e) in Subsection (10) of Section 19 the passage "long-term visa or" in both instances;

f) in Subsection (1) of Section 20, Subsection (1) of Section 21, Subsection (1) of Section 22, Subsection (1) of Section 23, Subsection (1) of Section 24, Subsection (1) of Section 25, and in Subsection (1) of Section 28 the passage "long-term visa or";

g) in Subsection (2) of Section 20 the passage "long-term visa or a";

h) in Subsection (3) of Section 20 the passage "long-term visa or";

i) in Subsection (5) of Section 20 the passage "a long-term visa or";

j) in Paragraph a) of Subsection (1) of Section 30 the passage "long-term visa,";

k) in Paragraph b) of Subsection (1) of Section 30 the passage "long-term visa";

l) in Subsection (3) of Section 30 the passage "long-term visa or";

m) and in Subsection (1) of Section 35 the passage "long-term visa,".

(6) Simultaneously with this Act entering into force the following provisions shall be repealed:

a) Act XXXIX of 2001 on the Entry and Stay of Foreign Nationals;

³⁵⁴ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵⁵ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵⁶ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵⁷ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵⁸ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

³⁵⁹ Enters into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.

b)³⁶⁰

c) Sections 57-80 of Act XXIX of 2004 on Amendments and Repeals of Legal Regulations and other Legislative Changes Related to Hungary's Accession to the European Union, the preceding title "CHAPTER EIGHT" and the title "on the Amendment of Act XXXIX of 2001 on the Entry and Stay of Foreign Nationals", furthermore, Section 145;

d)³⁶¹

e) Sections 10-31, Paragraphs a)-f) of Section 32, and in the introductory sentence to Subsection (1) of Section 32 of Act XLVI of 2005 on the Amendment of Act LV of 1993 on Hungarian Citizenship and Act XXXIX of 2001 on the Entry and Stay of Foreign Nationals the passage "Simultaneously:";

f)³⁶²

Transitional Provisions

Section 110.

(1) The visas, residence permits, certificate of temporary residences issued before the time of this Act entering into force shall constitute the right of stay contained therein within their period of validity.

(2) The immigration permits and permanent residence permits issued before the time of this Act entering into force shall constitute the right of stay contained therein within their period of validity.

(3) The applications for visas and residence permits submitted before the time of this Act entering into force, and still pending, shall be assessed based on the provisions of this Act, with the exception that the applications submitted by third-country nationals for residence permits shall be treated - relying on their statements - as if they were submitted for interim permanent residence permits.

(4) The applications submitted for permanent residency before the time of this Act entering into force, and still pending, shall be assessed based on the provisions of this Act pertaining to national residence permits and EC residence permits, relying on the applicants' statements.

(5) The detention of third-country nationals prior to expulsion ordered before the time of this Act entering into force shall be governed by the provisions of this Act pertaining to detention subject to expulsion, and the detention prior to removal and detention under immigration laws ordered before the time of this Act entering into force shall be governed by the provisions of this Act pertaining to detention under immigration laws.

(6)³⁶³ Detention in immigration proceedings ordered before 1 July 2013 for the purpose of carrying out the transfer or return under the Dublin process shall be terminated, if in progress, on

³⁶⁰ Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007.

³⁶¹ Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007.

³⁶² Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007. Repealed: by subparagraph h) paragraph (4) Section 20 of Act XC of 2007. No longer in force: as of 01. 01. 2008.

³⁶³ Enacted: by paragraph (1) Section 79 of Act XCIII of 2013. In force: as of 1. 07. 2013.

1 July 2013. At the same time, the refugee authority shall monitor the implementation of measures intended to ensure statutory availability.

(7)³⁶⁴ The provision set out in Subsection (10) of Section 47 may be applied in connection with expulsions ordered before 1 July 2013.

(8)³⁶⁵ Third-country nationals ordered before 1 September 2013 to stay at an assigned place in a community hostel and reception center shall be allowed to remain at the community hostel or reception center until 31 October 2013 based on the resolution adopted therefor.

(9)³⁶⁶ The immigration authority shall examine - with respect to the third-country nationals referred to in Subsection (8) - by 31 October 2013 whether the circumstances for ordering their stay at an assigned place continue to prevail, and - if so - shall assign another place.

(10)³⁶⁷ In cases for the issue or renewal of residence permits opened after 31 December 2013, if the third-country national has a work permit issued before the date of entry into force, a single permit shall be issued to such third-country national if the conditions for residence are satisfied, and the procedure shall not cover the upholding of the requirement where 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.

Authorizations

Section 111.

(1) The Government is hereby authorized to decree:

a) the authorities vested with competence in connection with immigration proceedings, with 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;

b) 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;

c)³⁶⁸ the conditions for issuing residence permits, certificates of temporary residence, interim permanent residence permits, national residence permits, EC residence permits and EU Blue Cards, and the formal requirements for these documents;

d) the travel documents recognized;

e) the detailed regulations concerning 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;

f) the conditions for providing official certificates for letters of invitation, and the detailed regulations for such proceedings;

g) the regulations concerning detention prior to expulsion or ordered under immigration laws, and for setting up and the designation of a compulsory place of confinement, and the detailed

³⁶⁴ Enacted: by paragraph (1) Section 79 of Act XCIII of 2013. In force: as of 1. 07. 2013.

³⁶⁵ Enacted: by paragraph (2) Section 79 of Act XCIII of 2013. In force: as of 1. 09. 2013.

³⁶⁶ Enacted: by paragraph (2) Section 79 of Act XCIII of 2013. In force: as of 1. 09. 2013.

³⁶⁷ Enacted: by paragraph (3) Section 79 of Act XCIII of 2013. In force: as of 1. 01. 2014.

³⁶⁸ Established: by Section 111 of Act CV of 2011. In force: as of 1. 08. 2011.

regulations for the provision of healthcare services and other assistance to third-country nationals in detention;

h) the detailed public health regulations pertaining to the entry and residence of third-country nationals in Hungary, and the financial requirements for health care services and the means of certification;

i) the amount limits of the financial penalties to be imposed on carriers and employers under this Act, and the procedure for levying them;

j) the rules of conduct for persons placed under compulsory confinement;

k) the regulations for the provisions to third-country nationals ordered to stay in the airport transit zone;

l) the regulations for the provisions and support granted to exiles and persons residing in community hostels and refugee centers, and to third-country nationals who are victims of trafficking in human beings;

m) the requirements set out for community hostels and the house rules of community hostels;

n) the detailed regulations for the entry and stay in Hungary of civilian personnel under the NATO-SOFA Agreement and of the relatives of such personnel;

o) the detailed regulations for recognition and enforcement of expulsion orders adopted by Member States;

p) the detailed regulations concerning the proceedings for the recognition of stateless status;

q) the detailed regulations for the issue of travel documents to third-country nationals.

r)³⁶⁹ the designation of the law enforcement agencies vested with powers to initiate exclusion independently and to make recommendations as to the duration of exclusions.

s)³⁷⁰ the content requirements for single permits and the conditions for their issue, and the rules for the single application procedure.

(1a)³⁷¹ 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 Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals, as well as the law enforcement agencies acting as special authorities in immigration proceedings.

(2) The minister in charge of immigration is hereby authorized to decree, in agreement with the ministers concerned:

a) the content specifications and enclosures of the forms and documents prescribed by this Act;

b) 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;

c) the financial resources deemed adequate for entry and residence;

d) the rules for covering the costs of immigration related procedures;

e) the form of travel documents issued to third-country nationals.

(3) The minister in charge of foreign policies is hereby authorized to decree, in agreement with the minister in charge of immigration, the detailed regulations concerning the entry and exit and the right of residence of persons enjoying diplomatic or other type of immunity.

(4) The minister in charge of immigration and the minister in charge of the judicial system are

³⁶⁹ Enacted: by paragraph (1) Section 78 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁷⁰ Enacted: by Section 80 of Act XCIII of 2013. In force: as of 1. 01. 2014.

³⁷¹ Enacted: by paragraph (2) Section 78 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

hereby authorized to decree, in agreement with the ministers concerned, the regulations for the execution of detention and deportation by order of the immigration authority.

(5) The minister in charge of the healthcare system is hereby authorized to decree, in agreement with the minister in charge of immigration, the types of diseases which are potentially dangerous to public health.

(6)³⁷² The minister in charge of immigration 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:³⁷³

*a)*³⁷⁴ the consent of the central visa authority is required for the issue of a visa for an intended stay of no more than ninety days; and

*b)*³⁷⁵ 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 an intended stay of no more than ninety days.

(7)³⁷⁶ The minister in charge of immigration 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 hold airport transit visas in accordance with Article 3(2) of the Visa Code.

(8)³⁷⁷ The minister in charge of immigration 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.

(9)³⁷⁸ The minister in charge of public finances is hereby authorized to decree the detailed regulations for the issue of government bonds defined under Subparagraph *aa)* of Paragraph *a)* of Subsection (4) of Section 28.

*Section 112.*³⁷⁹

*Section 113.*³⁸⁰

³⁷² Established: by paragraph (1) Section 34 of Act XL of 2010. In force: as of 5. 04. 2010.

³⁷³ Amended: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁷⁴ Amended: by paragraph (2) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

³⁷⁵ Amended: by paragraph (2) Section 14 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

³⁷⁶ Enacted: by paragraph (2) Section 34 of Act XL of 2010. In force: as of 5. 04. 2010.

Amended: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁷⁷ Enacted: by paragraph (2) Section 34 of Act XL of 2010. In force: as of 5. 04. 2010.

Amended: by paragraph (2) Section 128 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁷⁸ Enacted: by Section 3 of Act CCXX of 2012. In force: as of 28. 12. 2012.

³⁷⁹ Repealed: by subparagraph h) paragraph (4) Section 20 of Act XC of 2007. No longer in force: as of 01. 01. 2008.

³⁸⁰ Integrated under Paragraph b) of Subsection (1) of Section 10 of Act CXXXIX of 1997.

*Section 114.*³⁸¹

*Sections 115-119.*³⁸²

Compliance with the Acquis

Section 120.

(1) This Act serves the purpose of partial compliance with the following legislation of the Communities:

a) 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;

b) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;

c) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

d) Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;

e) 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;

f) Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data;

g) Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service;

h) Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research;

i) 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;

j) 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;

k) Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control;

l) Council Recommendation of 4 March 1996 relating to a common position in connection with airport transit zone measures;

m) Council Recommendation of 4 March 1996 relating to local consular cooperation regarding visas;

³⁸¹ Repealed: by subparagraph i) paragraph (4) Section 16 of Act CXIII of 2008. No longer in force: as of 28. 06. 2009.

³⁸² Repealed: by point 12 paragraph (2) Section 3 of Act LXXXII of 2007. No longer in force: as of 2. 07. 2007.

n) Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;

o) Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience.

p)³⁸³ 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.

q)³⁸⁴ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;

r)³⁸⁵ 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.

s)³⁸⁶ 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 [Section 5, Subsection (5) of Section 32, Subsections (9) and (10) of Section 34, Paragraphs *d*), *f*) and *g*) of Subsection (2) of Section 38, Subsection (5a) of Section 38, Subsection (1a) of Section 39, Subsections (2a)-(2e) of Section 45 and Subsection (4) of Section 107];

t)³⁸⁷ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;

u)³⁸⁸ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;

v)³⁸⁹ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

w)³⁹⁰ 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.

(2)³⁹¹ This Act contains provisions for the implementation of the following legislation of the Communities:

a) Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders [Sections 6 and 40];

b) Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-

³⁸³ Enacted: by paragraph (1) Section 79 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

³⁸⁴ Enacted: by paragraph (1) Section 112 of Act CV of 2011. In force: as of 1. 08. 2011.

³⁸⁵ Enacted: by paragraph (1) Section 112 of Act CV of 2011. In force: as of 1. 08. 2011.

³⁸⁶ Enacted: by Section 11 of Act XXVII of 2012. In force: as of 20. 05. 2012.

³⁸⁷ Enacted: by paragraph (12) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³⁸⁸ Enacted: by paragraph (12) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³⁸⁹ Enacted: by paragraph (12) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³⁹⁰ Enacted: by Section 81 of Act XCIII of 2013. In force: as of 1. 01. 2014.

³⁹¹ Established: by paragraph (2) Section 79 of Act CXXXV of 2010. In force: as of 24. 12. 2010.

country nationals (Sections 53, 67, 96, 99 and 111);

c) 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) [Sections 67/A and 95];

d) 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) [Sections 2, 8, 9, 12 and 111].

*e)*³⁹² 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.

*f)*³⁹³ Article 11b of Regulation (EU) No. 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No. 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Section 107).

*g)*³⁹⁴ Council Regulation (EC) No. 343/2003 of 18 February 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;

*h)*³⁹⁵ Council Regulation (EC) No. 2725/2000 of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention.

*i)*³⁹⁶ Articles 20-30 of Regulation (EC) No. 1987/2006 of the European Parliament and of the Council, 20 December 2006, on the establishment, operation and use of the second generation Schengen information system (SIS II);

*j)*³⁹⁷ Articles 38-39 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen information system (SIS II);

*k)*³⁹⁸ 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 (hereinafter referred to as “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.

³⁹² Enacted: by paragraph (2) Section 112 of Act CV of 2011. In force: as of 1. 08. 2011.

³⁹³ Enacted: by paragraph (2) Section 62 of Act LXXXVI of 2012. In force: as of 1. 07. 2012.

³⁹⁴ Enacted: by paragraph (13) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³⁹⁵ Enacted: by paragraph (13) Section 60 of Act CLXXXI of 2012. In force: as of 1. 01. 2013.

³⁹⁶ Enacted: by paragraph (14) Section 60 of Act CLXXXI of 2012. Shall enter into force through the procedure set out in Article 55(2) of Regulation SIS II, on the day specified in Council Decision .../2012/EU, as of 9. 04. 2013. Amended: by paragraph (8) Section 13 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.

³⁹⁷ Enacted: by paragraph (14) Section 60 of Act CLXXXI of 2012. Shall enter into force through the procedure set out in Article 55(2) of Regulation SIS II, on the day specified in Council Decision .../2012/EU, as of 9. 04. 2013.

³⁹⁸ Enacted: by paragraph (7) Section 13 of Act CXC VIII of 2013. In force: as of 29. 11. 2013.