

Act CXXXIX of 1997 on Asylum ¹

Parliament

hereby adopts the following Law on Asylum in the interest of the execution of Article 65 of the Constitution, taking account of the provisions of the Convention relating to the status of refugees adopted on 28 July, 1951 and of the Protocol relating to the status of refugees of 31 January, 1967 (hereinafter referred to as the “Geneva Convention”); with regard to the contents of Article 3 of the Convention on the Protection of Human Rights and Fundamental Freedom signed in Rome on 4 November, 1950 and to the international practice; recognising and demanding/counting on the activities of non-governmental organisations active in the field of providing assistance to refugees; respecting the humanitarian traditions of the country:

Chapter I

BASIC PROVISIONS

Section 1

The purpose of this Act is to define the rights and obligations attached to asylum/refugee granted in the territory of the Republic of Hungary, to ensure the protection of human rights and fundamental freedom by establishing the guarantees of lawfulness in the official proceedings related to asylum, and to guarantee the enforcement of the prohibition of discrimination on racial, religious and national grounds or on grounds of political opinion.

Section 2

For the purposes of this Act

a) refugee:

a foreign citizen or a stateless person (hereinafter: foreigner) who, owing to his persecution or to his well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, having left the country of his nationality, or his habitual residence in the case of a stateless person, stays in the territory of the Republic of Hungary, and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; ² provided that the person concerned has been recognised as a refugee, at the request of the person concerned, by the refugee authority;

¹ Adopted by the Parliament on 9 December 1997, promulgated on 15 December 1997, entered into force on 1 March 1998; amended by Act LXXV of 1999 (in force since 1 September 1999) and Act XXXVIII of 2001 (in force since 1 January 2002 except for the provisions (in Section 2 paragraph b) the text “or by the competent institutions of the European Union”; Section 24 Subsection (1) paragraph a); Section 43 Subsection (3) paragraphs e) and f); the text “and within the framework of the handing over of the refugee status determination procedure” in Section 58 Subsection (1); Section 60 Subsection (1) paragraph d)) that only enter into force when the Act promulgating the accession of the Republic of Hungary to the EU enters into force

² The text “as well as the immediate family members of such a person” ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

b) temporarily protected person (a person benefiting from temporary protection): ³

a foreigner who is a member of a group of people arriving en masse in the territory of the Republic of Hungary, and the group has been designated to be eligible for temporary protection by the Government or by the competent institution of the European Union, because the foreigners were forced to escape from their country due to armed conflicts, civil war or ethnic clashes and/or due to the general, systematic or brutal violation of human rights - in particular: torture, inhuman or degrading treatment;

c) unaccompanied minor: ⁴

a foreigner under 18 years of age, unless s/he had become adult prior to that according to the Hungarian law, if s/he entered the territory of the Republic of Hungary not accompanied by an adult person responsible for her/him on the basis of law or tradition, or remained without attendance/supervision following the entry, as long as s/he gets under the attendance/supervision of such a person;

d) safe country of origin:

the presumption relating to the country of nationality, or in the case of a stateless person, to the habitual residence, of the person seeking recognition as refugee, according to which presumption that country observes/implements the International Covenant on Civil and Political Rights, the Geneva Convention, the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November, 1950, and where because of the characteristics of the legal order and the guarantees of legality there may not exist a threat of persecution for reasons of nationality, membership of a particular social group, political opinion, race, religion; or torture, inhumane or degrading treatment and which country allows independent national and international organisations to control and supervise the enforcement of human rights;

e) safe third country: ⁵

where prior to arrival at the territory of the Republic of Hungary a foreigner had stayed, travelled through or travelled on from so that the applicability of the Geneva Convention had been recognised at his/her request, or he/she had the chance, but did not take advantage of submitting an application for recognition; provided that the legal rules and actual practice of this country guarantee the examination of the merit of the asylum claims and the foreigner would not be exposed to persecution, torture, inhuman and/or degrading treatment there and from where s/he would not be returned to a country where s/he would face persecution or human rights abuses;

f) immediate family member:

spouse and minor child of a foreigner, in the case of a minor applicant, the parents.

³ Section 2 paragraph b) has been replaced by Section 1 Subsection (1) of Act XXXVIII of 2001

⁴ Section 2 paragraph c) has been replaced by Section 1 Subsection (2) of Act XXXVIII of 2001

⁵ Section 2 paragraph e) has been replaced by Section 1 Subsection (3) of Act XXXVIII of 2001

g) right of asylum:

title to stay in the territory of the Republic of Hungary, and simultaneous protection against return, expulsion and extradition.

Section 3

(1) With the exception of those defined in Section 4, the refugee authority shall, on application, recognise a foreigner as a refugee who verifies or substantiates that the provisions of the Geneva Convention shall apply to him in accordance with Article 1, Section A and Section B, Subsection (1) paragraph b) of the Geneva Convention, and Article 1 Subsections (2) and (3) of the Protocol;

(2) In order to ensure the living together of the family, the immediate family member of the person seeking recognition as refugee under Subsection (1) shall be recognised as refugee if

a) the application has been jointly submitted, or

b) the immediate family member has submitted such a request with the consent of the person under Subsection (1), before the decision on his/her recognition as refugee is taken.

(3) The immediate family member shall not be recognised as refugee in order to ensure the living together of the family, if

a) any of the reasons for exclusion defined in Article 1 F of the Geneva Convention is applicable to him/her;

b) his/her stay, activity in Hungary violates the interest of national security or seriously endangers public security, provided that this presumption has been found to be well-founded in a procedure according to Article 32(2) of the Geneva Convention.

(4) Upon request of a refugee parent, his/her minor child, who was born in Hungary, shall be recognised as refugee.⁶

(5) In the absence of reasons for exclusion defined in Section 4 Subsection (1) a person, in respect of whom the Minister of the Interior exercises equitable treatment exceptionally, on humanitarian grounds, shall also be recognised as a refugee.

Section 4

(1) The recognition of a foreigner as a refugee

a) in respect of whom any of the reasons for exclusion defined in Article 1, Sections D, E or F of the Geneva Convention prevails;

b) whose stay, activity in Hungary violates the interest of national security; and this presumption has been found to be well-founded in a procedure according to Article 32 (2) of the Geneva Convention;

c) who arrived from a country which qualifies, according to this Act, as a safe country of origin or safe third country, and the applicant has not proved that that country does not comply with the conditions set forth by Section 2 paragraphs d)-e);

d) who applies, on the same factual basis, for recognition as a refugee after the final refusal of an earlier application;

shall be refused.

⁶ Section 3 has been complemented by Subsections (2)-(4) while the original Subsection (2) has become Subsection (5) due to Section 2 of Act XXXVIII of 2001

(2)⁷

Section 5

The refugee status shall terminate if the refugee

- a) has acquired Hungarian citizenship;
- b)⁸
- c) his recognition as a refugee has been withdrawn by the refugee authority.

Section 6

(1) Recognition as a refugee shall be withdrawn if

- a) any of the conditions defined in Article 1, Section C and F of the Geneva Convention prevails;
- b) the conditions of being recognised as a refugee did not prevail even at the time of making the decision on recognition;
- c) the conduct of the refugee violates national security interest; and this presumption has been found to be well-founded in a procedure according to Article 32 (2) of the Geneva Convention;
- d) the refugee renounces his refugee status in writing.

(2) Renunciation of the refugee status cannot be withdrawn.

Section 7

Recognition as a refugee may be withdrawn if

- a) recognition has been granted while facts material for the decision were withheld;
- b) the refugee has been sentenced for enforceable imprisonment for intentionally committing a particularly serious crime which is punishable by - at least - 5 years imprisonment according to law.

Section 8

In the absence of the reasons for exclusions defined in Section 9, the refugee authority shall recognise a foreigner who satisfies the conditions defined by the Government (Article 22) as a temporarily protected person.

Section 9

The following applicants may not be recognised as temporarily protected persons:

- a) a person in connection with whom there are serious grounds to believe that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
- b) a person whose stay in Hungary violates a national security interest;
- c) a person who has committed a serious non-political crime⁹ prior to his admission to Hungary;
- d) a person who is guilty of acts contrary to the purposes and principles of the United Nations.

⁷ Section 4 Subsection (2) ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

⁸ Section 5 paragraph b) ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

⁹ The text "outside of the territory of Hungary" ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

Section 10

The temporarily protected status shall terminate if

- a) the period of protection has expired or the fact designated by the Government, has occurred;
- b) the temporarily protected person has obtained a settlement permit in Hungary;
- c) the temporarily protected person has been recognised as refugee by the refugee authority;¹⁰
- d) the temporarily protected person left the territory of the Republic of Hungary definitively;
- e) recognition as a temporarily protected person has been withdrawn by the refugee authority.

Section 11

Recognition as a temporarily protected person shall be withdrawn if

- a) the conditions of recognition did not prevail even at the time of making the decision of recognition;
- b) the stay, activity of the temporarily protected person in Hungary violates national security interest.

Section 12¹¹

Recognition as a temporarily protected person may be withdrawn if the temporarily protected person

- a) has left or attempted to leave the territory of the Republic of Hungary without the consent of the refugee authority;
- b) failed to take advantage of the care and maintenance provided to him/her despite of a written warrant due to the fact that he/she stays at an unknown place;
- c) repeatedly failed to fulfil the obligation set by separate law to register or repeatedly or seriously failed to fulfil his/her obligation to co-operate;
- d) has been expelled by the court.

Section 13¹²

Chapter II

LEGAL STATUS OF THE PERSON SEEKING ASYLUM, THE REFUGEE, THE TEMPORARILY PROTECTED PERSON¹³

¹⁰ Section 10 paragraphs a-c) have been amended by Section 3 of Act XXXVIII of 2001

¹¹ Section 12 has been amended by Section 4 of Act XXXVIII of 2001

¹² Section 13 ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

¹³ The text “and the person authorised to stay” in the title ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

Section 14

- (1) Foreigners seeking recognition as refugees and temporarily protected persons as well as temporarily protected persons¹⁴ are entitled to stay in the territory of the Republic of Hungary.
- (2) Refugees enjoy asylum.

Legal status of a Person Seeking Recognition as a Refugee

Section 15

A person seeking recognition as a refugee is entitled

- a) to a document, as defined in a separate legal rule, which is suitable for identification and which proves the lawfulness of his stay in Hungary;
- b) to accommodation and care/maintenance under the conditions defined in the Act and in the Government Decree during the term of the proceedings;
- c) to enter into relations with the United Nations High Commissioner for Refugees or with any refugee organisation for the purpose of the provision of his legal representation during the term of the proceedings.

Section 16

A person seeking recognition as a refugee

- a) is obliged to stay and live at the reception centre, or in any other place of accommodation designated by the refugee authority;
- b)¹⁵ is obliged to co-operate with the authority, in particular: disclose the circumstances of his/her escape, provide his/her personal data and facilitate the clarification of his/her identity, deliver his documents, bear the inspection of his/her luggage, clothes and motor vehicle, and to have his/her photograph of his/her face taken, in case the person has turned 14 years of age, bear the taking of his/her fingerprint, and to give an account of his property, income;
- c) is obliged to subject himself to health tests, medical treatment and the replacement of any missing vaccinations prescribed as mandatory in legal rules and required by the competent health authority in the case of the danger of a disease;
- d) may not engage in employment, other than employment at the reception centre.

Legal Status of a Refugee

Section 17

- (1) Unless an Act or Government Decree provides otherwise, a refugee shall have the same rights and shall be burdened by the same obligations as Hungarian citizens, with the exceptions contained in Subsection (2). It is compulsory for refugees to take up an identity card.¹⁶

¹⁴ The text “and the person authorised to stay” in Section 14 Subsection (1) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

¹⁵ Section 16 paragraph b) has been amended by Section 5 of Act XXXVIII of 2001

¹⁶ Section 17 Subsection (1) has been amended by Section 6 of Act XXXVIII of 2001

- (2) A refugee
- a) does not have the right to vote;
 - b) cannot be conscripted;
 - c) may not hold an office or position which is required by law to be filled by a Hungarian citizen.

Section 18

A refugee is entitled

- a) to an identity card, as defined in a separate legal rule, and to a bilingual travel document, as defined in the Geneva Convention;
- b) to care/maintenance and benefits within the sphere and under the conditions defined by the Act and a Government Decree;
- c) ¹⁷

Legal Status of a Person Seeking Recognition as a Temporarily Protected Person

Section 19

- (1) A person seeking recognition as a temporarily protected person is entitled to a document suitable for identification and entitling the holder to stay in Hungary and to accommodation and care/maintenance under the conditions defined in the Act and in a Government Decree.
- (2) A person seeking recognition as a temporarily protected person
- a) is obliged to co-operate with the authority, in particular: disclose the circumstance of his/her escape, provide his/her personal data and to facilitate the clarification of his/her identity, deliver his/her documents, bear the inspection of his/her luggage, clothes and motor vehicle, and to have his/her photograph of his/her face taken, in case the person has turned 41 years of age, bear the taking of his/her fingerprint, and to give account of his/her property, income;
 - b) is obliged to subject himself/herself to health screening tests as ordered by the health authority – in case of emergency, on the basis of the Law on Health even without specifically ordering it, - to medical treatment, and to the substitution of any missing vaccinations prescribed as mandatory in legal rules, and in case of danger of disease as ordered by the health authority;
 - c) is obliged to stay and live at the reception centre or in the place of accommodation designated by the refugee authority, during the term of the proceedings;
 - d) may not engage in employment, other than employment at the reception centre.¹⁸

Legal Status of a Temporarily Protected Person

Section 20

- (1) A temporarily protected person is entitled

¹⁷ Section 18 paragraph c) ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

¹⁸ Section 19 has been amended by Section 7 of Act XXXVIII of 2001

- a) to a document suitable for identification and entitling the holder to stay in Hungary and to care and maintenance in Hungary;
- b) to enter into employment without a separate permit;
- c) to accommodation and care/maintenance according to the contents of the Act and the Government Decree.

(2) A temporarily protected person is obliged

- a) to report his place of accommodation to the refugee authority;
- b) to report any changes in his pecuniary situation and earning status which may be relevant to his entitlement to care and maintenance to the notary of the local (in Budapest: district) self-government competent according to his place of accommodation (hereinafter: the notary);

(3) If the temporarily protected person is not in possession of (does not have) the valid travel document of his/her country of origin, a travel document as defined in separate rules, can be issued which entitles the holder for a single leave the country and return to it.

Section 21¹⁹

Chapter III

MANAGEMENT AND ORGANIZATIONAL SYSTEM OF REFUGEE AFFAIRS

Section 22

In absence of international obligation/commitment, the Government

a) shall provide for (designate) the area and the group from which the foreigners arriving at Hungary shall be granted temporary protection as temporarily protected persons, furthermore secures the financial resources to cover the care and maintenance to be extended to them;

b) shall establish the duration of protection, and/or the fact as of the date of occurrence of which protection shall be terminated/discontinued.²⁰

Section 23

The professional direction/supervision of refugee affairs shall be performed by the Minister of the Interior. Within this sphere of responsibilities,

- a) he shall establish a system organisation for refugee affairs;
- b) he shall initiate the decision to be taken by the government as defined in Section 22;
- c) he shall co-ordinate the co-operation of the governmental organisations taking part in the social integration, care/maintenance and benefit of refugees, temporarily protected persons²¹;

¹⁹ Section 21 and the subtitle preceding it cease to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

²⁰ Section 22 has been amended by Section 8 of Act XXXVIII of 2001

²¹ The text “and persons authorised to stay” in Section 23 paragraph c) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

- d) he shall help the co-ordination of the activities of non-governmental organisations undertaking responsibilities in refugee affairs.

Bodies dealing with refugee affairs²²

Section 24

(1) The central refugee agency of the Ministry of the Interior (hereinafter: central refugee agency):

a) shall be the agency authorised to maintain relations with regard to refugee/asylum procedures with foreign refugee authorities, shall act in cases related to the handing-over and taking-over of refugee status determination cases, shall designate the refugee authority to conduct the procedure in cases taken over;

b) shall take decision on appeals submitted against the first instance decision;

c) shall handle the central refugee database;

d) shall operate and supervise the reception centres, may conclude agreements with organisations active in the field to provide care and maintenance to refugees, selected through a tender procedure to run the reception centres, shall establish the rules of staying at reception centres;

e) shall fulfil and co-ordinate the administrative responsibilities related to the care and maintenance, repatriation and resettlement of refugees and temporarily protected persons, and to the social integration of refugees;

f) shall co-operate with the government agencies concerned with refugees, as well as with international refugee and migration organisations, furthermore, with the domestic social organisations (NGOs) concerned and with the organisations of refugees;

g) in case there is no legal regulation to provide otherwise, by taking into consideration of the opinion of the Office of the United Nations High Commissioner for Refugees on the legal practice of a given country in the field of asylum, shall establish which countries comply with the requirements stipulated in Section 2 paragraph (e) .

(2) The Field Office of the Central Refugee Agency (hereinafter: refugee authority) in its field of competence as determined by the Government

a) shall proceed as the first instance authority to conduct refugee status determination;

b) is entitled to take the photograph of face and - in case the foreigner has turned 14 years of age – the fingerprints of the foreigner for the purpose of the refugee proceedings, to inspect the luggage, clothes and motor vehicle of the applicant, furthermore, if private accommodation (private property) has been permitted to the applicant to stay in, the Field Office is authorised to conduct fact finding visits to check that the applicant is indeed staying there on a daily basis.

²² Section 24 and the heading before have been replaced by Section 9 of Act XXXVIII of 2001

Reception Centre

Section 25

- (1) Reception centres shall be supervised by the Minister of the Interior through the central refugee agency, while professional direction/supervision shall be conducted by the ministries and agencies with national competence concerned.
- (2) Centres shall be headed by the directors appointed by the head of the central refugee agency.

Section 26

Reception centres shall co-operate with the local self-governments and the governmental and non-governmental organisations concerned in the fulfilment of their responsibilities. They shall inform the co-operating organisations of the experiences of their operation.

Section 27

Responsibilities of reception centres are, in particular, to

- a) provide accommodation and care/maintenance for those seeking recognition as refugees, temporarily protected persons for the term of the authoritative procedure, ensure the orderly circumstances necessary for conducting the official proceedings;
- b) provide care and maintenance, accommodation for refugees, temporarily protected persons²³;
- c) provide the most necessary support for the social integration of refugees and temporarily protected persons, notify them of information of common interest, as well as of their obligations, rights and the method of enforcing their rights, and promote their employment;
- d) promote the voluntary repatriation of refugees, temporarily protected persons²⁴ to their home countries or their resettlement to third countries.

Agencies Concerned with Refugees

Section 28

- (1) The refugee agency shall, within the framework of legal rules, co-operate with non-governmental organisations, churches and persons fulfilling such duties
 - a) in the interest of providing legal counselling during the procedure, monitoring the living circumstances provided at reception centres, promoting social integration and providing for care/maintenance and benefits;
 - b) with the local (metropolitan district) self-governments, taking part in providing care, maintenance and support to refugees and temporarily protected persons and in promoting the social integration of refugees.²⁵
- (2) The local self-government may extend care/maintenance and benefits to refugees and temporarily protected persons in the scope of activities voluntarily undertaken.²⁶

²³ The text “and persons authorised to stay” in Section 27 paragraph b) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

²⁴ The text “and persons authorised to stay” in Section 27 paragraph d) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

²⁵ Section 28 paragraph b) has been replaced by Section 10 Subsection (1) of Act XXXVIII of 2001

Section 29

The notary of the local (metropolitan district) self-government/municipality competent at the home address and/or accommodation of refugees and temporarily protected persons shall provide for the payment of the individual benefits defined in the Act and in the Government Decree and/or undertaken by the self-government/municipality.²⁷

Section 30

- (1) The alien policing authorities and national security services defined in a separate Act shall contribute to making the conditions, necessary for conducting well-founded and prompt refugee proceedings, available.
- (2) In respect of the foreigner declaring his intention of seeking asylum, the alien policing authorities of the National Police and the National Border Guards shall
 - a) lay down his statement regarding his flight and other material circumstances, and shall send the declaration to the refugee authority without delay;
 - b) take the measures necessary for identification, simultaneously with the declaration, in particular: they may take the foreigner's finger prints and a photograph of his face, and may search his clothing, luggage and vehicle;
 - c) provide for accommodation and/or directing him, or in justified cases, transporting him, to the nearest reception centre, without delay;
 - d) issue a certificate for him regarding the fact of having been directed. The certificate is valid for 24 hours;
 - e) inform the refugee authority and the reception centre simultaneously on the facts of direction or transportation.

Chapter IV

ASYLUM PROCEEDINGS

General Rules of the Proceedings

Section 31

- (1) Proceedings shall be instituted on application which may be submitted by the person seeking recognition as a refugee or a temporarily protected person (hereinafter together referred to as "applicant") verbally or in writing with the refugee authority.
- (2) The application shall be submitted immediately upon arrival at the border in the case defined in Section 42 (1).
- (3) Applications submitted verbally shall be laid down in minutes by the refugee authority.
- (4) The application shall contain a reference to the facts and circumstances giving reason for escape.

²⁶ Section 28 has been complemented by Subsection (2) while the original text became Subsection (1) due to Section 10 Subsection (2) of Act XXXVIII of 2001

²⁷ Section 29 has been replaced by Section 11 of Act XXXVIII of 2001

Section 32

- (1) At the time of submitting the application, the refugee authority shall inform the applicant of his rights and obligations in the proceedings, of the legal consequences of the violation of the obligations, as well as of the place designated as accommodation.²⁸
- (2) The acknowledgement of the information shall be laid down in minutes.

Section 33

- (1) The applicant shall take part in the proceedings in person, it is compulsory to interview him/her.²⁹
- (2) The applicant may use his mother tongue or a language which he understands verbally and in writing during the proceedings.
- (3) The applicant shall have the opportunity to use the legal support of his choice and expense or to accept the free legal aid offered by any registered NGO providing legal protection on a regular basis.
- (4) The aliens policing authorities and the refugee authorities shall inform the person applying for protection on his rights and on the possibility to use legal assistance/support during the procedure.
- (5) A guardian shall be appointed without delay/immediately to represent the interests of the unaccompanied minor in the case and the procedure shall be conducted with special dispatch.³⁰

Section 34³¹

Section 35

The refugee authority shall terminate the proceedings if the applicant

- a) dies,
- b) withdraws his application in writing,
- c) fails to appear at the interview in person in spite of repeated notices and is unable to justify his absence.
- d) repeatedly violated his/her obligation defined in Sections 16 paragraphs a)-c) and 19 Subsection (2) paragraphs a)-c) despite a written warning or left for an unknown place, and thus prevented the conducting of the proceedings.³²

Section 36

A request for asylum submitted by an applicant who is the member of a group of people arriving en masse in the territory of the Republic of Hungary shall be considered as an application for being recognised as a temporarily protected person. The application for recognition as refugee has to be submitted again before the recognition as temporarily protected person terminates.

²⁸ Section 32 Subsection (1) has been replaced by Section 36 Subsection (1) of Act LXXV of 1999

²⁹ Section 33 Subsection (1) has been replaced by Section 12 Subsection (1) of Act XXXVIII of 2001

³⁰ Section 33 has been complemented by Subsection (5) due to Section 12 Subsection (2) of Act XXXVIII of 2001

³¹ Section 34 ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

³² Section 35 has been complemented by paragraph d) due to Section 13 of Act XXXVIII of 2001

Section 37

The National Security Office shall take part in the proceedings as a specialised authority.

Section 38

(1) An in-merit decision shall be taken within 60 days of the submission of the application - with the exception of the contents of Section 45 - which deadline may be extended by the head of the central refugee agency by further 30 days.

(2) The refugee authority may render the expulsion of the foreigner staying illegally in the country in its decision made on the rejection of the application or on the withdrawal of the refugee status or temporarily protected status, if there is a country to accept/receive him/her, and/or shall assess whether the expulsion ban foreseen by Section 43 Subsection (1) of the Act on the Entry and Stay of Foreigners is prevailing in the case.

(3) Should the foreigner fail to fulfil his obligation to leave the country, the expulsion shall be executed by the alien policing authority competent according to the location of the refugee authority.

(4) No expulsion can be rendered to a country obliged to accept/readmit the applicant, where it has been substantiated by the applicant that s/he would face torture, inhuman or degrading treatment.³³

(5) The decision shall be communicated to the applicant in writing. The decision shall be announced in the mother tongue of the foreigner or in any other language which he understands.

Section 39

(1) The decision is subject to appeal, which shall be submitted to the refugee authority within 15 days upon communication of the decision.

(2) Request for review of the decision - addressed to the court - shall be submitted within 15 days upon communication of the second instance decision to the refugee authority which took the first instance decision. The Municipal Court shall decide, with exclusive authority/jurisdiction, within 15 days upon reception of the request in non-litigious procedure. The court is entitled to change the decision.³⁴

Section 40³⁵

Section 41

The representative of the Office of the United Nations High Commissioner for Refugees may take part in any stage of the refugee status determination procedure. Within the framework of this,

- a) he may be present at the applicant's interview;
- b) he may gain access to refugee documents/files and may make copies thereof;

³³ Section 38 has been complemented by Subsections (2)-(4) while the marking of the original Subsection (2) changed to (5)

³⁴ Section 39 has been replaced by Section 16 of Act XXXVIII of 2001

³⁵ Section 40 ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

- c) the refugee authority shall send the decision to him.

Airport Procedure

Section 42

- (1) The aliens policing authority shall, prior to allowing a foreigner to enter the territory of the Republic of Hungary at the border entry point of the International Airport, notify the refugee authority immediately, if such a foreigner wishes to submit an application for recognition as refugee.
- (2) Should the refugee authority process the case in accelerated procedure, the decision shall be taken within 8 days upon submission of the claim.³⁶

Accelerated Proceedings

Section 43

- (1) The application can be considered as manifestly unfounded, if from that the existence of the reason defined in Section 3 (1) cannot be established due to the following reasons:

- a) it is obvious that the applicant has not established the persecution in the country of origin or his well founded fear thereof;
- b) the application is based on the intentional deception of the authority or on the abuse of the asylum procedure;
- c) there is a safe third country , which is obliged to readmit the applicant;
- d) the applicant is the citizen of a member state of the European Union.

- (2) The provision stipulated in Subsection (1) paragraph a) is applicable if the applicant does not refer to persecution existing in his/her country, or to his/her well-founded fear of such persecution, refuses to make a declaration on the reason for seeking asylum despite of direct questions addressed to him/her, or his/her declaration is incoherent, controversial – unless it is due to reasons of the health condition of the applicant - or does not provide for the explanation to establish the persecution of the applicant.

- (3) The provision stipulated in Subsection (1) paragraph b) is applicable if the applicant

- a) intentionally supplies false details relating to his/her personal data, citizenship, country of origin and the circumstances of his/her entry, or hides his/her travel document or any other document suitable to establish his/her identity from the authorities, destroys it, or/and intentionally hinders the procedural actions aimed at the establishment of his/her identity;
- b) intentionally uses false or falsified documents to certify his/her identity, and/or for the purpose of entry, and insists on the false contents of such document;
- c) applies on the same factual basis for recognition as refugee after the refusal of an earlier application;
- d) illegally entered the territory of the Republic of Hungary and had the opportunity to apply for asylum before an expulsion decision was taken in the aliens policing procedure but did not do so; or the refugee authority again terminated the procedure on the basis of an

³⁶ Section 42 has been replaced by Section 17 of Act XXXVIII of 2001

earlier application and the applicant does not prove that his/her behaviour leading to the termination of the procedure was evoked by reasons beyond his/her control;

e) intentionally failed to announce that s/he had submitted an application earlier in one of the European Union's member states, especially, if s/he is using a false identity in the procedure;

f) if his/her application was earlier turned down in one of the member states of the European Union by taking into due consideration of procedural requirements and guarantees as stipulated by the Geneva Convention.

(4) The application cannot be considered manifestly unfounded in case the identity of the applicant is not proved, if the applicant has provided his/her genuine personal details, s/he has facilitated the procedure to establish his/her personal data and Subsection 3 paragraphs a) and b) are not applicable.³⁷

Section 44

An applicant's application for recognition as refugee shall be assessed in accelerated procedure if the application is manifestly unfounded according to Section 43 Subsection (1).³⁸

Section 45

Decision in the accelerated procedure – except for the accelerated procedure conducted at the airport - shall be taken within 15 days upon submission of the application.³⁹

Section 46⁴⁰

Section 47

(1) The contents of Act IV of 1957 on the General Rules of Public Administrative Proceedings shall apply to the refugee proceedings, taking into account the differences defined in this chapter and in the Government Decree issued on the basis of the authorisation of this Act.

(2)⁴¹

Chapter V

CARE AND MAINTENANCE, BENEFITS, THE ORDER OF COVERING COSTS

Care/Maintenance and Benefits

Section 48

(1) A refugee is entitled to his integration, while an applicant, temporarily protected person⁴² is entitled for the establishment of his basic conditions for life to the care/maintenance and benefits defined in the Act and in the Government Decree.

³⁷ Section 43 has been replaced by Section 18 of Act XXXVIII of 2001

³⁸ Section 44 has been replaced by Section 19 of Act XXXVIII of 2001

³⁹ Section 45 has been replaced by Section 20 of Act XXXVIII of 2001

⁴⁰ Section 46 ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

⁴¹ Section 47 Subsection (2) ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

- (2) Care/maintenance and benefits are the following:
- a) care/maintenance falling within the sphere of personal care,
 - b) pecuniary care/maintenance,
 - c) pecuniary benefits.
- (3) The Central Refugee Agency may conclude an agreement with the State Health Security Cashier to cover the medical services to be provided for the temporarily protected person, on the basis of the specific law no. 1997:LXXXII. on mandatory health security services, providing for the opportunity for foreigners to conclude an agreement to cover a range of medical services. The Central Refugee Agency shall pay a monthly amount equal to 30 % of the minimum wage defined by the relevant Law, per temporarily protected person on the basis of the agreement.
- (4) The applicant⁴³ and temporarily protected persons not covered by an agreement defined in Subsection (3) are entitled to free of charge medical care defined by the Government Decree.
- (5)⁴⁴

The Order of Covering Costs

Section 49

Parliament shall provide cover for the following costs in the Act on the Budget of the Republic of Hungary within the chapter of the Ministry of the Interior:

- a) costs of operation and material expenditures of the central refugee agency and its regional offices,
- b) costs of maintenance, establishment and development of the reception centres and other places of accommodations,
- c) membership fee and contribution resulting from the membership of the international refugee and migration organisations,
- d) costs related to the proceedings, in particular: costs of identification, recording and management of data, fees of interpreters and experts, costs related to transportation;
- e) expenditures related to the reimbursement of the costs of certain types of care, maintenance and support.⁴⁵

Chapter VI

DATA MANAGEMENT AND DISCLOSURE OF DATA

Definition and Contents of the Records

⁴² The text “and the person authorised to stay” in Section 48 Subsection (1) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

⁴³ Text “the person authorised to stay” in Section 48 Subsection (4) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

⁴⁴ Section 48 Subsection (5) ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

⁴⁵ Section 49 has been replaced by Section 21 of Act XXXVIII of 2001

in the Field of Refugee Affairs

Section 50

- (1) Records in the field of refugee affairs are central official records which contain the personal details of refugees, temporarily protected persons and applicants⁴⁶ (hereinafter: foreigner) details regarding their stay and care/maintenance due to them, and any changes therein.
- (2) In respect of the data kept with the records it is the central refugee agency which is considered to be the keeper and the processor of the data, while in respect of the data contained in Section 51 Subsection (1) paragraph h) it is the agency defined in the Act on Criminal Records.⁴⁷
- (3) The purpose of the records is to collect and manage the data defined in this Act, to issue deeds thereof and to supply data for those entitled thereto and defined in the Act for the purpose of establishing the existence of the status of refugee, temporarily protected persons⁴⁸ and ensuring the entitlements attached thereto.

Section 51

- (1) The records shall contain the following details of the foreigner:
 - a) identification details (name, former name, pseudonym, current and former citizenship, sex, place and date of birth, personal identification code in the case of a refugee), mother's name and a photograph;
 - b) marital status, occupation/profession, education;
 - c) place of accommodation, place of residence and address;
 - d) name of country according to citizenship, in the case of a stateless person, usual place of residence;
 - e) data on national and ethnic status, religious conviction that were referred to by the applicant in the reasoning of his application;
 - f) details of identity and travel documents (identification sign and number of document, period of validity, date of issue, name of issuing authority, place of issue);
 - g) personal identification details of immediate family members arriving together with such a person and legal status of stay in Hungary;
 - h) fingerprints of those elder than 14.⁴⁹
- (2) The records shall contain information on the financial and income situation of the foreigner in the interest of securing care, maintenance and benefits determined by the Act and the Government decree and in order to enable the authority to assess whether the foreigner is entitled to the assistance. The information shall be provided either by the foreigner in the form of statement or documentation or by the tax authority or by the social insurance company.⁵⁰

⁴⁶ The texts "the person authorised to stay" and "in case of proceedings initiated ex officio, the foreigner concerned" cease to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

⁴⁷ Section 50 Subsection (2) has been replaced by Section 22 of Act XXXVIII of 2001

⁴⁸ The text "and/or the person authorised to stay" in Section 50 Subsection (3) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

⁴⁹ Section 51 Subsection (1) paragraph h) has been replaced by Section 23 Subsection (1) of Act XXXVIII of 2001

⁵⁰ Section 51 Subsection (2) has been replaced by Section 23 Subsection (2) of Act XXXVIII of 2001

- (3) The aim of taking the fingerprints and store them is the identification of the applicants and the establishment of the fact whether the applicants have submitted several applications.⁵¹
- (4) The central refugee agency shall keep the details defined in (1) for a period of ten years reckoned from the refusal of the application or the termination of recognition, while it shall keep the details defined in (2) for a period of five years reckoned from the termination of the entitlement, or from the performance of refundable benefits, or from the statutory limitation of the claim.

Section 52

- (1) Reception centres shall keep records of
 - a) the personal identification details defined in Section 51 Subsection (1) paragraph a) of the persons placed at the centre;
 - b) the rate and term of the benefits provided by the centre.
- (2) The details of the person concerned shall be managed for a period of 1 year following final departure from the centre.

Section 53

- (1) The notary competent according to the address (place of residence, accommodation) of the refugee, temporarily protected person⁵² shall keep records of the following, regarding the persons falling within his competence and entitled to benefits:
 - a) personal identification details defined in Section 51 Subsection (1) paragraph a),
 - b) address, place of residence,
 - c) amount of benefit paid,
 - d) date of payment, in the case of a refundable benefit, the deadline for repayment.
- (2) The agencies extending benefits may keep data regarding the earning and pecuniary status of the close relatives sharing the same household with the applicant if it can be established on the basis thereof whether the conditions of extending benefits are satisfied.
- (3) The agencies extending benefits are entitled to disclose data to the central refugee agency and to the agencies authorised by law to request data.
- (4) The agencies extending benefits may manage the data defined in Subsections (1) and (2) as long as the person concerned continues to be entitled to benefits or until his obligation of repayment is satisfied.

Section 54

The refugee authority may request data for conducting the refugee proceedings:

- a) on the basis of the Act on Criminal Records, from the records defined therein;⁵³
- b) of the agency managing the records of those under a ban of entering and staying in the country;
- c) from the records of the personal details and addresses of citizens;
- d) from the central alien policing records;⁵⁴

⁵¹ Section 51 has been complemented by a new Subsection (3) while the original Subsection (3) has become Subsection (4)

⁵² The text “or person authorised to stay” in Section 53 Subsection (1) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

⁵³ Section 54 paragraph a) has been replaced by Section 24 Subsection (1) of Act XXXVIII of 2001

- e) on the basis of international treaty or mutual practice/understanding, from foreign crime investigation, alien policing and refugee agencies and from such international organisations.⁵⁵

Disclosure of Data

Section 55

- (1) Agencies requesting data are the investigation authority; the police, the border guards⁵⁶ and the national security services within the sphere of the fulfilment of their alien policing responsibilities; the agencies proceeding in matters of citizenship, the court reviewing administrative decisions and the agencies extending benefits on the basis of a legal rule or contract.
- (2) The central refugee agency shall inform the central agency responsible for recording the personal details and addresses of citizens of recognition as a refugee, by communicating the personal identification details of the person concerned, for the purpose of entry in the records and supplying the person concerned with an identity card and a personal identification code.
- (3) The data managed on the basis of this Act may be used for statistical purposes and data may be supplied thereof for statistical purposes, in a way which is not suitable for the identification of individuals. The data as determined by Section 51 Subsection (1) paragraphs a)-d) may be supplied for the Central Statistical Office for the purpose of statistics in a way which is suitable for the identification of individuals.
- (4) The data defined in Section 51 Subsection (1) paragraph b) may only be disclosed to the investigation authority in criminal proceedings to be instituted against a person suspected of the committal of a crime defined in Section 84 i)-m) of the Act on the National Police - Act XXXIV 1994 -, as well as to the national security service and a court reviewing administrative decisions, as defined in the Act.

Section 56

Documents related to recognition as refugee, temporarily protected person and person authorised to stay may not be discarded, and the central refugee agency shall provide for the keeping and recording thereof.

International Exchange of Data

Section 57

The central refugee agency shall⁵⁷ conduct a mutual exchange of data with the competent agencies of other states and international organisations in respect of the following data:

- a) legal rules and practices applicable in the area of the matter of refugees;

⁵⁴ Section 54 paragraph d) has been replaced by Section 24 Subsection (2) of Act XXXVIII of 2001

⁵⁵ Section 54 paragraph e) has been replaced by Section 24 Subsection (3) of Act XXXVIII of 2001

⁵⁶ The text “the public administrative office” in Section 55 Subsection (1) ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

⁵⁷ The text “on the basis of international treaties” in Section 57 ceases to have effect due to Section 28 Subsection (3) paragraph a) of Act XXXVIII of 2001

- b) statistical data regarding the monthly arrival of foreigners and the break-down thereof by citizenship. On the basis of an international agreement, the latter data shall also be disclosed to the agency appointed by the European Communities Commission and the Office of the United Nations High Commissioner for Refugees;
- c) information of a general nature on the latest trends of applications for asylum;
- d) general information on the applicant's country of origin or country of former stay.

Section 58

- (1) On the basis of international treaty or mutual practice/understanding, the central refugee agency shall disclose all information necessary for the assessment of an application for asylum at the request of the competent agencies of other states and the Office of the United Nations High Commissioner for Refugees, and within the framework of the handing over of the refugee status determination procedure, with the exception of the country of origin of the applicant, provided that the protection of personal data is guaranteed by the party requesting the information.⁵⁸
- (2) The information defined in Subsection (1) may contain:
 - a) personal details relating to the applicant (name, former name, if any, pseudonyms, current and former citizenship, place and date of birth);
 - b) details of the identity and travel documents (identification code and number, period of validity, date of issue, name of issuing authority, place of issue);
 - c) other details necessary for establishing the applicant's identity;
 - d) data relating to residence permits or visas issued by other states;
 - e) place of submission of the application;
 - f) date of submission of an earlier application for asylum, date of submission of current application, status of proceedings and contents of in-merit decision.
 - g) details relating to penal procedure/punishment.
- (3) The reasons which the applicant referred to in order to support his application may only be disclosed with his written consent.
- (4) Personal details may only be disclosed to foreign agencies or persons, other than the agencies authorised in Subsection (1), with the consent of the person concerned granted in writing. The person concerned shall be informed of the purpose of utilisation in advance.

Chapter VII

CLOSING PROVISIONS

Section 59

- (1) This Act shall come into force on 1 March 1998, and its provisions shall apply in matters in progress, with the exception of the contents of Subsection (3).
- (2) The refugee authority shall recognise the foreigner, recognised by UNHCR as mandate refugee until the entry into force of this Act, having accommodation in Hungary, provided that the person concerned applied for the recognition to the Hungarian refugee authority within 90 days after the entry into force of this Act.

⁵⁸ Section 58 Subsection (1) has been replaced by Section 25 of Act XXXVIII of 2001

- (3) The provisions contained in Section 61 Subsections (3) - (5), as well as Subsections (7) - (9) of the Act shall apply to the applications submitted following its coming into force.
- (4) Whenever a legal provision mentions person enjoying temporary protection it should be understood as temporarily protected person.
- (5) Simultaneously with the coming into force of this Act, Law-Decree 19 of 1989 on the Legal Status of Persons Recognised as Refugees; and Section 3 of Law-Decree 15 of 1989 on the Promulgation the Convention approved on 28 July 1951 relating to the status of refugees and, of the Protocol relating to the Status of Refugees and made on 31 January 1967, further Section 64 Subsection (1) paragraph g) of Act. LXXXVI. of 1993 on the entry, stay and immigration of foreigners into Hungary shall cease to have effect.

Rules of Authorisation

Section 60

- (1) The Government is hereby authorised to lay down the following in a Decree:
 - a) detailed rules relating to asylum proceedings, rules of public hygiene and the procedural rules applicable to temporarily protected persons and deviating from the general rules.
 - b) rules relating to integration, to types and conditions of care/maintenance and benefits, and the rules of the reimbursement of the costs of taking advantage of them,
 - c) types of the documents of applicants, refugees, temporarily protected persons⁵⁹, and the data contents thereof.
 - d) detailed rules of the procedure to take over and to hand over refugee status determination procedures from and to foreign authorities;⁶⁰
 - e) the residence/head-quarters and the scope of competence/jurisdiction of the Field Office of the Central Refugee Agency.⁶¹
- (2) The Minister of the Interior is hereby authorised to lay down the following in a Decree:
 - a) provide for the establishment of the organisational system of refugee affairs, establish the responsibilities thereof and the rules of its operation,
 - b) establish the provisions applicable to the management of data and documents related to the recognition as refugee, temporarily protected person⁶² and to their care and maintenance,
 - c) establish the detailed responsibilities and operational order of reception centres in agreement with the ministers concerned.

Amended Rules

⁵⁹ The text “and person authorised to stay” in Section 60 Subsection (1) paragraph c) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

⁶⁰ Section 60 Subsection (1) has been complemented by paragraph d) due to Section 26 Subsection (1) of Act XXXVIII of 2001

⁶¹ Section 60 Subsection (1) has been complemented by paragraph e) due to Section 26 Subsection (2) of Act XXXVIII of 2001

⁶² The text “and person authorised to stay” in Section 60 Subsection (2) paragraph b) ceases to have effect due to Section 28 Subsection (3) paragraph b) of Act XXXVIII of 2001

Section 61

(1) Section 14 of Act XXXVIII of 1996 on Mutual Legal Assistance in Criminal Matters shall be replaced by the following provision:

“Section 14

(1) The extradition of the refugee shall be refused, unless it is requested by a safe third country defined by the Act on Asylum.

(2) Temporarily protected persons, persons authorised to stay, and foreigners seeking recognition as refugees or temporarily protected persons may not be extradited to the state where they escaped from. “

(2) Section 2 Subsection (3) of Act LXXXVI of 1993 on the Entry, Stay in Hungary and Immigration of Foreigners (hereinafter: Idtv.) shall be replaced by the following provision:

“(3) The scope of this Act shall not extend to persons who have been recognised by the refugee authority as refugees, temporarily protected persons or persons authorised to stay, as long as the status prevails unless the foreigner submitted an application for immigration permit. If the foreigner submits an application for being recognised as refugee or temporarily protected person, the decision taken by the aliens policing authority shall not be executed until the final rejection of the application. “

(3) Section 17 Subsection (4) paragraph b) of Idtv. shall be replaced by the following provision:

/Foreigners/

“b) who once was a Hungarian citizen, but the citizenship terminated, or whose ascendants were Hungarian citizens. “

/may be granted exemption from the condition defined in Subsection (1) paragraph a)./

(4) Section 18 Subsection (1) of Idtv. shall be replaced by the following provision:

“(1) The application for immigration may be submitted to the competent county or metropolitan office of administration (hereinafter: office of administration) at the future place of residence in Hungary, on the prescribed form, in person, and/or ? in the case of joint application ? by a family member of majority age [Section 17 Subsection (5)], or to the competent Hungarian foreign representation at the permanent or usual place of residence of the foreigner .”

(5) Section 20 Subsection (1) of Idtv. shall be replaced by the following provision:

“(1) The Office of National Security and the police shall pass opinion, as specialised authorities, with regard to the matter of application for immigration .”

(6) Section 32 Subsection (1) of Idtv. shall be replaced by the following provision:

“(1) Foreigners may not be returned, and/or expelled to such countries, or the frontier of such areas, where they would be exposed to the danger of persecution for reasons of race, religion, national, social affiliation or political opinion, furthermore, to the territory of such states, or the frontier of such areas, where it is to be greatly feared that returned foreigners, and/or those expelled would be exposed to torture, inhuman or degrading treatment. The existence of such reasons shall be established by the refugee authority .”

(7) Section 47 Subsection (1) of Idtv. shall be replaced by the following provision:

(1) For the purposes of this Act, the Police, the Border-Guards, the Customs and Excise Authority, the Office of Administration and the body issuing visas vested in this Act with authority and the competence to take measures, shall be considered alien policing authorities .”

(8) Section 53 Subsection(2) of Idtv. shall be replaced by the following provision:

“(2) Based on the register, the data handling body shall prepare a list of names, and shall forward it to the alien policing authorities, with the exception of the customs and excise authority and the Office of Administration .”

(9) Section 56 Subsection (2) of Idtv. shall be complemented by the following paragraph d), and the marking of the present paragraph d) shall be changed to paragraph e):

/The data handling body may supply details from the register referred to in Subsection (1) to the following bodies: /

“d) Office of Administration.”

(10) Section 32 paragraph j) of Act XX of 1996 on the identification methods replacing Personal Identification Code and on the application of identification codes shall be replaced by the following provision:

“j) the alien policing authority and the central refugee agency to perform their duties (are entitled to use the personal identification code);”

(11) Section 22 of Act LXVI of 1992 on the registry of the personal data and addresses of the citizens shall be completed by the following paragraph e):

“e) the central refugee agency to perform its duties designated by law .”

(is entitled to request data contained in Section 17 Subsection (2) paragraph c) on the basis of that Act).

Section 62

This Act contains provisions that can be compatible with the instruments of the European Communities enlisted bellow, as required by Section 3 of Act I of 1994, promulgating the European Agreement concluded by the Republic of Hungary and the European Communities and its member states in Brussels on 16 December 1991:

- a) Convention Determining the State Responsible for Examining Applications for Asylum lodged in one of the Member States of the European Communities,
- b) Resolution of the ministers of member states of the European Communities responsible for immigration on manifestly unfounded applications (30 November 1992),
- c) Resolution of the ministers of member states of the European Communities responsible for immigration on a harmonised approach to questions concerning host third countries (30 November 1992),
- d) Conclusions of the ministers of member states of the European Communities responsible for immigration on countries in which there is generally no serious risk of persecution (London, 30 November and 1 December 1992),
- e) Council resolution on minimum guarantees for asylum procedures (20 June 1995),
- f) Council resolution on unaccompanied minors who are nationals of third countries (26 June 1997),
- g) Council resolution on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (25 September 1995),
- h) Joint Position of the Council on the Harmonised Application of the Definition of the Term “Refugee” in Article 1 of the Geneva Convention of 28 July 1951 Relating to the Status of Refugees (4 March 1996).⁶³

Árpád Göncz
President of the Republic

Dr. Zoltán Gál
Speaker of Parliament



Translated by UNHCR BO Budapest

⁶³ The Act has been complemented by Section 62 due to Section 27 of Act XXXVIII of 2001