

Government Decree No. 170/2001 (IX. 26.)

**On the Implementation of Act XXXIX of 2001
On the Entry and Stay of Foreigners**

The Government, pursuant to the authorization granted by Article 94 (1) of the Act XXXIX of 2001 on the entry and stay of foreigners (hereinafter referred to as the “Act”) hereby orders the following:

Certification of Hungarian nationality

Article 1

(1) In alien policing procedures, Hungarian nationality may be certified by a valid personal identity document, valid Hungarian passport or by a nationality certificate issued not longer than a year ago.

(2) In alien policing matters, the existence of Hungarian nationality shall be established ex officio by the organ charged with tasks related to nationality issues of the Office of Immigration and Nationality (hereinafter referred to as the “Office”) of the Ministry of Interior, at the request of the Office’s regional organ (hereinafter referred to as the “regional alien policing authority”).

(3) The regional alien policing authority shall examine in case of doubt the existence of Hungarian nationality prior to the application of measures regulated in Chapter IV of the Act, as well as during the submission of an application for a residence permit.

The letter of invitation

Article 2

(1) Financial coverage of entry and stay may be certified upon entry, or in case of procedures concerning visas or permits to stay, with a valid letter of invitation that contains the contents specified in (2).

(2) The letter of invitation shall contain the following:

- a) name of the inviting person, her maiden name and given name, place and date of birth, sex (hereinafter: natural personal identification data), mother’s name, domicile, in case of persons holding a permission to stay, immigration permit or residence permit giving the invitation, their place of stay, nationality (stateless status), in case of Hungarian legal entities or legal entities with a seat registered in Hungary (hereinafter: legal entity), the name and seat of the legal entity, and the purpose of the invitation;
- b) content of the obligation (including ensuring health care and the costs of travel out of the country), its duration, the address of the place of accommodation provided to the foreigner;
- c) name, natural personal identification data, nationality, stateless status, domicile of the invited foreigner and his/her spouse and minor children traveling together with him/her;
- d) approval of the regional alien policing authority and the validity of the letter of invitation.

(3) In addition to data specified in (2), the application shall contain, in case of a letter of invitation issued by a legal entity, the name of the person entitled to represent the legal entity, data concerning the accommodation provided for the invited foreigner, the relationship of the inviting person and the invitee, and the financial circumstances of the inviting person.

(4) A single letter of invitation may certify financial coverage of stay in case of an invitation by a legal entity for the group travel of foreigners (school exchange, vacationing for children, invitation of artistic companies, etc.).

Article 3

(1) The application for the authority's approval required for the validation of the letter of invitation shall be submitted in person, or in case of a legal entity, through the representative, on the form prescribed by another regulation, to the regional alien policing authority with jurisdiction over the domicile or place of stay of the person giving the invitation, or the seat of the legal entity.

(2) In case of an extraordinary reason deserving special consideration (the elderly age, illness, hospital treatment, etc. of the person giving the letter of invitation), the competent regional alien policing authority may allow for an exemption from the obligation to submit the application in person.

(3) In case of group travel of foreigners, submission of the application for the authority's approval is not necessary for each person. The invitees' data as specified in Article 2 (2) shall be attached to the application on a separate list.

Article 4

(1) During the consideration of the application for the authority's approval, the regional alien policing authority may call the inviting person to certify that accommodation and financial coverage (including health care and costs of travel out of the country) of the invitation are available.

(2) The availability of accommodation may be certified in particular by:

- a) a document certifying ownership of real estate property suitable for accommodation,
- b) a lease contract for a house,
- c) a reservation made in commercial place of accommodation.

(3) The availability of financial coverage may be certified in particular by:

- a) if the inviting person is a natural person, with an income or tax certificate,
- b) if the inviting person is a legal entity, with a tax certificate.

Article 5

(1) If the authority grants approval, the letter of invitation shall be issued to the inviting person. The inviting person shall take care of arranging that the letter of invitation reach the invitee.

(2) In case of an exemption from having to obtain the clause certifying the authority's approval or the authority's approval itself, the letter of invitation may be used to certify the availability of financial coverage within a period of six months from its date of issue.

(3) Documents produced with regard to the application for the authority's approval shall be archived by the regional alien policing authority for a period of five years from the date of submission of the application.

Article 6

- (1) The authority shall refuse approval if the inviting person
 - a) had not fulfilled his/her obligations undertaken in the letter of invitation during a previous invitation,
 - b) does not have adequate conditions for fulfilling the obligations undertaken,
 - c) has stated false data or untrue facts in the application.
- (2) The authority shall refuse approval also in case if there are well-founded reasons to believe that entry by the invited foreigner is not aimed at achieving the purpose of travel or stay as indicated in the application, or if the invited foreigner may not travel to or stay in the territory of the Republic of Hungary due to a ban of entry and stay.
- (3) The authority shall communicate its refusal of approval to the inviting person in a decision.

Article 7

- (1) When inviting a foreigner, there shall be an exemption from the obligation to obtain the authority's approval in case of the Parliament, president of the republic, government, and administrative organizations thereof, the State Audit Office, the parliamentary commissioner, the Constitutional Court, the ministries, the Hungarian Academy of Sciences, organizations having national jurisdiction, courts, prosecutor's offices, heads of county or capital public administration offices, municipal and minority self-governments.
- (2) Prior to sending out the letter of invitation, organs specified in (1) may request the regional alien policing authority with competence over the organ's seat to check the existence of any possible reasons excluding entry.

The visa

Article 8

- (1) The issuing of visas shall fall under the competence of:
 - a) foreign representations entitled to issue visas,
 - b) the Ministry of Foreign Affairs,
 - c) the Office,
 - d) the regional alien policing authority and
 - e) the alien policing organ of the Border Guard.
- (2) The foreign representation shall be entitled to adjudicate visa applications – with exceptions contained in (3)-(5), as well as Article 9 (1) and Article 10.
- (3) An application for a residence visa shall be adjudicated by the Office.
- (4) The Ministry of Foreign Affairs shall adjudicate visa applications from persons enjoying diplomatic or other international law-based privileges and immunities and family members thereof, from persons traveling into the country for the purpose of visiting members of diplomatic or consular missions, international organizations, as well as visa applications from persons whose travel is deemed to be in the interest of foreign policy.
- (5) In the interest of public safety, the Minister of Interior may, with the agreement of the Minister of Foreign Affairs, delegate the adjudication of certain visa applications falling under the competence of foreign representations to the competence of the Office.

Article 9

- (1) The alien policing organ of the Border Guard may only issue visas at the border crossing point in case of extraordinary reasons deserving special consideration, but the foreigner must still meet all requirements set forth by Article 4 of the Act, and has to be able to meet the requirements of returning to his/her country of origin or a third country.
- (2) A visa issued by the alien policing organ of the Border Guard may be a transit visa, as well as a short-term entry visa, which allows for a single entry and its validity shall not exceed fifteen days.
- (3) The alien policing organ of the Border Guard may issue a transit visa allowing a stay of five days, based on the certificate of the competent shipping company or agency, to sailors presenting themselves for service, or leaving or transferring from a ship.
- (4) The Border Guard shall not issue a visa even in case of extraordinary reasons deserving special consideration in the case specified in Article 8 (5).

Article 10

- (1) If an extraordinary reason deserving special consideration is shown, the application for a residence visa by a foreigner staying legally in Hungary shall be adjudicated by the regional alien policing authority with competence over his/her place of stay, with the exception of visa applications falling under the exclusive competence of the Office. An extraordinary reason deserving special consideration is particularly ensuring medical treatment or family unity.

Article 11

- (1) The authority issuing the visa shall enter the purpose of stay in the residence visa specified in Article 9 (1) of the Act.
- (2) A residence visa for official purpose may be issued for the travel of persons who are accorded privileges and immunities by virtue of diplomatic status or international law and their family members, the travel of members of official delegations of foreign states or state agencies, press correspondents, persons traveling for education, learning, scientific, training purposes based on an international treaty, or in the scope of international cooperation in cultural, educational, scientific matters, or government-level international aid programmes, furthermore, the staff of scientific, educational, cultural institutions operating in Hungary, and persons traveling into the country who fall under the scope of Activities of such institutions.
- (3) A residence visa for employment or seasonal employment may be issued if the foreigner wishes to travel to Hungary for the purpose of employment based on a valid work permit.
- (4) A residence visa for income-yielding purposes may be issued to a foreigner who wishes to enter the country in order to pursue economic, intellectual, artistic activities aiming at yielding income, or to engage in employment for which no work permit is required.
- (5) A residence visa for educational or other scientific, training purposes may be issued to a foreigner who wishes to enter the country in order to study in a higher education institution, scientific research institute, or take part in preparatory training for studying in a higher education institution or further training and possesses a statement or proof of admission from the host institution providing the training or research institute.
- (6) A residence visa for receiving medical treatment may be issued to a foreigner who holds a certificate from the health care institution performing the medical treatment, or who is accompanying his/her minor child or other family member who is incapable of caring for himself/herself for medical treatment in Hungary.

(7) A residence visa for visiting purposes may be issued to a foreigner who wishes to enter the country for the purpose of visiting a natural person or legal entity as specified in Article 6 (1) of the Act, based on their invitation.

(8) A residence visa for the purpose of ensuring family unity may be issued, if conditions specified in Article 4 (1) of the Act are fulfilled, to the spouse, minor child and the spouse's minor child (including an adopted child) of a Hungarian national, or of a foreigner holding a permission to stay, a residence or immigration permit, or of a foreigner recognized as a refugee. For the family member of foreigner recognized as a refugee, the visa shall be issued based on the recommendation of the refugee authority.

(9) A residence visa may be issued exceptionally, if the conditions are certified, for purposes other than those specified in (2)-(8).

Article 12

(1) There shall be no obligation to obtain the airport transit visa specified in Article (9)(a) of the Act for a foreigner who:

- a) holds an official passport (diplomatic or some type of service passport);
- b) is a crew member of an aircraft;
- c) is a national of a country specified in *Annex no. 1* of the present decree.

(2) A foreigner who does not fall under the scope of (1)(c) shall also be exempt from the obligation to obtain an airport transit visa if

- a) his/her final destination in one of the member states of the European Union, Norway, Iceland, Liechtenstein or Switzerland, or the USA or Canada, and he/she is in possession of a valid visa issued by the country of destination, further, who after having lawfully used the visa, returns directly to the country of departure or to the country of his/her nationality;
- b) he/she holds a valid permit to stay issued by one of the member states of the European Union, Norway, Iceland, Liechtenstein or Switzerland, or the USA or Canada.

(3) The visa shall be issued taking into account the purpose as well as duration of the planned entry and stay, in the form and data content in accordance with *Annex no. 2* of the present decree.

(4) Taking into account the provisions in Article 4 (1) of the Act, the issuing of a visa may also be refused if there are well-founded reasons to believe that entry or transit by the foreigner is not aimed at achieving the purpose of travel or stay as indicated in the application.

Article 14

At the time of submission of the application, the authority entitled to issue the visa shall enter in the visa applicant's passport the fact that he/she had applied for a visa, the place and date thereof, the code of the visa applied for as well as the name of the authority receiving the application. The present provisions do not affect procedures concerning visa applications for official passports.

Article 15

(1) The visa issuing authority receiving the visa application shall transfer to the Office without delay for adjudication, together with its recommendation, the visa application falling under the scope of competence of the Office.

- (2) The Office shall bring a decision on granting or refusing the visa application after having requested the expert authority opinion of the National Security Office.
- (3) The Office may request the opinion of crime fighting organs in order to bring a decision about the visa application.
- (4) The expert authority shall communicate its opinion within fifteen days in case of an application for a residence visa, and within five days in case an application for other types of visa. Should this deadline pass without results, the expert authority opinion shall be considered as granted, except if the requested organ requests an extension of the deadline.
- (5) Should the organ specified in (3) raise an objection regarding the visa application, the Office shall inform the organ raising the objection about its decision.

Article 16

- (1) If the inviting person is a legal entity and there is an important state, social or economic interest in the foreigner's journey, the inviting person may submit a request to the Office that the short-term entry visa necessary for the foreigner's entry be issued by a visa issuing authority designated by him and at the time of his choice (visa conveyance).
- (2) The application for visa conveyance shall contain the invitee's personal identification data, nationality (stateless status), other passport data, the place, date of issuing the visa, the reasons of the application, further, the copy of the letter of invitation certifying the undertaking of obligations by the inviting person with the seal of the regional alien policing authority shall also be attached to the application.

Article 17

- (1) The foreigner shall exit the territory of the Republic of Hungary not later than the last day of the visa's validity.
- (2) The period of validity of the visa – within the period of validity specified in the Act – shall be determined by taking into account the duration of entry and transit, as well as the length of stay, the content and validity of documents certifying the conditions.
- (3) The time of validity of the travel document – with the exception contained in (4) – has to exceed by six months the time of validity of the visa.
- (4) In exceptional cases, based on urgent humanitarian reasons or national interests, or in the interest of fulfilling international obligations, the visa may be issued in a travel document that will expire in less than six months after the expiry time of validity of the visa, under the condition that the time of validity of the travel document is longer than the time of validity of the visa and it allows for the return of the national of a third country.
- (5) The time of validity of the visa may not be extended.

The permission to stay

Article 18

- (1) A permission to stay may be issued to a foreigner if – with exceptions contained in the Act and in (2) – he/she is in possession of a valid residence visa, furthermore, meets the requirements contained in Article 19 (2) and is able to certify this.
- (2) It is not necessary to obtain a residence visa for the issuing of a permission to stay in case of a child born in Hungary, if the parent was already in possession of a residence visa at the time of the child's birth.

(3) At the initiative of the refugee authority, the regional alien policing authority shall issue a permission to stay to the foreigner seeking asylum.

(4) Humanitarian concerns contained in Article 15 (1) of the Act do not constitute grounds for issuing a permission to stay if a court or a petty offence authority had expelled the foreigner, or if the foreigner is held in custody ordered in an alien policing procedure.

Article 19

(1) Upon submission of the application for a permission to stay as well as for the future duration of stay, the foreigner must have:

- a) a valid passport,
- b) a document certifying the purpose of entry and stay,
- c) financial means sufficient to ensure livelihood in Hungary,
- d) registered place of accommodation in Hungary,
- e) conditions necessary for his/her continued or return travel.

(2) If the purpose of issuing or extending the permission to stay is employment or income-yielding Activity, the alien policing authority shall take into account the applicant's income originating from employment or income-yielding Activity when assessing the necessary financial coverage.

(3) The foreigner's continued or return journey may be considered ensured if he/she possesses, also at the time of the expiry of the permission to stay, the necessary permissions for traveling to the destination country indicated by him/her or returning to the country of departure, as well as a valid travel ticket or adequate financial means for the purchase thereof, or a lawfully used and properly insured mean of transportation.

Article 20

The duration of stay specified in the permission to stay shall be determined so that the foreigner's passport will be valid for at least six more months at the time of expiry of permitted stay. The alien policing authority may disregard this condition in justified cases.

Article 21

(1) The application for issuing or extending the permission to stay shall be submitted in person to the regional alien policing authority. An exemption may be granted from the obligation of submitting the application in person in case of an extraordinary reason deserving special consideration.

(2) The following shall be attached to the application for a permission to stay: documents certifying the purpose of stay, financial means and housing in Hungary, and proof of the conditions of departure, two passport photos. A valid travel document shall be presented when submitting the application.

(3) After having obtained a visa appropriate for the changed purpose of stay, the foreigner is entitled to stay in Hungary in accordance with the general rules.

(4) For the purposes of Article 17 (2)(c) of the Act, the purpose of stay shall be deemed to have changed or become futile in particular if

- a) the foreigner's employment has ceased within the period of validity of the work permit, or the labor affairs authority has revoked the permit granted for this purpose, or the foreigner does not have a valid work permit;
- b) the foreigner does not engage in economic Activities aimed at yielding assets or income, or has no taxed income from such Activities, as well as if he/she is unable to

provide for himself/herself and his/her family members from income-yielding Activities subject to taxation;
c) in case the purpose of stay is education, the foreigner's pupil or student status has ceased, or he/she has discontinued the studies or has not fulfilled the enrollment requirements.

Article 22

- (1) If the foreigner has failed to submit the application for issuing or extending the permission of stay within the time limit prescribed by law and is unable to provide reasons for the delay, the application shall be refused without examination of its merits.
- (2) In case of refusal of the application for a permission to stay in accordance with (1), the foreigner shall be obliged to leave the country – unless he/she has sought legal remedies against the decision –not later than the day preceding the expiry of the valid period of stay.

Article 23

- (1) In case of permitting the stay, the foreigner shall be provided a permit to stay. The form and content elements of the document are specified in *Annex no. 3* of the present decree.
- (2) The permitted duration of stay shall also be entered in the passport, except in the case of an applicant for recognition as a refugee.
- (3) The permission to stay entered in the passport shall entitle the foreigner to multiple exits and re-entries within its period of validity.
- (4) Prior to his/her final departure from the country, the foreigner shall return the document provided to him/her in terms of (1) to the regional alien policing authority having issued the document or having competence over his/her place of stay.
- (5) The regional alien policing authority shall invalidate the permission to stay entered in the passport at the time of returning the permission to stay.

Article 24

- (1) In case the foreigner was granted permission to stay on the basis of family unity, he/she shall report the dissolution of the marriage or the death of the spouse within thirty days from the receipt of the final judgment on the dissolution of the marriage or from the date of issue of the death certificate, also attaching the documents, to the alien policing authority with competence over his/her place of stay.

Article 25

- (1) The justification for issuing a permission to stay based on humanitarian concerns shall be demonstrated in writing, with the exception of the case of stateless persons, by the competent refugee authority, or the national security or crime fighting agency.
- (2) For minors falling under the scope of Article 15 (1)(e) of the Act, the issuing of a permission to stay based on humanitarian concerns shall be initiated by the guardian authority.
- (3) When extending the permission to stay issued based on humanitarian concerns, the justification for extension shall be repeatedly demonstrated in writing by the agencies specified in (1) or the guardian authority.
- (4) In respect of foreigners falling under the scope of Article 15 (1)(d) of the Act, prior to the issuing of a permission to stay based on humanitarian concerns, the foreigner shall prove or

imply his/her statelessness, which upon his/her request shall be given administrative assistance by the alien policing authority through the competent Hungarian foreign representation.

Article 26

A foreigner falling under the scope of Article 31 (1) of the Act shall be entitled to a permission to stay if he/she attaches to the application

- a) a valid travel document;
- b) a certificate issued by the competent organ of the Ministry of Defense on his/her status in Hungary;
- c) a registration form for his place of accommodation.

Article 27

(1) Based on its final and executable decision on withdrawing the permission to stay, the alien policing authority shall take the document issued to the foreigner entitling stay; at the same time, the alien policing authority shall enter in the foreigner's travel document the order to exit from the country and the deadline for the compliance thereof, and invalidates the previous entitlement to stay.

(2) There shall be no separate legal remedy against the taking of the document entitling stay.

(3) In respect of (1), the foreigner shall, prior to the deadline for compliance, verify the lawfulness of his stay in Hungary with the exit order entered in his travel document.

Article 28

(1) If the application for issuing or extending the permission to stay is refused, the order to exit from the country shall be entered into the travel document.

(2) In justified cases, a date after the expiry of the valid permission to stay may be specified for exit from the country.

(3) The foreigner shall, prior to the deadline for compliance, verify the lawfulness of his stay in Hungary with the entry of the exit order.

The residence permit

Article 29

(1) The applicant for a residence permit shall verify the period of lawful and regular stay in Hungary required for the submission of the application that directly precedes the submission of the application and is without interruption.

(2) In case of the interruption of lawful or regular stay, the calculation of the period of stay restarts.

Article 30

(1) The following in particular shall be accepted as proof of the foreigner's requisite livelihood in Hungary:

- a) certificate issued by a Hungarian financial institution verifying cash-savings on a bank account opened at that financial institution at least two years prior to the submission of the application;

- b) official document or fully evidentiary private document that certifies the existence of assets, right of financial value, asset value in Hungary that ensures livelihood.
 - c) certificate issued by the tax authority verifying income subject to taxation that originates from regular, but at least one year long employment or another similar legal relationship that falls within the scope of Hungarian law;
 - d) other income certified by an official document or tax authority statement that originates from regular income-yielding Activities in Hungary at least one year long;
 - e) certificate issued by a Hungarian financial institution as proof of a pension or annuity received from abroad;
 - f) notarial deed containing a statement by a family member living in Hungary to provide care and livelihood to the applicant, as well as documents certifying the abilities of the person undertaking care.
- (2) The following, in particular, shall be accepted as proof of having a residence in Hungary:
- a) a title deed not older than three months proving the applicant's ownership of a residence in Hungary;
 - b) a residential lease contract verifying residential lease;
 - c) a notarial deed by a family member living in Hungary proving that accommodation has been provided.

Article 31

- (1) In case of family unification, matrimony is realized when family members live in a common household on a regular basis. The alien policing authority may check the existence of matrimony, or may request that documents for its verification be attached.
- (2) In case the foreigner holds a residence permit on the basis of family unification, he/she shall report the dissolution of the marriage or the death of the spouse within thirty days from the receipt of the final judgment on the dissolution of the marriage or from the date of issue of the death certificate, also attaching the documents, to the regional alien policing authority with competence over his/her place of stay.
- (3) The condition specified in Article 18 (3)(b) of the Act shall be satisfied if the birth, marriage certificate of the applicant contains or the applicant verifies or implies his/her own or his/her ancestor's previous Hungarian nationality.
- (4) The alien policing authority may grant exemption, based on a separate written request, from the obligation to attach the necessary supplements to the application for a residence permit if the foreigner verifies or implies that he/she is unable to obtain them for reasons outside of his control.

Article 32

- (1) The regional alien policing authority shall forward the application for a residence permit, together with the application's attachments as well as any documents later attached in the course of a supplementary procedure, for the purpose of obtaining an expert authority opinion, to the National Security Office and the county (capital) police headquarters (hereinafter: expert authority).
- (2) The expert authorities shall state their opinion in a written form concerning the request within forty-five days.
- (3) If, after the receipt of the expert authority opinion, data arise in connection with the foreigner that would justify withdrawal of the expert authority's consent, the expert authority shall promptly inform the alien policing authority that is competent for the procedure.

Article 33

(1) The alien policing authority proceeding on the first instance shall bring a decision concerning the application for a residence permit within a hundred and twenty days; the Office shall bring a decision concerning the appeal against the first instance decision within sixty days.

Article 34

(1) If the regional alien policing authority grants residence, it shall issue the foreigner a document entitling stay in Hungary. The form and content elements of the document are specified in *Annex no. 4* of the present decree.

(2) The time of validity of the document referred to in (1) shall be five years starting from the date of the decision permitting residence or the extension of the time of validity. If the alien policing authority had not withdrawn the residence permit, the alien policing authority with competence over the resident's domicile shall extend the time of validity of the document.

(3) The alien policing authority shall enter into the foreigner's travel document – at the time of issuing the permission to stay for the resident foreigner – the legal basis of stay, the number of the document and the date of its issue, as well as the date of establishment of residence.

(4) The resident foreigner shall report in advance the final exit from the country to the regional alien policing authority with competence over his/her domicile, which will revoke the document specified in (1) and will simultaneously invalidate the entry in the travel document.

The reporting of domicile by holders of residence permits

Article 35

(1) Foreigners holding residence permits shall report – on the form prescribed by a separate legal rule – with their natural personal identification data their first domicile in Hungary and any change thereof to the regional alien policing authority with competence over their permitted or new domicile, within three working days from moving in. The date of settlement shall be considered as the date of reporting of the first domicile.

(2) If the domicile address reported by the foreigner is different from the address specified in the residence permit, the alien policing authority shall, prior to registering the domicile, check whether the conditions prescribed for housing as required for the issuing of the residence permit are complied with.

(3) The obligation of reporting domicile for the first time may only be performed in person. In case of a joint permission of residence, a family member of legal age may also perform the obligation of reporting domicile.

(4) The parent or guardian (legal representative) shall perform the obligation of reporting domicile in case of minor child or a foreigner placed under guardianship excluding capability, respectively.

(5) At the time of reporting domicile, the foreigner shall verify his/her entitlement to dispose over or use the residence, and shall present the consent of the residence's owner or that of another person entitled to the use of the residence on other legal grounds.

(6) When reporting the domicile, the resident foreigner shall present his/her travel document, or hand over his/her permission to stay issued earlier.

The revocation of residence or immigration permits

Article 36

- (1) With respect to Article 23 (1)(b) of the Act, changes in the circumstances serving as the basis for permitting residence or immigration shall be deemed significant in particular if the foreigner holding the permit
- a) is unable to ensure livelihood or housing for himself/herself, or for the members of his/her family entitled to care;
 - b) in spite of his/her ability to work, for reasons owing to him/her, is in need of regular social care or support;
 - c) his/her family member who had undertaken to provide him/her care or housing no longer complies with this obligation.
- (2) The regional alien policing authority, based on the final and executable decision on revoking the residence or immigration permit, shall invalidate the entitlement to stay in Hungary in the foreigner's travel document, enters the exit order and the date of its compliance, and simultaneously withdraws the document specified in Article 37 (1) that had been issued to the foreigner.
- (3) In the case referred to in (2), the foreigner shall, until the deadline for compliance, verify the lawfulness of stay in Hungary with the entry of the exit order.
- (4) In case of expulsion of a resident or immigrant foreigner, and the revocation of the immigration or residence permit based on Article 23 of the Act, the regional alien policing authority shall take the residence permit, or the personal identity document of the immigrant foreigner, as well as the official certificates verifying the personal identification number and the address of domicile.
- (5) Document taken in accordance with (4) shall be sent to the clerk of the competent municipal (in the capital: district) government performing the functions of a district center.

The provision of travel documents to foreigners

Article 37

- (1) The application for a travel document specified in Articles 72 and 74 of the Act shall be submitted in person on the form prescribed by a separate legal rule to the regional alien policing authority with competence over the applicant's domicile or place of accommodation. The parent or legal representative may submit the application of a minor or a person under guardianship.
- (2) The application may be submitted by proxy if the applicant, due to his/her health condition – as verified in a certificate from the doctor providing treatment – is unable to submit the application in person.
- (3) The application for a travel document shall be supplemented by the previous travel document in the applicant's possession, a certificate justifying why he/she does not possess a travel document from his/her country of origin, or why such a travel document cannot be obtained, further, two black-and-white or color portrait photographs of the applicant suitable for his/her recognition (passport photo).
- (4) In case of a minor or a person under guardianship, the application shall be supplemented by a statement from the parents (legal representatives) containing their consent to the issuing of a travel document recorded before a public notary, the guardian authority or the alien policing authority; or the copy of the final court decision certifying the termination or suspension of parental custody.

(5) Regarding the provision of travel documents, immigrants shall be understood to also mean residents.

(6) Resident foreigners shall be issued the same documents as immigrant or stateless foreigner, in which the resident legal status shall be recorded.

Reporting the birth of children

Article 38

(1) The birth of a child of a foreigner holding a residence, immigration permit or a permission to stay shall be reported, by presenting the child's birth certificate, to the regional alien policing authority with competence over the parent's domicile or place of accommodation.

(2) If the parents' legal basis of stay is the same, the child shall be issued a permit with the same legal basis as the parents' permission to stay, except if the parents hold immigration permits. In this case, the child shall be entitled to a residence permit.

(3) If the legal basis of stay for parents who are staying in Hungary and exercise parental custody jointly is different, the joint statement of both parents shall be taken into consideration when establishing the child's entitlement to stay. In lack of an agreement between the parents, the child shall be provided, based on a legal basis that is more in the interest of the child, a residence permit or a permission to stay.

(4) If only one parent exercises parental custody over the child, the child shall be registered under the same legal basis of stay as the parent exercising custody; the child of a parent holding an immigration permit shall be entitled to a residence permit.

Public health rules for permissions for entry and stay

Article 39

(1) The issue of a permission to stay, its extension or the issue of a residence permit may be refused for public health reasons, with the exception contained in Article 21 (1)(c) of the Act, if the foreigner suffers from a disease specified in the decree of the Minister of Health Care, is in an infectious or pathogenic carrier state.

(2) If the residence permit is issued pursuant to Article 21 (1)(c) of the Act, the county (capital) institute of the State Public Health and Medical Service (hereinafter: the Institute) with competence over the foreigner's place of stay in Hungary shall be informed in order to take the necessary epidemic control measures.

Article 40

(1) The foreigner shall attach to the application for the issue of a permission to stay or the extension of the period of stay specified in the permission to stay, or for the granting of residence a certificate from the Institute that he/she does not suffer from diseases specified in a separate legal rule, or that he/she is not infectious or pathogenic carrier.

(2) The foreigner shall submit any official medical certificate issued by a foreign authority to the designated Institute, which will respond in writing within fifteen days regarding the admissibility of the certificate.

Article 41

The medical examinations required for the issue of the certificate indicated in Article 40 (1) shall be carried out in a health care institution designated by the Institute within its area of competence.

Article 42

(1) The Institute, based on the results of the completed medical examinations, shall issue the foreigner an official medical certificate, the content of which shall be regulated by separate legal rule; the certificate shall be valid for three months from its date of issue.

(2) If the findings of the completed examinations show that the foreigner suffers from a disease that is a risk to public health, the Institute shall issue the certificate to the foreigner and simultaneously shall send it to the regional alien policing authority with competence over the foreigner's place of stay in Hungary.

(3) The alien policing authority shall keep the certificate as a supplement to the basic case file in accordance with the rules pertaining to the case file.

The prohibition of return

Article 43

(1) The alien policing authority shall examine the existence of the prohibition contained in Article 43 (1) of the Act prior to ordering any official measures aimed at the returning of, refusing of entry for a foreigner, or alien policing expulsion, or the implementation of expulsion ordered by a court verdict or by the decision of the petty offence authority.

(2) If the foreigner's country of origin or the country that is obliged to readmit him/her does not satisfy the requirements pertaining to the safe country or origin or safe third country, the contents of (1) may not be ordered or may not be implemented.

(3) The examination of non-refoulement does not prejudice the implementation of detention or staying at a designated place.

(4) If the proceeding alien policing authority establishes the existence of the prohibition contained in Article 43 (1) of the Act, it shall suspend the alien policing procedure or the implementation of the decision, and, by sending the antecedent documents of the case, shall initiate the issue of a humanitarian permission to stay with the competent regional alien policing authority.

(5) It shall not be considered as a basis for finding the existence of the prohibition contained in Article 43 (1) of the Act that the foreign representation of the foreigner's country of origin does not issue him/her a travel document for his/her return.

(6) The regional alien policing authority shall review the existence of the impediment of return continuously, but at least annually based on the request of the central registration agency. In case the impediment of return ceases to exist, the regional alien policing authority shall continue the alien policing procedure against the foreigner.

Article 44

If there is doubt concerning the existence of the prohibition, the Office will state its opinion based on the request of the alien policing organ of the Border Guard or the regional alien policing authority.

Returning

Article 45

(1) The official measure concerning returning shall be recorded in writing, and it may be entered in the passport.

(2) The document on the returning measure shall contain the foreigner's natural personal identification data, nationality, the reason for returning, the result of the examination of the prohibition of return, the designation of the country to which the returning is applied, and the measures applied in the interest of ensuring returning.

Article 46

Deadlines contained in Article 35 (2) of the Act shall be calculated from the start of the measure. In case of a foreigner having arrived by air who is subjected to returning, each fraction of a day shall be calculated as an entire day.

Article 47

(1) Documents produced in the course of the returning procedure shall be archived for two years by the alien policing authority applying the measures, starting from the time of the measure.

(2) The alien policing authorities, and judicial, crime fighting, national security as well as refugee affairs agencies may have access to the documents.

Refusal of entry

Article 48

(1) The official measure aiming at the refusal of entry shall be recorded in writing.

(2) The document on the refusal of entry measure shall contain the foreigner's natural personal identification data, nationality, the designation of the Act serving as the ground for refusal of entry, the designation of the applicable readmission agreement, the result of the examination of the prohibition of return as well as the place and date of the measure.

(3) If the refusal of entry against the foreigner cannot be carried out within thirty days, or fails for any reason, the alien policing organ of the Border Guard – with the purpose of carrying out further procedures – shall notify without delay the regional alien policing authority with competence over its seat.

Alien policing expulsion

Article 49

(1) In the decision on alien policing expulsion, the day of exit – with the exception of immediate enforcement – shall be determined taking into consideration the deadlines for submitting legal remedies.

(2) The duration of the ban on entry and stay shall be determined in years.

(3) The day set in terms of (1) shall be entered in the travel document in case of immediate enforcement at the time of communicating the decision, in other cases at the time when the decision becomes final.

Article 50

(1) The expulsion decision shall contain the result of the examination of the prohibition of return.

(2) If, in case immediate enforcement of the decision is ordered, the foreigner in his/her appeal is able to substantiate in a well-founded manner that the prohibition of return specified in Article 43 (1) of the Act applies, the enforcement of the decision shall be suspended until the circumstances have been clarified.

Article 51

(1) Upon expulsion, the personal identity document of an immigrant foreigner shall be sent to the clerk of the competent municipal (capital district) government performing the functions of a district center.

(2) The revoked residence or stay permit of an expelled foreigner shall be sent to the regional alien policing authority with competence over the place of residence or place of accommodation.

Article 52

(1) In alien policing procedures, the alien policing authority shall examine whether the application of rules determined by the Act and the present decree pertaining to unaccompanied minors apply to the minor foreigner staying unlawfully in the country. In the course of this examination, the following shall be examined in particular

a) whether the foreigner is a minor,

b) whether there is any person obliged by virtue of legal rule or custom to perform supervision of the foreign minor.

(2) If there is doubt concerning the minor age of the foreigner and the foreigner is not willing to subject himself/herself to an expert examination, more advantageous rules provided by the Act and the present decree shall not be applicable.

(3) For protecting the interests of the unaccompanied minor, the alien policing authority, upon starting the procedure, shall take measures without delay for the appointment of a case guardian.

(4) If the alien policing authority had ordered detention of the foreigner and it has been found in the course of the procedure that the rules pertaining to unaccompanied minors are applicable in the foreigner's case, detention shall be terminated and a designated place of stay specified in Article 61 (3) shall be ordered for the unaccompanied minor.

Entry of expelled foreigners

Article 53

(1) Foreigners under the scope of alien policing expulsion or expulsion ordered in an asylum procedure, or under the scope of a ban on entry and stay, in case extraordinary reasons deserving special consideration apply, the authority that had ordered the alien policing expulsion or the ban on entry and stay – while maintaining the ban – may permit a single short-term entry into Hungary in accordance with the rules concerning the issue of visas. If the asylum authority had ordered expulsion, the regional alien policing authority entitled to enforce the expulsion shall have the power to grant permission.

- (2) The application for a permit of entry shall be submitted to the foreign representation.
- (3) If the authority specified in (1) grants entry, the foreign representation shall also enter the number of the special permit in the visa issued to the foreigner.

The enforcement of expulsion

Article 54

- (1) The alien policing authority shall order in a decision the enforcement of expulsion ordered by a final court verdict, petty offence or asylum authority. The decision shall contain the deadline for exit from the country, the place of crossing the border, the obligation for taking the foreigner's fingerprints, as well as the provision concerning deportation if applicable.
- (2) If expulsion ordered by a final court verdict may not be enforced because there is no country that would qualify as a safe country of origin or safe third country, the regional alien policing authority shall initiate the prosecutor's office competent over the expelled foreigner's place of residence to put forth a motion to the penitentiary judge aiming at establishing that enforceability of expulsion is excluded.

Article 55

- (1) The Border Guard shall notify without delay the central data management agency – with information on data referred to Article 78 (1)(a)-(b) of the Act as well as the time and place of exit – about the exit of a foreigner expelled with a final and enforceable decision.
- (2) In case of an impediment of expulsion specified in Article 39 (2) of the Act, the alien policing authority shall turn to the guardian authority competent for the procedure in the interest of accommodating the unaccompanied minor.

Detention

Article 56

- (1) The decision ordering detention shall contain the start and end dates of detention, its place of implementation, as well as any interim measures or the inapplicability thereof.
- (2) The duration of detention shall be calculated in days. Each fraction of a day shall be included in the calculation of the duration of detention.

Article 57

- (1) The authority ordering detention shall strive to keep the duration of detention as short as possible. The authority shall promptly take measures for providing the conditions needed for the enforcement of expulsion or refusal of entry, or in case of ordering detention in preparation for expulsion, for the establishment of the foreigner's personal identity or lawfulness if his/her stay.
- (2) If the court had prolonged the duration of detention but the grounds for ordering it no longer exist, the alien policing authority shall terminate detention and shall at the same time notify the court thereof.

Article 58

(1) Detention for refusal of entry shall also be terminated if the requested state refuses the foreigner's readmission based on the provisions of the applicable international treaty, or the foreigner's transfer is not implemented within thirty days from the ordering of detention for refusal.

(2) Prior to terminating detention for refusal, the Border Guard shall notify the regional alien policing authority in order for the authority to proceed against the foreigner.

Article 59

(1) Detention in preparation for expulsion shall be terminated if the proceeding authority has established the foreigner's personal identity or that he/she has been staying lawfully in the country, or if the foreigner's expulsion cannot be ordered due to the existence of the prohibition contained in Article 43 (1) of the Act.

(2) If the foreigner is expelled during detention in preparation for expulsion and his/her further detention is justified in accordance with Article 46 of the Act, parallel with the termination of detention in preparation for expulsion, – based on Article 46 (1) and (2) of the Act – the foreigner's alien policing detention may be ordered.

(3) If the time limit for detention in preparation for expulsion has passed and the foreigner's expulsion had not been ordered, based on Article 56 (1) of the Act, the foreigner may be ordered to stay at a designated place.

Article 60

(1) There shall be no separate legal remedy against the designation of the place of enforcement of detention.

(2) Detailed provisions regarding the enforcement of detention shall be regulated in a separate regulation.

Stay in a designated place

Article 61

(1) The foreigner's compulsory place of stay – with the exception contained in (3) – may be designated as the foreigner's registered place of accommodation, in case of invitation the inviting person's place of residence, place of stay or the place of accommodation provided by the inviting person, the place of residence or the place of stay of the foreigner's relative obliged to provide livelihood, place of accommodation provided by charitable organizations; for the duration of acute health risks the health care institution providing in-patient treatment with the aim of providing the necessary medical treatment, as well as – for foreigners qualifying to benefit in accordance with other legal provisions – the social care institution providing personal care.

(2) For lack of possibilities set forth in (1), the foreigner shall be placed in a community shelter.

(3) For unaccompanied minors, a compulsory place of stay may be designated as the childcare institution, reception center serving the separate accommodation of unaccompanied minors, other places of accommodation based on a contract or private accommodation. An unaccompanied minor may be placed in private accommodation with his/her relative who is not an immediate family member if the relative undertakes in writing to provide

accommodation, care and maintenance and if it is evident that based on the personal relationship of the minor and his/her relative, the placement is in the minor's interest.

Article 62

If during stay at the designated place the foreigner seriously or repeatedly violates the prescribed rules of behavior, does not fulfill the obligation to regularly report despite of specific calls to do so and thereby obstructs the procedure, in case of an enforceable decision on expulsion by the ordering authority, the foreigner may be placed in alien policing detention, in other cases in detention in preparation for expulsion in terms of Article 48 (1) of the Act.

Deportation

Article 63

(1) Deportation shall be ordered until the state borders of the Republic of Hungary, or if the unescorted travel of the deported person would endanger flight safety, or if the foreigner is transferred based on an international treaty (readmission agreement), deportation shall be ordered until the foreigner's country or origin or another country obliged to admit him/her.

Article 64

- (1) The regional alien policing authority shall organize the deportation until the state border of the expelled foreigner; this shall be enforced by the Police or by the Border Guard if it can be arranged with vehicles transporting refused foreigners.
- (2) The Border Guard shall perform the task of enforcing the deportation to neighboring countries of foreigners who have been refused entry.
- (3) The Office shall perform the task of organizing deportation by air and transferring the deported person to foreign authorities. In justified cases the Office may receive assistance from the Police in enforcing deportations.

Article 65

The decision on deportation shall contain the grounds for ordering deportation, the time of enforcement and the state to which the deportation takes place.

Controlling foreigners

Article 66

- (1) In the course of applying Article 61 (5) of the Act, the police or border guard officer shall present the foreigner possibly suspected of having committed the criminal Act or petty offense of illegal border crossing to the alien policing organ of the Border Guard competent over the area, or present the foreigner who proves his/her identity with an expired or invalid document of stay to the regional alien policing authority competent over the area.
- (2) The duration of the custodial measure of presenting or retaining the foreigner shall be calculated from the beginning of the police or border guard officer's measure and shall not exceed twelve hours.

Article 67

- (1) The Office or the regional alien policing authority may request assistance from the Border Guard for carrying out tasks specified in Article 66 (1) of the Act.
- (2) The Border Guard shall perform tasks related to the transportation to the court for the purpose of reviewing detention, transportation to and from diplomatic or consular representations, as well as transportation to and guarding in health care institutions of foreigners placed in an institution for the enforcement of detention in preparation of expulsion, refusal of entry or alien policing detention (hereinafter: alien policing jail).

Retaining foreigners' travel documents

Article 68

- (1) The regional alien policing authority shall order by decision the retention of travel documents based on a written initiative – and simultaneous sending of the travel document – by the prosecutor or judge in case of a criminal procedure, or the petty offense authority in case of a petty offense procedure.
- (2) The retention of the travel document shall be immediately terminated and the travel document returned to the foreigner based on notification from the prosecutor or judge in a criminal procedure, or from the petty offense authority in case of the final end of the petty offense procedure or payment of the fine.
- (3) The regional alien policing authority shall terminate without delay the retention of the travel document based on notification about the deposit.
- (4) If the prosecutor or judge had given consent to permitting the foreigner to travel abroad for a limited time during the criminal procedure, the travel documents shall be returned.
- (5) If at the time when the travel document is returned, the foreigner does not hold a valid permission entitling him/her to stay, his/her exit and return may be ensured by an entry in his certificate entitling for temporary stay issued to him/her.

Criteria of establishing facilities for the implementation of detention

Article 69

An alien policing jail may be established in a building or part of a building where the following can be ensured:

- a) at least 15 m³ of air space and 5 m² floor space per detainee in rooms for the accommodation of detainees,
- b) communal rooms suitable for eating, spending free time and receiving visitors,
- c) respect to the approved capacity of places, sufficient number of men's and women's washing and showering facilities with running hot and cold water and toilets,
- d) physician's surgery that satisfies minimum requirements for general practitioners,
- e) separate room for medical examinations and a room for medical isolation,
- f) area suitable for open-air stay,
- g) lighting indicators that are in accordance with the National Architectural Regulation and official provisions,
- h) uninterruptible electricity supply,
- i) natural ventilation in the rooms for accommodating detainees and staff, medical room, rooms for receiving visitors, rooms for preparation of meals as well as communal rooms.

The community shelter

Article 70

(1) A community shelter is a place of accommodation maintained by the regional alien policing authority for this purpose.

(2) A community shelter may be established in a building where the following can be ensured:

- a) at least 15 m³ of air space and 5 m² floor space per person,
- b) in addition to the sleeping areas, communal areas for eating space, recreation and receiving visitors,
- c) physician's surgery that satisfies minimum requirements for general practitioners for providing basic and emergency care,
- d) separate room for medical examinations and a room for medical isolation,
- e) for hygienic purposes, a sufficient number of separate men's and women's washing and shower facilities with hot and cold water, and toilet facilities consistent with the approved capacity of the home, also with natural ventilation and natural light in all of the rooms and areas occupied by the foreigners.

Care and maintenance for persons staying in community shelters

Article 71

The organ responsible for maintaining the community shelter shall provide to the foreigners:

- a) accommodation,
- b) three meals per day,
- c) personal articles kit.

Article 72

(1) In community shelters, men shall be separated from women in the course of placement in living areas, and family members shall be accommodated together.

(2) The number of foreigners accommodated in a community shelter shall correspond to the maximum capacity of the shelter. If the provisions of (1) cannot be ensured, the foreigner shall be transferred to another community shelter.

Article 73

(1) Meals provided for foreigners placed in the community shelter shall be prepared also with consideration of their religious norms.

(2) At the time of reception into the community shelter, the foreigner shall be provided with tableware, hygienic articles and bed linen as personal articles. The organ maintaining the community shelter shall take care of having bed linen and towels, given as part of the personal articles kit, changed every two weeks.

The rules of stay in the community shelter

Article 74

- (1) The rules of staying in the community shelter shall be established by the house rules, contained in *Annex. no. 5* of the present decree.
- (2) Foreigners staying in the community shelter shall
- a) observe the house rules of the community shelter and comply with instructions pertaining thereto;
 - b) keep their surroundings clean;
 - c) submit to necessary medical examinations and medical treatment, epidemic measures (including vaccinations);
 - d) preserve the equipment, fittings of the shelter, refrain from causing damage and compensate for any deliberately caused damage;
 - e) report in advance any temporary leave exceeding 24 hours – by indicating the place and duration of leave – to the regional alien policing authority competent over the place of accommodation.

Article 75

Restrictions on the freedom of movement of foreigners staying in community shelters shall be limited to restrictions requisite for the protection of public health.

Article 76

- (1) The cost of services provided at the community shelter – with the exception of foreigners holding a permission to stay for humanitarian purposes – shall be determined at the time of leaving the shelter in a decision by the regional alien policing authority with competence over the place of accommodation. The method of calculating this amount shall be regulated by separate regulation.
- (2) The foreigner shall reimburse – in a manner determined by separate regulation – the total costs advanced by the operator of the community shelter after having left the shelter or the country.

Article 77

The ordering authority shall notify without delay, by way of the Office, the Ministry of Foreign Affairs about ordering the obligation of stay at a designated place – with the exception of foreigners holding a permission to stay for humanitarian purposes – for the purpose of informing the agency performing consular or diplomatic functions for the foreigner.

Health care for persons in detention or in community shelters

Article 78

- (1) In the event that the foreigner in detention or placed in a community shelter is not covered by social security insurance, he/she shall be entitled to benefit in case of illness from the following health care services for free of charge:

- a) examinations and treatment included in basic medical care;
 - b) examination, treatment received as a part of emergency out-patient specialized treatment – including emergency dental care – as well as medications and bandages used during treatment;
 - c) emergency in-patient treatment received in a health care institution and medical treatment as ordered by the doctor – including surgery and medical supplies, prosthetic instruments, – as well as medical treatment and medication, bandages and meals required for medical treatment;
 - d) following care specified in (b)-(c), following out-patient specialized treatment or in-patient treatment received in a health care institution, until his/her recovery or stabilization of condition
 - da) necessary examinations and medical treatment,
 - db) medication not substitutable by other type of medication, not included in (f) and the therapeutic equipment needed for the administration of the medication;
 - e) care during pregnancy and childbirth;
 - f) medication that is free of charge for “persons entitled to charity health provision” based on a separate regulation and/or medication that may be ordered with 90 or 100 percent support by social security insurance based on “health care rules”;
 - g) in case of treatment specified in (b)-(e), transportation if the foreigner’s transportation cannot be arranged otherwise on account of his/her medical condition.
- (2) The accommodated foreigner is entitled to benefit from mandatory vaccination in accordance with separate legal regulation.
- (3) Above and beyond medical care specified in (1), the accommodated foreigner is entitled to receive, in cases justified by a doctor and to the degree necessary, therapeutic equipment and the repair thereof in accordance with the conditions concerning “persons entitled to charity health provision “.

Article 79

- (1) The general medical care and treatment of foreigners shall be provided in the alien policing jail or community shelter.
- (2) Health care services specified in Article 78 (1) shall be free of charge if they are ordered by the doctor performing basic medical care or the specialized doctor of the out-patient services or in-patient health care institution.
- (3) Specialized medical care may be received from the health care provider obliged to provide care in the area.
- (4) The Border Guard maintaining the alien policing jail, or in case of foreigners accommodated in community shelters, the Office shall reimburse the total costs of therapeutic equipment and medication provided to the foreigner based on a prescription from a doctor having a seal allowing ordering medication specified in a separate legal regulation.

Article 80

- (1) The Border Guard or the Office shall reimburse to the health care provider the fee of health care services, and the costs of services, as well as the costs related to the interruption of pregnancy of foreigners in alien policing jails or in community shelters if the Republic of Hungary has not undertaken the payment thereof in an international treaty.
- (2) The Border Guard or the Office shall reimburse to the health care provider the costs of medical examinations performed in alien policing jails or during stay in community shelters and the costs of mandatory vaccinations ordered by the competent Institute.

(3) The Border Guard or the Office shall not provide financial support for the fees of services exceeding those enumerated above.

(4) The fee of health care services specified in Article 78 and in (2) – if the foreigner does not make use of such services in the alien policing jail or the health care provider functioning in the community shelter – shall be reimbursed to the health care provider providing medical care by the Border Guard of the Office – in accordance with the reimbursement rules contained in the Government decree no. 25/1998 (II. 18.) on the care and maintenance of foreigners under the scope of Act CXXXIX of 1997 on asylum. The fee level is the fee to which the given service provider is entitled to in terms of the regulations concerning the financing of health care by the social security system, with the difference that in case of basic medical care provided by a general practitioner in the alien policing jail or outside of the community shelter, the doctor may charge the per case fee for care.

The care and support for persons authorized to stay

Article 81

The Office shall contribute to the establishment of conditions for fundamental existence of foreigner under the scope of Article 43 (1) of the Act (hereinafter: person authorized to stay) by providing care and support.

Article 82

(1) The person authorized to stay is entitled to personal care; cash benefits and financial support.

(2) Types of personal care are:

- a) accommodation and care in a community shelter or other equivalent accommodation;
- b) health care;
- c) meals in education institutions.

(3) Cash benefits are:

- a) one-time financial aid for moving out;
- b) aid for schooling.

(4) Financial support are:

- a) housing allowance;
- b) aid for permanent exit from the country;
- c) aid for the medical employment suitability examination.

Article 83

(1) The condition of ensuring the payment of care and support specified in Article 82 is that the person authorized to stay not have assets, or his/her income – calculated on a per month per capita basis to also include the total income of his/her spouse, partner, sibling and ascendants and descendants – not exceed the Actual minimum amount of pensions.

(2) For the purposes of the application of the present decree, income, or assets shall be understood to mean income and assets specified in Article 4 (1) (a)-(b) of the Act III of 1993 on social administration and social care.

(3) In order to benefit from care, support specified in Article 82, the person authorized to stay shall declare his/her assets and income by completing the form contained in *Annex no. 6* of the present decree.

Article 84

- (1) In case the person authorized to stay is accommodated in a community shelter, the foreigner shall not be charged the fees of stay for a period of eighteen months calculated from the date of ordering compulsory stay at the community shelter, if his/her income does not exceed the level specified in Article 83 (1).
- (2) The provisions of Articles 71-75 shall apply to persons authorized to stay during their stay at the community shelter.
- (3) In addition to care specified in (2), from the third month of free of charge stay at the community shelter, persons authorized to stay who are past the age of 14 shall benefit from a monthly allowance, the amount of which shall be determined by the Minister of Interior, that can be spent without restrictions. If the person benefiting from allowance repeatedly or seriously violates the house rules of the community shelter, the allowance shall be partly or entirely withdrawn.
- (4) If the income of the person authorized to stay exceeds the level indicated in Article 83 (1), he/she shall reimburse the costs of services used until the fifth day of each following month. The head of the community shelter shall determine the amount of reimbursement.

Article 85

- (1) The person authorized to stay may leave the community shelter with the intention of moving out with permission from the regional alien policing authority. He/she shall declare intention prior to moving out (hereinafter: declaration on moving out).
- (2) The allowance may be withdrawn from a person authorized to stay in case he/she leaves the community shelter for longer than 48 hours without a prior declaration on moving out, and is unable to later provide credible justification for his absence.
- (3) If the person authorized to stay moves to a private accommodation, the regional alien policing authority may permit return to the community shelter if the foreigner, based on his/her assets and income, would be entitled to use the community shelter.
- (4) In exceptional cases, the Office may permit persons authorized to stay longer than eighteen months in the community shelter.

Article 86

- (1) If the person authorized to stay is not covered by social security insurance, he/she is entitled to benefit free of charge of health care services specified in Article 78.
- (2) Persons authorized to stay who are accommodated in a community shelter shall be provided health care by a general practitioner in the community shelter.
- (3) Persons authorized to stay living outside of the community shelter shall be entitled to receive care by the general practitioner in the place of accommodation, who is obliged to provide health care services for the area.
- (4) Specialized health care services shall be provided by the health care provider obliged to provide care in the area.

Article 87

The costs of meals in connection with the kindergarten education and placement in primary school, dormitory and childcare institutions for persons authorized to stay shall be directly

reimbursed to the institution providing the care by the Office, upon a request from the legal representative of the person authorized to stay.

Article 88

Any authorized to stay person who moves to private accommodation within one year from the first issue of a permission to stay may request a one-time financial aid from the Office for moving out. The moving-out aid may only be given once.

Article 89

(1) The Office shall take the decision, based on a written request, on the one-time moving out financial aid considering the social situation of the applicant. The declaration on moving out, a repeatedly completed declaration on assets and income and the certification of registering the place of accommodation shall be attached to the application.

(2) The amount of financial aid for adults shall be 200 percent of the Actual minimum amount of pensions, 120 percent for minors under the age of 18; however, it cannot exceed six times the Actual minimum amount of pensions for an entire family.

(3) The financial aid will be transferred to the applicant by post to the certified registered address indicated in the application.

(4) The recipients of one-time moving-out financial aid – from the Office – may not benefit from accommodation and care in the community shelter beyond support specified in the present decree.

Article 90

(1) The legal representative of the person authorized to stay who is attending primary school may submit an application to the Office for financial aid for schooling at the start of the school year. The Office may pay a one-time aid for schooling in case of establishing the need on social grounds.

(2) The amount of financial aid for schooling shall be 50 percent of the Actual minimum amount of pension.

Article 91

(1) The Office may provide support for rent or the cost of accommodation based on the request of a person authorized to stay who lives in a residence, accommodation that does not exceed the recognized minimum size and quality for residences in the municipality. Such support may only be provided based on a valid contract for lease or affidavit of reception, following a prior field study.

(2) Housing support may only be provided for a maximum of eighteen months from the date of the first issue of the permission to stay.

(3) The amount of support for one person shall be 50 percent of the verified rent or cost of accommodation, but not more than the Actual minimum amount of pension, and not more than twice the minimum amount of pension for a family. The rules pertaining to families shall apply to persons authorized to stay who are not family members but live together in the same residence.

(4) Support for housing may only be provided if the person authorized to stay can certify that he/she is able to pay the remaining amount of the rent from his/her own income or assets.

Article 92

In case of a final return home or a final departure to a third country, the Office, at the request of the person authorized to stay, may partly or entirely reimburse the costs of a valid travel ticket to the destination and other expenses related to the exit.

Article 93

At the written request of the person authorized to stay, the Office may cover on one occasion the costs of the medical examination concerning suitability to work necessary for employment.

Article 94

Persons authorized to stay who apply for care or support shall certify their entitlement with a care certificate, contained in *Annex no. 7* of the present decree, issued by the Office. The care certificate shall only be valid with the presentation of the permission to stay by the person authorized to stay.

Article 95

(1) The Office may enter into contract with a non-governmental organization, municipal government, church, association, foundation, the institutions thereof, and companies (hereinafter: service provider) to

- a) provide accommodation for persons authorized to stay;
- b) perform care services;
- c) provide social and mental hygiene care for persons authorized to stay;
- d) provide information concerning the rights and obligations for persons authorized to stay.

(2) The contract shall contain:

- a) the scope of recipients of services, the name and duration of services to be provided;
- b) the manner of and compensation for performing care and tasks in the contract;
- c) provisions concerning the registration of care and tasks, as well as the conditions for reporting and payment of compensation for the performance,
- d) the right of the Office to supervise the fulfillment of the contract and the manner of supervision;
- e) the manner of termination of the contract, the duration thereof specified in months as well as provisions concerning the settlement of potential disputes.

Article 96

(1) The agency, institution or person providing care or support shall keep a register of expenses paid at the expense of the Office's budget separate from all other expenses, and shall check the entitlement of the applicant for support.

(2) The Office shall reimburse the costs of care and support provided based on the present decree after such costs have been incurred. Reimbursement may be requested from the Office within one month of the provision of care, support with a detailed invoice – registering the name of the person authorized to stay who had received care, support as well as the number of his/her document issued by the authority or the case number.

(3) The Office may make advance payment to the agency providing care or support in order to ensure coverage of the costs indispensable for the care of the person authorized to stay.

(4) In case the assembly of representatives of the municipal government provided the funeral in Hungary of the person authorized to stay, the Office may reimburse the verified costs thereof at the clerk's request.

Notification requirements

Article 97

(1) The hospital shall provide information by communicating the data specified in Article 83 (1) (a), (b) and (d) of the Act to the competent regional alien policing authority within twenty-four hours of admission to hospital of a foreigner – if the foreigner is in need of consular assistance – who was provided emergency medical treatment for reasons of accident or serious injury about hospital treatment.

(2) Information shall also be provided to the regional alien policing authority if the person given treatment in the hospital declares himself/herself to be a foreigner, although is unable to present a travel document or permission to stay.

(3) Based on information received in terms of (1), in case of a foreigner who is an unaccompanied minor or is legally incapable, the regional alien policing authority shall notify the competent guardianship authority as well as the foreign representation providing consular protection to the foreigner through the Office.

Article 98

The labor affairs authority shall inform the regional alien policing authority if it establishes during its control measure that the employer employed a foreigner who does not hold a valid work permit, or a visa issued for employment purposes or a valid permission to stay.

Article 99

The education institution or research institute shall notify within eight working days the regional alien policing authority with competence over the seat of the education institution about all foreign students who have commenced, finished or discontinued their studies, or who have failed to fulfill their enrollment requirements, or whose student status has ceased.

Article 100

(1) In the course of a criminal procedure commenced against a foreigner, the investigating authority shall inform – by communicating data specified in Article 83 (1) of the Act – within twenty-four hours the regional alien policing authority with competence over the foreigner's domicile or place of stay or, in the absence of such, the authority with competence over the seat of the investigating authority regarding the ordering, suspension or termination of the investigation, as well as any coercive measures restricting personal liberty applied against the foreigner.

(2) The Office shall notify without delay through the Ministry of Foreign Affairs the foreign representation providing consular protection to the foreigner about data specified in (1).

(3) Following the final closing of the criminal procedure against the foreigner, the court shall notify the regional alien policing authority with competence over the court's seat by sending a copy of its final verdict.

(4) The central agency of the penitentiary administration shall continuously provide information to the central data management agency regarding foreigners serving sentences of imprisonment or being released from penitentiaries.

Article 101

(1) If in the course of a petty offense procedure, the foreigner was fined or ordered to pay an on-the-spot fine on account of a petty offense and fails to pay until the deadline determined by law, the petty offense authority, the court as well as the agency entitled to issue on-the-spot fines shall initiate, from the 46th day from the date of the decision on the final became final or the issue of the on-the-spot fine that the regional alien policing authority order a ban of entry and stay.

(2) In the request made in terms of (1) by the petty offense authority, the court or the agency entitled to issue on-the-spot fines shall communicate the following data of the foreigner who had failed to pay the fine: natural personal identification data, nationality, place of residence abroad, the name of the petty offense authority, court or agency ordering the fine, the number and date of becoming final for the petty offense decision, the case number of the on-the-spot fine, the invoice number, the amount of the fine or on-the-spot fine.

(3) Based on the request, the regional alien policing authority shall control the foreigner's data in the records. If it is established during the control that the foreigner had acquired an entitlement to stay following the commission of the petty offense, it shall notify the agency specified in (1).

(4) The ban on entry and stay ordered pursuant to Article 35 (2)(g) of the Act shall be cancelled without delay if the foreigner had paid the fine or on-the-spot fine.

(5) If the foreigner subsequently pays the fine or on-the-spot fine in cash, the petty offense authority, court or agency ordering the on-the-spot fine, following the receipt of the fine on its account, shall notify without delay the regional alien policing authority in the interest of canceling the ban on entry and stay.

(6) If, in the course of the procedure aimed at issuing a visa, the foreigner verifies the subsequent payment of the fine or the on-the-spot fine, the foreign representation authority shall notify without delay the central data management agency about the payment by communicating the payer's natural personal identification data, nationality, passport number, case number of the decision or the on-the-spot fine, the amount of fine paid and the name of the proceeding authority or agency.

(7) If, during entry, the Border Guard establishes that the only reason for ordering a ban of entry and stay against the foreigner was the failure to pay a fine or on-the-spot fine, it shall inform the foreigner that the debt may be paid subsequently in cash.

(8) If the foreigner subsequently performs the payment obligation in cash, or possesses a certificate verifying bank transfer of the payment, the Border Guard shall permit the entry and shall notify the central data management agency about this and the payment of the fine.

(9) The central data management agency shall take measures based on the notification in terms of (6) and (8) to cancel the ban on entry and stay and to inform the regional alien policing authority that had ordered the ban.

Liability rules

Article 102

(1) In respect of Article 86 of the Act, the alien policing organ of the Border Guard shall determine the public order protection fine against the carrier in a decision, and shall bring a

decision on fulfilling the obligation to return as well as bear the costs incurred; the decision shall be immediately enforceable.

(2) If the carrier fails to perform the obligation to return in the deadline specified in Article 35 (2) of the Act, the Border Guard shall advance the costs and shall arrange for another carrier to enforce the return.

(3) If the operator fails to fulfill the obligation to bear the advanced costs, the Border Guard may claim the costs in accordance with the provisions of the civil code.

Article 103

The regional alien policing authority shall levy in a decision a public order protection fine on the employer employing a foreigner without a valid work permit or permission to stay, or if the employer had failed to fulfill the obligation to report specified in Article 87 (2) of the Act.

Data processing of foreigners expelled or subject to a ban on entry and stay

Article 104

In case of a ban on entry and stay contained in an expulsion order or ordered by a separate measure of authority, the central data management agency shall record, in addition to data specified in Article 78 (1) and Article 83 (1) of the Act, the following:

- a) the name of the organ ordering expulsion, the number of the decision;
- b) the amount of costs in connection with the expulsion and advanced by the state;
- c) data concerning legal remedies against the expulsion;
- d) the foreigner's place of accommodation until the expulsion, or the number of the certificate entitling temporary stay issued to the expelled foreigner, the date of the foreigner's exit;
- e) in case of non-payment of the fine levied in a petty offense procedure or the on-the-spot fine, the name of the petty offense authority, court or agency ordering the on-the-spot fine, the number of the decision and the date of becoming final thereof, as well as the amount of the fine levied.

Article 105

(1) If the ban on entry and stay was based on the recommendation of the agency specified in Article 33 (2) of the Act, the central data management agency shall inform the recommending crime fighting or national security agency about the entry in the records.

(2) The visa issuing agency, or the Border Guard shall notify – for the purpose of informing the ordering agency – the central data management agency about the refusal of the visa application by a foreigner under the ban on entry and stay, or based on Article 34 (1) of the Act the returning and invalidation of the issued visa.

(3) In case the grounds for ordering a ban on entry and stay have ceased to exist, the ordering agency shall notify without delay the central data management agency, which shall take measures for the deletion of the foreigner's data.

Data processing concerning visas

Article 106

- (1) Visa issuing authorities shall notify the central data management agency by communicating data specified in Article 79 (1) of the Act.
- (2) The visa issuing authority shall notify the central data management agency by communicating data specified in Article 79 (1) (a), (b), (c), (d) and (g) in case of granting the visa application, and data specified in (e) in case of refusal.

Processing data of the inviting person

Article 107

- (1) The regional alien policing authority shall notify the central data management agency by communicating data specified in Article 80 (1) (a)-(e) of the Act.
- (2) The central data management agency shall provide data required for the taking of measures specified in Article 6 (2) by the regional alien policing authority.

Data processing concerning the permission to stay and the residence permit

Article 108

- (1) When an application for a permission to stay or a residence permit has been submitted, the regional alien policing authority shall notify the central data management agency by communicating data specified in Article 81 (1) (a)-(d), (h)-(k) of the Act.
- (2) In case of granting the application for a permission to stay or a residence permit, the regional alien policing authority shall notify the central data management agency by communicating data specified in Article 81 (1) (e) and (m) of the Act and in case of granting residence, also data contained in (n).
- (3) In case of refusing or revoking the application for a permission to stay or a residence permit, the regional alien policing authority shall notify the central data management agency by communicating data specified in Article 81 (1) (g) and (l).
- (4) The regional alien policing authority shall notify the central data management agency about a request for legal remedies and the result thereof.

Article 109

In addition to data specified in Article 81 of the Act, the central data management agency shall keep records on the name of the alien policing agency adjudicating applications for the issue or prolongation of permissions to stay and residence permits, as well as the number of the case file.

Data processing of persons holding residence permits

Article 109

- (1) In case of revocation of a residence permit, the regional alien policing authority shall notify the central data management agency by communicating the data specified in Article 82 (1) (a), (g) and (h).
- (2) In case of a child born to immigrant parents subsequently to the issue of an immigration permit, the regional alien policing authority shall notify the central data management agency of the birth by communicating available data specified in Article 82 (1) of the Act.

(3) The central data management agency shall notify the central agency of the registry of personal data and addresses by communicating data specified in (1), with the exception of data concerning the address of residence abroad.

Article 111

The agency maintaining the registry of personal data and addresses shall notify the central data management agency about the document serial number and validity of the personal identification document issued based on the immigration permit.

Data processing concerning restrictions on liberty and other extraordinary events

Article 112

(1) Based on information received from crime fighting and judicial agencies, the regional alien policing authority shall provide data – in a manner established by the Office – out of turn to the central data management agency.

(2) The police authority shall notify without delay to the central data management agency about any extraordinary case of death and accident resulting in personal injury by communicating data specified in Article 83 (1) of the Act.

(3) In case of detention for refusal of entry, the alien policing agency of the Border Guard and in case of detention in preparation of expulsion or alien policing detention the regional alien policing authority shall notify without delay the central data management agency about the following: the ordering of detention, its legal basis, duration, its prolongation, the place of implementation of detention, the termination of detention, and the result of judicial review.

(4) The ordering alien policing authority shall notify the central data management authority about the address of the designated place of stay, the legal basis and time of ordering, the result of judicial review, the date of termination, as well as the number and validity of the issued certificate entitling to temporary stay.

(5) Based on data referred to in (1)-(4), the central data management agency shall keep a register and shall notify the diplomatic or consular representations concerned in the manner stipulated in international treaties.

Article 113

The operator of the community shelter shall keep a register of the following data of foreigners staying at the shelter:

- a) natural personal identification data and – in case stay at the shelter exceeds three days – portrait photograph;
- b) nationality (stateless status);
- c) the start and termination of his/her stay and the reasons thereof;
- d) measures taken during the stay;
- e) possessions deposited.

Data processing of foreigners reporting lost travel documents

Article 114

The regional alien policing authority shall notify the central data management agency by communicating data specified in Article 84 of the Act.

Data protection, data disclosure

Article 115

At the request of the foreigner concerned, information shall be provided about his/her registered data – unless the Act excludes disclosure – by the central data management agency or the competent alien policing authority within its scope of competence.

Article 116

If the central data management agency or the alien policing authority establishes, at the foreigner's request or ex officio that the registered data is incorrect or has changed, it shall take measures without delay to correct or delete the data.

Article 117

(1) Disclosure of personal data abroad – including international organizations – from the alien policing records may only be performed pursuant to an international treaty, on the condition that data protection by the foreign data processor is ensured in an identical manner for each data.

(2) The indicated data protection requirements, as well as the provisions of the disclosing country and Hungarian laws shall be applied to the protection of personal data received from foreign and international organizations.

Article 118

(1) The foreigner may request information from the central data management agency or other alien policing authority about the performance of data disclosures concerning data maintained on him/her.

(2) The information shall be refused if its disclosure is prohibited in the interest of national security or crime fighting in accordance with the Act or the law pertaining to the agency requesting the data.

Reporting requirements concerning the place of accommodation of foreigners

Article 119

(1) The guest book specified in Article 88 (3) of the Act may be maintained either manually (in the form of a book) or electronically at places of commercial accommodation or at other places of accommodation (hereinafter: place of commercial accommodation) obliged to maintain a guest book.

(2) The operator of the place of commercial accommodation shall determine the method of maintaining the register.

(3) The operator of the place of commercial accommodation shall ensure that the guest book is purchased, the register is continuously maintained and that the guest book is submitted to the regional alien policing authority until March 31st after the end of each year.

Article 120

- (1) When the place of accommodation is not a commercial place of accommodation, the foreigner shall report his/her place of accommodation if the stay in Hungary will exceed thirty days from the day of entry. The obligation to report shall be fulfilled on the prescribed form.
- (2) The registration form shall be completed in accordance with the passport data and shall be signed by the person obliged to report the place of accommodation as well as the host of the accommodation.
- (3) Upon reporting the place of accommodation, the foreigner's passport shall be presented to the regional alien policing authority. The regional alien policing authority may verify the authenticity of the address of the reported place of accommodation from the address register of the registry of personal data and addresses.
- (4) The foreigner shall verify the fulfillment of reporting the place of accommodation with the second copy of the registration form.

Article 121

- (1) For the purposes of this decree, hosts obliged to maintain registers (guest book) specified in Article 88 (2) of the Act shall be:
 - a) the head of the place of commercial accommodation (e.g. hotel, camping, vacation house, tourist hostel, bed & breakfast);
 - b) the head of a place of accommodation (e.g. vacation house, guest house, youth hostel) maintained by a legal entity or organization without legal personality;
 - c) the owner or tenant of the residence (part of the residence) or vacation house (part of the vacation house) provided for the use of paying guests.
- (2) For foreigners staying in private accommodation, the host shall be:
 - a) the owner or tenant of the residence or vacation house, if he/she lodges foreigners in the residence;
 - b) the head of the student or youth dormitory for foreigners lodged in the place of accommodation;
 - c) the employer for foreigners accommodated in workers' hostels.

Reporting requirements concerning foreigners' personal documents

Article 122

- (1) The regional alien policing authority shall issue free of charge a certificate on reporting a lost, disappeared or destroyed travel document, in case the foreigner does not hold a valid permission to stay or a residence or immigration permit and is able to render probable his/her nationality; at the same time, the foreigner shall be issued a certificate entitling to temporary stay with a maximum validity of five days.
- (2) The validity of the certificate entitling to temporary stay may be prolonged until the issue of a new passport, or until the passport that had been reported lost is found.

Article 123

- (1) The authority in receipt of a lost travel document shall send it to the Office.
- (2) The foreigner may exit the country with the new travel document issued in place of the lost, destroyed or expired travel document and the valid certificate entitling to temporary stay.

The Border Guard shall withdraw the certificate entitling to temporary stay and shall send it to the issuing authority.

The stay of European Economic Area nationals and their family members

Article 124

- (1) The national of the European Economic Area (hereinafter: EEA) shall report a stay exceeding ninety days and shall request the issue of a permission to stay certifying his/her entitlement to stay.
- (2) The entitlement to stay of an EEA national shall be certified by a document titled “Permission to stay” (for a national of the European Economic Area) (hereinafter: EEA permission to stay). The format and data content of the document are contained in *Annex no. 8* of the present decree.
- (3) The EEA national may submit the report on stay or the application for an EEA permission to stay in person to the regional alien policing authority with competence over the future domicile, not later than 15 days prior to the expiry of the ninety days long lawful stay.
- (4) When submitting an application for an EEA permission to stay, the valid travel document or personal identification document shall be presented. The application shall be attached by 2 portrait photographs, as well as documents certifying the source of livelihood as well as existence of comprehensive health insurance specified in a separate legal regulation, or in absence of the above, documents specified in Article 26 (4) of the Act.
- (5) A student who is an EEA national shall attach documents specified in Article 26 (3) of the Act.
- (6) In the course of the procedure aiming at the prolongation of the EEA permission to stay, the provision of (3)-(5) shall be applied with the difference that the application for prolongation shall be submitted fifteen days prior to the expiry of the document.

Article 125

- (1) In case an EEA national’s family member with respect to Article 25 (2) of the Act qualifies as a third-country national, an application shall be submitted for the issuing of a permission to stay. When submitting the application, 2 portrait photographs shall be attached, the valid passport shall be presented and the existence of the family relationship specified in Article 25 (2) of the Act shall be proved by a certificate issued by the competent authority of the country of origin. The family member shall demonstrate the existence of livelihood and comprehensive health insurance, except if the EEA national, based on whose right the entitlement to stay of the family member is based, has been exempted from certifying the above based on the provisions of Article 26 (4) of the Act.
- (2) The right to stay in accordance with Article 27 of the Act of a third-country national family member of an EEA national shall be certified by the document specified in Annex no. 3 of the present decree. The entry “family member of an EEA national” shall be recorded in the document.
- (3) The provisions of Article 124 (3)-(4) and (6) shall be applied to the submission of the application and the prolongation of the permit.

Article 126

(1) The EEA national shall, in accordance with separate legal regulation, report his/her domicile within three working days from the issue of the EEA permission to stay even if that address is identical to the registered place of accommodation.

(2) The EEA national and his/her family member who qualifies as a third-country national shall report without delay any changes in the legal basis of stay or data contained in the document entitling stay; this shall be proved with documents. Other reporting obligations in accordance with the present decree shall be performed according to the general rules.

(3) The possibility of appeal shall be available to the EEA national and his/her family member who qualifies as a third-country national against the refusal of issue or prolongation of a permission to stay. The registry on personal data and addresses shall be notified of the issue, prolongation or revocation of an EEA permission to stay.

(4) The provisions of Article 22, 27-28, 32, 39 (1), 40-42, 66-68, 98-100 of the present decree shall be applied accordingly to the stay of an EEA national and his/her family members.

Transitory provisions

Article 127

(1) The ban on entry and stay ordered prior to the entry into force of the present decree shall be valid until the deadline determined by the ordering agency. An indefinite ban on entry and stay shall be reviewed until 31 December 2002 and, based on the provisions of Articles 32-33 of the Act, shall either be terminated or repeatedly ordered for a definite time period.

(2) In view of the provisions of Article 92 (2) of the Act, the relevant provisions of the Government decree no. 64/1994 (IV. 30.), as amended, on the implementation of Act LXXXVI of 1993 on the entry, stay in Hungary and immigration of foreigners shall be applied in case of alien policing authority procedures concerning applications for immigration submitted prior to 1 January 2002 but not yet adjudicated in a final manner.

(3) In the event that the enforcement of expulsion is carried out based on the decision of the refugee authority or a court judgment where the court at the time of bringing the judgment had not been obliged to order a ban on entry and stay, the regional alien policing authority shall determine the duration of the ban on entry and stay in a decision.

Law approximation clause

With respect to the following legal regulations of the European Communities in accordance with Article 3 of Act I of 1994 promulgating the Europe Agreement concluded between the Republic of Hungary, the European Communities and their Member States concerning the establishment of an association signed in Brussels on 16 December 1991 and pursuant to the authorization granted by Article 94 of the Act XXXIX of 2001 on the entry and stay of foreigners, the present decree

a) contains regulations that are fully compatible with the above

aa) Council Directive 90/364/EEC of 28 June 1990 on the right of residence;

ab) Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families;

- ac) Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services;
 - ad) Council recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control;
 - ae) Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;
 - af) Council Resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes;
 - ag) Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;
 - ah) Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students;
- b) contains regulations that are partially compatible with the Council recommendation of 22 December 1995 on concerted Action and cooperation in carrying out expulsion measures.

Closing provisions

Article 129

(1) This decree – with the exception of (2) and (3) – shall enter into force on 1 January 2002; parallel, the following shall lose effect: Government Decree No. 64/1994 (IV. 30.) on the Implementation of Act LXXXVI of 1993 On the Entry, Stay in Hungary and Immigration of Foreign Nationals and its amendments by Government Decree no. 136/1999 (IX. 1.), Government Decree no. 82/1998 (IV. 30.), Government Decree no. 26/1998 (II. 18.), Government Decree no. 44/1996 (III. 22.) and Government Decree no. 100/1994 (VI. 29.), as well as Articles 53-59 of Government Decree no. 13/1999 (II. 1.) on the amendment of government decrees concerning the use of personal identification numbers.

(2) Articles 124-126 of this decree shall enter into force at the date of entry into force of the Act promulgating the treaty on accession of the Republic of Hungary to the European Union.

(3) Article 132 of this decree shall enter into force on the day of promulgation; parallel, the text “according to Article 116 (3)” in Article 17, as well as the text “in Article 16 (3) and (5)” in Article 23 of Government Decree no. 114/2001 (VI. 29.) concerning the submission, transfer, processing of affidavits on property, the protection of data contained therein, as well as the organization, operation of the Public Service Control Office and the control procedure shall lose effect.

Article 130

(1) The following text shall replace Article 5 (1) of the Government Decree no. 101/1998 (V. 22.) on the implementation of Act XII of 1998 on traveling abroad (hereinafter: Passports Decree):

“(1) The power of authority on the first instance concerning travel documents of immigrant foreigners and stateless persons shall be exercised by the regional organ of the Ministry of Interior Office for Immigration and Naturalization with competence over the applicant’s domicile.”

(2) The following provisions shall replace Article 6 of the Passports Decree:

“Article 6

The regional organ of the Ministry of Interior Office for Immigration and Naturalization shall proceed at the first instance for official matters related to the bilingual travel document of refugees and the travel document of temporarily protected persons.”

(3) The following provisions shall replace the subtitle preceding Article 11 and Article 11 of the Passports Decree:

“Travel document of temporarily protected persons

Article 11

(1) A foreigner recognized by the refugee authority as a person under temporary protection in accordance with Act CXXIX of 1997 on asylum shall be issued – at his/her request – a travel document valid for the duration of travel but not longer than 30 days.

(2) The travel document may only be used for single travel.

(3) The travel document shall not entitle the foreigner to return to the territory of the Republic of Hungary if the foreigner has requested it in the interest of final return to the country of origin, and also in case the foreigner has requested it because the competent authority of a safe third country has certified that that country shall admit the applicant.”

(4) The following provision shall replace the subtitle preceding Article 12 and Article 12 of the Passports Decree:

“The travel documents of immigrant foreigners and stateless persons

Article 12

The travel document of immigrant or stateless foreigners shall contain:

a) the foreigner’s family and given name, place and date of birth, sex, nationality or statelessness, portrait, personal signature;

b) the number of the immigration or statelessness permit, the name of the permitting authority, as well as the entry “entitled to permanent stay in Hungary”;

c) the name of the travel document, its number, issue date, time of validity, the name of the Hungarian passport issuing authority and the official seal thereof.”

(5) The following provisions shall replace the Article 14 (1) of the Passports Decree:

“(1) The applicant may submit

a) an application for a private passport to the clerk or the Office, if abroad, to the foreign representation, in case of an application for a diplomatic or foreign service passport to the Ministry of Foreign Affairs, an application for certificate to return home to the foreign representation,

b) the application for a private passport, if he/she request it to be issued out of turn, to the public administration office with competence over the applicant’s domicile or the Office,

c) an application for a temporary private passport or a certificate to return home to the foreign representation,

d) the application by a person recognized as a refugee for a bilingual travel document, as well as for a travel document for temporarily protected persons to the regional organ of the Ministry of Interior Office for Immigration and Naturalization with competence over the applicant’s domicile,

e) the application for a permission to cross the border to the clerk of the district center with competence over the applicant’s domicile,

f) the application for a travel document for an immigrant foreigner or stateless person to the regional organ of the Ministry of Interior Office for Immigration and Naturalization with competence over the applicant’s domicile.”

(6) The following provision shall replace the Article 28 of the Passports Decree:

“Article 28

Upon re-entry to the territory of the Republic of Hungary, the border guard shall take and acknowledge receipt of the travel document of the temporarily protected person, the certificate to return home, as well as the single travel document issued for the purpose of

return to an immigrant foreigner and shall send it without delay to the issuing passport authority, the certificate to return home to the Office, and the travel document issued to an immigrant foreigner to the Ministry of Interior Office for Immigration and Naturalization.”

(7) The following provision shall replace the Article 30 (2) of the Passports Decree:

“(2) A separate legal regulation shall establish the differing procedural provisions related to the travel documents of immigrant foreigners and stateless persons.”

Article 131

The following provision shall replace Article 4 (5) of the Government Decree no. 110/1997 (VI. 25.) (on the use of private places of accommodation for tourism purposes:

“(5) The host shall call upon foreigners or stateless persons staying longer than 30 days without interruption to fulfill the obligation of reporting the place of accommodation as set forth by the Act CXXXIX of 2001 on the entry and stay of foreigners and the government decree issued for its implementation, or the host shall report the foreigners, as well as call upon citizens under the scope of Act LXVI of 1992 to fulfill their obligations under Article 26 of this Act.”

Article 132

The following provision shall replace Article 16 of the Government Decree no. 114/2001 (VI. 29.) concerning the submission, transfer, processing of affidavits on property, the protection of data contained therein, as well as the organization, operation of the Public Service Control Office and the control procedure:

“Article 16

(1) The data protection requirements of system documentations and procedures related to the maintenance of electronic register systems for data of property parts (hereinafter: computerized register) shall be determined by the data protection regulations of the Office.

(2) After formal control (technical identification, date) of data of property parts received by the Office, such data shall be recorded within 30 days of its receipt in the computerized register. The Office shall perform recording in the computerized register by image data recording.”

Viktor Orbán
Prime Minister

List of countries exempted from the obligation to obtain airport transit visas

Albania	Egypt
Algeria	Equatorial-Guinea
Andorra	Estonia
Angola	Fiji-islands
Antigua and Barbuda	Finland
Argentina	France
Armenia	Gabon
Australia	Gambia
Austria	Georgia
Azerbaijan	Germany
Bahamas	Great Britain
Bahrein	Greece
Barbados	Grenada
Belarus	Guatemala
Belgium	Guyana
Belize	Haiti
Benin	Honduras
Bhutan	Iceland
Bissau-Guinea	India
Bolivia	Indonesia
Bosnia and Herzegovina	Ireland
Botswana	Israel
Brazil	Italy
Brunei	Ivory Coast
Bulgaria	Jamaica
Burkina Faso	Japan
Burundi	Jordan
Cambodia	Kazakhstan
Canada	Kenya
Cape Verde	Kiribati
Central African Republic	Korea, People's Democratic Public of
Chad	Korea, Republic of
Chile	Kuwait
China	Kyrgyzstan
Columbia	Laos
Comoros	Latvia
Costa Rica	Lesotho
Croatia	Liechtenstein
Cuba	Lithuania
Cyprus	Luxembourg
Czech Republic	Libya
Denmark	Macedonia
Djibouti	Madagascar
Dominica	Malawi
Dominican Republic	Malaysia
Ecuador	Maldives

Mali
Malta
Marshall Islands
Mauritania
Mauritius
Mexico
Micronesia
Moldova
Monaco
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nauru
Nepal
New Zealand
Nicaragua
Niger
Norway
Oman
Palau
Panama
Papua New Guinea
Paraguay
Peru
Poland
Portugal
Qatar
Romania
Russia
Saint Kitts and Nevis
Saint Lucia
Saint Vincent
Salvador (El Salvador)
Samoa
San Marino
Sao Tome and Principe
Saudi Arabia
Seychelles
Singapore
Slovakia
Slovenia
Solomon Islands
South Africa, Republic of
Spain
Suriname
Swaziland
Sweden
Switzerland
Tajikistan
Tanzania
Thailand
The Netherlands
Togo
Tonga
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Tuvalu
Uganda
Ukraine
United Arab Emirates
United States of America
Uruguay
Uzbekistan
Vanuatu
Vatican
Venezuela
Vietnam
Yemen
Yugoslavia
Zambia
Zimbabwe

Visa

Visa format: sticker

Data content of the visa:

1. time of validity
2. number of entries
3. duration of stay
4. place of issue
5. date of issue
6. passport number
7. visa type
8. remarks
9. bar code suitable for automatic recognition

Permission to stay

Name of document: permission to stay

Document format: ID-2 card

The data content of the document is the following:

1. serial number
2. name – family and given (names) –
3. nationality (statelessness)
4. sex
5. face portrait
6. place and date of issue of permission
7. time of validity
8. purpose of stay
9. place of accommodation
10. signature
11. name of issuing authority, date of issue
12. bar code suitable for automatic recognition

Residence permit

Name of document: residence permit

Document format: ID-2 card

The data content of the document is the following:

- 1) serial number
- 2) name – family and given (names) –
- 3) nationality (statelessness)
- 4) sex
- 5) face portrait
- 6) place and date of issue of permit
- 7) time of validity
- 8) purpose of stay
- 9) domicile
- 10) signature
- 11) name of issuing authority, date of issue
- 12) bar code suitable for automatic recognition

House rules in community shelters

1. Upon admission (arrival to the shelter) the person to be accommodated at the shelter shall present his/her document entitling to stay as well as the decision on designating a compulsory place of stay.
2. Following admission, foreigners shall be subject to medical examination and shall have his/her clothing and other belongings checked.
3. Foreigners accommodated in the community shelter (hereinafter: resident) may keep his/her money and valuables in a guarded space or with himself/herself at their own risk.
4. Residents may not keep articles that are capable of endangering the life or bodily integrity of himself/herself or others (weapon, hitting, cutting, stabbing articles, gas spray, drugs, alcohol, etc.).
5. Residents shall account for all of the inventory items they have received upon departure from the shelter.
6. Residents shall use the shelter's premises, equipment and furniture only in accordance with their designated purpose. Residents shall ensure the cleanliness of the premises, keep their surroundings clean and refrain from destroying property.
7. Residents are entitled to turn to the physician on duty in case of medical complaints. The office hours of the physician shall be enclosed in the daily schedule.
8. Residents are entitled to receive visitors in the designated premises in accordance with visiting hours contained in the daily schedule; residents may use the telephone and carry out mail correspondence at their own cost.
9. Residents are entitled to exercise their religion freely individually and together with others. The exercise of religion may not interfere with the order of the place of accommodation.
10. Residents may move freely in designated areas of the shelter and shall have free access to entertainment and sports equipment and articles.
11. Residents shall not engage in any conduct in the place of accommodation that violates the rights of other residents or causes any disturbance

Declaration of assets and income by persons authorized to stay

DECLARATION

by persons authorized to stay of their assets and income and any changes therein

A) Personal data

Name of declarer

Place of birth

Address of place of accommodation (place of stay)

Number of permission to stay

B) Data on assets

At the time of submitting this declaration, I possess – do not possess the following property available to me in Hungary:

1. real estate

do possess – do not possess

market value: HUF

(any real estate where he/she does not live in on a regular basis)

2. vehicle

do possess – do not possess

market value: HUF

3. machine powered instruments of production and work

do possess – do not possess

market value: HUF

4. cash :

do possess – do not possess

amount: HUF

5. savings deposit in bank

do possess – do not possess

amount: HUF

6. securities

do possess – do not possess

amount: HUF

7. right of property value (permanent right of use of land, right of use of land, usufruct, use, foreigners' right of use of real estate, etc)

do possess – do not possess

amount: HUF

8. my total assets (1-7)

amount HUF

C) Data in income

At the time of submitting this declaration, I have – do not have the following income – available to me in Hungary:

9. monthly income from employment:

do have – do not have

amount: HUF

10. monthly income from another legal relationship aiming at work:

do have – do not have

amount: HUF

11. income originating from the sale of property:

do have – do not have

amount: HUF

12. miscellaneous income:

do have – do not have

amount: HUF

13. my total income (1-4)

amount:HUF

D) Reporting changes

The applicant and the person authorized to stay shall report to the Office without delay but not later than within 15 days if

the market value (amount) of any property calculated on its own has reached HUF, its total market value (amount) HUF

monthly income exceeded the actual minimum amount of pensions (in 2002 HUF).

Declaration

I hereby declare that data contained in the present declaration are true and correct. I am aware that

- a) I shall be obliged to pay for personal care in case the HUF value (amount) of my property or my monthly income exceeds the value (amount) specified in (D) of the present declaration;
- b) in case I benefit from free of charge care or support, the Office may order that I submit a renewed declaration on assets and income, which I shall fulfill within 15 days;
- c) the Office may control the correctness of data contained in the declaration;
- d) in case of failure to perform the obligation to report any changes in my assets or income in accordance with (D) of the present declaration the Office may suspend care and payment of support until compliance with the obligation;
- e) the Office may terminate the provision of care and support in case of declaring untrue data in the Declaration on assets and income or any changes therein.

Date:, 200 year month day

.....
signature of the declarer (legal representative)

I acknowledge receipt of the declaration:

Date:, 200 year month day

.....
signature by the representative of the Office

Each applicant and person authorized to stay (including spouse, and case guardian in place of minors) shall complete a separate declaration.

The declaration should be completed with block letters!

**CERTIFICATE ON BENEFITS
(for persons authorized to stay)**

The data content of the document:

family name:.....

date of birth:.....

place of birth:.....

number of permission to stay:.....

time of validity of permission to stay :.....

official remarks:.....

document serial number: B 000 000

seal of issuing authority:

**PERMISSION TO STAY
(for nationals of the European Economic Area)**

Format of the document: ID-2 card

The data content of the document is the following:

1. serial number
2. name – family and given name(s)
3. nationality
4. sex
5. face portrait
6. place and date of issue of the permission
7. time of validity
8. domicile
9. signature
10. name of the issuing authority, date of issue
11. bar code suitable for electronic recognition
12. *remark*: “This permission to stay was issued by the issuing authority based on measures taken for the implementation of Council Resolution 1612/68/EC and Council Directive 68/360/EC of 15 October 1968 in the manner specified in the EEA Agreement.”