

Act LXXX of 2007 on Asylum
Government Decree 301/2007 (XI.9.)²

(as of 1 January 2013)

For the protection of the human rights and fundamental freedoms of those compelled to leave their countries,
with regard to the international obligations of Hungary and the generally recognised basic principles of international law,
bearing in mind the European Union's refugee policy and the interest in the creation of an area which is based on freedom, security and the enforcement of law,
respecting the national traditions of migration and the spirit of welcome of the international community,
recognising and supporting the activities of the non-governmental organisations which play a part in assisting those benefiting from protection,
in the interest of the implementation of the provisions set forth in Section 65 of the Constitution,
Parliament hereby creates the following Act on Asylum.

By virtue of the authorisation granted by Section 93 (1) a)-i), and (2) of Act LXXX of 2007 on Asylum (hereinafter: the Act), as well as based on authorisations

- in Section 41 (1) of Act XII of 1998 on travelling abroad with regard to Section 111 of the present Decree,
- in Section 174 (1) d) of Act CXL of 2004 on the General Rules of Public Administrative Procedure and Services with regard to Section 113 of the present Decree,
- in Section 86 (1) of Act I of 2007 on the Entry and Residence of Persons Enjoying the Freedom of Movement and Residence with regard to Section 115 of the present Decree,

¹ Translation: Afford Fordító- és Tolmácsiroda Kft., proofreading: UNHCR RRCE

² Act LXXX of 2007 is in bold

- in Section 111 (1) g), k) and l) of Act II of 2007 on the Entry and Residence of Third Country Nationals with regard to Section 116 of the present Decree
- in Section 9 (4) of Act LXXXVII of 2003 on the Consumers Price Supplement with regard to Section 114 of the present Decree
- as well as on the authorisation stipulated by Section 35 (1) b) of the Constitution, and on the authorisation stipulated by Section 35 (“) of the Constitution with regard to Section 112 of the of the present Decree as well as Section 40 (3) of the constitution.

the Government decrees the following:

Chapter I

GENERAL PROVISIONS

Scope of Act

1. §

(1) The present Act regulates the content of the asylum granted by Hungary, the criteria of recognition as a refugee, a beneficiary of subsidiary and temporary protection (hereinafter referred to as “recognition”) and the procedure aimed at recognition and the revocation thereof.

(2) The provisions of the present Act shall apply to foreigners who have submitted applications for recognition or who enjoy asylum.

Definitions

2. §

For the purposes of the present Act,

***a) foreigner:* a non-Hungarian citizen and a stateless person;**

***b) stateless person:* a person who is not recognised by any state as its citizen under the operation of its own law;**

***c) asylum:* legal grounds for staying in the territory of Hungary and simultaneous protection against refoulement, expulsion and extradition;**

- d) subsidiary protection:** the totality of the rights due to and the obligations lying with a beneficiary of subsidiary protection;
- e) temporary protection:** the totality of the rights due to and the obligations lying with a beneficiary of temporary protection;
- f) unaccompanied minor:** a foreigner not having completed the age of 18 years who entered the territory of Hungary without the company of an adult of age responsible for his/her supervision on the basis of a rule of law or custom, or remained without supervision following entry; as long as s/he is not transferred under the supervision of such a person;
- g) country of origin:** the country or countries of nationality or for a stateless person, the country of habitual residence;
- h) safe country of origin:** the country included in the shared minimum list of third countries regarded as safe countries of origin approved by the Council of the European Union or in the national list stipulated by a Government Decree or part of these countries; the presence of the country of origin on any of such lists is a rebuttable presumption with regard to the applicant according to which no persecution is experienced in general and systematically in that country or in a part of that country, no torture, cruel, inhuman or degrading treatment or punishment is applied, and an efficient system of legal remedy is in place to address any injury of such rights or freedoms.
- i) safe third country:** any country in connection to which the refugee authority has ascertained that the applicant is treated in line with the following principles:
- ia)** his/her life and liberty are not jeopardised for racial or religious reasons or on account of his/her ethnicity/nationality, membership of a social group or political conviction and the applicant is not exposed to the risk of serious harm;
- ib)** the principle of *non-refoulement* is observed in accordance with the Geneva Convention;
- ic)** the rule of international law, according to which the applicant may not be expelled to the territory of a country where s/he would be exposed to death penalty, torture, cruel, inhuman or degrading treatment or punishment, is recognised and applied, and
- id)** the option to apply for recognition as a refugee is ensured, and in the event of recognition as a refugee, protection in conformance of the Geneva Convention is guaranteed.
- j) family member:** a foreigner's
- ja)** minor child (including adopted and foster child),
- jb)** parent, if the person seeking recognition or enjoying international protection is a minor,
- jc)** spouse, if the family relation was already existent before arriving in Hungary.
- k) person in need of special treatment:** unaccompanied minor or a vulnerable person, in particular, a minor, elderly or disabled person, pregnant woman, single parent raising a minor child and a person

who has suffered from torture, rape or any other grave form of psychological, physical or sexual violence, found, after proper individual evaluation, to have special needs because of his/her individual situation.

Chapter I

GENERAL PROVISIONS

1. §

Application of the provisions on safe third countries and safe countries of origin

(1) A country included in the minimum list of safe countries of origin (hereinafter: minimum list) of the European Council (hereinafter: Council) shall not be regarded as safe if

- a) the Council initiates in a resolution with the European Commission (hereinafter: Commission), that the Commission submits a proposal aiming at the removal of the third country from the list, or
- b) Hungary initiates with the Commission that it submits a proposal to the Council aiming at the removal of a third country from the list.

(2) In the context of Sub-Section (1), the obligations shall start

- a) following the date when the Council made the decision in case of Sub-section (1) a);
- b) following the date when Hungary delivers a written notice to the Council on its initiative with the Commission.

(3) The obligation stipulated in Sub-Section (1) shall cease

- a) after three months from the date of beginning, save that the Commission submits a proposal aiming at the removal of the third country from the minimum list;
- b) on the date of rejection by the Council of the proposal aiming at the removal of the third country from the minimum list.

(4) The minister in charge of refugee matters shall inform the Commission on the countries of origin declared as safe on a national level.

(5) When declaring a country as safe country of origin, special attention shall be regarded to information obtained from other Member States of the European Union, the United Nations High Commissioner for Refugees (hereinafter: UNHCR), the Council of Europe and other international organizations.

(6) The minister shall regularly inform the Commission of the countries in the context of which the notion of safe third country is applied.

Basic Principles

3. §

(1) The provisions of the present Act shall be applied in compliance with the Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the Protocol of 31 January 1967 (hereinafter referred to as the “Geneva Convention”) as well as with the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, Rome.

(2) A person recognised by Hungary as a refugee, a beneficiary of subsidiary or temporary protection shall enjoy asylum.

2. §

Persons enjoying asylum shall be re-admitted by Hungary.

2/A §

In the procedures stipulated by Chapters III and VII-IX of the Asylum Act, the Government shall designate as expert authorities the Constitution Protection Office and the National Counterterrorism Centre (hereinafter: expert authorities) in order to determine whether the stay of the persons falling under the scope of the Asylum Act in the territory of Hungary presents a threat to national security.

4. §

(1) When implementing the provisions of the present Act, the best interests and rights of the child shall be a primary consideration.

(2) When implementing the provisions of the present Act, the principle of the unity of the family shall be borne in mind.

(3) The provisions of the present Act shall be applied to persons requiring special treatment with due consideration of the specific needs arising from their situation.

Application of the provisions to persons in need of special treatment

3. §

(1) When applying the provisions of Act LXXX of 2007 on Asylum (hereinafter: Act) and the provisions of the present Decree, the refugee authority shall examine whether in respect of the person seeking recognition as refugee or beneficiary of subsidiary or temporary protection (hereinafter referred to as “person seeking recognition”), furthermore in respect of refugees and beneficiaries of subsidiary and temporary protection, the rules applicable to persons requiring special treatment apply.

(2) In order to determine whether the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection, requires special treatment, the refugee authority may, use the assistance of a medical or psychological expert. Such examination can only be conducted with the consent of the person concerned.

(3) The refugee authority is obliged to inform the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection – in their mother tongue or in another language understood by them – in simple and understandable terms, about the examination procedure to be used and the consequences of the examination as well as of their denying to consent to the implementation of the examination as specified in Sub-section (4).

(4) If the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection denies consenting to the examination by a specialist, the provisions applicable to persons requiring special treatment may not be applied to them.

4. §

(1) If the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection is an unaccompanied minor, the refugee authority shall take action to trace the person responsible for the minor with the exception where it can be presumed on the basis of information received by the refugee authority that

- a) there is conflict of interest between the person responsible for the minor and the minor or,
- b) if tracing the person responsible for the minor is not justified for other reasons bearing in mind the best interests of the child .

(2) In tracing the person responsible for a minor the refugee authority shall act in compliance with Section 42 (1) of the Act and Section 73 of the present Decree.

(3) When implementing the procedure set forth in Sub-Section (1), in the framework of international legal assistance as stipulated by Section 27 of Act CXL of 2004 on the General Rules of Public Administrative

Procedure and Services, the refugee authority may approach in particular, the refugee authority of another Member State of the European Union or a third country, and may also request the assistance of UNHCR, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and other international organisations engaged in supporting persons applying for recognition as refugee, persons in need of subsidiary or temporary protection, and/or refugees, and beneficiaries of subsidiary or temporary protection.

Chapter II

LEGAL STATUS OF PERSONS SEEKING RECOGNITION

5. §

(1) A person seeking recognition shall be entitled to

- a) stay in the territory of Hungary under the conditions set forth in the present Act and to a permit authorising stay in the territory of Hungary as defined in separate legal rule;**
- b) the provisions, benefits and accommodation under the conditions determined in the present Act and in separate legal rule;**
- c) work within the reception centre within one year of the submission of the application for recognition and according to the general rules applicable to foreigners thereafter;**
- d) enter into and maintain contact with UNHCR and other international or non-governmental organisations during the term of the asylum procedure.**

(2) A person seeking recognition shall be obliged to

- a) cooperate with the refugee authority, in particular to reveal the circumstances of his/her flight, to communicate his/her personal data and to facilitate the clarification of his/her identity, to hand over his/her documents;**
- b) issue a declaration with respect to his/her property and income;**
- c) stay at the accommodation facility designated by the refugee authority for him/her according to the present Act and observe the rules of conduct governing residence at the designated accommodation facility;**
- d) subject him/herself to health tests, medical treatment prescribed as mandatory by law or required by the relevant health authority and to subject him/herself to the replacement of any missing vaccinations prescribed as mandatory by law and required by the relevant health authority in the case of the danger of disease;**

Chapter III

REFUGEES

6. §

(1) Hungary shall recognise as refugee a foreigner who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside of the country of his/her origin and is unable or, owing to such fear, unwilling to avail himself/herself of the protection of that country.

(2) The well-founded fear of being persecuted may also be based on events which occurred following the foreigner's departure from his/her country of origin or on the activities of the foreigner which s/he was engaging in following departure from his/her country of origin.

(3) An applicant who files a subsequent application cannot be recognised as a refugee, if the risk of persecution is based on circumstances which the applicant has created since leaving the country of origin and the refusal of the application is in compliance with the Geneva Convention.

Criteria of recognition as refugee

7. §

(1) Except as set out in Section 8 (1), the refugee authority shall recognise as refugee a foreigner who verifies or substantiates that the criteria determined in Section 6 (1), in compliance with Article 1 of the Geneva Convention, exist in respect of his/her person.

(2) Except as set out in Section 8 (1), for the purpose of maintaining family unity, upon application, the family members of a foreigner recognised as a refugee on the basis of subsection (1) shall be recognised as refugees.

(3) If a child is born in the territory of Hungary to a foreigner recognised as refugee, upon application, the child shall be recognised as refugee.

(4) In the absence of the criteria of recognition as a refugee, the minister responsible for alien policing and refugee affairs (hereinafter referred to as the "Minister") may, out of special consideration, recognise as refugee a foreigner whose recognition is warranted by humanitarian circumstances, provided that no reason for exclusion from the recognition of the foreigner as refugee exists.

(5) The Minister may recognise as a refugee a foreigner who had been recognised by the authorities of another state or by the United Nations High Commissioner for Refugees as refugee, in respect of whom the refugee authority established the applicability of the Geneva Convention.

Reasons for Exclusion from Recognition as Refugee

8. §

(1) A foreigner shall not be recognised as refugee in respect of whom any of the disqualifying circumstances determined in Article 1 D, E or F of the Geneva Convention prevails.

(2) In the course of the application of Article 1 F b) of the Geneva Convention, an act shall qualify as a serious, non-political, criminal act upon the commission of which, with regard to the totality of the circumstances, including the objective intended to be attained through the crime, the motivation of the crime, the method of commission and the means used or intended to be used, the ordinary legal aspect of the crime dominates over the political aspect and it is punishable by a term of five or more years imprisonment according to the relevant Hungarian rules of law.

Refugees from safe countries of origin

9. §

If the country of origin of the person applying for refugee status is on the list of safe countries of origin of the EU or on such national list, it is up to the applicant to prove that with regard to him/her the very country is not complying with the criteria set for safe countries of origin.

Legal Status of Refugees

10. §

(1) Unless a rule of law or government decree expressly provides otherwise, a refugee shall have the rights and obligations of a Hungarian citizen with exceptions set out in subsections (2) and (3).

(2) A refugee

a) shall have no suffrage except for elections of local municipality representatives and majors, local referenda and public initiative;

b) may not fulfil a job or responsibility and may not hold an office, the fulfilment or holding of which is tied by law to Hungarian nationality.

(3) A refugee shall be entitled to

a) an identity card determined in separate legal rule and a bilingual travel document specified by the Geneva Convention;

b) provisions, benefits and accommodation under the conditions determined in the present Act and in separate legal rule.

(4) A refugee shall be obliged to

a) cooperate with the refugee authority;

b) subject him/herself to health tests, medical treatment prescribed as mandatory by law or required by the relevant health authority and to subject him/herself to the replacement of any missing vaccinations prescribed as mandatory by law and required by the relevant health authority in the case of the danger of disease;

c) conform to the laws and regulations of Hungary.

Cessation of Refugee Status

11. §

(1) The refugee status shall cease if

a) the refugee acquires Hungarian nationality;

b) recognition as refugee is revoked by the refugee authority.

(2) Recognition as refugee shall be revoked if the refugee

a) has voluntarily re-availed himself/herself of the protection of the country of his/her nationality;

b) having lost his/her nationality, s/he has voluntarily re-acquired it;

c) has acquired new nationality and enjoys the protection of the country of his/her new nationality;

d) has voluntarily re-established him/herself in the country which s/he had left or outside which s/he had remained owing to fear of persecution;

e) the circumstances in connection with which s/he has been recognised as a refugee have ceased to exist;

f) waives the legal status of refugee in writing;

g) was recognised in spite of the existence of the reasons for exclusion referred to in Section 8(1) or such a reason for exclusion prevails in respect of his/her person;

h) the conditions for recognition did not exist at the time of the adoption of the decision on his/her recognition;

i) concealed a material fact or facts in the course of the refugee procedure or issued an untrue declaration in respect of such a fact or facts or used false or forged documents, provided that this was decisive for his/her recognition as a refugee.

(3) The refugee authority shall revoke the recognition as a refugee if a court with a final and absolute decision sentences the refugee for having committed a crime which is according to law punishable by five years or longer term imprisonment.

(4) Sub-Section (2)e) shall not apply to a refugee who is able to cite a well-founded reason arising from his/her former persecution for refusing the protection of his/her country of origin.

Chapter IV

BENEFICIARIES OF SUBSIDIARY PROTECTION

12. §

(1) Hungary shall grant subsidiary protection to a foreigner who does not satisfy the criteria of recognition as a refugee but there is a risk that, in the event of his/her return to his/her country of origin, s/he would be exposed to serious harm and s/he is unable or, owing to fear of such risk, unwilling to avail himself/herself of the protection of his or her country of origin.

(2) Fear of serious harm or of the risk of harm may also be based on events which occurred following the foreigner's departure from his/her country of origin or on the activities of the foreigner which s/he was engaging in following departure from his/her country of origin.

Criteria for Recognition as Beneficiary of Subsidiary Protection

13. §

(1) Except as set out in Section 15, the refugee authority shall recognise as beneficiary of subsidiary protection a foreigner who verifies or substantiates that the conditions set forth in Section 12 (1) exist in respect of his or her person.

(2) Except as set out in Section 15, for the purpose of maintaining family unity, upon application, the family members of a foreigner recognised as a beneficiary of subsidiary protection on the basis of Sub-Section (1) shall also be recognised as beneficiaries of subsidiary protection if

a) the application for recognition has been jointly submitted, or

b) the family member submitted the application for recognition with the consent of the foreigner recognized as a beneficiary of subsidiary protection before the decision on the primary applicant's subsidiary protection status has been made.

(3) If a child is born in the territory of Hungary to a foreigner recognised as beneficiary of subsidiary protection, upon application, his/her child shall be recognised as beneficiary for subsidiary protection.

14. §

The refugee authority shall review the existence of the criteria of eligibility for subsidiary protection at least every five years following recognition.

Reasons for Exclusion from Subsidiary Protection

15. §

No subsidiary protection shall be granted to a foreigner,

a) in whose case there is good reason to assume that

aa) s/he committed a crime against peace, a war crime or a crime against humanity as defined in international instruments;

ab) s/he committed a crime, which is punishable by a term of five or more years imprisonment under the relevant Hungarian rules of law;

ac) s/he committed a crime contrary to the purposes and principles of the United Nations;

b) his/her stay in the territory of Hungary violates national security.

Beneficiaries of subsidiary protection from safe countries of origin and safe third countries

16. §

(1) If the country of origin of the person applying for recognition is on the list of safe countries of origin of the EU or on such national list, it is up to the applicant to prove that with regard to him/her the very country is not complying with the criteria set for safe countries of origin.

(2) If the applicant stayed or travelled through prior to his/her arrival in the territory of Hungary in a safe third country, it is the applicant who has to prove that s/he had no opportunity for effective protection according to Section 2 i) in that country.

Legal Status of Beneficiaries of Subsidiary Protection

17. §

- (1) Except as set out in Sub-Sections (2) - (4), unless a rule of law or government decree expressly provides otherwise, a beneficiary of subsidiary protection shall have the rights and obligations of a refugee.**
- (2) In deviation from Section 10 (3) a), a beneficiary of subsidiary protection shall be entitled to a travel document determined in a separate legal rule.**
- (3) A beneficiary of subsidiary protection shall have no suffrage.**
- (4) Beneficiaries of subsidiary protection shall not be entitled to the preferential conditions applicable to refugees with regard to nationalisation.**

Cessation of Subsidiary Protection Status

18. §

- (1) The legal status of subsidiary protection shall cease if**
 - a) the beneficiary of subsidiary protection acquires Hungarian nationality;**
 - b) the beneficiary of subsidiary protection is being recognised by the refugee authority as refugee;**
 - c) the refugee authority revokes the status of subsidiary protection.**
- (2) Subsidiary protection shall be revoked if the beneficiary of subsidiary protection**
 - a) has repeatedly and voluntarily re-availed himself/herself of the protection of the country of his/her nationality;**
 - b) having lost his/her nationality, s/he has voluntarily re-acquired it;**
 - c) has acquired new nationality and enjoys the protection of the country of his/her new nationality;**
 - d) has voluntarily re-established him/herself in the country which s/he had left or outside which s/he had remained owing to fear of serious harm or the risk of such harm;**
 - e) the circumstances on the basis of which s/he was recognised as a beneficiary of subsidiary protection have ceased to exist;**
 - f) waives the legal status of subsidiary protection in writing;**
 - g) was recognised in spite of the existence of reasons for exclusion referred to in Section 15 or such reason for exclusion prevails in respect of his/her person;**
 - h) the conditions for recognition did not exist at the time of the adoption of the decision on his/her recognition;**

i) concealed a material fact or facts in the course of the refugee procedure or issued an untrue declaration in respect of such a fact or facts or used false or forged documents, provided that this was decisive for his/her recognition as beneficiary of subsidiary protection.

(3) Subsection (2) e) is not applicable to a beneficiary of subsidiary protection who is able to cite a well-founded reason arising from the former serious harm that affected him/her for refusing the protection of his/her country of origin.

Chapter V

BENEFICIARIES OF TEMPORARY PROTECTION

19. §

Hungary shall grant temporary protection to a foreigner who belongs to a group of displaced persons arriving in the territory of Hungary *en masse* which

a) was recognised by the Council of the European Union as eligible for temporary protection under the procedure determined in Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (hereinafter: Directive 2001/55/EC), or

b) was recognised by the Parliament as eligible for temporary protection as the persons belonging to the group had been forced to leave their country due to an armed conflict, civil war or ethnic clashes or the general, systematic or gross violation of human rights, in particular, torture, cruel, inhuman or degrading treatment.

Criteria of Recognition as Beneficiary of Temporary Protection

20. §

(1) Except as set out in Section 21 (1), the refugee authority shall recognise as beneficiary of temporary protection a foreigner who verifies or substantiates that the criterion set forth in Section 19 a) or b) prevails in respect of his/her person.

(2) Except as set out in Section 21 (1), for the purpose of maintaining family unity, upon application, the family members of a foreigner recognised as beneficiary of temporary protection on the basis of Sub-Section (1), who are under the temporary protection of another member state of the European

Union, shall be recognised as beneficiary of temporary protection, provided that the foreigner recognised as a beneficiary of temporary protection agrees with such recognition.

Reasons for Exclusion from Temporary Protection

21. §

(1) No temporary protection shall be granted to a foreigner,

a) in whose case there is good reason to assume that

aa) s/he committed a crime against peace, a war crime or a crime against humanity as defined in international instruments;

ab) s/he committed a serious, non-political criminal act outside the territory of Hungary prior to the submission of the application for recognition as a beneficiary of temporary protection;

ac) s/he committed a crime contrary to the purposes and principles of the United Nations;

b) whose stay in the territory of Hungary violates the interest of national security;

c) in whose case a final and absolute court judgment established that s/he had committed a crime which is punishable by a term of five or more years imprisonment under the relevant Hungarian rules of law.

(2) In the course of applying Section 1 a,) ab), an act qualifies as a serious, non-political criminal act upon the commission of which, with regard to the totality of the circumstances, including the objective intended to be attained through the crime, the motivation of the crime, the method of commission and the means used or intended to be used, the ordinary legal aspect of the crime dominates over the political aspect and it is punishable by an imprisonment of five year or longer term according to Hungarian law.

Legal Status of Beneficiaries of Temporary Protection

22. §

(1) A beneficiary of temporary protection shall be entitled to

a) a document verifying his/her identity;

b) a travel document, as determined in separate legal rule, authorising a single exit and return, if s/he has no valid travel document from his/her country of origin;

c) provisions, benefits and accommodation under the conditions determined in the present Act and in separate legal rule;

d) employment according to general rules applicable to foreigners.

(2) A temporarily protected person is obliged to

a) report his/her place of accommodation and any change therein to the refugee authority;

b) cooperate with the refugee authority;

c) subject him/herself to health tests, medical treatment prescribed as mandatory by law or required by the relevant health authority and to subject him/herself to the replacement of any missing vaccinations prescribed as mandatory by law and required by the relevant health authority in the case of the danger of disease;

d) conform to the laws and regulations of Hungary.

(3) Documents stipulated in Sub-Section (1) a) are compliant with requirements stipulated by Council Regulation 1030/2002 EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation 380/2008 EC of 18 April 2008 amending Regulation 1030/2002 EC laying down a uniform format for residence permits for third-country nationals.

Term of Temporary Protection

23. §

(1) The term of temporary protection based on Section 19 a) shall be one year.

(2) If the Council of the European Union decides on the maintenance of the recognition of eligibility for temporary protection following the expiry of the term determined in Sub-Section (1), the term of temporary protection shall be extended by the term set forth in the decision of the Council.

24. §

(1) Protection based on Section 19 b) shall exist until the expiry of the term or the occurrence of the fact stated in the decision of the National Assembly (Parliament).

(2) Should the National Assembly decide on the maintenance of the recognition of eligibility for temporary protection following the expiry of the term or the occurrence of the fact determined in Sub-Section (1), the term of temporary protection shall be extended by the term set forth in the decision of the National Assembly.

Cessation of Legal Status of Temporary Protection

25. §

(1) The legal status of temporary protection shall cease if

a) the term of temporary protection expires or, in the case of recognition based on Section 19 b), the fact determined by the National Assembly occurs;

b) the Council of the European Union revokes recognition under Section 19 a);

c) the beneficiary of temporary protection acquires the legal status of settled (*letelepedett*) in Hungary;

d) a the beneficiary of temporary protection is being recognised by the refugee authority as a refugee or a beneficiary of subsidiary protection;

e) the refugee authority revokes the recognition as a beneficiary temporary protection.

(2) Recognition as a beneficiary of temporary protection shall be revoked if

a) the foreigner recognised as a beneficiary of temporary protection receives temporary protection, with his/her consent, from another state applying Directive 2001/55/EC;

b) the beneficiary of temporary protection was recognised in spite of the existence of reasons for exclusion referred to in Section 21 (1) or such a reason for exclusion prevails in respect of the beneficiary of temporary protection;

c) the beneficiary of temporary protection waives the legal status of subsidiary protection in writing;

d) the conditions of recognition did not exist at the time of the adoption of the decision on his/her recognition.

Chapter II

PROVISIONS APPLICABLE TO PERSONS SEEKING RECOGNITION, REFUGEES, AND BENEFICIARIES OF SUBSIDIARY AND TEMPORARY PROTECTION

Document of the person seeking recognition

5. §

The identity of the person seeking recognition shall be proven by his/her valid travel document, personal identity document or other document suitable for personal identification.

6. §

(1) If the person seeking recognition

a) does not hold a permit authorising him/her to stay in the territory of Hungary when filing the application, and

b) his/her staying in the territory of Hungary rests on the fact that s/he is seeking recognition, the refugee authority shall issue for him/her a residence permit for humanitarian purposes under a separate legal rule.

(2) If the person seeking recognition does not hold a document suitable for personal identification, the refugee authority shall take into consideration the statements of the person seeking recognition with regard to the data contained in the residence permit.

7. §

Section 6 (3) of the Act shall be applied if the risk of persecution is based on circumstances which have been provoked intentionally *mala fide* by the applicant.

7/A §

(1) In the event of recognition as a refugee in accordance with Section 7 (5) of the Asylum Act, the refugee authority shall establish the applicability of the Geneva Convention based on a personal hearing of the foreigner or on the basis of the available documents.

(2) The refugee authority shall establish the applicability of the Geneva Convention only if the expert authority does not make an objection to recognition of the foreigner as refugee.

Documentation for beneficiaries of temporary protection

8 §

(1) The identity of a beneficiary of temporary protection, the legality of his or her stay in the territory of Hungary and his or her eligibility for provisions defined in the Act, in the present Decree and in separate legal instruments shall be certified by a document of the format and contents defined in Annex 1 of this Decree (hereinafter referred to as the document certifying the identity and the right to stay of beneficiaries of temporary protection).

(2) The document certifying the identity and the right to stay of beneficiaries of temporary protection is issued by the refugee authority simultaneously with recognizing the applicant as beneficiary of temporary protection.

(3) The validity of document certifying the identity and the right to stay of beneficiaries of temporary protection shall be in line with the duration of temporary protection, not exceeding one year, and may be

renewed ex officio by the refugee authority for the further duration of temporary protection that may not exceed one year at a time.

(4) During the receipt of the application for recognition as a beneficiary of temporary protection, the biometric identifiers defined in Section 83 (6) of the Asylum Act shall be recorded by the refugee authority.

(5) During the submission of application for recognition as a beneficiary of temporary protection the refugee authority shall:

a) complete personalisation of the document of the beneficiary of temporary protection and fill the container including biometric identifiers (hereinafter: container) with data;

b) complete tasks rendered to the national Document Signing Authority and the Country Signing Certificate Authority;

c) complete tasks rendered to the Country Verifying Certificate Authority and the national Document Verification Authority.

(6) The refugee authority, in its capacity of Document Signing Authority, shall prepare the document signing certificate and place it in the container.

(7) The refugee authority, in its capacity of Signing Certificate Authority, shall

a) issue the certificate specified in Sub-Section (6),

b) issue and manage the certificate and list of revocation inclusive of the certificates and lists of revocations as well as the certificate revocation list depository of the national document signing certificate authorities of all International Civil Aviation Organization (ICAO) members, for the documents including the biometric identifier container of the beneficiaries of temporary protection,

c) forward the certificates and the related revocation lists in electronic document format through the Ministry of Foreign Affairs to the country-signing certificate authorities of the other ICAO member states.

(8) The refugee authority, in its capacity of signature certification authority, shall issue certificates for

a) the national Document Verification Authority,

b) the foreign document verification authorities issuing certificates for the verification tools of the foreign authorities entitled for reading data protected with extended access control.

(9) The Office, in its capacity of national Document Verification Authority, shall enable for the verification tools of Hungarian authorities entitled to read data protected with extended access control and stored electronically in the permanent residence card, to issue certificates required for access, in case of beneficiaries of temporary protection.

(10) A third-country national holding a document of beneficiaries of temporary protection may, at any time, request the refugee authority to verify the data of the container (including biometric identifiers) during the validity period of the travel documents.

9 §

In case the address of accommodation of the beneficiary of temporary protection change, the refugee authority shall issue a new document certifying the identity and the right to stay containing the new address of accommodation.

10 §

(1) The beneficiary of temporary protection is obliged to inform the authorities with no delay on the fact that the document certifying the identity and the right to stay was lost, stolen or destroyed. The authority shall issue a certificate on the announcement.

(2) The authorities shall be notified with no delay on documents certifying the identity and the right to stay that was believed to be lost and so reported but latter recovered.

(3) The authority shall issue a new document to the beneficiary of temporary protection during the temporary protection to replace the document certifying the identity and the right to stay which was lost, stolen, destroyed or expired.

11 §

The document certifying the identity and right to stay shall become invalid if

- a) it has expired;
- b) the status of beneficiary of temporary protection has ceased;
- c) the document has become unsuitable to certify the data contained therein.

Chapter VI

***CONDITIONS OF RECEPTION,
PROVISIONS AND BENEFITS OF REFUGEES, BENEFICIARIES OF
SUBSIDIARY AND TEMPORARY PROTECTION***

Conditions of Reception

26. §

(1) The conditions of reception include the material conditions of reception and all rights and measures determined in the present Act and in the Government Decree in connection with the freedom of movement, health care, social care and education of persons seeking recognition.

(2) A person seeking recognition – in case of need – shall be entitled to free of charge provision of reception conditions stipulated in this Act and the separate relevant legal regulations.

Chapter III

*COMMON RULES REGULATING THE CONDITIONS OF RECEPTION, PROVISIONS
AND BENEFITS
OF REFUGEES AND BENEFICIARIES OF SUBSIDIARY OR TEMPORARY*

General provisions

12 §

(1) It is a State responsibility to make provisions on conditions to ensure a standard of living adequate for the health of the applicants and capable of ensuring their subsistence as well as to facilitate the social integration of refugees, beneficiaries of subsidiary and temporary protection.

(2) Tasks pursuant to Sub-Section (1) shall be performed directly by the refugee authority, through the notary of the competent municipality or, in the capital city, of the competent district (hereinafter referred to as notary) where the reception centre or the residence of the refugee or the beneficiary of subsidiary protection or accommodation of the beneficiary of temporary protection is situated.

(3) A reception centre is a facility operated by the refugee authority in order to accommodate and care for person seeking recognition, refugees and beneficiaries of subsidiary or temporary protection.

(4) Another place of accommodation equivalent to the reception centre shall be the accommodation or camp operated on a contract basis (together with reception centre hereinafter jointly referred to "reception centre").

(5) For the purposes of the present Decree, income or property is what qualifies as such according to Section 4 (1) a) and b) of Act III of 1993 on Social Assistance and Management of Social Affairs.

(6) A person staying at the Reception Centre at least twenty-five days in one calendar month (including the period of permitted absence of the person seeking recognition and the absence of refugees, beneficiaries of subsidiary protection and beneficiaries of temporary protection reported in writing), shall be deemed as having his or her habitual residence at the reception centre if the duration of the absence of the requested or permitted absence is not more than thirty days.

Reimbursement of the cost of provisions and benefits

13 §

(1) Agencies or persons rendering services or assistance specified in this Decree shall verify the eligibility of applicants by contacting the refugee authority; they shall keep the records of the expenses incurred to the account of the budget of the refugee authority separate from other expenses.

(2) The cost of provisions and benefits granted in accordance with this decree shall be subsequently reimbursed by the refugee authority upon the settlement of accounts. The reimbursement of costs may be requested from the refugee authority within one month from the actual provision of provision or benefits on a dedicated print form designating the first and last name of the beneficiary and the identification number of his or her residence permit, ID card or document certifying the identity and the right to stay, upon presenting detailed invoices.

(3) The refugee authority may advance the coverage of expenses indispensable for provisions to the body or person providing provisions or benefits.

Provisions provided on a contractual basis

14 §

(1) In order to enhance the efficiency of provisions related to reception integration, the refugee authority may conclude contracts for the accomplishment of specific task/responsibilities related to provision and social integration with the organisations listed in Sub-Section (2).

(2) The refugee authority may contract non-governmental organisations, local municipalities, churches, foundations and their institutions, economic organizations or other legal entities (hereinafter referred to as service providers) to

a) ensure conditions for the reception of persons seeking recognition;

b) provide the provision to refugees and beneficiaries of subsidiary or temporary protection are entitled to;

c) provide social and mental health care to persons seeking recognition, refugees and beneficiaries of subsidiary or temporary protection;

d) inform persons seeking recognition, refugees and beneficiaries of subsidiary or temporary protection of their rights and obligations;

e) provide vocational training and retraining to refugees and beneficiaries of subsidiary protection;

f) provide Hungarian language training to refugees and beneficiaries of subsidiary or temporary protection;

g) facilitate the social integration of refugees and beneficiaries of subsidiary or temporary protection.

(3) For the provision of tasks defined in Sub-section (2) service providers shall be selected through a call for tender taking into consideration among others the requirements stipulated by Act CXXIX of 2003 on Public Purchases. The call for tender shall be initiated by the refugee authority. The call for tender shall

include the scope of beneficiaries of the services and their planned number, as well as the designation and duration of provision to be provided to them.

(4) Contracts shall be concluded in writing. The contract shall include:

- a)* the scope of beneficiaries of services, as well as the designation and duration of services;
- b)* the way in which the contracted provision/services or task and their consideration money/equivalent will be accomplished;
- c)* stipulations for keeping records of the provisions/services provided task accomplished and the accounting and payment transfer of its consideration money/equivalent;
- d)* the right of the refugee authority to control the performance of the contract as well as the method of control;
- e)* the duration of the contract, the method of its termination and stipulations concerning the settlement of possible legal disputes.

(5) The copy of the court decision on the legal status of the service provider and/or official permit indispensable to perform responsibilities specified by the contract shall be enclosed with the contract, in case of need.

27. §

Unless a rule of law or government decree provides otherwise, a person seeking recognition shall be entitled to those material conditions of reception and other forms of assistance corresponding to his/her health conditions and satisfying his/her basic needs that are determined in this Act and in the Government Decree, following the submission of the application for recognition, until the final and effective conclusion of the refugee procedure.

28. §

The material conditions of reception shall also be provided to persons seeking recognition while detained.

29. §

During the provision of the conditions of reception, proper attention shall be paid to the particular needs of any person in need of special treatment.

Chapter IV

PROVISIONS AND BENEFITS GRANTED UPON RECEPTION

15 §

(1) Upon reception, persons seeking recognition shall be entitled to the following provisions and benefits:

- a) provision of material reception conditions,
- b) health care,
- c) reimbursement of the costs of schooling and education,
- d) pecuniary benefits.

(2) Types of material reception conditions:

- a) accommodation and care at the reception centre,
- b) monthly allowance of free use,
- c) grants from donations.
- d) travel allowance,
- e) bearing the cost of a public burial.

(3) Pecuniary benefits:

- a) school-start benefit,
- b) allowance for final departure from the country.

General conditions for the use of provisions and benefits upon reception

16 §

(1) During the preliminary assessment procedure the person seeking recognition, in case of need and in accordance with the other criteria defined in the Asylum Act and in this Decree, with the exception of monthly allowance of free use shall be eligible for the provisions and assistance specified in Section 15 (1) a)-b) and based on application, for the provisions and assistance specified in Section 15 (1) c) and Section 15 (3) b).

(2) From the date of the resolution referring the application for recognition to detailed procedure, the applicant shall also be eligible, apart from the provisions and assistance specified in Sub-Section (1), in the event being a person in need, and under the other criteria defined in the Asylum Act and in this Decree, for monthly allowance of free use defined in Section 15 (2) b) and based on his or her application for school start benefit defined in Section 15 (3) a).

(3) The refugee authority shall adopt a resolution on the eligibility for the provisions and application-based assistance defined in Section 15, and on their discontinuation in the event that eligibility criteria are no longer present.

(4) The refugee authority shall decide on the eligibility of the person seeking recognition for the provision of material reception conditions of and for the healthcare services specified in Section 15 (1) *a)-b)* in the resolution referring the application for recognition to detailed procedure. Until the adoption of this resolution, the provisions specified by Section 15 (1) *a)-b)* shall be provided to the person seeking recognition.

17 §

(1) The person seeking recognition shall be required to fill out the form contained in Annex II of this Decree to declare his or her financial and income situation and submit it along with the application for recognition.

(2) Acting *ex officio*, the refugee authority shall assess the needs of the person seeking recognition for the provisions and assistance available under Section 15 of the Asylum Act for the entire duration of the procedure. The person seeking recognition may make a statement to the effect that s/he does not intend to use certain forms of support or assistance.

(3) After the submission of the asylum application, the refugee authority shall inform the person seeking recognition in his or her mother tongue or in another language understood by him/her in writing, without delay and within fifteen days at the most, of all provisions and assistance to which s/he is entitled to under the Asylum Act and under this Decree, as well as of the obligations with which s/he must comply with in respect to the reception conditions and the organisations providing legal or other individual assistance.

18 §

The person seeking recognition shall be deemed as being in need in terms of the provisions and assistance provided, if the person seeking recognition, or his/her spouse, or immediate relative living in the same household has no property in Hungary to provide for his/her subsistence, and his/her per capita monthly income (taking into account the total income of his/her spouse and immediate relative living in the same household) does not exceed the prevailing minimum amount of the old-age pension.

19 §

(1) If of a person seeking recognition does have the means to ensure existence or his/her income has reached the extent defined in Section 18, s/he shall declare this fact to the refugee authority within fifteen days at latest from the change in his/her financial situation.

(2) During the period of disbursement the refugee authority may oblige the person seeking recognition to submit a declaration in accordance with Section 17 (1) and/or to certify his/her means, income within fifteen days from the request.

(3) If the financial situation of a person seeking recognition has changed to the extent that s/he is no longer entitled to benefit from reception conditions, the disbursements of assistance shall be terminated.

(4) In case of delayed fulfilment of obligation stipulated in Sub-sections (1) – (2), the refugee authority may oblige the person seeking recognition to reimburse the value of services and the amount of financial assistance from which s/he benefited unauthorized as of the moment of having become unauthorized, in its decision stipulating the rejection of assistance. If the refugee authority has obliged the person seeking recognition to reimburse the value of services and/or the amount of financial assistance, no provision or benefit can be extended even if the person seeking recognition has become entitled for such assistance meanwhile.

(5) The refugee authority may accord exceptional treatment in cases of special consideration.

(6) Disbursements of pecuniary assistance shall also be terminated if within thirty days from disbursement – or, in the event of a monthly allowance of free use, until the time of the next monthly payment – the person seeking recognition has not taken over the payment and failed to provide an excuse/justification for not receiving it.

20 §

(1) The person seeking recognition may utilise the benefits provided under material reception conditions regulated by this Decree – without affecting the benefits provided under material reception conditions regulated by other laws – except the monthly spending money of free use stipulated in Section 22, if the refugee authority provides room and board at the Reception Centre.

(2) The refugee authority may offer to the person seeking recognition the opportunity to stay in a contracted place of accommodation set forth in Section 12 (4). The consent given by the person seeking recognition to his/her being accommodated in a contracted place of accommodation shall be regarded a consent to handle his/her data according to Section 84 (1) of the Act.

Accommodation and care provided at a reception centre

21 §

(1) The room and board to be provided at the reception centre to the person seeking recognition shall include the following:

a) accommodation,

b) three meals a day (breakfast, lunch and dinner) or food allowance in equivalent value, and

c) tableware, washing and toiletry items for personal use or a hygiene allowance in equivalent value, as well as clothes.

(2) In the frame of accommodation and boarding provided at the Reception Centre, in addition to the care specified under Sub-Section (1) hereof, as of the date of the resolution referring the application for recognition to detailed procedure, a language course shall also be provided to minors seeking recognition who are aged over 5 years old, preparing the child to participate in public education, provided that the child has no other possibility to attend kindergarten.

(3) During the term of the detailed procedure, the refugee authority may provide the person seeking recognition with a possibility of employment in the form of performing work at the Reception Centre.

(4) The quantity of work to be performed under Sub-Section (3) may not exceed 80 hours per month.

(5) The person seeking recognition who, through the internal employment described in Sub-Section (3) contributes to the maintenance or preservation of the reception centre by work shall be eligible for the monthly compensation not exceeding eighty-five per cent of the prevailing minimum old-age pension.

(6) When placing the asylum seekers at the reception centre, the refugee authority shall maintain family unity even if the members of the family have different legal status; it shall place the members of a family together unless requested otherwise, and provide for the protection of the family life of the persons placed.

(7) The food and hygiene allowance as per Sub-Section (1) *b)-c)* may be provided on special request of the person seeking recognition if the conditions for providing allowance in kind specified in paragraphs *b)-c)* exist in the reception centre under a self-service system. The person seeking recognition shall make a statement on this claim within 5 days of his/her placement at the reception centre. This statement is valid for one month and may be extended occasionally by the fifteenth day of the month preceding the month in question.

(8) The reception centre shall disburse the weekly amount of the food allowance on the first working day of the week. Payment of the monthly amount of the hygiene allowance shall be due at the monthly allowance of free use.

Monthly allowance of free use

22 §

(1) The person seeking recognition shall be entitled to discretionary monthly allowance of free use which shall be

- a) During the stay in the reception centre, 25% of the prevailing minimum amount of the old-age pension for applicants who are minors under the age of 18, or applicants for recognition who have passed their 18th birthday and are pursuing primary or secondary school studies;
- b) During the stay in the reception centre, 10% of the prevailing minimum amount of the old-age pension in the case of applicants of full age;
- c) During the stay in the reception centre, 25% of the prevailing minimum amount of the old-age pension for single parents raising children, persons who have reached the age of 60, who have permanent and irreversible deterioration of health, who suffer from a mental or physical disability, who are pregnant or are unable to work due to raising children under six months of age;
- d) During the stay in the reception centre, 25% of the prevailing minimum amount of the old-age pension in the case of persons unable to work due to illness not falling under paragraph c), if the condition during which the person is unable to work persists for at least half of the month in question and in the case of those persons for whom the reception centre is unable to provide a possibility to work.
- e) 10% of the prevailing minimum amount of the old-age pension in the case of persons detained based on a binding judicial decision establishing the responsibility of the person in a case of criminal or minor offence.
- f) 25% of the prevailing minimum amount of the old-age pension in the case of other detained persons, except the case defined in paragraph e).

(2) Those persons seeking recognition shall be eligible for monthly allowance of free use from the date of the resolution referring their application for recognition to detailed procedure for a total monthly period insofar as they maintain a habitual residence at the reception centre in the cases referred to in Sub-Section (1) a) – d). In the cases referred to in Sub-Section (1) e) – f), persons seeking recognition are eligible for the allowance of free use from the date of the resolution referring their application for recognition to detailed procedure for a total monthly period.

(3)³

(4) The monthly allowance of free use shall be paid before Day 5 of the month. Retroactive payment shall only be effected in case of an applicant hospitalized.

³ Provision discontinued

(5) On behalf of an unaccompanied minor applicant, the representative by law shall take over the monthly allowance of free use. It shall be ensured that the allowance is used to cover the personal needs of the applicant.

Grants from donations

23 §

(1) The refugee authority may accept pecuniary donations or contributions in kind from Hungarian or foreign natural or legal persons/entities and organisations without legal personality in order to improve the conditions of its decision making and care activities and/or in order to provide better care to person seeking recognition.

(2) The utilisation of donations/contributions shall be determined by the refugee authority, respecting the terms and conditions of use in the event that such term and conditions were stipulated by donors/contributors.

(3) Persons seeking recognition shall partake of donations as determined by the refugee authority.

(4) The refugee authority shall keep separate accounts of pecuniary donations or contributions in kind and of the utilisation thereof.

Travel benefit

Section 24

(1) The refugee authority upon request by the person seeking recognition shall issue a certificate to facilitate the making use of benefits stipulated by the law on benefits relevant in public transportation of passengers, if the person seeking recognition

a) taking steps to settle his/her legal status with competent authorities,

b) using health care provisions defined in Sections 26-28 by a health care service provider with a territorial service provision obligation, or

c) taking part in a program operated by a non-governmental organisation which takes over a state competence or benefiting from the assistance of such an organisation.

(2) Applications requesting the issuance of a certificate for making use of travel benefit shall be submitted to the refugee authority, enclosing all documents supporting the application.

(3) In terms of amount and form of making use of benefits, legal provisions stipulating the benefits relevant in public transportation of passenger shall apply.

Bearing the cost of public burials

25 §

(1) In the event of the death of the person seeking recognition, the mayor of the municipality competent at the place of death shall arrange the funeral of the deceased within thirty days of the date on which the death becomes known, if

- a) there is no person responsible for burial or is untraceable, or
- b) the person responsible for the burial does not arrange the funeral.

(2) The refugee authority shall reimburse the costs of public funeral to the municipality specified by Sub-Section (1). Request for reimbursement shall be submitted within two months of the arrangement of the public funeral.

Health care

26 §

In case of illness, persons seeking recognition not covered by social security shall be entitled to the following health care services free of charge:

- a) examinations and medical treatments falling within the scope of care provided by general practitioners;
- b) examinations and medical treatments provided by polyclinics for ambulant patients in the case of emergencies, as well as medication and bandages used in the course of treatment;
- c) hospital care in the case of emergencies, as well as treatments prescribed by doctors treating an emergency – including surgery interventions, as well as medical supplies and prosthetics used in the course of treatment –, medical treatment, medication and bandages required for the treatment, and meals;
- d) upon medical treatment received in a polyclinic or hospital care, until their illness is cured or their condition is stabilised
 - da) the necessary examinations and medical treatments;
 - db) medicaments not covered by medication referred to in paragraph h) that cannot be substituted by any other means and medical appliances for the administration of medication;
 - e) medical appliances on doctor's orders other than those covered by Sub-paragraph db) of paragraph d), as well as the repair of said appliances;
 - f) emergency dental care and odontotherapy, provided that the treatment used by the person seeking recognition falls within the lowest compensation category;

g) prenatal care and obstetrics, abortion in accordance with the conditions defined in the Act on the protection of the life of embryos;

h) medication and bandages that may be ordered for “those entitled to public health care” free of charge as provided in a separate legal instrument, or with 90% or 100% social security coverage pursuant to a “health care provision”;

i) transportation by ambulance in the case of health care provisions in accordance with paragraphs b), c), d) da) and g) if they cannot be transported by any other means due to their health condition;

j) mandatory vaccination tied to their age.

(2) For the purposes of the present decree, emergency is a change of the state of health which without immediate medical treatment would result in life-danger or serious or irreversible harm of health.

27 §

(1) Persons seeking recognition shall receive care provided by a general practitioner at the reception centre.

(2) Persons seeking recognition staying outside reception centres shall be entitled to care provided by the general practitioner with a territorial service provision obligation covering the place of accommodation of the person seeking recognition.

(3) Health care services listed in Section 26 (1) d) are free of charge if the person seeking recognition was referred by a general practitioner or ordered back by a specialist at the polyclinic or hospital.

(4) Specialised health care may be used from the health care service provider with a territorial service provision obligation.

(5) The refugee authority shall reimburse the full cost of medication, bandages and medical appliances or the repair of the latter if such supplies were issued on the basis of a prescription ordered by a doctor entitled to use a stamp for ordering medicaments as defined in a separate legal instrument, the prescription designating the identification number of the humanitarian permission to stay of the person seeking recognition.

28 §

(1) The costs and fees of health care services listed in Section 26 shall be reimbursed by the refugee authority to the health care provider, unless Hungary has undertaken the obligation through an international convention to pay therefore.

(2) The cost of health examinations performed during the asylum procedure and the cost of mandatory vaccinations ordered by a public health administration body shall be reimbursed to health service providers by the refugee authority.

(3) If such services are used by the beneficiary from a health service provider other than the one operating at the reception centre, the cost of health care services defined in Section 26 (2) shall be reimbursed to the health service provider by the refugee authority in the accounting order listed under Sub-Section (4). The amount due shall be the fee due to the service provider concerned on the basis of the rules regulating the financing of health care by social security, in accordance with provisions governing the financing of services performed, provided that a general practitioner providing basic health care outside the reception centre may charge the fee of ad hoc care.

(4) Health service providers shall submit to the competent territorial body of the National Health Insurance (OEP) covering the area where the registered office (fixed establishment) of the health service provider is situated a report of services rendered, using a print form prescribed for reporting and accounting health care provisions; upon certifying reimbursement, the territorial body shall forward the report to OEP. On the basis of the reports, the settlement of accounts - broken down by health care services rendered - shall be sent to the refugee authority by OEP each month.

(5) In the case of preparations available only on prescription, the cost of health care provisions pursuant to Section 26 (1) db) of d) and h) may be reclaimed by the health care service provider by presenting the prescription designating the identification number of the humanitarian permission to stay of the person seeking recognition and a summary invoice made out to the refugee authority as purchaser, containing the designation, price and quantity of the medical preparation. The health care service provider shall forward the prescription and the invoice to the competent territorial body of the National Health Insurance (OEP) covering the area where the registered office (fixed establishment) of the health service provider is situated.

(6) The refugee authority shall transfer the costs of health care service to OEP within 40 days upon reception of the settlement of accounts and/or invoice.

The reimbursement of costs related to conforming with the obligation of persons seeking recognition to attend school education

29 §

(1) Upon request, in order to facilitate fulfilment of compulsory schooling of the person seeking recognition, during the stay at the reception centre the refugee authority shall reimburse the person for

costs of studies at kindergarten, primary school, vocational school, secondary school, institution for the education of persons with special needs or institutions for conductive pedagogy of education and care (hereinafter: "educational institution"), the costs of the local or intercity public transport tickets or season-ticket for travelling to the educational institution, the cost of meal incurred at the educational institution and the cost of accommodation at student hostel or dormitory.

(2) The refugee authority shall reimburse the costs proven by the institution, based on the invoice.

School-start benefit

30 §

(1) The legal representative of the person seeking recognition that is studying at educational institution, in order to facilitate the fulfilment of mandatory schooling of the person seeking recognition may submit an application for school start benefit to the refugee authority.

(2) The school start benefit may be requested once per academic year for school books, subject-specific exercise books, school supplies, school equipment or clothing. The amount of the school aid shall be equal to the prevailing minimum amount of the old-age pension.

(3) The application must include the invoice indicating the costs of school supplies, school equipment, school books, subject-specific exercise books and clothing based on which the refugee authority shall subsequently reimburse the school start benefit.

Allowance for final departure from the host country

31 §

At the request of the person seeking recognition, for his/her repatriation or final departure into a third country, on the basis of a certificate issued by the foreign representation of the country concerned, the refugee authority shall ensure a ticket (flight ticket) valid up to the destination designated on the certificate or subsequently reimburse the price of the ticket (flight ticket) and may fully or partially cover properly certified expenses related to travel of one occasion.

Provision for persons with special needs in the course of reception

32 §

The provisions of this chapter concerning the reception and provisions and benefits to persons who have special needs as defined in Section 2 k) of the Act shall be applicable with variations set forth in Sections 33-34 below.

33 §

- (1) The refugee authority shall ensure separated accommodation at the reception centre for persons seeking recognition who have special needs in cases justified by their specific individual situation.
- (2) As far as possible, family unity shall be maintained even when providing separated accommodation to a person who has special needs.
- (3) When providing reception, the best interests of the minor persons seeking recognition shall be a primary consideration. During the accommodation at the reception centre food, clothing, mental hygiene and health care, attendance, education as well as housing separate from persons of full age shall be provided that is advancing the child's physical, mental, emotional and moral development, and is adequate for the child's age, health condition and other needs.
- (4) If the person seeking recognition is an unaccompanied minor, in accordance with the child protection legislation, s/he shall be placed in a child protection institution, provided that the refugee authority has determined the minor status of the affected child.
- (5) Unaccompanied minors may be placed with adult relatives if the latter undertake in writing to house, care and provide for the minor and from their personal relationship with the minor it becomes obvious that such an arrangement shall be in the interest of the unaccompanied minor person seeking recognition.
- (6) Accommodation designated for an unaccompanied minor may only be changed in exceptional cases and exclusively in order to cater the interests of the minor.
- (7) When placing unaccompanied minors, family unity shall be maintained by keeping siblings together, taking into account their age and degree of maturity.
- (8) The refugee authority shall contact the competent health institution, in the case of unaccompanied minors the competent child care institution, in order to ensure that minors who have been victims of rape, serious neglect, exploitation, torture or cruel, inhuman or degrading treatment or who have suffered trauma during armed conflicts receive the appropriate rehabilitation, mental healthcare and qualified counselling if needed.

34 §

- (1) The person seeking recognition who has special needs - if needed with respect to the person's individual situation and based on the medical specialist's opinion - besides those included in Sections 26-

27, shall be eligible free of charge health care services, rehabilitation, psychological and clinical psychological care or psychotherapeutic treatment required by the person's state of health.

(2) The provisions stipulated in Section 28 apply to the reimbursement of costs related to services defined in Sub-Section (1).

Withdrawal and Denial of Reception Conditions

30. §

(1) The conditions of reception provided for a person seeking recognition may be restricted/reduced, withdrawn or denied if the person seeking recognition

a)⁴;

b) leaves the reception centre or the obligatory residence designated for him/her for a period of more than twenty-four hours without the permission of the assigning authority;

c) repeatedly or grossly violates the rules of conduct which govern at the designated accommodation facility;

d) has departed from the private housing authorized for him/her for an unknown destination and a period of fifteen days has elapsed since his/her departure;

e) issues an untrue declaration with respect to his/her property and/or income in the interest of acquiring entitlement to the material conditions of reception or refuses to issue a declaration;

f) shows grossly violent behaviour;

g) repeatedly submits an application for recognition on unchanged factual grounds.

(2) When making a decision of restriction/reduction, withdrawal or denial, the refugee authority shall consider the individual situation of the person seeking recognition, with particular respect to persons in need of special treatment, and the restriction/reduction, withdrawal or denial shall be proportionate to the violation committed.

(3) The emergency health care services shall be provided even in the event of the restriction/reduction, withdrawal or denial of the conditions of reception referred to in Sub-Section (1). If the refugee authority has restricted/reduced, withdrawn or denied the entitlement for placement of a person in need of special treatment according to Sub-Section (1), the refugee authority shall dispose on another form of placement of the asylum seeker in the framework of the social structure.

⁴ Discontinued by Section 61 of Act CLXXXI of 2012 (as of 1 January 2013)

(4) The refugee authority shall decide on the restriction/reduction, withdrawal or denial of the conditions of reception in a resolution (*végzés*).

(5) The refugee authority may order the restriction/reduction, withdrawal or denial of the conditions of reception for a definite or indefinite period.

(6) When making its decision on the restriction/reduction, withdrawal or denial of the conditions of reception, the refugee authority shall in particular consider the following aspects:

a) the first, repeated or regular occurrence of the act serving as the basis of restriction/reduction, withdrawal or denial;

b) the weight of the act serving as the basis of restriction/reduction, withdrawal or denial with respect to any damage caused by the given act.

(7) If, based on Sub-Section (1) e), it is substantiated that the person seeking recognition had sufficient funds for the material conditions of reception, the refugee authority in its resolution of restriction/reduction or withdrawal may order the reimbursement of the costs of the conditions of reception which were used without entitlement thereto.

(8) If, under the provisions of Sub-Section (7), the refugee authority has obligated the person seeking recognition to reimburse the financial assistance and the costs of the material costs of reception, the conditions of reception shall not be provided until the proper fulfilment of this repayment obligation even if the person seeking recognition becomes eligible to the conditions of reception in the meantime. In particularly equitable cases, the refugee authority may make an exception to this provision.

(9) If the causes underlying the restriction/reduction, withdrawal or denial have been eliminated, after the consideration of the individual situation of the person seeking recognition the refugee authority may order the restricted/reduced, withdrawn or denied conditions of reception to be provided again.

Withdrawal and denial of reception conditions

35 §

(1) The refugee authority shall order the restriction/reduction or withdrawal of reception conditions for an indefinite or a definite period.

(2) The restriction/reduction of reception conditions shall be applied first of all in the case of minors seeking recognition. In the case of withdrawal or denial, the best interest of the child and the principle of proportionality shall be primary considerations.

(3) The provisions set out in Sub-Section (2) shall not affect the indemnification liability for damages attributable to contraventions committed by the minor.

(4) In the case of persons with special needs, restricting/reducing, withdrawing or denying arrangements may only in particularly justified cases affect those reception conditions to which the person seeking recognition is eligible with respect to his/her individual situation.

(5) If the restriction/reduction or withdrawal is for an indefinite period, and the reasons serving as a basis of the decision cease to exist, after the consideration of the specific situation of the person seeking recognition, the refugee authority may order *ex officio*, or based on the request of the person seeking recognition to resume the provision of the initial reception conditions that were restricted/reduced or withdrawn.

(6) The refugee authority, according to its responsibilities defined in Section 30 (3) of the Asylum Act, - before the communication of the withdrawing or denying decision - shall contact the institution upheld by the state or by a civil organisations providing institutional accommodation, in relation to the accommodation during the term of the withdrawing or denial decision referring to a person seeking recognition requiring special treatment, but at the most during the duration of the asylum procedure of the applicant. For the sake of providing other means of accommodation, the refugee authority shall examine the possibility of placing the person seeking recognition with family members lawfully entitled to reside in the territory of Hungary.

36 §

(1) The reimbursement obligation stipulated by Section 30 (7) of the Asylum Act shall be fulfilled by postal order or by petty cash payment.

(2) In cases where special circumstances apply, the refugee authority may allow payment in instalments.

(3) When restricting/reducing reception conditions, the refugee authority may – considering those specified in Section 30 (6) of the Asylum Act – order a reduction of the reception conditions by 25%, 50% or 75%.

(4) If the restricting/reducing provision affects a reception condition that is not quantifiable, the refugee authority may dispense with the rates under Sub-Section (3) and may decide on the extent of the restriction/reduction based on the provisions related to the given reception conditions.

31. §

(1) If the refugee authority has restricted/reduced, withdrawn or denied the material conditions of reception according to Section 30 (1), the resolution thereon may be subjected to judicial review.

(2) The request for review shall be submitted to the refugee authority within three days of the communication of the resolution. The refugee authority shall forward the request for review, together with the documents of the case and its counter-application, to the court without delay. The submission of the request for review shall not have a suspensive effect on the execution of the resolution.

(3) The court shall decide on the request for review in a non-litigious procedure within six days of receipt of the request for review on the basis of the available documents. In case of need, there shall be a hearing in the procedure.

(4) The court may alter the resolution of the refugee authority. No legal remedy shall lie against the decision of the court.

Provisions and Benefits of Refugees, Beneficiaries of Subsidiary and Temporary Protection

32. §

(1) The refugee and the beneficiary of subsidiary protection in need shall be further entitled to the conditions of reception for the purpose of creating his/her basic living conditions – for the duration determined in the separate relevant legal regulations – as well as the provisions and benefits to facilitate his/her social integration as described in the separate relevant legal regulations.

(2) The beneficiary of temporary protection - in case of need – is entitled to the material conditions of reception and to provisions and benefits determined in the separate relevant legal regulations.

(3) The refugee authority and the notary shall decide on the cases under the scope of Sub-Sections (1)–(2) by way of resolution (*határozat*). The resolution may be subjected to court review. The court may alter resolutions of the refugee authority and the notary.

32/A. §

(1) The material conditions of reception provided to the refugee, beneficiary of subsidiary and temporary protection, as well as the provisions and benefits determined in the separate relevant legal regulations may be restricted/reduced, withdrawn or denied if the refugee, the beneficiary of subsidiary or temporary protection

a) repeatedly or grossly violates the rules of conduct which govern at the reception centre;

b) repeatedly or grossly violates his/her obligation of cooperation;

c) issues an untrue declaration with respect to his/her property and/or income in the interest of acquiring entitlement to the material conditions of reception or provisions determined in the separate relevant legal regulations, or refuses to make a declaration;

d) shows grossly violent behaviour.

(2) The refugee authority and the notary shall decide on the restriction/reduction, withdrawal or denial of the material conditions of reception or provisions determined in the separate relevant legal regulations by way of resolution (*határozat*).

(3) The provisions of Section 30 (2)-(3) and (5)-(9) shall be properly applied to the legal remedies against the decisions made under Sub-Section (1).

32/B. §

(1) Resolutions based on Section 32/A (1) may be subjected to court review.

(2) The court may alter the resolution of the refugee authority and the notary. No legal remedy shall lie against the decision of the court.

(3) The request for review shall be submitted to the refugee authority within three days of the communication of the resolution. The refugee authority shall forward the request for review, together with the documents of the case and its counter-application, to the court without delay. The submission of the request for review shall not have a suspensive effect on the execution of the resolution.

(4) The court shall decide on the request for review in a non-litigious procedure - within six days of receipt of the request for review - on the basis of the available documents. In case of need, there shall be a hearing in the procedure.

Chapter V

PROVISIONS AND BENEFITS TO REFUGEES AND BENEFICIARIES OF SUBSIDIARY OR TEMPORARY PROTECTION

System of provisions and benefits provided to refugees, beneficiaries of subsidiary and temporary protection

37. §

(1) Refugees, beneficiaries of subsidiary protection and with the exception mentioned in Sub-Section (5) beneficiaries of temporary protection shall be entitled to the following provisions and benefits:

- a) ongoing provision of material reception conditions,
- b) health care,
- c) reimbursement of the costs related to education-training, and the of costs related to the obligatory school participation of the refugee, beneficiary of subsidiary and temporary protection,
- d) cash benefits,
- e) benefits facilitating social integration.

(2) Types of material reception conditions:

- a) accommodation and provision at the reception centre,
- b) monthly spending money to be used free,
- c) grants from donations,
- d) travel allowances.

(3) Pecuniary benefits:

- a) school-start benefit,
- b) one-off allowance facilitating settlement in the country,
- c) reimbursement of costs incurred when getting documents translated,
- d) allowance facilitating final departure from the country.

(4) Benefits facilitating social integration:

- a) free Hungarian language course,
- b) regular subsistence allowance,
- c) accommodation allowance,
- d) housing support to refugees and beneficiaries of subsidiary protection.

(5) Beneficiaries of temporary protection are entitled neither for one-off allowance facilitating settlement in the country nor accommodation allowance or housing support to refugees and beneficiaries of subsidiary protection.

General conditions of benefiting from provisions and benefits provided to refugees, beneficiaries of subsidiary and temporary protection

38. §

(1) Simultaneously with the communication of the decision recognizing the applicant, the refugee authority shall inform the foreigner recognised as a refugee or as a beneficiary of subsidiary and temporary

protection of the provisions and benefits s/he is entitled to on the basis of the Act and the present Decree as well as the obligations s/he has to fulfil while making use of these provisions and benefits; this shall be done in his/her mother tongue or in a language understood by him/her.

(2) After the communication of the decision recognizing the applicant, the refugee or beneficiary of subsidiary and temporary protection shall make a declaration about his/her property and income position by filling in the form specified in Annex 3 to this Decree.

(3) When submitting an application for provision and/or benefits, the refugee or beneficiary of subsidiary protection shall verify his/her entitlement to provisions and/or benefits with a personal identification document or prior to receiving such a document with a final resolution on his/her recognition; the beneficiary of temporary protection shall verify his/her entitlement with a residence document.

(4) Refugees, beneficiaries of subsidiary protection and temporary protection shall be eligible for the provisions and assistance under Section 37, unless stipulated otherwise in this Decree, if they are needy and if

a) at the time of the date of the decision on recognition becomes final, the duration of stay in the territory of Hungary did not exceed three years;

b) the time elapsed between the date of the decision on recognition becoming final and the submission of the application for support and assistance is not more than three years.

39. §

(1) Refugees, beneficiaries of subsidiary and temporary protection, shall be deemed as needy in terms of the support and assistance - with the exception of free Hungarian language training under Section 37 (4) a) and of housing support under Section 37 (4) d)⁵ - if the refugee, beneficiary of subsidiary or temporary protection or his/her spouse and immediate relative living in the same household has no property in Hungary to provide for the person's subsistence and if the persons' per capita monthly income, including the total income of the spouse and immediate relative living in the same household, does not exceed

a) 150% of the prevailing minimum amount of the old-age pension, in the case of single persons;

b) the prevailing minimum amount of the old-age pension in the case of persons living as a family.

(2) If the refugee, beneficiary of subsidiary or temporary protection has assets to provide for his/her subsistence, or if his/her income reaches the amount specified in Sub-Section (1), or if during the disbursement of the assistance under Section 37 the person's domicile or residence has changed, s/he shall notify the refugee authority or district government office within fifteen days of the change in the assets or income or of the change of the address.

⁵ Amended by Section 32 of Government Decree 409/2012 (XII.28.) as of 1 January 2013

(3) The refugee authority and the district government office may examine *ex officio* the eligibility of the refugee, beneficiary of subsidiary or temporary protection for services and assistance. During the provision or disbursement of the provisions and assistance specified in this Chapter, the refugee authority and the district government office may oblige the refugee, beneficiary of subsidiary or temporary protection to give a declaration in accordance with Section 38 (2) and certify their assets and income within fifteen days.

(4) If the refugee, beneficiary of subsidiary or temporary protection fails to fulfil the obligations set forth in Sub-Sections (3)–(4), or to provide proper excuse, the refugee authority and the district government office may suspend the disbursement of the benefit granted to him/her until the proper fulfilment of the obligations. If the duration of such suspension exceeds thirty days, the assistance due in relation to the time period of suspension shall not be paid, and the disbursement of the assistance shall be terminated.

(5) The refugee, beneficiary of subsidiary or temporary protection receiving assistance shall notify the refugee authority or the district government office of any residence abroad exceeding thirty days or any other incapacitation to receive the assistance - before travelling abroad or immediately after the occurrence of the impediment. On the basis of the notification, the disbursement of the assistance shall be suspended during the time period of absence or until the disappearance of the impediment. If the refugee, beneficiary of subsidiary or temporary protection fails to comply with its notification obligation, and thus does not take over the assistance within thirty days following the date of disbursement, or until the date of the following due disbursement in the event of any regular assistance, the refugee authority shall terminate the disbursement of the assistance.

40. §

The refugee, the beneficiary of subsidiary and temporary protection shall actually benefit from ongoing provision and benefits of material reception conditions if the accommodation and provisions are provided by the refugee authority in a reception centre.

Accommodation and provisions at a reception centre

41. §

(1) Refugees and beneficiaries of subsidiary protection are entitled to free accommodation and provisions at a reception centre for a period of six months counted from the date of the final document recognising their status, given that no other lodgings are provided for them. For the sake of their social integration,

during their stay at the reception centre, refugees and beneficiaries of subsidiary protection shall cooperate with the staff of the reception centre.

(1a) Based on the obligation to cooperate, the refugee or beneficiary of subsidiary protection shall participate at the programmes organised at the reception centre which aim to facilitate his/her social integration and attend at least 70% of the programme hours per month, and cooperate in ensuring the conditions required for his/her moving out from the reception centre. The refugee or the beneficiary of subsidiary protection may apply for exemption from this obligation if s/he is not able to fulfil its obligation due to work, vocational training, or other programmes facilitating his/her social integration, and s/he is able to justify this dependably.

(2) The refugee authority may extend the period specified in Sub-Section (1), once exceptionally, for another six months, if the refugee or beneficiary of subsidiary protection fulfilled his/her obligation to cooperate according to Section (1a) during his/her stay at the reception centre. The refugee authority may act in accordance with this provision if the refugee or beneficiary of subsidiary protection did not fulfil his/her obligation to cooperate for the reasons stipulated in Sub-Section (3).

(3) The refugee authority may grant accommodation and provisions to a refugee or a beneficiary of subsidiary protection at the reception centre beyond the time limits specified in Subsection (2) if the refugee or beneficiary of subsidiary protection is at least 60 year old and/or is not suitable for integration in the society, to carry on an autonomous life due to his/her long-term and irreversible health deterioration, psychic/body deficit, or illness resulting from a serious trauma, given that such health deterioration or deficit does not necessitate specialized institutional care of the refugee or beneficiary of subsidiary protection.

(4) Beneficiaries of temporary protection are entitled to free of charge accommodation and provisions in a reception centre throughout the full duration of his/her temporary protection.

(5) If the refugee, beneficiary of subsidiary or temporary protection discontinues his/her habitual residence at the reception centre without any written notification, or the total time period of his/her reported absence exceeds thirty days, s/he shall no longer be eligible for boarding and assistance at the reception centre.

(6) In other issues relating to the accommodation and provisions of refugees, beneficiaries of subsidiary and temporary protection at the reception centre, Section 21 shall apply.

Monthly allowance of free use

Refugees, beneficiaries of subsidiary and temporary protection are entitled to a monthly allowance of free use as specified in Section 22.

Grants from donations

43. §

Refugees, beneficiaries of subsidiary and temporary protection may benefit from donations as specified in Section 23.

Health care

44. §

(1) If the refugee or beneficiary of subsidiary protection is not covered by any social security system, s/he is entitled to healthcare services, in accordance with Sections 26-28, for one year from the date the decision on his/her recognition becomes legally binding.

(2) If the beneficiary of temporary protection has no legal relationship entailing social security, s/he is entitled to health care as specified in Sections 26-28.

Reimbursement of education and training costs

45. §

(1) Upon request, the refugee authority shall reimburse the costs of meals received during kindergarten attendance by any minor refugee, beneficiary of subsidiary or temporary protection accommodated at the reception centre.

(2) Upon request, - in order to facilitate the fulfilment of compulsory schooling of the refugee, beneficiary of subsidiary or temporary protection, during his/her stay at the reception centre - the refugee authority shall reimburse the costs of accommodation at a student hostel or dormitory incurred in relation to the education of the refugee, beneficiary of subsidiary or temporary protection at primary school, vocational school, secondary school, institutions for the education of persons with special need or institutions for conductive pedagogy of education and care.

(3) Upon request, the refugee authority shall reimburse the costs of meals at the educational institutions defined in Sub-Section (2) and the costs of local and intercity tickets or passes for travelling to the educational institution.

(4) Based on a request submitted by the refugee or beneficiary of subsidiary protection, the refugee authority may take over (maximum for the duration of the training set forth by law to obtain a certificate) the costs related to the basic education/training and master courses, tertiary education acknowledged by the state as a state-subsided student in an institution of state as well as costs related to dormitory placement for the duration of language training facilitating participation in tertiary education. The support may be extended for two additional semesters.

(5) Furthermore, the refugee authority may take over the cost of compulsory textbooks and workbooks if this is requested by the refugee or beneficiary of subsidiary protection, in an amount of maximum one hundred thousand HUF per school year. The following documents shall be attached to the request: a certificate documenting admission to the institution of tertiary education as well as the amount of dormitory accommodation costs, and an authentic document issued by the institution (relevant department) verifying the compulsory status of the textbooks/workbooks.

(6) The prerequisites of rendering the subsidies established according to Sub-Sections (4)-(5) is that the refugee and beneficiary of subsidiary protection verifies his/her enrolment to the institution of tertiary education or into the language course facilitating participation in tertiary education and/or complied with the reporting requirements stipulated by Section 40 (3) of Act CXXXIX of 2005 on tertiary education and s/he actually participates/studies in the given semester.

School-start benefit

46. §

(1) For the purpose of performing studies at educational institutions, respectively, for accommodation at a student hostel or dormitory, the refugee, beneficiary of subsidiary or temporary protection is entitled to school start benefit once per academic year. Application for school-start benefit shall be submitted to the notary.

(2) The invoice indicating the costs of school supplies, school equipment, school books, subject-specific exercise books and clothes shall be attached to the application.

(3) The assistance shall only be disbursed if the refugee, beneficiary of subsidiary or temporary protection does not receive similar assistance from the local authorities competent according to his/her place of residence. This circumstance shall be examined by the district government office *ex officio*.

(4) The school start benefit shall be used for school books, subject-specific exercise books, school supplies, school equipments or clothes, the amount of it shall be equal to the prevailing minimum amount of the old-age pension. The district government office shall subsequently reimburse the assistance based on the invoice and shall reclaim the amount from the refugee authority.

One-off allowance facilitating settlement in the country

47. §

(1) Based on a request submitted by the refugee or beneficiary of subsidiary protection, the refugee authority may provide a one-off allowance facilitating accommodation, except the recourse to other institutional services different from those included in the present Decree.

(2) The allowance, in the case of a dwelling or lodging not exceeding the minimal requirements in terms of size and comfort accepted in the locality, shall be disbursed only on the basis of a valid rental contract, sub-lease contract (hereinafter collectively referred to as “apartment rental contract”) and it shall be used solely to pay the rent, lease or deposit specified in the apartment rental contract.

(3) The application shall be submitted to the refugee authority

a) before moving out from the reception centre or within six months after moving out if the applicant was residing at the reception centre;

b) within six months from the date when the resolution granting recognition becomes final and effective, if the person was residing in private accommodation.

(4) The apartment rental contract referred to in Sub-Section (2) shall be enclosed to the application.

(5) One person per household shall be eligible for the allowance.

(6) The minimum amount of the allowance shall be equal to twice the prevailing minimum amount of the old-age pension. The maximum amount of the allowance shall be equal to six times the prevailing minimum amount of the old-age pension.

(7) When deciding upon the amount of the allowance, the refugee authority shall consider the following aspects in particular:

a) number of people living in the same apartment,

b) per capita monthly income, taking into account the total income of the refugee or beneficiary of subsidiary protection, his/her spouse and relative in direct line living in the same household, and

c) the size, conditions and equipments of the flat.

(8) In the cases falling within the scope of Sub-Section (3) *a)* the allowance shall be disbursed by the refugee authority, in cases falling within the scope of Sub-Section (3) *b)* by the district government office.

The district government office shall reclaim the amount of the disbursed benefit from the refugee authority in accordance with Section 13.

(9) If the refugee authority admits the request for allowance, the refugee or beneficiary of subsidiary protection is obliged to leave the territory of the reception centre definitively within fifteen day following the date of the disbursement of the assistance.

Travel benefits

48. §

(1) The refugee authority upon request by refugees, beneficiaries of subsidiary and temporary protection residing in reception centre shall issue a certificate to facilitate the making use of benefits stipulated by law on benefits relevant to public transportation of passengers to facilitate their:

- a)* attending official duties,
- b)* using of health care provisions defined in Sections 26-27 from a health care service provider with a territorial service provision obligation, or
- c)* participation in Hungarian language courses organised by the refugee authority;
- d)* participation in a program facilitating integration operated by a non-governmental organisation or using the assistance of such an organisation,
- e)* travelling to find job or to work.

(2) Applications requesting the issuance of a certificate for making use of travel benefit shall be submitted to the refugee authority, enclosing all documents supporting the application.

(3) In terms of amount and form of making use of benefits, legal provisions stipulating the benefits relevant in public transportation of passenger shall apply.

Reimbursement of costs incurred when getting documents translated

49. §

(1) Based on the request of the refugee, beneficiary of subsidiary and temporary protection, the refugee authority shall take over costs incurred when getting translated into Hungarian documents that date from a period prior to the given person's recognition as a refugee, beneficiary of subsidiary and temporary protection; especially those verifying birth and marriage and school/vocational qualifications. This shall be done in order to promote the social integration of the refugee, beneficiary of subsidiary and temporary protection.

- (2) Translation costs shall be reimbursed by the refugee authority to the service provider.
- (3) Applications requesting the reimbursement of translation costs shall be submitted to the refugee authority. Documents supporting the request shall be attached, in particular
- a) the original document to be translated, and
 - b) the document issued by the institution of education and specifying the qualification needed to the continuation or the start of the studies, or a document issued by the employee and specifying the vocational qualification needed to the employment.
- (4) If the refugee, beneficiary of subsidiary or temporary protection does not hold the document described in Sub-Section (3) b), the declaration stating the purpose of the translation of the document shall supplement the document.

Allowance facilitating final departure from the country

50. §

Refugees, beneficiaries of subsidiary and temporary protection are entitled to allowance facilitating final departure from the country in line with the conditions specified in Section 31.

Free Hungarian language course

51. §

- (1) Within twenty-four months of their recognition, refugees, beneficiaries of subsidiary and temporary protection are entitled to a free basic or medium-level Hungarian language course of 520 hours organised by an institution designated by the refugee authority, given that they carry on their studies continuously, compliant to the criteria specified by the institution and fulfil the exam requirements.
- (2) Services provided free of charge:
- a) Hungarian language exam: basic or medium-level (“A”, “B” or “C” type), recognized by the state, organised for the refugee, beneficiary of subsidiary and temporary protection at an institution designated by the refugee authority;
 - b) catch-up training in the Hungarian language, organised at an institution designated by the refugee authority for refugees, beneficiaries of subsidiary and temporary protection of school age, studying at educational institutions.
- (3) Costs of the training and/or exam specified in Sub-Sections (1)-(2) shall be reimbursed by the refugee authority to the institution.

Regular subsistence allowance

52. §

(1) Based on a request submitted, refugees and beneficiaries of subsidiary protection may benefit from regular subsistence allowance for four years counted from the date of the valid document recognising their status as of the final departure from the reception centre.

(2) Refugees and beneficiaries of subsidiary protection of full age shall be entitled to regular subsistence allowance - for two years from the date when the resolution on recognition becomes legally binding – if, they attend a Hungarian language training as stipulated in Section 51 (1). The refugee and the beneficiary of subsidiary protection shall be entitled to the assistance if s/he attends at least 70% of the free Hungarian language courses per month.

(3) Refugees and beneficiaries of subsidiary protection at least 6 years old are entitled to regular subsistence allowance only if they comply with the obligation to attend a school.

(4) Attendance at the Hungarian language training shall not be deemed to be a precondition for granting regular subsistence allowance if the refugee or beneficiary of subsidiary protection

a) has not reached the age of 6, or has passed the age of 60,

b) his/her attendance at the Hungarian language training cannot be expected because the person is taking care of his/her child younger than 6 month or a specialized physician certifies that she is pregnant,

c) a specialized physician certifies that s/he cannot be expected to attend the Hungarian language training due to permanent and irreversible deterioration of his/her health, mental or physical disability, or a condition or disease suffered as a result of a serious trauma, or

d) has a state-recognized basic, intermediate or advanced level language certificate in the Hungarian language.

(5) Regular subsistence allowance can be disbursed to adult refugees or beneficiaries of subsidiary protection for a maximum period of two years if s/he verifies that

a) in order to facilitate his/her employment, he/she continuously cooperated with the relevant Labour Centre for at least one year in the disbursement period of the allowance and, in the framework of this cooperation,

aa) s/he contacted the Labour Centre, s/he was registered by the Centre and s/he maintained regular contacts with the Centre;

ab) s/he himself/herself participated in the search for an appropriate job,

ac) s/he has got employed in the job found by himself/herself or offered to him/her,

ad) s/he has accepted the training opportunity offered by the Labour Centre,

- b)* s/he has participated in a vocational training or re-training,
- c)* has performed work for public objective, public work or work of public benefit for at least three months.
- d)* s/he was lawfully employed for at least one year or for an indefinite period without the involvement of the Labour Centre.

(6) The regular subsistence allowance may be disbursed to refugees and beneficiaries of subsidiary protection of full age for up to four years – upon request – from the date when the resolution on recognition becomes legally binding, provided that

- a)* s/he has reached the age of 60,
- b)* a specialized physician certifies that s/he is unable to cooperate with the Labour Centre due to his/her permanent and irreversible deterioration of health, mental or physical disability, a condition or disease suffered as a result of any serious trauma, pregnancy;
- c)* notifies her eligibility for the maternity allowance, child care fee or child care allowance, or
- d)* s/he has reached full age during the disbursement of the allowance granted according to Sub-Section (3), provided that s/he has completed the mandatory school-education by the time becoming adult.

(7) Based on a request submitted by the refugee and beneficiary of subsidiary protection, regular subsistence allowance shall be granted by the refugee authority; it shall be disbursed by the district government office monthly - prior to the 15th day of the month - and then reclaimed from the refugee authority.

(8) The minimum amount of the regular subsistence allowance shall be equal to 25% of the prevailing minimum amount of the old-age pension. The maximum amount of the regular subsistence allowance shall be equal to the prevailing minimum amount of the old-age pension.

(9) When making its decision on the amount of the allowance, the refugee authority shall consider, in particular, the following aspects:

- a)* per capita monthly income taking into account the total income of the applicant refugee or beneficiary of subsidiary protection, his/her spouse and relative in direct line living in the same household, and
- b)* the personal circumstances of the applicant, in particular his/her age, health condition and marital status.

53. §

(1) Beneficiaries of temporary protection entitled to the provisions and benefits specified in Section 41 but not making use of them are entitled to regular subsistence allowance.

(2) The monthly amount of the regular subsistence allowance equals the then valid lowest amount of the pension paid to persons reaching the age of retirement. With respect to the granting, disbursement and reclaiming of the allowance, the provisions of Section 52 shall apply.

Accommodation allowance

54. §

(1) With the refugee authority's approval granted in advance, the district government office with competence according to the place of residence may provide accommodation allowance to refugees and beneficiaries of subsidiary protection accommodated in a flat/at lodgings not exceeding the minimum accommodation size and quality recognised in the given village/town/city.

(2) When requesting the allowance, it must be verified that the refugee or beneficiary of subsidiary protection has appropriate means to pay the portion of the rent of the flat/room or accommodation fee exceeding the received allowance. Accommodation allowance can be paid only to one of the refugees or beneficiaries of subsidiary protection living in the same flat.

(3) The allowance can be disbursed only on the basis of a valid rental, sub-rental contract or declaration of admission, against a receipt on the rental fee or fee of accommodation and after an on-site environment survey conducted in advance. The resolution on granting the allowance shall be forwarded by the district government office to the refugee authority.

(4) The allowance can be provided for a period of six months and, upon request, it can be prolonged maximum three times within a period of four years for six more months each.

(5) Changes in the recipient's address while the allowance is disbursed shall be reported to the refugee authority parallel to submitting a new request. When repeatedly granting the allowance as a result of changes in the recipient's address, the duration for which accommodation allowances has previously been paid shall be taken into account and deducted. The refugee authority shall inform the notaries with competence according to the former and new place of residence about the submission of the report on address change.

(6) The amount of the allowance shall equal

a) the then valid lowest amount of the pension paid to persons reaching the age of retirement, if it is requested by one person or a person sustaining no minors;

b) maximum the twofold of the then valid lowest amount of the pension paid to persons reaching the age of retirement, if there is at least one minor brought up in the household of the requesting person;

c) maximum the threefold of the then valid lowest amount of the pension paid to persons reaching the age of retirement, if there are at least three minors brought up in the household of the requesting person.

(7) The allowance shall be calculated in a way that its amount shall not exceed 100% of the rental/sub-rental fee or accommodation costs.

(8) Each month, the district government office shall disburse the amount of the allowance and reclaim it from the refugee authority.

Housing support of refugees and beneficiaries of subsidiary protection

55. §⁶

(1) If requested by the adult refugee or beneficiary of subsidiary protection who have already left the reception centre for good, housing support can be granted once within ten years counted from the date of recognition, given that

a) if the refugee, beneficiary of subsidiary protection or his/her spouse and immediate relative living in the same household has no property (real estate) in Hungary;

b) the size of the real estate specified in the request does not exceed the size of the accommodation justified and available for Hungarian citizens as specified in the statutory provision on housing support facilities;

c) the price of the real estate does not exceed, in case of a new flat the one specified in the statutory provision on housing support facilities, in case of a non-new flat HUF 15 million, and

d) if the income of the refugee, beneficiary of subsidiary protection makes it possible to reimburse the support.

(2)⁷

(3) Housing allowance can be used:

a) to purchase a first flat, family house, building lot;

b) to build a first flat, family house;

c) to renovate or enlarge for the first time a flat or family house owned by the given person.

(4) Housing support is provided in form of an interest-free loan.

(5) The amount of the allowance totals HUF 1 million 500 thousand in the case of a family with five or more members including the refugee or beneficiary of subsidiary protection and his/her close relatives as specified in Section 4 (1) d) of Act on Social Administration and Social Benefits dwelling in the same household in the course of their habitual life (hereinafter referred to as close relative), HUF 1 million 300

⁶ Amended by Section 33 of Government Decree 409/2012 (XII.28.) as of 1 January 2013

thousand in the case of a four-member family, HUF 1 million in the case of a three-member family, HUF 800 thousand in the case of a two-member family and HUF 600 thousand in the case of a single person, but may not exceed 70% of the costs of purchase price, construction work, renovation and enlargement.

(6) The interest-free loan can be granted for a period of 1-15 year(s).

56. §

(1) Repayment shall start on the first day of the month after the disbursement. If requested, a grace period of maximum one year can be granted for the repayment. In especially equitable cases (first of all if the health of the refugee or beneficiary of subsidiary protection deteriorates gravely or s/he becomes unemployed through no fault of his/her own), repayment may be suspended for a maximum period of five years if requested by the refugee or beneficiary of subsidiary protection.

(2) When specifying the conditions for repayment of the allowance provided, the income, properties, entitlement for regular cash allowance, wage-earning activity and family circumstances of the refugee or beneficiary of subsidiary protection as well as those of his/her close relatives shall be taken into consideration; at the same time, allowances and benefits financed centrally by the state or from municipal resources shall also be considered.

(3) The fee charged by the organisation for disbursement of the allowance shall be paid by the refugee or beneficiary of subsidiary protection.

(4) If the interest-free loan is received by several persons jointly, they shall be liable for its repayment (in instalments and as a whole) jointly and severally.

57. §

(1) To secure the interest-free loan, a mortgage shall be registered for the refugee authority being the mortgagee and to secure this a restraint on alienation and encumbrance shall be registered on the real estate for which the provision was requested.

(2) In the period covered by the restraint on alienation and encumbrance, the real estate can be alienated or encumbered only with a written consent of the refugee authority. This consent can be given if the refugee or beneficiary of subsidiary protection

- a)* parallel to the alienation of the real estate undertakes to pay the still outstanding loan in one amount, or
- b)* exchanges the real estate that was acquired with the allowance for another real estate s/he obtains or acquires another real estate in a way that the mortgage and the restraint on alienation and encumbrance can be taken over to the new real estate.

⁷ Provision discontinued

(3) Within fifteen days counted from the notification, the district government office – while informing the refugee authority - shall summon the recipient of the allowance to pay back the allowance in one amount within eight days if s/he failed to accomplish the construction/building on the real estate purchased with the allowance to build a flat on it.

(4) The allowance shall also be paid back in one amount if the refugee or beneficiary of subsidiary protection recipient of the allowance leaves Hungary terminally.

58. §

(1) A request for housing support can be submitted to the notary with competence according to the location of the real estate. The request shall include the following information:

a) the surname and first name of the refugee or beneficiary of subsidiary protection, his/her place and date of birth, mother's name, number of ID card, place of residence (stay), surname and first name as well as place and date of birth of his/her close relatives;

b) relevant data of the real estate to be acquired, built, enlarged, renovated (its location, market value, size etc.).

(2) The following documents shall be attached to the request:

a) sale/purchase agreement (preliminary contract, purchase assignment), a copy of the Land Registry Ownership Form not older than thirty days and, in case of construction works, a valid/final building permission;

b) a declaration made, in full awareness of his/her legal liability, by the refugee, beneficiary of subsidiary protection and his/her close relative regarding his/her proprietary status;

c) a document verifying the earnings or income of the refugee, beneficiary of subsidiary protection or his/her close relative;

d) an official certified bank account certificate indicating the movements of the last three months before the submission of the application, invoices of public utilities for the same period and the documents of their settlements;⁸

e) value assessment of the real estate or an authentic cost budget summary;

f) documents necessary to judge specifically equitable circumstances.

(3) Based on the request, the district government office shall make a proposal regarding the housing support. The proposal shall include the following:

a) opinion regarding the amount of the allowance, length of the re-payment period and possible delay of its start;

⁸ Amended by Section 34 of Government Decree 409/2012 (XII. 28.) as of 1 January 2013

b) circumstances requiring especially equitable considerations.

(4) The refugee authority shall decide on granting a housing support. When deciding, the refugee authority shall examine the individual circumstances and income of the refugee, beneficiary of subsidiary protection. When doing so the refugee authority shall in particular check if the actual monthly income of the household would cover the actual monthly expenses increased by the monthly instalments so that 30% of the income remains uncommitted after the actual payments.

The refugee authority shall transfer the amount of interest-free loan granted to the notary.

(5) Based on the decision made by the refugee authority, the district government office shall

a) conclude an allowance contract with the refugee or beneficiary of subsidiary protection,

b) provide for the disbursement of the allowance, and

c) take the necessary steps to register a mortgage as well as a restraint on alienation and encumbrance on the real estate;

d) inform the refugee authority of the re-payment, and forward the re-payment with no delay to the refugee authority;

e) take the necessary step with the permission of the refugee authority to delete the mortgage as well as the restraint on alienation and encumbrance from the real estate should the loan paid back in its entirety and inform the refugee authority of the above;

f) collect the overdue liability in a juridical procedure, if the amount is not paid back in spite of a written reminder of the district government office and shall transfer the amount to the bank account of the refugee authority.

(6) If the refugee or beneficiary of subsidiary protection does not take over the amount of the allowance within six months counted from the receipt of the notification on granting the allowance, the amount shall be returned to the refugee authority by the district government office.

Provisions and benefits of refugees, beneficiaries of subsidiary and temporary protection requiring special treatment

59. §

(1) Sections 32-34 shall be applied in accordance with the derogations laid down by the present Decree with respect to the provisions and assistance for the refugee, beneficiary of subsidiary protection and the beneficiary of temporary protection having special needs, accommodated at the reception centre.

(2) Unaccompanied minor refugee or beneficiary of subsidiary protection shall be placed at a reception centre until the age of 18 and after its 18th birthday for not more than one year from the date when the

resolution on his/her status becomes legally binding, if s/he is not entitled to be placed in a child care institution or his/her placement in such an institution is not solved.

Revocation and denial of provisions and benefits of refugees, beneficiaries of subsidiary and temporary protection

60. §

(1) The refugee authority or the district government office shall dispose on the limitation or withdrawal of the material conditions of reception and the provisions and assistance stipulated in this Decree for an indefinite or a definite period of time.

(2) In the case of a minor refugee, beneficiary of subsidiary or temporary protection the limitation of the material conditions of reception, provisions and assistance stipulated in this Decree shall be applied primarily. In the case of withdrawal or refusal, the best interest of the child and the principle of proportionality shall be a primary consideration.

(3) The provisions set out in Sub-Section (2) shall not affect the indemnification liability for damages attributable to contraventions committed by the minor.

(4) In the case of persons with special needs the limitation, withdrawal or refusal shall affect only in particularly justified cases those material conditions of reception for which the refugee, beneficiary of subsidiary or temporary protection is eligible with respect to his/her individual circumstances.

(5) The refugee authority or the district government office may authorize again, by decision, ex officio or upon request of the refugee, beneficiary of subsidiary or temporary protection, the limited or withdrawn material conditions of reception or the provisions and assistance stipulated in this Decree, after considering the specific conditions of the refugee, beneficiary of subsidiary or temporary protection, if the limitation or withdrawal was disposed for an indefinite period and the reasons serving as a basis ceased to exist.

60/A. §

(1) The reimbursement obligation disposed by the refugee authority according to Section 32/A (1), c) of the Asylum Act shall be fulfilled by the refugee, beneficiary of subsidiary or temporary protection by postal order or by petycash payment. The reimbursement obligation disposed by the district government office according to Section 32/A (1) c) shall be fulfilled by the refugee, beneficiary of subsidiary or temporary protection by postal order.

(2) In particularly justified cases the refugee authority or the district government office may allow instalments when determining the reimbursement obligation.

(3) The refugee authority or the district government office in accordance with Section 36 (3) and (4) of this Decree may dispose the limitation of the material conditions of reception, or the provisions and assistance stipulated this Decree.

Facilitating the social integration of refugees and beneficiaries of subsidiary protection

61. §

(1) With consideration the provisions and benefits that can be granted on the basis of the Act and the present Decree, the refugee authority may offer integration programs for refugees and beneficiaries of subsidiary protection in order to facilitate their integration.

(2) The goal of the integration program is to acquire language skills, basic social, cultural, life-management and labour right knowledge necessary for integration into the Hungarian society as well as other information enhancing employment on the labour market.

(3) The refugee authority may designate a reception centre serving as an integration centre. The task of the integration centre is to make preparations for and implement the integration program as well as to cooperate with the participating state/municipal bodies and NGOs.

Chapter VII

GENERAL RULES OF ASYLUM PROCEDURES

Purpose of the Asylum Procedure

33. §

The asylum procedure is aimed to determine whether, based on the present Act, the foreigner seeking recognition satisfies the criteria of recognition as a refugee, a beneficiary of subsidiary or temporary protection.

Bearing of Costs

34. §

Upon the submission of an application for the first time, the person seeking recognition shall be fully exempt from the payment of costs in the refugee procedure, both the administrative and the judicial one.

Submission of Application for Recognition

35. §

- (1) An asylum procedure shall be instituted on the basis of an application for recognition submitted to the refugee authority.
- (2) The person seeking recognition shall proceed in the refugee procedure in person.
- (3) A person with limited legal capability, too, shall be entitled to the opportunity to proceed in a refugee procedure.
- (4) Upon the presentation of the application for recognition, the person seeking recognition shall appear before the refugee authority in person.
- (5) If an incapable person wishes to submit an application for recognition in person, the refugee authority shall involve the representative by law (*törvényes képviselő*) in the refugee procedure or, in the absence thereof, shall request the appointment of a guardian.
- (6) If the person seeking recognition is an unaccompanied minor, the refugee authority shall, without delay, provide for the appointment of a guardian serving to represent the minor, unless the person seeking recognition is likely to become adult before the refugee authority would take an in-merit decision regarding the case.
- (7) In the case of an unaccompanied minor, the conducting of the asylum procedure shall have priority.
- (8) In the event of a joint application of family members, the person with full capability seeking recognition shall submit the application for recognition in such a way that it shall also extend to his/her family members.
- (9) A joint application for recognition shall extend to a family member with full or limited capability if s/he consents to the joint application in writing in advance or at the personal interview, at the latest. A joint application for recognition shall extend to an incapable family member with the written consent of the representative by law or guardian.

35/A. §

In case of a detained person seeking recognition, the asylum procedure shall be conducted as a matter of priority.

Chapter VI

GENERAL RULES OF ASYLUM PROCEDURES

Submission of Application for Recognition

62. §

- (1) A person seeking recognition may submit an application for recognition at the refugee authority orally or in writing. Applications submitted in writing shall be signed by the applicant with his/her own hands.
- (2) If the person seeking recognition is not able to write and the Act or this Decree requires an action in writing, the fact that the applicant is unable to write shall be committed to minutes.
- (3) The day of the submission of application for recognition shall be the day when the application arrives at the refugee authority. The day of the submission of an application submitted orally shall be the day when such an application is committed to minutes.
- (4) The minutes prepared about a verbal application shall contain the following:
 - a) natural identification data of the person seeking recognition as stipulated in Section 82 a)-h) of the Act;
 - b) data of identity and travel documents (identification mark and number of document, term of validity, date of issuance, name of issuing authority, place of issuance) available for the person seeking recognition;
 - c) application for recognition.
- (5) The person seeking recognition shall enclose the documents defined in Section 41 (1) a) of the Asylum Act with the application for recognition, and shall hand over his/her records defined in Section 41 (1) b).
- (6) If several members of a family apply together, the minutes shall contain data specified in subsection (4) for all members of the family.
- (7) If the application submitted in writing does not contain the data specified in Sub-Section (4) a) – b) or contains them only partly, the refugee authority shall commit the missing data to minutes.
- (8) The refugee authority shall ensure the possibility of submitting an application for those in detention at the place of detention.
- (9) The refugee authority shall request the guardianship authority to designate a guardian.

63. §

(1) After lodging the application for recognition the refugee authority shall notify without delay the sub-region chief medical officer of the Hungarian health authority competent at the residence of the person seeking recognition (hereinafter: "chief medical officer") to order the medical examination adequate according to the given epidemic situation.

(2) If, based on the results of the examinations ordered according to Sub-Section (1), the chief medical officer establishes that the person seeking recognition suffers from a disease that constitutes a potential threat to the public health or suffers from any infectious disease, besides notifying the refugee authority, the chief medical officer shall make recommendations for the necessary restricting arrangements without delay.

(3) As long as the health status of the person seeking recognition described in Sub-Section (2) exists, s/he cannot be accommodated in a community or can only be accommodate to the extent that complies with the restrictions imposed by the local officer of the state health organisation based on considerations related to the conditions, deceases, or pathogenic situation of the person concerned. If the person seeking recognition cannot be accommodated in a community, s/he shall be accommodated and cared for in accordance with the conditions set by the local officer of the state health organisation and in a separated manner. The refugee authority shall be informed about the separation. The refugee authority shall reimburse the costs incurred in relation to measures necessary for epidemiological considerations.

(4) If the separation of the person seeking recognition is not necessary any longer in a department of a hospital or a designated health institute, the local officer of the state health organisation shall inform the refugee authority and shall direct the person seeking recognition to the place of accommodation designated for him/her.

(5) No need exists to order and conduct the medical examination described in Sub-Section (1) if a Hungarian health polity organ has conducted already the medical examination of the person seeking recognition justified by the epidemic situation, and the person seeking recognition did not leave the territory of Hungary since this examination.

64. §

(1) If the foreign national wishes to submit an application for recognition at an authority other than the refugee authority, the authority shall inform the foreigner about the authority s/he should apply to.

(2) If the foreign national expresses its intention to file an application for recognition during the alien policing procedure, his/her statement shall be recorded by the proceeding authority that shall inform without delay the refugee authority – forwarding at the same time the minute and the finger print recording sheet.

(3) If the foreign national expresses its intention to file an application for recognition during the minor offence or criminal procedure, his/her statement shall be recorded by the proceeding authority that shall inform without delay the refugee authority - forwarding at the same time the minute.

(4) After the notification, the refugee authority shall arrange without delay the transportation of the foreign national to the reception centre accommodating those under the preliminary assessment procedure, unless

a) rules on airport procedure apply in the case of the foreign national,

b) the foreign national is under the effect of coercive measures, measures or punishment restricting his/her personal freedom or is detained based on a disposition restricting his/her personal freedom previously ordered during the alien policing procedure, or

c) the foreign national is lawfully residing in the territory of Hungary and s/he does not request the placement at a reception centre.

65. §

(1) When an application for recognition is submitted, the refugee authority shall provide for making a photo of the foreigner's face and record his/her fingerprints except for cases, when this has already been done by the authority conducting alien policing, minor offence or criminal procedure prior to submitting the application for recognition.

(2) Fingerprints shall be forwarded by the refugee authority without delay for recording and controls to the data processing organisation designated in a separate decree. The data processing organisation shall inform the refugee authority about the results of the controls within three working days counted from the receipt of their request.

Procedural Rights and Obligations of Persons Seeking Recognition

36. §

(1) A person seeking recognition may use his/her mother tongue or the language which s/he understands orally, and in writing in the refugee procedure.

(2) A decision shall be communicated to the person seeking recognition orally in his/her mother tongue or in another language understood by him/her. Simultaneously with the oral communication of the decision, the decision shall also be communicated to the applicant in writing.

(3) A resolution shall be communicated to the person seeking recognition in writing.

(4) The refugee authority shall provide for the communication of the decision and resolution within five working days of the adoption thereof, unless the present Act provides otherwise.

(5) A decision/resolution communicated by way of a public announcement shall be regarded as communicated on the eighth day following the posting of the announcement. The public announcement shall not include the subject of the case, as far as personal details of the applicant is concerned, the family and the first name shall be included only. The announcement may be posted solely on the notice board of the refugee authority. After the communication of the announcement, the general rules of contacts may not be applied to the communication of the decision.

(6) The refugee authority may use the services of an interpreter, based on a contract concluded with the interpreter, also without a resolution of appointment.

(7) In the refugee procedure, the costs of translation inclusive of sign language translation shall be borne by the refugee authority.

(8) Upon the submission of the application for court review, the person seeking recognition shall appear before the refugee authority in person.

Procedural Rights and Obligations of Persons Seeking Recognition

66. §

(1) If the application for recognition is submitted orally and the person seeking recognition does not speak Hungarian, the refugee authority shall provide for an interpreter speaking his/her mother tongue or another language understood by that person. There may be no need for using an interpreter, if the official of the refugee authority speaks the mother tongue of the person seeking recognition or another language understood by him/her, and the person seeking recognition consents in writing to the dispensation of the interpreter.

(2) If this does not hinder the completion of the procedure and it is requested by the person seeking recognition, an interpreter of the same sex shall be applied, and the case shall be handled by an official of the same sex as the person seeking recognition.

(3) If the person seeking recognition declares that in the course of his/her persecution constituting the basis of his/her application for recognition s/he suffered a harm or humiliation relating to his/her gender status, it shall be compulsory to designate an official of the same sex for his/her case, if this is requested by the person.

(4) In the course of the asylum procedure, documents to be communicated with the person seeking recognition shall be forwarded simultaneously to his/her legal representative, guardian or proxy, too.

67. §

In order to protect the minor's rights, provide for and monitor his/her care, the resolution on recognising an unaccompanied minor shall be forwarded by the refugee authority to the guardian authority with competence according to the minor's place of residence, too.

37. §

(1) Upon submission of an application, the refugee authority shall simultaneously inform in writing the person seeking recognition of his/her procedural rights and obligations as well as of the legal consequences of the violation of such obligations in his/her mother tongue or in another language understood by him/her.

(2) The information provided and the acknowledgement thereof shall be committed to minutes.

(3) The person seeking recognition shall be given the opportunity to use legal aid at his/her own expense or, if in need, free of charge as set forth in the Act on Legal Assistance, or to accept the free legal aid of a registered non-governmental organisation engaged in legal protection.

(4) The person providing legal assistance authorized by the person seeking recognition

a) may attend the personal interview of the person seeking recognition;

b) may view the documents generated in the course of the refugee procedure and may make copies thereof;

c) may enter the premises of the institution serving to accommodate the person seeking recognition or, if the person seeking recognition is in detention, may enter the premises of the detention facility, for the purpose of maintaining contact with the person seeking recognition.

68. §

(1)⁹

(2) The authority in charge of detention of the foreigner shall facilitate that representatives of human rights organisations specialized in the provision of legal assistance to persons seeking recognition enter the detention facility at a date agreed beforehand in order to inform the foreigners on the asylum procedure and on their right of benefiting from free legal assistance during the procedure.

(3) If the person seeking recognition is under the effect of coercive measures, measures or punishment or is detained based on a disposition restricting his/her personal freedom previously ordered during the alien policing procedure, the organ giving effect to the detention order shall forward to the refugee authority the request for legal review lodged against the decision taken in the procedure conducted by the refugee authority, without delay. By doing so, the person seeking recognition fulfils the requirement of lodging a request for legal review in person stipulated in Section 36 (8) of the Asylum Act.

38. §

The representative of the United Nations High Commissioner for Refugees may take part in the refugee procedure. As part of this

a) with the consent of the person seeking recognition

aa) may attend the personal interview of the person seeking recognition;

ab) may view the documents generated in the course of the refugee procedure and may make copies thereof;

ac) shall be informed by the refugee authority of the progress of the refugee procedure and the decisions adopted, including any court decisions;

b) may present his/her opinion related to the application for recognition in any phase of the refugee procedure;

c) may enter the premises of the institutions serving to accommodate the person seeking recognition or, if the person seeking recognition is in detention, may enter the premises of the detention facility.

39. §

In the course of the refugee procedure, the person seeking recognition shall tolerate

a) the inspection of his/her luggage, clothing and vehicle;

b) the recording of his/her facial image and, in the case of foreigners having completed the age of fourteen years, fingerprints.

69. §

⁹ Provision discontinued

(1) The luggage, clothing and vehicle of the person seeking recognition may be inspected only if this is justified.

(2) When the clothing of a person seeking recognition is inspected, an official of the authority shall act who is of the same sex as the person seeking recognition.

(3) The person seeking recognition and accommodated at a reception centre shall tolerate the confiscation of personal belongings that are prohibited by the domestic rules of the reception centre.

Rules of Evidence

40. §

The decision relating to the application for recognition shall be based on the individual assessment of the situation of the person seeking recognition.

41. §

(1) To verify or substantiate in the course of the refugee procedure whether the criteria of recognition as a refugee, a beneficiary of subsidiary or temporary protection exist in respect of the person seeking recognition, the following means of providing evidence may be used in particular:

a) facts and circumstances giving rise to the act of fleeing disclosed by the person seeking recognition and the documents supporting the same;

b) the travel document or any other document presented by the person seeking recognition, on the basis of which it is possible to infer his/her identity and/or nationality;

c) all relevant up-to-date information relating to the country of origin of the person seeking recognition, including the statutory or any other mandatory legal provisions of the country of origin and the method of application thereof.

(2) The refugee authority and – in case of need - the court shall obtain the report of the agency responsible for the provision of country information under the supervision of the Minister.

(3) The refugee authority may accept a public deed issued abroad or a private deed authenticated by a foreign court, state administration agency, notary public or any other person vested with public authenticity submitted by the person seeking recognition as a deed with probative force even in the absence of the diplomatic authentication thereof by the Hungarian foreign representation authority operating in the state of the place of issuance.

(4) A deed issued in a language other than Hungarian may also be accepted without an authenticated Hungarian translation.

Rules of Evidence

70. §

(1) The Government hereby designates the Office of Immigration and Nationality to be the agency responsible for the provision of country information (country information centre).

(2) The country information centre shall

a) collect and maintain information on the country of origin of the person seeking recognition, refugee, beneficiaries of subsidiary and temporary protection, and on third countries relevant in terms of recognition or the revocation of recognition;

b) make reports of country information.

(3) The country information centre shall prepare country information reports upon request

a) by the refugee authority,

b) court,

c) aliens policing authority, and

d) UNHCR.

(4) The country information centre when preparing a country information report shall utilize information already maintained as well as shall conduct research for new information according to needs.

(5) The country information report shall elaborate on the content of the request, the reply thereto, and the sources supporting the information in detail. If the country information centre is unable to respond to the query due to lack of information, the report shall contain this fact.

(6) The country information centre shall take a position neither on legal questions nor on decisions made in connection with applications for recognition nor revocation of the recognition.

(7) The country information centre shall comply with the request for a country information report within fifteen days.

(8) The information collection and provision stipulated in subsection (2) shall be performed by the country information centre in an objective and balanced manner, impartially and accurately. In order to achieve this,

a) it shall use various sources of information;

b) it shall use governmental, non-governmental and international information sources in a balanced manner.

(9) The country information centre shall update the information maintained on a regular manner by

a) obtaining up-to-date information and

b) correcting obsolete information which do not already reflect the reality.

(10) The country information centre may conclude cooperation agreement with departments providing country information of foreign state agencies.

71. §

When applying Section 41 (1) c) of the Act, that piece of information shall qualify as relevant

- a) which is connected to the individual circumstances of the applicant
- b) describes or analyses the actual situation prevailing in the country of the person seeking recognition, refugee, beneficiary of subsidiary and temporary protection and/or in third countries relevant for the recognition or the revocation thereof, and
- c) substantially helps to state whether in the case of the person seeking recognition, refugee, beneficiary of subsidiary and temporary protection there is a well-founded fear of being persecuted or a real risk of suffering serious harm, and whether in the case of the person seeking recognition, refugee, beneficiary of subsidiary and temporary protection a certain country is considered as a safe country of origin compliant to Section 2 h) of the Act, or. as a safe third country compliant to Section 2 i) of the Act;

72. §

(1) The refugee authority may in case of need approach repeatedly the country information centre.

(2) The refugee authority may disregard approaching the country information centre

- a) in the preliminary procedure, and
- b) if the status withdrawal is based on voluntary claim of the holder.

42. §

(1) Hungarian authority or court may not enter into contact with

- a) the country of origin of the person seeking recognition,**
- b) a country, in respect of which it may be presumed that it forwards information to the country of origin,**

c) a person or organisation, in respect of whom or which it may be presumed that s/he or it persecuted or would persecute the person seeking recognition or would forward information to the persecutors of the person seeking recognition,

if, as a result of such entry into contact, the persecutors would become aware of the fact that the person seeking recognition submitted an application for recognition or if, as a consequence of such entry into contact, the person seeking recognition or a member of his/her family were exposed to a physical threat or the liberty or security of the family members of the person seeking recognition living in his/her country of origin were exposed to a threat.

(2) Sub-Section (1) shall not apply if the same applicant submits an application after the adoption of a final and absolute decision of refusal or discontinuation with respect to his/her previous application and the Hungarian authority or court so decided that the prohibition of refoulement was not applicable.

73. §

In the case of recognition of the person seeking recognition as a refugee, beneficiary of subsidiary or temporary protection, the prohibition on getting into touch defined in Section 42 (1) of the Asylum Act shall be effective until the final, legally binding decision on the withdrawal of the recognition.

43. §

(1) Unless the present Act stipulates an exception, the personal interview of the person seeking recognition shall be mandatory in the asylum procedure.

(2) The refugee authority may dispense with a personal interview if the person seeking recognition is not fit for being heard.

(3) A person seeking recognition, who has not yet completed the age of fourteen years, arriving together with a family member with full proceeding capacity, may be heard if his/her personal interview is indispensable in the interest of the clarification of the facts of the case.

(4) An application for recognition may not be refused solely on the grounds that the refugee authority did not hear the person seeking recognition.

74. §

- (1) A person seeking recognition but having no full proceeding capacity shall be interviewed in the presence of his/her legal representative or guardian.
- (2) The guardian is obliged to inform the person seeking recognition about the personal interview, the way of making preparations for it and the consequences thereof.
- (3) If the presence of the legal representative of a person seeking recognition but having no full proceeding capacity would hinder the clarification of the facts at the personal interview, the refugee authority is obliged to request the appointment of an ad-hoc guardian.
- (4) Family members with full proceeding capacity shall be heard separately. If it is necessary in order to clarify facts, the refugee authority shall have interviews with the family members in the presence of the other family members, too.
- (5) When a family member arriving at some later date joins the refugee or beneficiary of subsidiary protection, the refugee or beneficiary of subsidiary protection shall also be interviewed.
- (6) Detained persons seeking recognition shall be interviewed as a matter of priority. The authority carrying out the detention of the asylum-seeker shall escort the asylum-seeker to the office of the refugee authority.
- (7) Detained asylum-seekers may be interviewed by the refugee authority in the detention facility as well.
- (8) The body enforcing the detention and/or the entity running the communal accommodation facility shall be obliged to ensure appropriate circumstances for the interview with the person seeking recognition, with special respect to the following points:
 - a)* an interview room made available exclusively for the refugee authority for the time of the interview,
 - b)* personal presence of the person seeking recognition at the interview.

75. §

- (1) At the personal interview with the person seeking reception, he/she shall hand over to the refugee authority the evidence supporting his/her application for recognition that is available for him/her and has not yet been presented. The person seeking reception shall be reminded of this obligation at the start of the interview.
- (2) At the personal interview, the person seeking recognition shall be given the opportunity to make a coherent statement about the reasons underlying his/her submitting an application for recognition and the circumstances of his/her arrival to Hungary. Subsequently, further questions can be asked from the person seeking recognition by the refugee authority, the guardian as well as the proxy of the person seeking recognition.

(3) The personal interview with the person seeking recognition shall cover his/her family status, place and date of marriage, first and last name of spouse and children, date and place of birth, school qualifications, profession, his/her place of residence in his/her country of origin, his/her place of lodgings or residence in Hungary as well as his/her property and income position.

(4) If an interpreter or expert is used at the interview, the minutes prepared about the interview shall indicate that the consequences of false interpretation and false expert opinion have been highlighted and such statements have been acknowledged by the relevant persons.

76. §

(1) Parallel to notifying the person seeking recognition about the personal interview, his/her legal representative, guardian or proxy shall also be informed.

(2) If the legal representative or guardian does not attend the personal interview, a new date shall be set for the interview, and the guardian authority appointing the guardian shall be notified on this fact.

(3) If the legal representative does not attend the personal interview in spite of being notified repeatedly, the refugee authority shall be obliged to provide for the appointment of an ad-hoc guardian.

(4) If, in lack of a notification stipulated in Sub-Section (1), the proxy of the person seeking recognition does not attend the personal interview, the interview can take place only with the consent of the person seeking recognition. If the proxy is absent in spite of being notified correctly, this fact shall not qualify as an obstacle of the personal interview.

77. §

(1) The personal interview of the applicant can only be avoided according to Section 43 (2) of the Act if the person seeking recognition is in a condition not suitable for an interview. In case of doubts, the refugee authority shall involve an expert of a doctor or psychologist in order to identify if the applicant is in a condition suitable for interview..

(2) If, according to the expert opinion of a doctor or psychologist, there is not possible to interview the person seeking recognition, the refugee authority shall use all possible means to disclose the facts and circumstances giving rise to the act of fleeing, in particular

a) shall provide an opportunity for the person seeking recognition to make a written statement about his/her fleeing;

b) shall interview the family members of the person seeking recognition who stay in Hungary as well as other persons arriving with him.

44. §

(1) If any doubt emerges concerning the minor status of a person seeking recognition who claims to be a minor, a medical expert examination may be initiated for the determination of his/her age. The examination may only be performed with the consent of the person seeking recognition, or if the person seeking recognition is in a state which does not permit the issuance of a declaration, with that of his/her representative by law or guardian.

(2) An application for recognition may not be refused solely on the grounds that the person seeking recognition, the representative by law or guardian did not consent to the performance of the examination.

(3) If the person seeking recognition, the representative by law or guardian does not consent to the expert examination aimed at determining the minor status, the provisions relating to minors, with the exception of the provisions relating to the involvement of a legal representative or the appointment of a guardian, may not be applied to the person seeking recognition.

78. §

(1) If the necessity of a medical expert examination compliant to Section 44 (1) has arisen, the refugee authority shall inform the person seeking recognition, in his/her mother tongue or in some other language understood by him/her, in simple and understandable terms about the examination procedure to be used, and about the consequences of the examination and also of his/her denying to consent to the implementation of the examination as defined in Section 44 (3) of the Act.

(2) Should the applicant debate the outcome of the expert examination, s/he may request a new expert to be designated by the refugee authority. In case of contradicting expert opinions, it is up to the refugee authority to decide whether to decide or appoint yet another expert.

79. §¹⁰

Examination of Prohibition of Refoulement

45. §

(1) The prohibition of refoulement (non-refoulement) prevails if the person seeking recognition were exposed to the risk of persecution due reasons of race, religion, ethnicity, membership of a particular

¹⁰ Provision discontinued

social group or political opinion or to death penalty, torture, cruel, inhuman or degrading treatment or punishment in his/her country of origin for, and there is no safe third country which would receive him/her.

(2) In the case of an unaccompanied minor, the prohibition of refoulement also prevails if the unification of the family or any state or other institutional care is not possible either in his/her country of origin or in another state receiving him/her.

(3) In its decision relating to the refusal of an application for recognition or the revocation of recognition, the refugee authority shall establish whether the prohibition of refoulement prevails or not.

(4) In the event of the existence of the prohibition under Sub-Section (1) or (2), based on the proposal of the refugee authority, the alien police authority shall recognise the foreigner as a person authorised to stay.

(5) In the event of the non-existence of the prohibition under Sub-Sections (1) and (2), in its decision refusing the application for recognition, the refugee authority shall provide for the withdrawal of the foreigner's residence permit issued for humanitarian purposes.

(6) In the event of the non-existence of the prohibition under Sub-Sections (1) and (2), in its decision relating to the revocation of recognition, the refugee authority shall provide for the withdrawal of the foreigner's travel document issued by Hungary, identity card, his/her official document verifying his/her personal identifier and residential address any other document verifying his/her identity.

(7) - (9)¹¹

(10) The provision of Section 45 (3) shall not apply if the applicant's country of origin is not confirmed or substantiated.

Non-refoulement

80. §¹²

Procedures Excluded

46. §

In the asylum procedure conducted by the refugee authority

- a) there is no administrative appeal, rehearing procedure;
- b) the procedure may not be suspended upon request;

¹¹ Provisions discontinued

¹² Provision discontinued

- c) there are no electronic contacts;
- d) there are no legal remedies against decisions on the withdrawal of any decision in violation of the relevant legal regulations;
- e) no administrator to receive the service of process may be appointed.”

Chapter VIII

PROCEDURE AIMED AT RECOGNITION AS REFUGEE OR AS BENEFICIARY OF SUBSIDIARY PROTECTION

Preliminary Assessment Procedure

47. §

- (1) The refugee authority shall subject an application for recognition as a refugee or as a beneficiary of subsidiary protection (in the present Chapter hereinafter referred to as the “application”) to a preliminary assessment following its submission.
- (2) The preliminary assessment procedure shall be completed within twenty-two working days. The time limit for administration may not be extended.

Chapter VII

PROCEDURE AIMED AT RECOGNITION AS REFUGEE OR AS BENEFICIARY OF SUBSIDIARY PROTECTION

Preliminary Assessment Procedure

81. §

- (1) Based on Section 48 (1) of the Asylum Act, the foreign national seeking recognition as a refugee or a beneficiary of subsidiary protection (for the purposes of this Chapter hereinafter: “applicant”) shall be placed at a reception centre, unless the applicant
 - a) is under the effect of coercive measures, measures or punishment or is detained based on a disposition restricting his/her personal freedom previously ordered during the alien policing procedure; or
 - b) is lawfully residing in the territory of Hungary and s/he does not request placement at a reception centre.
- (2) The refugee authority shall dispose on the placement of the unaccompanied minor in a child care institution.

(3) When the applicant is placed at the place of residence designated for him/her, he/she shall be informed about the rules of conduct applicable at the place of residence and the consequences of infringement of such rules.

(4) If the person seeking recognition is detained based on a disposition restricting his/her personal freedom previously ordered during the alien policing procedure, the place of the execution of the disposition during the refugee procedure may be changed only with the prior consent of the refugee authority.

(5) If the person seeking recognition is under the effect of coercive measures, measures or punishment restricting his/her personal freedom, the alien policing authority shall inform the refugee authority on the termination of the coercive measures, measures or punishment, or about the alteration of the place of execution without delay after the alien policing authority becomes aware of it.

82. §

(1) The asylum authority conducts a personal interview with the applicant during the preliminary procedure according to the rules set out in Sections 43, 74-77 of the Act.

(2) The personal interview during the preliminary procedure should be conducted without delay after the submission of the asylum or subsidiary protection claim (hereinafter: the claim).

48. §

(1) The refugee authority shall designate a reception centre as a place of residence for the foreigner seeking recognition as a refugee or a beneficiary of subsidiary protection (in the present Chapter hereinafter referred to as the “applicant”) until the decision closing the preliminary assessment procedure or the one on the delivery or acceptance of the foreigner based on Section 49 (4) become final, unless the applicant

a) is subject to any forced action, action or punishment, or any action ordered in alien control proceedings for the restriction of personal freedom, or

b) is staying legally in the territory of Hungary, and does not apply for accommodation at the reception centre.

(1a) The refugee authority shall arrange placement of the unaccompanied minor asylum-seeker in a child protection institute.

(2) The applicant may only leave the reception centre in particularly justified cases, with the permission of the refugee authority, provided that his/her absence does not prevent the performance of the relevant procedural acts.

49. §

(1) In the course of the preliminary assessment procedure, the refugee authority shall examine whether the criteria of the application of Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Commission Regulation 1560/2003/EC of 2 September 2003 establishing the detailed rules of the application of Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (hereinafter collectively referred to as the “Dublin Regulations”) exist.

(2) If the refugee authority establishes that a procedure is to be conducted which is aimed at the determination of the state applying the Dublin Regulations (hereinafter referred to as “Member State”) responsible for the assessment of the application and the delivery and acceptance of the applicant (hereinafter referred to as the “Dublin procedure”), it shall suspend the preliminary assessment procedure until the conclusion of the Dublin procedure.

(3) No legal remedy shall lie against the resolution suspending the procedure under subsection (2).

(4) If the member state contacted in the course of the Dublin procedure is obliged to receive the applicant and to assess the application, the refugee authority shall adopt a resolution (*végzés*) with respect to the delivery of the applicant. After the communication of the resolution on delivery the application cannot be withdrawn.

(5) The refugee authority shall provide in the resolution on delivery that the foreigner may not leave the place of residence designated for him/her until the completion of delivery but for maximum 72 hours in the interest of securing the implementation of the delivery procedure.

(6) A request may be submitted for court review of a resolution providing for delivery.

(7) The request for review shall be submitted to the refugee authority within three days of the communication of the resolution. The refugee authority shall forward the request for review, together with the documents of the case and its counter-application, to the court without delay.

(8) The Court shall decide on the request for review in a non-litigious procedure within eight days of receipt of the request for review on the basis of the available documents. There shall be no personal hearing in the procedure. No legal remedy shall lie against the decision of the court.

(9) In the course of the court review, an application for the suspension of the implementation of the decision providing for delivery shall have no suspensive effect on the implementation of the decision.

83. §

(1) The procedure compliant to Section 49 (2) of the Act (hereinafter: Dublin procedure) comprises contacts with the authorities of other states applying Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (hereinafter: Dublin Regulation II), Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (hereinafter: Member States), synchronisation with the authorities of other Member States, the completion of the delivery/reception procedure as well as the delivery of the applicant or returning (hereinafter collectively referred to as delivery).

(2) The starting date of the Dublin procedure is the date when the refugee authority contacts the authority of another Member State with respect to transfer of the applicant. The closing date of the Dublin procedure is the date when the refugee authority of another Member State takes charge of the applicant, denies the take-over or the impossibility of the transfer becomes obvious.

(3) If the contacted state agrees to receive or take back the applicant, the resolution on the transfer of the applicant shall be issued by the refugee authority latest within eight days after the receipt of the contacted Member State or the expiry of deadlines stipulated in Section 18 (1) and (6) as well as Section (2) (1) b) of the Dublin Regulation II.

(4) The content of the resolution on the transfer of the applicant shall comply with Section 19 (1)-(2) as well as Section 20 (1) e) of the Dublin II Regulation.

(5)¹³

(6) Separate lodgings shall be established at the reception centre stipulated in Sub-Section (5) where minors without accompanying persons shall be accommodated.

84 §

(1) Should delivery of the applicant be carried out in the company of an authority the rules – laid down in other law – of expulsion shall be applied.

(2) The refugee authority shall ensure delivery of the documents identified in Section 41 (1) a)-b) of the Act to the member state contacted simultaneously with the delivery of the applicant.

¹³ Provision discontinued

85 §

(1) If on the basis of the Dublin Regulations another member state contacts the refugee authority and requests delivery or return of a foreigner the refugee authority shall act according to the Dublin Regulations.

(2) If on the basis of the Dublin Regulations the refugee authority takes charge of a foreigner applying for asylum in another member state the foreigner shall be given an opportunity to submit an application for recognition as refugee or beneficiary of subsidiary protection (hereinafter referred to as 'application'). If the foreigner does not want to submit an application the refugee authority shall notify the alien police authority to take the necessary measures.

50 §

(1) If the Dublin procedure is closed with the delivery of the applicant, the preliminary assessment procedure shall be discontinued at the time of the delivery of the applicant.

(2) No legal remedy shall lie against the resolution discontinuing the procedure.

(3) If the member state contacted does not take delivery of the applicant and the assessment of the application, the preliminary assessment procedure shall be resumed as described in Section 51.

51 §

(1) If the conditions of the application of the Dublin Regulations do not exist, the refugee authority shall decide on the question of the admissibility of the application for refugee status, as well as whether the conditions for ascertaining the obvious lack of grounds of the application are in place.

(2) An application is not admissible if

a) the applicant is a national of one of the member states of the European Union;

b) the applicant was recognised by another member state as a refugee;

c) the applicant was recognised by a third country as a refugee, provided that this protection exists at the time of the assessment of the application and the third country in question is prepared to admit the applicant;

d) following a final and absolute decision of refusal, the same person submits an application on the same factual grounds.

e) there exists a country in connection with the applicant which qualifies as a safe third country from his/her point of view.

(3) On the basis of Sub-Section (2) e), the inadmissibility of the application may be ascertained only if the applicant

a) stayed in a safe third country and had the opportunity to request efficient protection according to Section 2 i);

b) has travelled to the territory of such a country and had the opportunity to request efficient protection according to Section 2 i);

c) has relatives there, and may enter the territory of the given country;

d) a safe third country requests the extradition of the person seeking recognition.

(4) In case of those included in Sub-Section (3) a)-b) the person requesting protection shall prove that s/he had no opportunity for efficient protection in this country in the sense of Section 2 i).

(5) The application is manifestly unfounded if the applicant

a) communicates only irrelevant or poorly relevant information in connection with his/her recognition both as a refugee and beneficiary of subsidiary protection;

b) as a result of his/her conduct in bad faith, s/he is not able to verify or substantiate his/her country of origin; or

c) s/he has failed to put forward an application for recognition within a reasonable time, though s/he had had the option to submit it earlier, and s/he is unable to justify the delay with reasonable grounds;

(6) The application may not be rejected solely on the basis of Sub-Section (5) c).

(7) The refugee authority shall examine the merits of the application for recognition in the context of manifestly unfoundedness.

(8) If the application is based solely or in part on the circumstances stipulated by Sections 6 (2) or 12 (2), the reasonable time stipulated by Sub-Section (5) c) shall be calculated from the appearance of these circumstances.

86 §

In the case stipulated in Section 51 (2) *d*), the refugee authority shall primarily assess whether the person seeking recognition was able to substantiate any new facts or circumstances as grounds for the recognition of the applicant as a refugee or as a beneficiary of subsidiary protection.

52 §¹⁴

(1) The preliminary assessment procedure shall cease if the applicant dies.

¹⁴ Amended by Section 61 of Act CLXXXI of 2012 (as of 1 January 2013)

(2) The refugee authority shall discontinue the preliminary assessment procedure if the applicant withdraws his/her application in writing.

(2a) The refugee authority shall decide on the basis of information available or shall discontinue the preliminary assessment procedure if the applicant:

a) refuses to issue a declaration and thereby hinders the assessment of the admissibility of the application;

b) does not appear at the personal interview in spite of a written notice and fails to appropriately justify his/her absence;

c) has departed for an unknown destination;

d) has been expelled or become subject to the execution of extradition on the basis of Section 54 (3)a);

e) hinders or renders the registration of his/her fingerprints and photo of his/her face be made impossible.

(3) In the resolution discontinuing the preliminary assessment procedure, the refugee authority shall provide for the withdrawal of the foreigner's humanitarian residence permit.

(4) The resolution discontinuing the preliminary assessment procedure shall be subject to court review in accordance with Section 53 (3)-(5).

53 §

(1) The refugee authority shall reject the application without any detailed examination if any of the conditions described in Sections 51 (2) or 51 (5) has been found to be existent.

(2) The refugee authority shall reject the application by way of its resolution (*végzés*) due to inadmissibility or decisions (*határozat*) due to manifestly unfoundedness. Both the decision and the resolution may be subjected to court review.

(3) The request for review shall be submitted to the refugee authority within three days of the communication of the decision. The refugee authority shall forward the request for review, together with the documents of the case and its counter-application, to the court without delay. The submission of the request for review shall have a suspensive effect on the implementation of the resolution of the refugee authority, except for ones taken under Section 54 (2)-(3)¹⁵.

(4) The Court shall decide on the request for review in a non-litigious procedure within eight days of receipt of the request for review on the basis of the available documents. In case of need, there shall be a hearing in the procedure.

¹⁵ Amended by Section 61 of Act CLXXXI of 2012 (as of 1 January 2013)

(5) The court may alter the resolution/decision of the refugee authority. No legal remedy shall lie against the decision of the court.

54 §¹⁶

(1) If an applicant submits his/her second application after the adoption of a final and absolute decision of discontinuation with respect to his/her previous application (except for the withdrawal of the application in writing -, the refugee authority shall examine whether new circumstances or facts relating to the recognition of the applicant as a refugee or beneficiary of subsidiary protection have arisen.

(2) If in accordance with Sub-Section (1), the refugee authority finds the application inadmissible or manifestly unfounded, the applicant is not entitled to the rights referred to in Section 5(1)a-c).

(3) If an applicant submits his/her application following the adoption of a final and absolute decision of refusal or final and absolute resolution on the discontinuation with respect to his/her previous application and the Hungarian authority or court in its latest decision so decided that the prohibition of refoulement was not applicable,

a) the submission of the application shall have no suspensive effect

aa) on the execution of the expulsion;

ab) on the extradition of the foreign national;

b) the foreign national shall not be entitled to the rights referred to in Section 5 (1) a)–c).

(4) The provision of Sub-Section (3) is without prejudice to rights and benefits stipulated by other legal instruments.

55 §

(1) If the refugee authority establishes the admissibility of an application, and the application is not manifestly unfounded, the refugee authority shall refer the application to the detailed procedure.

(2) No legal remedy shall lie against a resolution referring the application to the detailed procedure.

Detailed Procedure

56 §

¹⁶ Amended by Section 61 of Act CLXXXI of 2012 (as of 1 January 2013)

(1) In its resolution referring the application to the detailed procedure, the refugee authority shall designate, at the request of the person concerned, a private residence as his/her place of residence, or in the lack of such residences a reception centre or other accommodation maintained on the basis of the associated contract unless the applicant is subject to any forced action, action or punishment, or any action ordered in alien control proceedings for the restriction of personal freedom.

(1a) The refugee authority shall arrange placement of the unaccompanied minor asylum-seeker in a child protection institute.

(2) The applicant shall reside at the place of residence designated for him/her on a residential basis during the detailed procedure and the duration of any court review of the decision made in the detailed procedure.

(3) The detailed procedure shall be completed within forty-five working days of the adoption of the resolution referring the application to the detailed procedure.

In-Merit Procedure

87 §

When the applicant is placed at the place of residence designated for him/her he/she shall be informed about the rules of conduct applicable at the place of residence and the consequences of infringement of such rules.

88 §

(1) The asylum authority proceeds to the hearing of the applicant in the in-merit procedure.

57 §

The law enforcement agency determined in the decree on the implementation of the present Act shall take part in the detailed procedure as an expert authority.

89 §

(1) The refugee authority shall contact the specialised authority on the first working day following the date of the order referring the application for the detailed procedure.

(2) The refugee authority shall forward to the specialised authority the data of the applicant handled in the asylum records. Upon request of the specialised authority, the refugee authority shall allow access to the documents enclosed with the application, or shall make copies of them.

(3) The specialised authority may conduct a hearing of the applicant.

(4) If, after communicating the position of the specialised authority, any information concerning the foreign national arises that would motivate the revocation of the position, the specialised authority shall send its new position to the refugee authority without delay.

58 §

(1) The refugee authority shall examine in the course of the detailed procedure whether

a) the criteria of the recognition of the applicant as a refugee exist, and whether

b) there is any reason for exclusion of the recognition of the applicant as a refugee.

(2) If the application for recognition as a refugee is unfounded due to the absence of the criteria of recognition or the existence of a reason for exclusion, the refugee authority shall examine whether

a) the criteria of the recognition of the applicant as a person eligible for subsidiary protection exist, and

b) there is any reason which excludes the recognition of the applicant as a beneficiary of subsidiary protection.

(3) The application shall be deemed to be unfounded if the conditions of recognition as a refugee do not exist or recognition as a refugee is excluded on the basis of Section 8 (1).

59 §

(1) It indicates the absence of the criteria of recognition as a refugee or as a person eligible for subsidiary protection in particular if

a) the applicant's country of origin may be regarded as a safe country of origin;

(b)¹⁷

c) the applicant fails to disclose the facts and circumstances giving rise to the act of fleeing or his/her declaration relating thereto is incoherent or contradictory, to such an extent that it is not possible to conclude on the basis thereof that s/he was subject to persecution or serious harm or that the risk thereof exists;

d) the applicant wilfully supplies false data with respect to his/her identification data and/or nationality;

e) the applicant wilfully uses a false or forged document for the verification of his/her identity and/or for admission to the country and insists on the untrue contents of the document;

¹⁷ Provision discontinued

f) the applicant hides from the refugee authority or destroys his/her travel document or any other document suitable for the establishment of his/her identity and/or wilfully hinders the procedural acts aimed at the establishment of his/her identity;

g) the applicant attempts to mislead the refugee authority by concealing material information or retaining documents;

h) the applicant submits an application for the sole reason of delaying the implementation of a decision ordering his/her expulsion.

(2) Sub-Section (1) c) shall not apply, if it is found by a medical expert that the incoherency and contradictory nature of the statements by the applicant is justified by a circumstance arising from the state of health or psychological condition of the applicant.

60 §

(1) Upon the examination of the criteria of recognition, all acts shall be regarded as acts of persecution which are sufficiently serious by their nature, repetition or accumulation, to constitute a severe violation of basic human rights, in particular, the right to life, the prohibition of torture, the prohibition of slavery or servitude and the principle to tie any punishment to statutory provisions.

(2) Persecution may, in particular, take the form of the following acts:

a) acts of mental or physical violence, including acts of sexual violence;

b) acts committed on account of the sexual orientation of the person concerned;

c) acts committed in connection with the childhood of the person concerned;

d) legal provisions or administrative measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

e) disproportionate or discriminatory measures implemented in criminal proceedings, including disproportionate or discriminatory punishment;

f) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

g) punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses related to recognition as a refugee or as a beneficiary of subsidiary protection.

61 §

Upon the examination of the criteria of recognition, the following shall be regarded as serious harm

a) threat of the death penalty;

b) application of torture, cruel, inhuman or degrading treatment or punishment;

c) a serious threat to the life or physical integrity of a civilian person which is the consequence of indiscriminate violence used in the course of an international or internal armed conflict.

90 §

The social standing, personal circumstances, gender and age of the person applying for recognition shall be examined to establish whether the acts which have been or could be committed against the person applying for recognition qualify as persecution or serious harm.

62 §

There may be the following actors behind persecution or serious harm

- a) the state from which the applicant was forced to flee;**
- b) a party or organisation controlling the state referred to in Sub-section a) or a substantial part thereof;**
- c) a person or organisation who or which is independent of that referred to in Paragraph a) or b), provided that the state referred to in Paragraph a), as well as the party or organisation referred to in Paragraph b), or any international organisation having under control considerable part of the territory of the state, is unable or unwilling to provide protection against persecution or serious harm.**

63 §

(1) Protection against persecution or serious harm may be regarded as duly granted if effective tools are available in the state from which the applicant is forced to flee to prevent persecution or acts of serious harm as well as to punish the persons committing acts constituting persecution or causing serious harm, and the applicant is able to avail himself/herself of such protection.

(2) Protection defined in Sub-Section (1) may also be regarded as duly granted if in the state from which the applicant is forced to flee, the requirement of well-founded fear or the effective risk of serious harm does not prevail in a part of the country, and the applicant can reasonably be expected to remain in that part of the country.

91 §

The requirement for availability of efficient tools for the application of Section 63 (1) of the Act is fulfilled if the State from which the applicant is forced to flee

a) possesses efficient laws for the detection of acts qualifying as persecution or serious harm, and persecution and punishment of such acts through criminal proceedings, and institutions dedicated to their enforcement, and

b) is making appropriate and efficient steps in particular with the help of the tools identified in Sub-Section

a) to prevent persecution and suffering of serious harm.

92 §

(1) When Section 63 (2) of the Act is being applied the refugee authority

a) shall examine whether protection is available for the applicant in the case of return to the State from which it was forced to flee;

b) shall specifically name the part of the country where its view is that protection is available.

(2) The applicant can be reasonably required to return to the part of the country concerned – with regard also to his/her personal circumstances – if

a) the applicant can access that part of the country in a lawful, safe and practical way,

b) the applicant has family relations or cousinship in the given part of the country or if the applicant's basic subsistence and accommodation are ensured by any other means, and

c) there is no threat that the applicant will suffer persecution or serious harm or other serious infringement of human rights in that part of the country, irrespective of whether these are connected with the reasons for fleeing presented in his/her application.

(3) When the provisions of Sub-Section 2 are applied the refugee authority shall assess in particular the applicant's health, need for special treatment, age, gender, religious affiliation, nationality and cultural ties as individual circumstances.

(4) The protection identified in Section 63 (2) of the Act is not guaranteed if the State or the party or organisation controlling the State from which the applicant was forced to flee is behind the persecution or serious harm.

93 §

The refugee authority shall take into account the guidance provided by the Council of the European Union when examining whether the State from which the applicant was forced to flee, or a substantial part thereof, is controlled by an international organisation and whether such organisation guarantees to the applicant the protection as described in Section 63 of the Act.

64 §

(1) In the course of the assessment of the reasons for persecution defined in Section 6 (1)

(a) the concept of race shall in particular include considerations of colour, descent, or membership of a particular ethnic group;

b) the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

c) the concept of nationality shall not be confined to nationality or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another state;

(d) a group shall be considered to form a particular social group where in particular:

da) members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, or

db) that group has a distinct identity in the relevant country because it is perceived as being different by the surrounding society;

e) the concept of political opinion shall in particular include the holding of an opinion or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

(2) A group where a common characteristic of its members is based on their sexual orientation or persuasion may, depending on the circumstances of the country of origin, also qualify as a particular social group.

(3) For the purposes of Sub-Section (2), sexual orientation shall not include acts related to the perpetrator's sexual orientation which qualify as crimes under the rules of Hungarian law.

(4) When assessing if an applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the racial, religious, social or political characteristic or national affiliation which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

65 §

The criteria of the recognition of an applicant as a refugee are met if there is a connection between the reasons of persecution under Section 6 (1) and the acts qualifying as persecution under Section 60.

94 §

The connection mentioned in Section 65 of the Act exists when

- a) there is a causal relation between the reasons for persecution described in Section 6 (1) of the Act and the acts qualifying as persecution as described in Section 60 of the Act, or
- b) the State from which the applicant was forced to flee fails to guarantee for the applicant the protection described in Section 63 (1) of the Act due to his/her race, for religious reasons, due to his/her nationality, membership of a particular social group or political opinion.

66 §¹⁸

- (1) The detailed examination procedure shall terminate if the applicant dies.**
- (2) The refugee authority shall discontinue the detailed procedure if the criteria set forth in Section 52 (2) are met.**
- (3) The refugee authority shall decide on the basis of information available or shall discontinue the detailed procedure if**
 - a) the criteria set forth in Section 52 (2a) b-e) are met**
 - b) the applicant refuses to issue a declaration and thereby hinders the in-merit assessment of the application;**
 - c) based on Section 51 (2) or (5), the application should have been rejected without a detailed assessment, however, the refugee authority was made aware of the reason for refusal following the commencement of the detailed procedure.**
- (4) If the refugee authority discontinues the detailed procedure, the provisions set forth in Section 52 (3) shall duly apply thereafter.**
- (5) The resolution discontinuing the detailed (in-merit) procedure shall be subject to court review on the basis of Section 53 (3) - (5).**

67 §

- (1) If the refugee authority establishes the unfounded nature of an application, it shall reject the application.**
- (2) Simultaneously with the communication of the decision on the recognition, the refugee authority shall inform the foreigner recognised as a refugee or as a beneficiary of subsidiary protection of his/her rights and obligations in his/her mother tongue or in another language understood by him/her.**

95 §

If the refugee authority rejects the application on the basis of Section 59 (1) b) of the Act it shall simultaneously with the communication of the resolution on rejection make out a certificate for the foreigner in which the authorities of the concerned third country are notified – in the official language of the third country – about the fact of and reasons for rejection of the application.

68 §

(1) A court review of a decision rejecting the application may be requested.

(2) The request for review shall be submitted to the refugee authority within fifteen days of the communication of the decision. The refugee authority shall forward the request for review, together with the documents of the case and its counter-application, to the court without delay. The submission of the request for review shall have a suspensive effect on the implementation of the decision of the refugee authority, except in the case set forth in Section 54.

(3) The court shall decide on the request for review in litigious proceedings within sixty¹⁹ days of receipt of the statement of claim. If the applicant is subject to any forced action, action or punishment, or any action ordered in alien control proceedings for the restriction of personal freedom, the court shall conduct proceedings as a matter of priority.

(4) The personal hearing of the applicant shall be mandatory in the court procedure. The personal hearing may be dispensed with if

a) the applicant cannot be summoned from his/her place of accommodation,

b) the applicant has departed for an unknown destination, or

c) the repeat application is based on the same factual grounds as the previous one.

(5) The court may alter the decision of the refugee authority. No legal remedy shall lie against the decision of the court.

(6) The obligation of the refugee authority to inform the applicant as referred to in Section 67 (2) applies also in cases where the court alters the decision of the refugee authority by recognizing the applicant as refugee or beneficiary of subsidiary protection.

Recognition as Refugee out of Special Consideration

69 §

¹⁸ Amended by Section 61 of Act CLXXXI of 2012 (as of 1 January 2013)

¹⁹ Amended by Section 61 of Act CLXXXI of 2012 (as of 1 January 2012)

(1) The Minister shall proceed ex officio in the course of the recognition of an applicant as a refugee out of special consideration.

(2) No legal remedy shall lie against the decision of the Minister.

Dublin procedure

70 §

(1) If during the detailed procedure the conditions set forth for the application of the Dublin procedure prevail, the provisions stipulated by Sections 49 (2)–(9) and 50 (1)–(2) shall apply.

(2) If the Member State contacted does not take delivery of the applicant and the assessment of the application, the detailed procedure will be continued.

96 §

(1) If the Dublin procedure is applied in the in-merit procedure the provisions of Sections 79 and 80 shall be duly applied.

(2) Dublin procedure shall only be conducted until the refugee authority takes a decision on the merit of the claim.

Rules Relating to the Applications of Beneficiaries of Temporary Protection

71 §

(1) If a beneficiary of temporary protection submits an application for recognition as a refugee or beneficiary of subsidiary protection prior to the expiry of the term of temporary protection, the legal status of the temporarily protected person shall be maintained during the assessment of the application as well as in the event of the refusal of the application until the expiry of the term of temporary protection, provided that his/her recognition as a beneficiary of temporary protection has not been revoked.

(2) An application submitted on the basis of Sub-Section (1) shall be assessed even if temporary protection ceases during the procedure aimed at recognition as a refugee or as a beneficiary of subsidiary protection. In this case, the applicant shall have the rights and obligations stipulated in Section 5.

Airport Procedure

72 §

- (1) If a foreigner submits his/her application at an international air traffic border crossing point prior to entry in the territory of Hungary, the provisions of the present Chapter shall apply with the differences laid down in the present Section.**
- (2) The applicant shall not be entitled to the rights stipulated in Section 5 (1) a) and c) during the airport procedure.**
- (3) The refugee authority shall provide for the placement of the applicant in the accommodation facility located in the transit area of the airport.**
- (4) In the airport procedure, the preliminary assessment procedure shall be completed within eight working days. The refugee authority shall provide for the immediate communication of the decision made in the preliminary assessment procedure.**
- (5) The applicant shall be authorised to enter the territory of Hungary if**
 - a) the preliminary assessment procedure is closed with a resolution referring the application to the detailed procedure or**
 - b) a period of eight days has elapsed since the submission of the application.**
- (6) The provisions applicable in airport procedure shall not apply if the application is submitted by a person requiring special treatment.**

Airport Procedure

97 §

- (1) When the airport procedure described in Section 72 of the Act is being conducted the provisions of this Chapter shall be applied with the differences laid down in this Section.**
- (2) When the airport procedure is being conducted the refugee authority shall immediately after submission of the application interview the applicant.**
- (3) The refugee authority shall request entry of the applicant pursuant to Section 75 (5) of the Act. Upon request of the refugee authority the border policing units of Police shall enter the applicant to the territory of Hungary.**
- (4) When a person requiring special treatment submits an application jointly with his/her family members the rules of the airport procedure may not be applied to the family members either.**

Revocation of Recognition as Refugee or Beneficiary of Subsidiary Protection

72/A §

(1) The procedure for withdrawing the recognition of the refugee or beneficiary of subsidiary protection status shall start ex officio – except in the case of a renunciation of the status in written form.

(2) The provisions set forth in Chapter VII of the present Act shall apply accordingly to the procedure for withdrawing the recognition of the refugee or beneficiary of subsidiary protection status.

73 §

(1) If the refugee authority establishes upon the revision of the existence of the criteria of recognition as a refugee or eligibility for subsidiary protection that recognition is to be revoked, it shall notify the refugee or the beneficiary of subsidiary protection thereof in writing, in his/her mother tongue or in another language understood by him/her.

(2) Simultaneously with the above notification, the refugee authority shall call upon the refugee or the beneficiary of subsidiary protection to state the reasons, within the time limit set, which verify or substantiate the existence of the criteria of recognition as a refugee or beneficiary of subsidiary protection and that no reason for exclusion exists.

(3) The refugee authority shall hear the refugee or the beneficiary of subsidiary protection in person. An interview in person shall be dispensed with if the foreigner

a) cannot be summoned from his/her place of residence,

b) has departed for an unknown destination, or

c) fails to present him/herself in the hearing upon written call and fails to justify his/her reasons to stay away.

98 §²⁰

74 §

²⁰ Provision discontinued

(1) If the refugee authority establishes that no circumstance giving rise to the revocation of recognition exists, it shall discontinue the procedure. No legal remedy shall lie against a resolution discontinuing the procedure.

(2) If the refugee authority establishes the existence of any of the circumstances set forth in Section 11 (2) in the case of a refugee or in Section 18 (2) in the case of a beneficiary of subsidiary protection, it shall revoke the recognition as a refugee or a beneficiary of subsidiary protection.

99 §

If the refugee authority requests revocation of recognition as refugee pursuant to Section 11 (2) e) of the Act or revocation of recognition as beneficiary of subsidiary protection pursuant to Section 18 (2) e) of the Act when the decision is being adopted it shall examine whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution or the fear of the beneficiary of subsidiary protection of serious harm can no longer be regarded as well-founded.

75 §

(1) A request may be filed for the court review of a decision revoking recognition as a refugee or a beneficiary of subsidiary protection, unless the revocation is based on the waiving of the legal status by the holder.

(2) The statement of claim shall be submitted to the refugee authority within fifteen days of the communication of the decision. The refugee authority shall forward the statement of claim, together with the documents of the case and its counter-application, to the court without delay. The submission of the statement of claim shall have a suspensive effect on the implementation of the decision of the refugee authority.

(3) The Court shall decide on the statement of claim in a litigious (adversarial) procedure within sixty days of receipt of the statement of claim.

(4) The personal hearing of the applicant shall be mandatory in the court procedure. The personal hearing shall be dispensed with if the foreigner

a) cannot be summoned from his/her place of residence, or

b) has departed for an unknown destination.

(5) No legal remedy shall lie against a decision to close the procedure by the court.

Review of the existence of the conditions for recognition as a beneficiary of subsidiary protection

75/A §

For the review whether the conditions for recognition as a beneficiary of subsidiary protection exist, the provisions of Chapter VII and Sections 56–68 shall apply accordingly.

Chapter IX

PROCEDURE AIMED AT RECOGNITION AS BENEFICIARY OF TEMPORARY PROTECTION

76 §

- (1) Based on the Government's proposal, the National Assembly shall adopt a decision with respect to the recognition of eligibility for temporary protection as defined in Section 19 b).
- (2) The decision under Sub-Section (1) shall state the term upon the expiry of which or the fact upon the occurrence of which temporary protection shall cease.
- (3) In the procedure aimed at recognition as a beneficiary of temporary protection, the refugee authority and the court shall not obtain the report referred to in Section 41 (2).
- (4) The provisions set forth in Sub-Sections (1) to (3) shall duly apply to a decision regarding the maintenance of temporary protection following the expiry of the term or the occurrence of the fact determined in Section 24 (1).

Chapter VIII

PROCEDURE AIMED AT RECOGNITION AS BENEFICIARY OF TEMPORARY PROTECTION

100 §

When the National Assembly recognises as beneficiaries of temporary protection persons forced to flee for the same reasons from the same country or region of origin from which other persons were forced to flee and were recognised by the Council of the European Union as beneficiaries of temporary protection the Council of the European Union and the European Commission shall be immediately notified of the recognition.

77 §

- (1) A person seeking recognition as a beneficiary of temporary protection (in the present Chapter hereinafter referred to as the “applicant”) shall verify or substantiate that s/he forms part of a group of persons fleeing *en masse* who are entitled to protection under Section 19 a) or b).**
- (2) An application for recognition as a beneficiary of temporary protection (in this Chapter hereinafter referred to as the “application”) is unfounded if the applicant**
 - a) fails to verify or substantiate that s/he is a member of a group eligible for protection under Section 19 a) or b), or**
 - b) his/her recognition as a beneficiary of temporary protection is excluded based on Section 21.**
- (3) A procedure aimed at the recognition of a foreigner as a beneficiary of temporary protection shall be completed within fortyfive working days. The administrative time limit may not be extended.**
- (4) In the procedure aiming at the recognition as temporarily protected person, the provisions of Chapter VII shall apply accordingly.**

101 §

- (1) The refugee authority shall place the applicant for recognition as a beneficiary of temporary protection (hereinafter referred to in this Section as 'applicant') during the period of the procedure aimed at recognition as a beneficiary of temporary protection at a reception centre or – upon his/her request – at a private residence.
- (2) The applicant shall reside at the place of residence designated for him/her on a residential basis during the procedure aimed at recognition as a beneficiary of temporary protection.
- (3) When the applicant is placed at the place of residence designated for him/her he/she shall be informed about the rules of conduct applicable at the place of residence and the consequences of infringement of such rules.

102 §

- (1) In the procedure for recognition as a beneficiary of temporary protection the provisions of Chapter VI of the present Decree shall apply with the exception of those included in Sub-Section (2).
- (2) In the procedure for recognizing temporary protection Section 67 does not be apply.

78 §

(1) In the course of the procedure aimed at recognition as a beneficiary of temporary protection, the refugee authority shall obtain the position of the law enforcement agency determined in the decree on the implementation of the present Act as expert authority.

(2) The law enforcement agency determined in the decree on the implementation of the present Act shall meet the request of the refugee authority within thirty working days. The administrative time limit of the procedure of the expert authority may not be extended.

(3)²¹

103 §

(1) The refugee authority shall contact the specialised authority on the working day following the date of the personal hearing of the applicant.

(2) The refugee authority shall forward to the specialised authority the data of the applicant handled in the asylum records. Upon request of the specialised authority, the refugee authority shall allow access to the documents enclosed with the application, or shall make copies of them.

(3) The specialised authority may conduct a hearing of the applicant.

(4) If, after communicating the position of the specialised authority, any information concerning the foreign national arises that would motivate the revocation of the position, the specialised authority shall send its new position to the refugee authority without delay.

79 §

(1) If the refugee authority establishes that the application is unfounded, it shall reject the application.

(2) Legal remedy shall lie against the decision of the refugee authority rejecting the application in accordance with the provisions set forth in Section 68.

(3) Simultaneously with the communication of the decision positively responding to the application, the refugee authority shall inform in writing the foreigner recognised as a beneficiary of temporary protection of his/her rights and obligations in his/her mother tongue or in another language understood by him/her.

Revocation of Recognition as Temporarily Protected Person

79/A §

(1) The procedure aiming at the revocation of the recognition of a foreigner as a beneficiary of temporary protection shall start ex officio except the case set forth in Section 25 (2) a) and c).

(2) In the procedure aiming at the revocation of the recognition of a foreigner as a beneficiary of temporary protection the provisions of Chapter VII shall apply accordingly.

80 §

(1) If the refugee authority establishes the existence of any of the circumstances set forth in Section 25(2), it shall revoke the recognition as a beneficiary of temporary protection.

(2) Legal remedy shall lie against the decision withdrawing recognition as a beneficiary of temporary protection, except as set out in Sub-Section (3), in accordance with the provisions set forth in Section 75.

(3) If recognition as a beneficiary of temporary protection was revoked on the basis of Section 25 (2)a), no legal remedy shall lie against the decision revoking recognition.

Revocation of Recognition as a Beneficiary of Temporary Protection

104 §

In the procedure for the withdrawal of recognition as a beneficiary of temporary protection, the provisions of Chapter VI of the present Decree shall apply accordingly.

Delivery of a beneficiary of temporary protection

105 §

(1) If temporary protection is granted to a family member of a beneficiary of temporary protection by another state applying Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (hereinafter referred to as Directive 2001/55/EC) the beneficiary of temporary protection may request – for

²¹ Provision discontinued

the purpose of family reunification – from the refugee authority that he/she should be granted temporary protection by the same state.

(2) Upon request of the beneficiary of temporary protection, as described in Sub-Section (1), the refugee authority shall contact the given state to ask whether the given state grants temporary protection to the beneficiary of temporary protection for the purpose of family reunification.

(3) If the contacted state agrees to grant temporary protection to the beneficiary of temporary protection the refugee authority shall revoke the recognition as beneficiary of temporary protection pursuant to Section 25 (2) a) of the Act and provide a certificate described in Annex 5 to this Decree to the beneficiary of temporary protection.

(4) If the contacted state does not agree to grant temporary protection to the beneficiary of temporary protection the refugee authority shall notify the beneficiary of temporary protection thereof and simultaneously inform him/her about the provisions of Section 20 (2) of the Act.

106 §

(1) If the number of persons recognised pursuant to Section 19 a) of the Act as beneficiaries of temporary protection exceeds the reception capacity of Hungary as determined in the resolution of the Council of the European Union the refugee authority may request another state applying Directive 2001/55/EC to accept delivery of the number of beneficiaries of temporary protection exceeding the reception capacity.

(2) The reception capacity referred to by Sub-Section (1) shall be determined by the minister in conjunction with the ministers responsible for foreign policy and tax policy.

(3) If the contacted state agrees to receive beneficiaries of temporary protection the refugee authority may deliver the beneficiaries of temporary protection to the contacted state only with the consent of the beneficiaries of temporary protection. For this purpose the refugee authority shall interview the beneficiaries of temporary protection before the delivery. Minutes shall be taken at the interview.

(4) If the beneficiaries of temporary protection agree to receive temporary protection from the contacted state and not from Hungary the refugee authority shall revoke the recognition as beneficiary of temporary protection pursuant to Section 25 (2) a) of the Act and provide a certificate described in Annex 5 to this Decree to the beneficiaries of temporary protection.

Reception of beneficiary of temporary protection

107 §

(1) If the refugee authority is contacted by another state applying Directive 2001/55/EC to accept delivery of beneficiaries of temporary protection the refugee authority shall decide on the reception on the basis of the reception capacity of Hungary as determined in the Resolution of the Council of the European Union.

(2) The foreigners received pursuant to Sub-Section (1) shall be recognised as beneficiaries of temporary protection without examination of conditions.

(3) If the contacting state requests reception for the purpose of family reunification and the beneficiary of temporary protection agrees with the reception of the family member the refugee authority may not reject the reception with reference to impossibility due to the limited reception capacity of Hungary.

(4) Sub-Section (3) does not exclude the possibility of family reunification in the contacting state subject to consent of the beneficiary of temporary protection. The refugee authority shall interview the beneficiary of temporary protection to obtain his/her consent. Minutes shall be taken at the interview.

108 §

Revocation of recognition as a beneficiary of temporary protection pursuant to Section 25 (2) c) of the Act will not hinder that the refugee authority recognises again the foreigner – upon his/her request – returned from his/her country of origin as a beneficiary of temporary protection provided that the condition laid down in Section 20 (1) of the Act is fulfilled in his/her respect.

Chapter X

DATA MANAGEMENT

81 §

The refugee authority shall manage the personal details of refugees, beneficiaries of subsidiary and temporary protection and persons seeking recognition (hereinafter collectively referred to as “persons coming under the effect of the present Act”) and the data related to their residence, the provisions and benefits which they are entitled to as well as any changes therein in the refugee records for the purpose of

a) establishment of the existence of the legal status of refugee, beneficiaries of subsidiary or temporary protection and providing the benefits which are attached thereto,

b) establishment of the entitlement to the provisions and benefits determined in the present Act and in separate legal rule,

c) identification,

- d) prevention of parallel procedures and**
- e) establishment of the multiple submission of applications.**

82 §

For the purposes of the present Chapter, the following details of the persons coming under the effect of the present Act shall qualify as natural identification data:

- a) surname(s) and first name(s);**
- b) surname(s) and first name(s) at birth;**
- c) former surname(s) and first name(s);**
- d) pseudonym(s);**
- e) place and date of birth;**
- f) sex;**
- g) mother's surname(s) and first name(s);**
- h) current and former nationality, nationalities or stateless status;**
- i) in case of refugee or beneficiary of subsidiary protection, the personal identifier.**

83 §

(1) The refugee records shall contain the following details of a person coming under the effect of the present Act:

- a) natural identification data;**
- b) facial image;**
- c) fingerprints of persons older than fourteen years of age;**
- d) if the applicant is an unaccompanied minor, this fact,**
- e) if the applicant was taken over in the Dublin procedure, this fact and the date of the take-over,**
- f) the date of submission of the application for recognition as refugee or beneficiary of subsidiary or temporary protection as well as the date of the withdrawal of such application,**
- g) the fact and the date of recognition as refugee or beneficiary of subsidiary or temporary protection, the name of the authority or court issuing the recognition decision as well as the number of persons covered by the decision,**
- h) the fact, reason and date of rejecting the application for recognition, the discontinuation of the procedure and the withdrawal of the recognition; the name of the authority or court that made the decision, and the number of persons covered by the decision;**

- i)* the fact and reason of the hand-over of the applicant in Dublin procedure, the dates of the resolution providing for the hand-over as well as of the actual hand-over, and the number of persons covered by the resolution,**
 - j)* marital status, occupation, education of the person seeking recognition;**
 - k)* place of residence, place of stay and accommodation of the person seeking recognition, as well as the beneficiary of subsidiary and temporary protection receiving provisions and benefits under this Act;**
 - l)* name of country of origin;**
 - m)* from among data relating to racial or ethnic affiliation, membership of particular social group, religion or political convictions, those which the person referred to in the reasoning part of his/her application;**
 - n)* data of identification and travel documents (identification mark and number of document, term of validity, date of issuance, name of issuing authority, place of issuance);**
 - o)* natural identification data of family members arriving together with him/her and the legal title of residence in Hungary;**
 - p)* data relating to his/her income and pecuniary situation which were contained in his/her declaration, the document supplied by him/her or in the data supplied by the tax authority and/or the agency fulfilling social security responsibilities.**
 - q)* the fact and date of the proceedings initiated ex officio;**
 - r)* the fact and date of the procedural actions carried out during the refugee proceedings on the basis of this legal regulation;**
- (2) The refugee authority shall manage for a period of ten years**
- a)* the data stipulated by Sub-Section (1) a) - o) and q) – r), reckoned from the refusal of the application, or the discontinuation of the procedure or the cessation of recognition;**
 - b)* the data determined in Sub-Section (1) p), reckoned from the cessation of entitlement to the provisions and benefits determined in the present Act and in a separate legal rule or from the repayment of repayable subsidies or from the lapse of a claim.**
- (3) The purpose of the recording and storage of fingerprints is to identify the person seeking recognition and to establish the multiple submission of applications. The proceeding authority shall, without delay, forward the fingerprints recorded, together with the natural identification data and nationality verified by the person seeking recognition or, in the absence of verification, stated by the person seeking recognition, as well as the designated place of accommodation, to the data processing agency referred to in Sub-Section (4).**

(4) For the purposes of the range of data determined in Sub-Section (3), the agency determined in the ministerial decree shall be the data processing agency. The data manager shall be responsible for forwarding data to the central unit of Eurodac, for receiving and collating them.

(5) Documents issued on the basis of the present Act shall contain the information from among the information registered by the refugee records necessary for the verification of the identity of the holder and the validity of entitlements provided by the document.

(6)-(7)²²

(8) The refugee authority shall manage the fingerprints and photo of the third country national recognized as beneficiary of temporary protection in accordance with EC Resolution 1030/2002/EC (13 June) amended by EC Resolution 980/2008/EC (April 2008) on the establishment of the uniform format of residence permits for third country nationals.

(9) The refugee authority shall manage the fingerprints stipulated by Sub-Section (8) in the context of Article 1 (4) of EC Resolution 1030/2002/EC (13 June) amended by EC Resolution 980/2008/EC (April 2008) on the establishment of the uniform format of residence permits for third country nationals, till the end of that.

84 §

(1) For the purpose of ensuring the rights of persons placed at a reception centre and establishing their entitlement to the provisions and benefits determined in the present Act and in a separate legal rule, the reception centre shall keep records of

a) the natural identification data of the persons placed at the reception centre and

b) the extent and term of the provisions and benefits provided by the reception centre.

(2) The data of persons placed at a reception centre shall be managed for a period of one year following final departure from the reception centre.

85 §

(1) For the purpose of establishing entitlement to the provisions and benefits falling within his/her competence, as determined in the present Act and in separate legal rule, the notary with competence according to the place of residence, place of stay or accommodation of a refugee, beneficiary of subsidiary or temporary protection shall keep records of the following details of the person falling within his/her competence entitled to benefits:

a) natural identification data;

²² Provisions discontinued

- b) place of residence, place of stay or accommodation;**
- c) amount of benefit disbursed;**
- d) date of disbursement, in case of repayable benefit, deadline for repayment.**

(2) The agencies disbursing benefits may manage data relating to the earning and pecuniary conditions of family members sharing a household with a person entitled to benefits falling within the competence of the notary if the existence of the criteria for the disbursement of benefits may be established on the basis thereof.

(3) The agencies disbursing benefits shall supply data to the refugee authority and the agencies authorised by law to request the data determined in Sub-Section (2).

(4) The notary and the agencies disbursing benefits may manage the data determined in Sub-Sections (1) - (2) during the existence of the entitlement to benefits or the obligation of repayment.

86 §

The refugee authority may request data specified by law for the attendance of its responsibilities stipulated by law

- a) from the records related to persons who committed crime, are under forced measures and/or criminal procedure;**
- b) from the central alien police records;**
- c) from the records of personal and residence data;**
- d) based on an international treaties, legal acts of the European Community or reciprocity, from foreign crime investigation, alien police and refugee agencies and international organisations.**

87 §

(1) For the purpose of fulfilling their responsibilities determined by law, the following agencies may request data specified by law from the records referred to in the present Chapter:

- a) court,**
- b) public prosecutor's office,**
- c) investigating authority,**
- d) national security service,**
- e) alien police authority,**
- f) tax and customs authorities,**
- g) expert authority involved in asylum procedure;**
- h) authority proceeding in nationality cases,**

- i) authority proceeding in cases related to the records of personal and residence data,***
- j) labour authority,***
- k) labour safety authority,***
- l) state administration agency responsible for health care,***
- m) registrar authority,***
- n) guardianship authority and***
- o) agencies disbursing benefits on the basis of a legal rule or contract.***

(2) By communicating the personal identification data of the natural person concerned, his/her marital status, and – if married or has a registered partner –the place of the marriage or the establishment of the registered partnership, as well as the address of the designated accommodation facility, the refugee authority shall inform the notary of the local government that is competent at the future place of residence in relation to the recognition as a refugee and the central Governmental authority in charge of the personal and address registry of the recognition as beneficiary of subsidiary protection, for the purpose of issuing the necessary personal identification document and authority residence card.

(3) The data managed on the basis of the present Act may be used for statistical purposes and data may be supplied from the records containing such data for statistical purposes in a way which does not permit the identification of individuals.

(4) The following data may be delivered to the Central Statistical Office in the interest of data management for statistical purposes also in a way which allows for the identification of individuals:

a) from among data in Section 83(1)a): the surname and first name or names, the former surname and first name or names, place and date of birth, sex, the mother’s surname and first name, data related to the current and former nationality or statelessness status, and

b) data stipulated by Section 83(1) f), j)-l).

(5) The data determined in Section 83(1)m) may only be delivered to the investigating authority and the public prosecutor’s office and, as determined by law, to the court and the national security services.

88 §

(1) The refugee authority shall supply data to foreign states and international organisations with respect to

a) the legal rules and practice applicable in the field of refugee affairs;

b) the monthly figures concerning the arrival of persons coming under the effect of the present Act and their breakdown by nationality;

c) the general trends of applications for recognition.

(2) The agency responsible for supplying country information under the supervision of the Minister shall supply data to foreign states and international organisations with respect to the situation in the countries of origin or the countries of previous residence of the persons coming under the effect of the present Act.

(3) The refugee authority shall also disclose the data under Sub-Section (1)b) to the agency designated by the Commission of the European Union and to the United Nations High Commissioner for Refugees.

89 §

(1) Based on international treaty or reciprocity, the refugee authority shall supply all information, on request, to the agencies of foreign states, not including the countries of origin of the persons coming under the effect of the present Act, and to the United Nations High Commissioner for Refugees, and further as part of the delivery of an asylum procedure, which is necessary for the assessment of the application for recognition, provided that the protection of personal data is ensured by the party requesting such data.

(2) The information referred to in Sub-Section (1) may contain

a) the natural identification data of a person coming under the effect of the present Act;

b) the data of his/her identity and travel documents (identification mark and number of document, term of validity, date of issuance, name of issuing authority, place of issuance);

c) other data necessary for the establishment of the identity of the person seeking recognition;

d) data relating to residence permit or visa;

e) place and date of submission of application for recognition or any previous application for recognition, status of procedure and contents of decision made on the application;

f) data generated by the criminal law procedure.

(3) The grounds which were stated by the person coming under the effect of the present Act to substantiate his/her application may only be disclosed as part of the data disclosure under Sub-Section (1) with the written consent of the person concerned.

(4) With the exception of the agencies authorised in Sub-Section (1), personal data may only be disclosed to a foreign agency or person on the basis of the written consent of the person concerned. The person concerned shall be informed of the purpose of utilisation beforehand.

Chapter XI

FINAL PROVISIONS

Provisions of Entry into Force and Discontinuations

90 §

- (1) The present Act shall enter into force on 1 January 2008 with the exception in subsection (2).**
- (2) Section 94 of the present Act shall enter into force on 2 July 2007.**
- (3) Simultaneously with the entry into force of the present Act,**
 - a) Act CXXXIX of 1997 on Asylum,**
 - b) Sections 36 and 58 of Act LXXV of 1999 on the Rules of Intervention Against Organised Crime as well as Certain Related Phenomena and Amendments of the Law Related Thereto,**
 - c) Act XXXVIII of 2001 on the Amendment of Act CXXXIX of 1997 on Asylum,**
 - d) Sections 44 to 56, the preceding chapter title “CHAPTER SEVEN” and title “On the Amendment of Act CXXXIX of 1997 on Asylum”, Section 147 (1) f), Section 142 (2)d) and Section 147 (3) of Act XXIX of 2004 on Certain Amendments of the Law Related to Hungary’s Accession to the European Union, the Repeal of Statutory Provisions and the Establishment of Certain Statutory Provisions,**
 - e) Section 93 of Act I of 2007 on the Entry and Stay of Persons with the Rights of Free Movement and Stay,**
 - f) Section 113 of Act II of 2007 on the Entry and Stay of Third Country Nationals shall cease to have effect.**

Temporary Provisions

91 §

- (1) The provisions of the present Act shall not apply to asylum procedures in progress at the time of its entry into force.**
- (2) Wherever the present Act attaches legal consequences to the repeated submission of an application, upon establishing the number of previous applications, any applications submitted prior to the entry into force of the present Act shall also be taken into consideration.**

Provisions of Authorisation

93 §

(1) The Government is hereby authorised to establish the following in a decree:

- a) the detailed rules of the asylum procedure;
- b) the detailed rules relating to the delivery of asylum procedures to foreign refugee authorities as well as to the receipt of asylum procedures from foreign refugee authorities;
- c) the types of provisions and benefits due to persons seeking recognition, refugees, beneficiary of subsidiary and temporary protection and the criteria of their availability;
- d) the rules governing the reimbursement of the costs of the use of provisions and benefits;
- e) the range of documents of refugees, beneficiaries of subsidiary and temporary protection;
- f) the content and form of the document for the applicant, refugee, beneficiaries of subsidiary and temporary protection;
- g) the detailed procedural rules of the issuance of travel documents to refugees, beneficiaries of subsidiary and temporary protection;
- h) the designation of the agency in charge of providing country information;
- i) the criteria of financial assistance that may be provided to ensure the expenses related to the travel in case of repatriation and settlement in a third country.

(1a) The Government is hereby authorised to assign the authorities attesting the data storage devices containing the biometric data of the documents entitling residence issued on the basis of Council Regulation 380/2008/EC of 18 April 2008 modifying Council Regulation 1030/2002/EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

(2) The Government is hereby authorised to establish the list of countries of origin declared by Hungary to be safe at national level.

(2a) The Government is hereby authorised to establish by decree the number of foreigners that can be recognized as refugees in a year based on Section 7(5).

(3) The Minister is hereby authorised to

- a) determine in a decree the structure of the organisational system, tasks and operating procedures of refugee affairs;

²³ Provision discontinued

b) designate in a decree the agency authorised to process the data of the refugee records and the data referred to in Section 83(3).

Provisions to amend

94 §²⁴

Compatibility with European Union Law

95 §

(1) The present Act serves partial compatibility with the following Community legal Acts:

- a) Resolution of the ministers of member states of the European Communities responsible for immigration of 30 November 1992 on manifestly unfounded applications;**
- b) Resolution of the ministers of member states of the European Communities responsible for immigration of 30 November 1992 on a harmonised approach to questions concerning host third countries;**
- c) Conclusions of the ministers of member states of the European Communities responsible for immigration of 30 November and 1 December 1992, London, on countries in which there is generally no serious risk of persecution;**
- d) Council resolution of 20 June 1995 on minimum guarantees for asylum procedures;**
- e) Council resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;**
- f) Council resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis;**
- g) Joint Position of the Council of 4 March 1996 on the Harmonised Application of the Definition of the Term “Refugee” in Section 1 of the Geneva Convention of 28 July 1951 Relating to the Status of Refugees;**
- h) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;**

²⁴ Provisions discontinued

i) Sections 2 d)-e), h)-j), 3-5, 7-8, 10-11 and 13-22 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of person seeking recognitions, together with the implementation decrees of this Act;

j) Sections 2 c), e), h), i), k), 4-7 and 9-33 of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, together with the implementation decrees of this Act;

k) Sections 3, 6-12, 15-28, 32, 34 (3) a), 35 and 37-39 of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, together with the implementation decrees of this Act.

l) Council Regulation 380/2008/EC of 18 April 2008 modifying Council Regulation 1030/2002/EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (Sections 22 and 83).

(2) The present Act establishes provisions necessary for the implementation of the following Community legal acts:

a) Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;

b) Council Regulation 2725/2000/EC of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention.

c) Council and European Parliament Regulation 767/2008/EC of 9 June 2008 on the visa information system (VIS) and the exchange of information by Member States concerning the visa entitling the holder for short term residence (VIS Regulation) [Sections 35 and 83].

Chapter XII

FINAL PROVISIONS

Provisions for Entry into Force and Discontinuation

109 §

(1) This Decree shall enter into force on 1 January 2008

(2) - (3)²⁵

Temporary Provisions

110 §

(1) Before the entry into force of the decree the existing repayment claim for the support offered with reimbursement obligation should be validated by the notary depending on those included in the sponsorship agreement.

(2) The notary should inform the Office semestrially about the amortization, if the refugee pays the repayment rates of the home building allowance to the local government based on a contract concluded before the entry into force of the decree.

Provisions to amend

111 – 116 §²⁶

Compatibility with European Union Law

117 §

The present Decree – together with Act LXXX of 2007 on Asylum – serves compatibility with the following Community legal Acts:

- a) Resolution of the ministers of Member States of the European Communities responsible for immigration of 30 November 1992 on manifestly unfounded applications;
- b) Resolution of the ministers of Member States of the European Communities responsible for immigration of 30 November 1992 on a harmonised approach to questions concerning host third countries;
- c) Conclusions of the ministers of member states of the European Communities responsible for immigration of 30 November and 1 December 1992, London, on countries in which there is generally no serious risk of persecution;
- d) Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures;

²⁵ Provisions discontinued

²⁶ Provisions discontinued

- e)* Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis;
- f)* Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;
- g)* Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- h)* Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of person seeking recognitions;
- i)* Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;
- j)* Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

(2) The present Decree – together with Act LXXX of 2007 on asylum – establishes provisions necessary for the implementation of the following Community legal acts:

- a)* Council Regulation 2725/2000/EC of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention;
- b)* Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.
- c)* Council Regulation 1030/2002 EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation 380/2008 EC of 18 April 2008 amending Regulation 1030/2002 EC laying down a uniform format for residence permits for third-country nationals.

(3) The present Decree establishes provisions necessary for the implementation of the following Community legal acts:

- a)* Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention;
- b)* Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

Annex 1 to Government Decree No. 301/2007 (XI.9.)

Document certifying the identity and entitlement to residence of the beneficiary of temporary protection

Format and content of the document: as specified in Council Regulation 1030/2002 EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation 380/2008 EC of 18 April 2008 amending Council Regulation 1030/2002 EC laying down a uniform format for residence permits for third-country nationals.

Document format: ID-1 card including a data container.

Notes shall include

1. marking the “document certifying the identity and entitlement to residence of the beneficiary of temporary protection”,
2. surname(s) and first name(s) of the mother of the beneficiary of temporary protection at birth,
3. residence of the beneficiary of temporary protection.

Annex 2 to Government Decree No. 301/2007 (XI.9.)

DECLARATION

on the assets and income of persons requesting recognition as refugee, beneficiary of subsidiary protection or beneficiary of temporary protection, changes therein

A) Personal details

Declaring person's

- a) surname and first name:
- b) place and date of birth:
- c) address of temporary residence:
- d) number of residence permit/ID card:

B) Asset details

At the time of submitting the declaration I possess the following assets / do not possess any assets in Hungary:

- | | |
|--|-----|
| 1. property (property where I do not reside permanently): | |
| do not possess – possess, market value: | HUF |
| 2. vehicle: do not possess – possess, market value: | HUF |
| 3. motorised production/working machine: | |
| do not possess – possess, market value: | HUF |
| 4. cash: do not possess – possess, market value: | HUF |
| 5. savings bank deposit: do not possess – possess, amount: | HUF |
| 6. securities: do not possess – possess, value: | HUF |

7. rights of asset value (permanent use of land, use of land, easement, use, foreigner's right of use of land, etc.): do not possess – possess, value:
Total assets (1 – 7):

HUF
HUF

C) Income data

At the time of submitting the declaration I possess the following income / do not possess any income in Hungary:

1. monthly income from employment:

do not possess – possess, amount:

HUF

2. monthly income from other contractual work:

do not possess – possess, amount:

HUF

3. income from sale of assets:

do not possess – possess, amount:

HUF

4. other income: do not possess – possess, amount:

HUF

Total income (1 -4):

HUF

D) Report on changes

The declaring person shall immediately, at the latest within 15 days, report to the Immigration and Citizenship Office (hereinafter referred to as 'Office') when

- a) the market value of any of his/her assets reaches HUF _____, their total market value reaches HUF _____;
- b) his/her monthly income exceeds the minimum old-age pension (HUF _____ in 20____).

E) Declaration

Hereby I declare that the details given in this declaration are true. I accept that

- a) I have to pay for the services received as personal care if the amount of my assets in HUF or my monthly income exceeds the amount identified in Section D) of this Declaration;
- b) the Office may require me to submit another declaration on assets and income – when I receive services free of charge or support – and I must fulfil such requirement within 15 days;
- c) the Office may check the true nature of the details shown in my declaration;
- d) in the case of failure to report any change in my assets or income according to Section D) of this Declaration the Office may suspend payment of the services and financial support until such obligation is fulfilled;
- e) in the case of declaration of untrue details in the Declaration on assets and income and changes therein the Office may cancel the services and support.

Date: _____, _____ 20____

signature of declaring person (legal representative)

Declaration received by:

Date: _____, _____ 20____

signature of representative of the Office

Each person seeking recognition as refugee, beneficiary of subsidiary protection or beneficiary of temporary protection shall fill in a separate declaration.

The declaration shall be filled in with block letters.

Annex 3 to Government Decree No. 301/2007 (XI.9.)

DECLARATION

on the assets and income of refugee, beneficiary of subsidiary protection or beneficiary of temporary protection, changes therein

A) Personal details

Declaring person's

- a) surname and first name:
- b) place of birth:
- c) address of temporary/permanent residence:
- d) number of residence permit/ID card:

B) Asset details

At the time of submitting the declaration I possess the following assets / do not possess any assets in Hungary:

- | | |
|---|-----|
| 1. property (property where I do not reside permanently):
do not possess – possess, market value: | HUF |
| 2. vehicle: do not possess – possess, market value: | HUF |
| 3. motorised production/working machine:
do not possess – possess, market value: | HUF |
| 4. cash: do not possess – possess, amount: | HUF |
| 5. savings bank deposit: do not possess – possess, amount: | HUF |
| 6. securities: do not possess – possess, value: | HUF |
| 7. rights of asset value (permanent use of land, use of land, easement, use,
foreigner's right of use of land, etc.): do not possess – possess, value: | HUF |
| Total assets (1 – 7): | HUF |

C) Income data

At the time of submitting the declaration I possess the following income / do not possess any income in Hungary:

- | | |
|--|-----|
| 1. monthly net income from employment, other contractual work and sick pay: do
not possess – possess, amount: | HUF |
| 2. monthly net income from corporate and private enterprise:
do not possess – possess, amount: | HUF |
| 3. income from sale of movable and immovable property:
do not possess – possess, amount: | HUF |
| 4. old-age pension, disabled pension, other pension-like payment:
do not possess – possess, amount: | HUF |
| 5. allowances connected with child care
(in particular child care pay, child care allowance, child raising pay, child alimony,
orphan pension):
do not possess – possess, amount: | HUF |
| 6. regular payment received from the Office, municipality and labour bodies
(unemployment benefit, disabled allowance, regular child care allowance, regular
social aid, income replacement allowance, etc.):
do not possess – possess, amount: | HUF |
| 7. income from leasing out land: do not possess – possess, amount: | HUF |

8. other income (in particular from scholarship, securities, agricultural production, small amount payments, etc.): do not possess – possess, amount:
Total income (1 -8): do not possess – possess, amount:

HUF
HUF

D) Report on changes

The refugee, beneficiary of subsidiary protection or beneficiary of temporary protection shall immediately, at the latest within 15 days, report to the Immigration and Citizenship Office (hereinafter referred to as 'Office') when he/she stays at a reception centre, otherwise to the Controller of the town where he/she resides when

- a) the market value of any of his/her assets reaches HUF _____, their total market value reaches HUF _____;
- b) his/her monthly income exceeds the minimum old-age pension (HUF _____ in 20____).

E) Declaration

Hereby I declare that the details given in this declaration are true.

I accept that

- a) I have to pay for the services received as personal care if the amount of my assets in HUF or my monthly income exceeds the amount identified in Section D) of this Declaration;
- b) the Office or the Controller may require me to submit another declaration on assets and income – when I receive services free of charge or support – and I must fulfil such requirement within 15 days;
- c) the Office may check the true nature of the details shown in my declaration;
- d) in the case of failure to report any change in my assets or income according to Section D) of this Declaration the Office or the Controller may suspend payment of the services or financial support until such obligation is fulfilled;
- e) in the case of declaration of untrue details in the Declaration on assets and income and changes therein the Office may cancel the services and support;
- f) if I report my absence (abroad or other) exceeding 30 days to the Office or the district government office, the delivery of the services shall be suspended for duration of my absence.

Date: _____, _____ 20____

signature of declaring person (legal representative)

Declaration received by:

Date: _____, _____ 20____

signature of representative of the Office

Each refugee, beneficiary of subsidiary protection or beneficiary of temporary protection shall fill in a separate declaration. The declaration shall be filled in with block letters.

Annex 4 to Government Decree No. 301/2007 (XI.9.)

PASS

Member State that issued the pass:

Reference number*:

This pass was issued pursuant to Section 26 of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

This pass is valid exclusively for transfer from²⁷ to²⁸

The person concerned shall present himself/herself by²⁹ at³⁰.

Pass was issued at:

SURNAME:

FIRST NAMES:

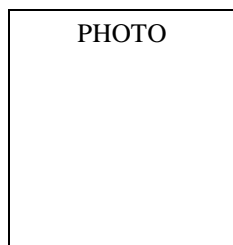
PLACE AND DATE OF BIRTH:

For a minor name(s) of major in charge of him/her:

GENDER OF THE PASS HOLDER:

NATIONALITY:

Date of issue:



STAMP

Signature of beneficiary: On behalf of the competent authorities:

The holder of the pass was identified by the authorities on the basis of the following:^{31 32}

Identity of the pass holder could not be established:

This document was issued exclusively pursuant to Section 26 of Directive 2001/55/EC and may not be used as equivalent of travel documents entitling to crossing external borders or ID documents used for identification of the person concerned.

* The reference number is issued by the country from which transfer to another member state is made.

²⁷ The Member State from which transfer is made.

²⁸ The Member State to which transfer is made

²⁹ Deadline by which the persons concerned must present themselves in the receiving Member State.

³⁰ Place where the persons concerned must present themselves in the receiving Member State.

³¹ On the basis of the following travel or ID documents submitted to the authorities.

³² On the basis of documents other than travel or ID documents.