

Information for non-Ukrainian citizens fleeing Ukraine



HUNGARIAN
HELSINKI
COMMITTEE

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(EN)

This leaflet has useful information for **you if you don't have Ukrainian nationality, but you lived in Ukraine** and you had to leave Ukraine because of the war.

This leaflet is *not* for you if

- You have Ukrainian or Hungarian nationality or
- Your close family member has Ukrainian nationality; or
- You lived as a recognised refugee or stateless person in Ukraine or your close family member lived as a recognised refugee or stateless person in Ukraine.

In any of these cases, please read our other leaflets: <https://helsinki.hu/en/ukr/>

1. Can I enter and stay in Hungary?

Since February 2023, you can only enter Hungary if you stayed in Ukraine since the beginning of the war or if you have valid travel documents (visa and passport). If you left Ukraine and then went back during the war, the Hungarian Police will not let you enter, unless you have a valid visa. If you do not have a visa, the Police will give you a refusal of entry decision and you will have to return to Ukraine. You can appeal this decision, but the appeal does not give you the right to stay in Hungary during the appeal procedure.

If the Police does not let you enter, and gives you a decision about the refusal, we recommend you to get in touch with us in e-mail.

If you stayed in Ukraine for the whole time since the beginning of the war, you can enter even if you do not have the necessary documents (like a passport). However, in this case, we recommend you contact us for assistance before your travel.

If you want to enter from any other country, the general rules apply. This means that if people from your country usually need a visa to enter the "Schengen Area", you will need a visa to enter Hungary.

When you enter Hungary, the authority will register your personal data there. You will have to show that you were residing legally in Ukraine. You can do this by showing your Ukrainian residence card, for example. Then, you will receive a **temporary residence permit** (in Hungarian: 'ideiglenes

tartózkodásra jogosító igazolás'). If they did not give you a temporary residence permit after you arrived in Hungary, you should go to the nearest immigration office. You can find their addresses of the immigration offices here: <https://bit.ly/3imS3DR> (oif.gov.hu). This document is valid for minimum 1 month and maximum 3 months. **The authority can later extend this document for a maximum of 3 months at each occasion.** This document can only be extended if you can explain to the immigration officer why you cannot return to your country of origin yet (for example you could not arrange your trip yet, but arrangements are underway or you apply for a special residence permit in Hungary but the procedure is still ongoing). If you want to return to your country of origin, but you need help with travel arrangements, you should contact the embassy of your country of origin and ask for their help. If the embassy is not able to help you, you can contact the immigration office by sending an email to return@oif.gov.hu and they will help you. If you cannot show a good reason for which you want to extend your temporary permit, the immigration office has a right to deny your request for extension. **Getting a temporary residence document is only a short-term solution.** To ensure long-term stay, you must apply for a residence permit for a specific purpose (for example, because you are a student and a Hungarian university admitted you, or you found employment in Hungary and you apply for a working permit). See more about this at question 10.

It is important to get this temporary residence permit, as this document proves that you have the right to stay in Hungary. In some cases, when you receive your temporary residence document, you will also be issued with a **decision** in which the immigration office designates a **mandatory place to stay** for you (for example, the territory of Budapest or Pest county). If you receive such a decision, you have to stay within the designated territory, otherwise, you may be fined.

2. I was an asylum-seeker in Ukraine. Can I enter Hungary?

Yes. If you asked for refugee status in Ukraine, but have not yet received refugee status there, you can enter Hungary (see Question 1). We recommend you to contact the Hungarian Helsinki Committee for free legal assistance by writing to ukrainecrisis@helsinki.hu as soon as possible.

3. I am stateless (not recognized as a citizen of any country). Can I enter Hungary?

Yes (see Question 1). If you were recognized as a stateless person in Ukraine, you can ask for temporary protection. Please read this information leaflet if that is the case: <https://helsinki.hu/en/information-ukraine-stateless-recognized-refugees/>. If you have not been recognized as a stateless person, you can also ask for stateless status in Hungary. Contact the Hungarian Helsinki Committee for free legal assistance as soon as possible. See more information about this procedure in our leaflet for stateless persons: <https://bit.ly/3L3nYWc>.

4. Can I travel to other EU countries with a temporary residence permit?

You **cannot travel with this document** to other EU countries, it allows you to stay in Hungary only. You can travel to other countries only if you comply with the visa rules of that country (for example, if you want to go to Spain, you have to have a valid passport and you have to contact the Spanish embassy to see how you can get a visa). If you do not have a valid passport, please contact the closest embassy of your country of origin. Once you leave Hungary, you cannot return based solely on your temporary residence permit.

5. Can I apply for temporary protection ('menedékes') status in Hungary?

No. Only Ukrainian nationals, refugees and stateless persons recognized in Ukraine and their family members can apply for temporary protection ('menedékes') status in Hungary, if they arrived in Hungary on or after 24 February. 'Family members' are: husband/wife, partner, child under 18 years and relatives who lived in the same household. These family members can apply even if they are not Ukrainian citizens.

Please note that the regulation of temporary protection may be different in every EU country. So while it is not possible to apply for temporary protection in Hungary if you are not a Ukrainian citizen or a family member, **in other EU countries this may be a possibility for you** (for example in Belgium or Croatia). You can read more on the temporary protection rules of the respective EU countries here: <https://bit.ly/3sMNYOK>. If you want to travel to other EU countries for the purpose of applying for temporary protection, please contact the respective embassy to find out more about the entry rules. If embassies are busy and they do not respond, you can contact non-governmental organisations which help refugees in that country. See here a list of such organisations: <https://bit.ly/3JwYslq>.

6. Can I get accommodation and other assistance with the temporary residence permit?

No. This document does not give you a right to accommodation or any other type of assistance from the Hungarian state but you can contact civil organisations who help Ukrainian refugees. You can find the contact information of a number of such organisations on our website under the "Other aid organisations" heading: <https://helsinki.hu/en/ukr/>

7. Can I get healthcare with a temporary residence permit?

You only have the right to emergency healthcare and to mandatory vaccinations.

8. Can I work with the temporary residence permit?

No. If you start working in Hungary with this residence permit, the immigration office will expell you from Hungary.

9. Can I apply for a residence permit in Hungary?

There are different types of residence permits in Hungary, all of them have different conditions. You can get a residence permit for the purpose of study, traineeship, employment, etc. You can read more on the different types of residence permits here: <https://bit.ly/3yOIOp5>. However, due to legislative changes, since January 2024, it is virtually not possible to apply for a residence permit from the territory of Hungary. So even if you manage to fulfil the necessary conditions to apply for a residence permit (for example you have got admitted to a Hungarian university, or you have found a job opportunity) you will have to travel home and apply for a residence permit at the Hungarian embassy in your country. You can only apply for a residence permit from Hungary if you are from a country whose nationals can otherwise travel to the Schengen area for 3 months visa-free, and you submit your residence permit application within this 3-month-period.

If you need free legal advice about applying for a residence permit please contact the Menedék Hungarian Association for Migrants (menedek@menedek.hu) or write to ukraine@muknet.hu and ukraine@bpbar.hu.

10. What can I do if I cannot return to my country of origin and I cannot go to other EU countries?

If you do **not** have the possibility to apply for a residence permit, but you cannot return to your country of origin, because it is not safe for you (for example, you were or could be a victim of a human right violation if you returned) you should have **the right to apply for asylum** (refugee status) in Hungary. For example, this can happen if you would have to suffer torture, beating, detention or your life would be at risk, because of your political opinion or religion, because you belong to a minority group, or because you are gay, lesbian or transgender. Asylum/refugee status is not the same as temporary protection. Getting asylum/refugee status is very difficult in Hungary, so if you are afraid to go home, contact the Hungarian Helsinki Committee for free legal assistance as soon as possible. You should contact us at ukrainecrisis@helsinki.hu and we will set an appointment to talk of your legal options. In this case an alien policing procedure can also be initiated and if it is proven that you cannot return to your country of origin for the previously mentioned reasons, you may be granted a status called “tolerated stay” (“befogadott” in Hungarian). This status gives you the right to stay in Hungary for a year and access to medical care by registering at the general practitioner, but you cannot access other specific rights. If you want to work, you have to request a work permit. If you got this status, but you need a broader protection (such as refugee status) which gives you more rights (e.g. free access to employment, full access to healthcare services, travelling freely within the EU), then, again, please contact us and we will discuss your options.

11. What happens if the immigration office does not extend my temporary residence permit?

As explained above at question 1, the temporary residence permit does not allow long-term stay in Hungary. If the immigration office believes that you did not make steps to organise your travel home, or to apply for a residence permit, they can choose not to extend your temporary residence permit. In this case, you can expect that you will get an expulsion decision (“kiutasítás” in Hungarian) where the immigration office orders you to leave the territory of the European Union. After being expelled, you cannot get a residence permit without complying with the expulsion first.

In order to make an expulsion decision, and to ensure that you comply with it, the immigration office will conduct a so-called “aliens policing procedure”.

An alien policing procedure can also be initiated if you apply for a residence permit, but your application is denied, and you don't appeal the decision, or you have exhausted all possible legal remedies without success.

12. What can I expect in an aliens policing procedure?

If an aliens policing procedure starts in your case, you can expect that the authority will conduct an interview with you. The aim of the interview is to find out the circumstances of your stay in Hungary and to assess the necessity, and the terms of an expulsion decision.

During the interview, you have a right to use your mother tongue (your native language), or another language you speak well. If it is necessary for the communication, the immigration office will organise an interpreter for you. If you don't understand the interpreter well, make sure to mention this as soon as possible. If you have a lawyer, she/he can also participate in the interview. The officer conducting the interview will write down your answers in the minutes of the interview. In the end, they will have to read your answers back to you, in order to make sure that they included everything you said. After the interview, you will have to sign the pages of the minutes. Make sure that you know the content of the minutes before you sign it. If the immigration office does not want to conduct an interview in your case, you can still request it in order to explain your situation.

As indicated in question 10, in the aliens policing procedure the immigration office must examine whether you can return to your home country safely. If they find that you cannot be sent to your home country, you may be granted "tolerated stay". If you feel you cannot return to your home country safely, it is very important to explain this at the interview. You must describe your situation, and the reasons why you would be personally in danger if you were to return in as much detail as possible.

If you receive an expulsion decision, you have 8 days to go to court and request a judicial review. In this case, you must substantiate why the expulsion decision was unlawful. You don't necessarily need a lawyer to represent you in court, but if you are thinking about this option, we recommend consulting a lawyer in order to see whether you have a valid claim against the expulsion decision.

If you are expelled, but it can be assumed that you will leave the country voluntarily, you will get a deadline to organise your travel on your own. If you can't leave the country by that deadline, you can ask for its extension once. If you don't leave the country by the deadline and you don't ask for an extension, or the immigration office believes that you won't leave the country voluntarily, it can order your deportation. With deportation, an entry-ban must also be ordered to the territory of the EU for 1-5 years. Therefore, it is very important to cooperate.

The Hungarian Helsinki Committee helps everyone fleeing Ukraine. If you are in need of free legal assistance, do not hesitate to turn to us!