ON THE NEW RULES OF THE ASYLUM PROCEDURE IN HUNGARY

On the New Rules of the Asylum Procedure in Hungary

_Last update: 22 June 2020._

The rules of applying for asylum in Hungary changed. These new rules are in force until the 31st of December 2020. As we have not seen yet how the new rules work in practice, this leaflet exclusively contains those information that can be understood from the exact words of the new law. Many questions, which are not clarified by the new provisions, will only be answered later by practice or through changes in the law.

**How can I seek asylum in Hungary?**

1. **If I am in the territory of Hungary, can I ask for asylum?**

You can ask for asylum in the territory of Hungary, but _only if_ you are:

- a beneficiary of subsidiary protection (‘oltalmazott’ in Hungarian),
- a minor child (under the age of 18) of a refugee or a beneficiary of subsidiary protection,
- a parent or a legal guardian of a minor refugee or a beneficiary of subsidiary protection,
- a spouse (husband or wife) of a refugee or a beneficiary of subsidiary protection, _if your spouse entered Hungary after you had gotten married, OR_
- if you entered Hungary in a legal way (meaning you had the necessary travel documents, such as a passport) AND now your freedom is restricted (e.g. you are in detention or in arrest) or you are serving your sentence/penalty (e.g. you are in prison). Your freedom is restricted, _if_, for example, you committed an offence and you were sentenced for imprisonment, or you have been expelled from Hungary and taken into detention.

**What should I do to seek asylum?**

You have to lodge the asylum application in **person, verbally or in writing**, at the asylum authority within its opening hours.
The name of the asylum authority in Hungarian: Országos Idegenrendészeti Főigazgatóság, Menekültügyi Igazgatóság, Menedékjogi Osztály. Address: 1117 Budapest, Budafoki út 60., website here.

2. If I am NOT in the territory of Hungary, can I seek asylum?

You can. First, however, you have to submit a statement of intent to the Embassy of Hungary in Ukraine or Serbia. By this statement, you express your intention of seeking asylum from Hungary. Based on your statement of intent, the embassy can grant you the right to travel to Hungary. In this case, you have to claim asylum in Hungary upon arrival (right after entering Hungary).

What should I do to seek asylum?

Before coming to Hungary and lodging the actual asylum application, you have to fill in and sign the official form of statement of intent and then you have to submit that to the Embassy of Hungary in Kyiv, Ukraine or to the Embassy of Hungary in Belgrade, Serbia. (Embassy of Hungary in Ukraine: https://kijev.mfa.gov.hu/eng, Embassy of Hungary in Serbia: https://belgrad.mfa.gov.hu/rus.)

3. I am in Hungary, but based on the new rules, I cannot seek asylum. What should I do if I still want to lodge an asylum application?

The new rules do not cover this situation. Therefore, we suggest that you turn to the asylum authority and ask them (their name in Hungarian: Országos Idegenrendészeti Főigazgatóság, address: 1117 Budapest, Budafoki út 60.). You can also reach out to us (Hungarian Helsinki Committee, email: helsinki@helsinki.hu, phone: + 36 1 321 4323) and we will try to assist you.

4. What will happen at the embassy?

You have to go to the embassy in person and give them the filled and signed form of statement of intent. You can download the form here. One statement of intent is enough, even if you have a family (e.g. husband, wife, children) and you all want to ask for asylum. You have to give your contact details to the embassy and they will take a photo of you.

You have to present your identification documents (e.g. passport, personal ID) and other relevant documents as well (e.g. your birth certificate, birth certificate of your children). If you do not have any of these documents, you have to present any other document which may prove your identity. These documents will be photocopied at the embassy.

The embassy will then send your statement of intent and other copied documents to Hungary to the asylum authority. If the asylum authority decides to interview you, the embassy will contact you through one of the contact details you gave them (e.g. via phone). You have to then go to the
embassy again for the interview which will be held online or by a phone call. This call is set up by the embassy and the asylum authority and if needed, an interpreter will also be provided to you.

**Do I have to pay for the procedure?**

There is no fee. The procedure is **free**.

**Can the embassy deny to take my statement of intent over?**

_No, it cannot_, if you correctly filled in and signed the form of statement of intent.

**5. When can I travel to Hungary?**

_The embassy will inform you_ if the asylum authority gave you permission to come to Hungary. It can happen that, although you were allowed to travel to Hungary, _you don’t have the documents which are needed to travel_. (You always have to have a passport to travel to Hungary, and, if there is a visa requirement, you also need a visa or a residence permit.) If that is the case, the embassy will give a special travel document to you. When the travel document is ready, the embassy will notify you and you will have _15 from this notification to take the document over_. This special document is valid for 30 days and you can enter Hungary with it one time. This document cannot be used for entering and leaving Hungary more than one time.

**6. I was allowed to travel to Hungary after submitting my statement of intent. What do I have to do when I arrive to Hungary?**

You have to tell the border control officer that you want to ask for asylum. The officers will then take you to the asylum authority within 24 hours. When you arrive to the asylum authority, you have to state again that you ask for asylum. The asylum authority will then decide your case. The fact that the Hungarian authorities gave you permission to come to Hungary does not automatically mean that you will be given refugee status or subsidiary protection in Hungary. The asylum authority can make various decisions at the end of your procedure: you either get refugee status or a beneficiary of subsidiary protection (which is a status similar to the refugee status), or your asylum application can also be rejected. If you think that the asylum authority made a wrong decision in your case, you can turn to the court and appeal against the decision. In any case, you always have to cooperate with the authorities.

**7. I submitted my asylum application at the asylum authority after entering Hungary. What will happen to me now?**

After going to the asylum authority where you asked for asylum, you can be placed at a closed place for the period of maximum 4 weeks. This accommodation is built exclusively for asylum
seekers and you cannot leave for 4 weeks. The asylum authority will decide in your case based on the general rules of the asylum procedure.

**Relevant law:**

Government Decree 233/2020. (V. 28.)

Decree of the Minister of Interior 15/2020. (V. 26.)

Decree of the Minister of Interior 16/2020. (VI.17.)

Act LVIII of 2020 on the provisional rules concerning the termination of the state of danger and epidemic preparedness

Act LXXX of 2007 on Asylum

Government Decree 301/2007. (IX. 9.)

Government Decree 40/2020. (III. 11.)

*Information concerning the asylum procedure written by the asylum authority*