



7 March 2022

The Hungarian Helsinki Committee (HHC) provides regular, reliable information on the situation at the Ukrainian-Hungarian border and those fleeing Ukraine due to the Russian invasion. The HHC has prepared brief information leaflets for those fleeing, which are available in Hungarian, Ukrainian, English, and Russian.¹

The HHC's staff is on continuous duty on all days of the week, including on weekends. Our dedicated email address for those fleeing Ukraine is ukrainecrisis@helsinki.hu. HHC's Facebook page also responds to inquiries sent through Messenger: <https://www.facebook.com/helsinkibizottsag>. People can also reach us at +3613214141 on workdays 9-17.

Earlier editions of this note are available here: <https://helsinki.hu/en/war-in-ukraine-protection-situation-in-hungary/>

Changes in the situation since the previous update are marked with a *******.

1. Legal background

As of 10 pm of 24 February 2022, the following persons can enter Hungary and request Hungarian temporary protection ("menedékes", hereafter: HTP)²:

- Ukrainian citizens regardless of the documents they possess **directly entering Hungary from Ukraine**
- Third-country nationals who stay lawfully in Ukraine and **directly enter Hungary from Ukraine**

HTP is a special type of protection, not to be confused with the EU's Temporary Protection.³ It has to be requested by the individual, it is not granted automatically by virtue of crossing the border. It is the sole responsibility of the National Directorate-General for Aliens Policing (NDGAP, *Országos Idegenrendészeti Főigazgatóság* or *OIF*) to register such requests, to conduct the procedure and to grant the status.

Key differences between HTP and refugee/subsidiary protection statuses are summarized in the table below:

	Hungarian Temporary Protection	Refugee / Subsidiary protection
Right to work while the procedure is pending	NO	NO
Right to work after status is granted	NO (only with work permit)	YES
Access to health care beyond emergency care	YES	YES, during the procedure and 6 months after the status is granted
Access to education for children under the age of 16	YES	YES
State provided shelter	YES	YES, during the procedure and for 30 days after the status is granted
Meals	YES	YES, during the procedure and for 30 days after the status is granted
Financial assistance	YES (not automatic)	NO
Integration support	YES	NO

¹ Available here: <https://helsinki.hu/en/information-for-people-fleeing-from-ukraine/>

² Government Decree 56/2022. (II. 24.) on derogations from the temporary rules on asylum procedures set out in Act LVIII of 2020 on Transitional Provisions related to the Termination of the State of Danger and on Epidemiological Preparedness, available in Hungarian: <https://net.jogtar.hu/jogszabaly?docid=A2200056.KOR&dbnum=1>

³ See the European Commission's brief explanation on the EU Temporary Protection: https://ec.europa.eu/home-affairs/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en

The triggering of the HTP, as well as the validity of granted HTP statuses are currently valid until 1 June 2022. This can be prolonged indefinitely through a government decree.

*** On 4 March 2022, the Council of the European Union triggered the EU Temporary Protection (hereafter: EUTP).⁴ There are differences between the personal scope of the EUTP and the HTP, as well as the benefits/permissions provided under the two schemes, as summarised:

	Hungarian Temporary Protection	EU Temporary Protection
Personal scope	<ul style="list-style-type: none"> Ukrainian citizens regardless of the documents they possess directly entering Hungary from Ukraine Non-Ukrainian third-country nationals who stay lawfully in Ukraine and directly enter Hungary from Ukraine 	<ul style="list-style-type: none"> Ukrainian citizens residing in Ukraine before 24 February 2022 and were displaced on or after that date stateless persons and beneficiaries of international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced on or after that date Family members of the above Stateless persons or non-Ukrainian third-country nationals who can prove that they were legally residing in Ukraine prior to 24 February 2022 and are unable to return in safe and durable conditions to their country of origin
Duration	Until 1 June 2022 (may be extended)	Until 4 March 2023 (may be extended)
Right to work while the procedure is pending	NO	NO
Right to work after status is granted	NO (only with work permit)	YES
Access to health care beyond emergency care	YES	YES (emergency and essential, except for unaccompanied children and other vulnerable persons who are eligible to access further services)
Access to education for children under the age of 16	YES	YES
State provided shelter	YES	YES
Meals	YES	Not specifically mentioned
Financial assistance	YES (not automatic)	Possible, but not specified in details
Integration support	YES	Not specifically mentioned
Freedom of movement within the EU	NO	NO

As the relevant EU directives allow Member States to establish more favourable conditions (both in terms of the personal scope of the protection and in terms of the available services and benefits), those who apply for temporary protection in Hungary after 4 March 2022 are eligible for the benefits included under domestic provisions as well as those included under EU law.

2. Implementation

a. At border crossings

Five border crossings operate at the Hungarian-Ukrainian border section. At Záhony (HU) – Cap (UA) there is also a train crossing and is traditionally one of the busiest crossings. Further south are Lónya (HU) – Dzvinkove (UA), a small border crossing, Barabás (HU) – Kason (UA), another small border crossing, Beregsurány (HU) – Astei (UA), traditionally the other main crossing in addition to Záhony, and Tiszabecs (HU) – Vilok (UA), another

⁴ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, available in official languages: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022D0382>

small border crossing. The small crossings normally operate only during the day and allow for pedestrian crossing as well. Currently, all crossings are open 24/7 for all passengers.

According to the available information at the time of this update, the Hungarian authorities allow all persons showing up at the border crossings to enter Hungary.

The Police (border guards were integrated into the Police as of 1 January 2008) still do not provide information on the need/possibility to apply for temporary protection or how people would become eligible to certain services.

******* On the evening of 2 March, people who did not meet the entry requirements set out in the Schengen Borders Code but fleeing the war in Ukraine were no longer allowed to enter from Romania. In the morning on 3 March, both the Romanian and the Hungarian officials stated that from then on, citizens of Ukraine, regardless of their travel documents, will be able to enter Hungary. Third-country nationals who do not meet the entry requirements are still not allowed to enter at the Romanian-Hungarian border, even if they can provide proof of their previous lawful stay in Ukraine.

b. At registration points

Registration points were set up at several locations inside Hungary, usually a few dozen kilometres from the border. At these registration points, Hungarian authorities set up a one-stop-shop a few days after the Russian invasion began where the registration of those fleeing from Ukraine can take place. These are located in Aranyosapáti⁵, Cigánd (opened on 3 March)⁶, Fehérgyarmat⁷, Mándok⁸, Tarpa⁹, Vásárosnamény¹⁰.

******* Following the first chaotic days, it seems that except for those meeting the regular entry requirements (biometric passports in case of Ukrainian citizens, valid visa in case of non-Ukrainian third-country citizens), registration is compulsory. At the same time, the registration procedure remains extremely slow. At some registration points, people need to wait 4-8, in some cases 10+ hours. At least at one registration point, people are waiting outside. HHC received reports that while waiting for the registration, people do not have access to food, water, or even toilets.

******* The HHC also received reports that there continues to be a shortage of interpreters at registration points and the authorities cannot communicate with those being registered.

At registration points, people can “choose” whether to apply for temporary protection or for a temporary residence card, the latter valid for 30 days.

******* The HHC received a high number of requests from those fleeing as well as from Hungarian citizens and Hungarian municipalities hosting people fleeing from Ukraine regarding the possibility to apply for temporary protection. Concerning reports of pre-filled documents showing that the individual “is not requesting protection”; of entire buses of people transferred from border crossing points to registration points being told “not to ask for protection in order to speed up the procedure” remain regular. This is one of the most likely explanation behind the shockingly low number of temporary protection applications registered by the NDGAP.

3. Humanitarian relief

Humanitarian aid is organised by grassroots (e.g. Migration Aid¹¹), charity groups (e.g. Age of Hope¹², Budapest Bike Maffia¹³), individuals mostly utilizing different Facebook groups (e.g. for shelters¹⁴, NFIs and transport¹⁵). Members of the government-organised Charity Council began providing humanitarian aid and divided crossings among each other, see details below:

⁵ Petőfi út 6., emergency shelter capacity: 30

⁶ Vasút u. 46

⁷ Iskola köz 3., emergency shelter capacity: 700

⁸ Szent István tér, emergency shelter capacity: 300

⁹ Kossuth út 19., emergency shelter capacity: 50

¹⁰ Munkácsi út 2., emergency shelter capacity: 60

¹¹ <https://migrationaid.org/>

¹² <https://aoh.hu/>

¹³ <https://bikemaffia.com/en/home/>

¹⁴ <https://www.facebook.com/groups/1350360178761136/>

¹⁵ <https://www.facebook.com/groups/994143548136400/> and <https://www.facebook.com/groups/527320555481268/>

Member organizations of the Charity Council on the border:

- **Caritas Hungarica**

Tel: +36 1 / 372-0910

E-mail: office@caritas.org.hu

Border Crossing Point: Barabás, Beregsurány

Present in Transcarpathia

- **Hungarian Reformed Church Aid**

Tel: +36 1 / 273 0449

E-mail: mrsz@jobbadni.hu

Border Crossing Point: Záhony

Present in Transcarpathia

- **Hungarian Maltese Charity Service**

Tel: +36 1 / 391 4700

E-mail: mmszok@maltai.hu

Border Crossing Point: Beregsurány

- **Hungarian Interchurch Aid**

Tel: +36 1 / 382 0700

E-mail: segelyszervezet@segelyszervezet.hu

Border Crossing Point: Beregsurány

Present in Transcarpathia and in Lviv

- **Hungarian Baptist Aid**

Tel: +36 1 / 381 0084

E-mail: hbaid@hbaid.org

Border Crossing Point: Tiszabecs, Záhony

Present in Transcarpathia

- **Hungarian Red Cross**

Tel: +36 1 / 311 3660

E-mail: titkarsag@voroskeresztbp.hu

Border Crossing Point: Záhony, Beregsurány, Tiszabecs

Present in Transcarpathia

******* The Disaster Management Agency arranges accommodation for those requesting shelter at the registration points.

4. Identified gaps

a. Access to protection

It seems that the primary goal of the Hungarian authorities is to allow people to enter Hungary, a welcoming change to the prevailing anti-refugee policies of the government. However, if people do not apply for temporary protection, they will not be eligible for basic services. Those crossing are not aware of this and the option to apply for temporary protection.

- At a minimum, leaflets explaining the situation and the available options must be provided to all persons crossings the Ukrainian-Hungarian border. The NDGAP that bears the sole responsibility to conduct the temporary protection procedures shall have continuous presence not only at registration points, but at border crossings too.

b. Implementation, humanitarian aid

******* Following the first chaotic days, it seems that except for those meeting the regular entry requirements (biometric passports in case of Ukrainian citizens, valid visa in case of non-Ukrainian third-country citizens), registration is compulsory. At the same time, the registration procedure remains extremely slow. At some registration points, people need to wait 4-8, in some cases 10+ hours. At least at one registration point, people are waiting outside. HHC received reports that while waiting for the registration, people do not have access to food, water, or even toilets.

The HHC also received reports that there continues to be a shortage of interpreters at registration points and the authorities cannot communicate with those being registered.

- The registration procedure must be rationalised and speeded up, if necessary, by establishing further registration points and by involving further personnel, including an adequate number of interpreters. Those waiting to be registered must have access to at least water and toilets.

Hungarian citizens fleeing from Ukraine find themselves in a very difficult position. As Hungarian citizens, they are unable to apply for temporary protection and are not eligible for the basic support services available to beneficiaries of temporary protection.

- The current framework is unable to provide targeted, useful assistance, the introduction of legal changes are unavoidable.

5. *** Statistics

a. Hungary

Number of registered inbound border crossings (between 00:00 24 February – 12:00 6 March): **179 672**¹⁶

Number of registered applications for temporary protection (between 22:00 24 February – COB 6 March): **1026**¹⁷

Number of push-backs from Hungary to Serbia (between 00:00 24 February – 23:59 6 March): 2 558¹⁸

b. Other countries bordering Ukraine

	Poland ¹⁹	Slovakia ²⁰	Romania ²¹	Moldova ²²	All, including Hungary
Since 24 February	1 067 000	128 170	95 111	239 196	1 709 156

UNHCR launched a dedicated page that includes further data and relevant documents on the Ukraine refugee situation: <https://data2.unhcr.org/en/situations/ukraine>

¹⁶ <https://www.police.hu/hu/hirek-es-informaciok/legfrissebb-hireink/hatarrendeszet/az-ukran-magyar-hatarszakasz-forgalma-1>

¹⁷ http://oif.gov.hu/index.php?option=com_k2&view=item&id=1731:az-orszagos-idegenrendeszeti-foigazgatosag-kozlemenye&lang=hu

¹⁸ <https://www.police.hu/>

¹⁹ https://twitter.com/straz_graniczna

²⁰ <https://www.facebook.com/policiaslovakia>

²¹ Daily update here: [Press releases / News and informations - Border Police \(politiadefrontiera.ro\)](https://www.politiadefrontiera.ro/)

²² Daily update here: <https://www.border.gov.md/noutati>