



8 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'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](mailto: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**\*\*\*** As of 8 March 2022, the Hungarian Temporary Protection (hereafter: HTP) scheme is repealed.<sup>1</sup> For a description of what it was, please refer to the first Protection Situation report.<sup>2</sup> The repeal is **with retroactive** effect, meaning that those who do not fall under the personal scope of the EU Temporary Protection (hereafter: EUTP, see the table below for comparison)<sup>3</sup> will not be granted Hungarian Temporary Protection either, even if they have already applied for it.

It seems that the government decree that is meant to provide for the rules of implementation of the Council Implementing Decision triggering the EUTP is in breach of the Council Decision itself. Article 2(2) of the Council Decision provides that

*"Member States shall apply either this Decision or adequate protection under their national law, in respect of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin."*

Against this, the new government decree states that:

*"In accordance with Article 2(2) of the Council Decision, Hungary shall not apply the provisions of the Council Decision concerning temporary protection who are stateless persons and third-country nationals who can prove that, before 24 February 2022, they were, in accordance with Ukrainian law on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who cannot return in safe and sustainable conditions to their country or region of origin."*

*"With regard to persons referred to [above], the aliens policing authority shall, in accordance with the provisions of the Council Decision, act in accordance with the general rules."*

The contradiction lies in that the Council Decision requires that those non-Ukrainians who have valid Ukrainian permanent residence permit and cannot return to the country of origin shall be eligible either for the EUTP or to an adequate protection provided in domestic (e.g. Hungarian) law. The Hungarian decree states that such people will not be eligible for the EUTP but will be dealt with according to the "general rules". However, according to the general rules, nobody has the right to apply for asylum in Hungary since May 2020. All those wishing to apply for asylum in Hungary must travel first to the Hungarian embassy in Belgrade or Kyiv (!), submit a

---

<sup>1</sup> Government Decree 86/2022. (III. 7.)

<sup>2</sup> See here: <https://helsinki.hu/en/wp-content/uploads/sites/2/2022/03/War-in-Ukraine.pdf>

<sup>3</sup> 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>

statement of intent, wait for 2 months for an approval and in case that is granted, must then travel to Hungary and ask for asylum.<sup>4</sup>

It is yet to be seen how the Government Decree will be implemented. A key question is what the “general procedure” the aliens policing authority shall conduct will practically mean. Possibilities include e.g.:

- a) issuing temporary residence permits valid for 30 days as has been the practice for the majority of people since 24 February
- b) first a), then after the expiry of the permit in accordance with the domestic rules legalising collective expulsions (push-backs) of unlawfully staying third-country nationals, removing these people to the Serbian side of the border fence<sup>5</sup>
- c) an expulsion procedure during which a proper *non-refoulement* assessment might reveal that the person cannot be returned to their country of origin and is granted tolerated stay (“befogadott”)

There are differences between the personal scope of the EUTP and the (now repealed) HTP, as well as the benefits/permissions provided under the two schemes, as summarised:

	Hungarian Temporary Protection (no longer available)	EU Temporary Protection
<b>Personal scope</b>	<ul style="list-style-type: none"> <li>• Ukrainian citizens regardless of the documents they possess directly entering Hungary from Ukraine</li> <li>• Non-Ukrainian third-country nationals who stay lawfully in Ukraine and directly enter Hungary from Ukraine</li> </ul>	<ul style="list-style-type: none"> <li>• Ukrainian citizens residing in Ukraine before 24 February 2022 and were displaced on or after that date</li> <li>• Stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced on or after that date</li> <li>• Family members of the above</li> <li>• 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</li> </ul>
<b>Right to work while the procedure is pending</b>	NO	NO
<b>Right to work after status is granted</b>	NO (only with work permit)	YES
<b>Access to health care beyond emergency care</b>	YES	YES (emergency and essential, except for unaccompanied children and other vulnerable persons who are eligible to access further services)
<b>Access to education for children under the age of 16</b>	YES	YES
<b>State provided shelter</b>	YES	YES
<b>Meals</b>	YES	Not specifically mentioned
<b>Financial assistance</b>	YES (not automatic)	Possible, but not specified in details
<b>Integration support</b>	YES	Not specifically mentioned
<b>Freedom of movement within the EU</b>	NO	NO (but remains to be seen in practice in light of the Declaration of the Member States attached to the Council Implementation Decision)

<sup>4</sup> More on this „embassy system” can be found here: <https://helsinki.hu/wp-content/uploads/new-Hungarian-asylum-system-HHC-Aug-2020.pdf> and <https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/No-access-to-asylum-1.11.2021.pdf>

<sup>5</sup> More on this see: [https://helsinki.hu/wp-content/uploads/HHC\\_UNSR-migration\\_pushbacks.pdf](https://helsinki.hu/wp-content/uploads/HHC_UNSR-migration_pushbacks.pdf) and <https://helsinki.hu/en/akta/push-backs/>

The new Government Decree finally resolves the issue the HHC raised since 24 February 2022, that Hungarian citizens residing in Ukraine are not eligible for protection in Hungary and as a consequence, are not eligible for any of the services provided to those non-Hungarian citizens fleeing Ukraine. The new Government Decree provides that Hungarian citizens having a permanent address in Ukraine who arrived to Hungary on or after 24 February 2022 shall have access to the same services and benefits as those receiving EUTP.

## 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 small border crossing. The small crossings normally operate only during the day and allow for pedestrian crossing as well. Currently, most crossings are open 24/7 for all passengers. \*\*\* As of 8 March, the Lónya-Dzvinkove crossing is open 7-23.<sup>6</sup>

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 Aranyosapáti<sup>7</sup>, Cigánd (opened on 3 March)<sup>8</sup>, Fehérgyarmat<sup>9</sup>, Mándok<sup>10</sup>, Tarpa<sup>11</sup>, Vásárosnamény<sup>12</sup>.

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.

---

<sup>6</sup> <https://www.police.hu/hu/hirek-es-informaciok/legfrissebb-hireink/hatarrendeszet/valtozott-a-nyitvatartas-a-lonyai>

<sup>7</sup> Petőfi út 6., emergency shelter capacity: 30

<sup>8</sup> Vasút u. 46

<sup>9</sup> Iskola köz 3., emergency shelter capacity: 700

<sup>10</sup> Szent István tér, emergency shelter capacity: 300

<sup>11</sup> Kossuth út 19., emergency shelter capacity: 50

<sup>12</sup> Munkácsi út 2., emergency shelter capacity: 60

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 Aid<sup>13</sup>), charity groups (e.g. Age of Hope<sup>14</sup>, Budapest Bike Maffia<sup>15</sup>), individuals mostly utilizing different Facebook groups (e.g. for shelters<sup>16</sup>, NFIs and transport<sup>17</sup>). Members of the government-organised Charity Council began providing humanitarian aid and divided crossings among each other, see details below:

Member organizations of the Charity Council on the border:

- **Caritas Hungarica**

Tel: +36 1 / 372-0910

E-mail: [office@caritas.org.hu](mailto: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](mailto:mrsz@jobbadni.hu)

Border Crossing Point: Záhony

Present in Transcarpathia

- **Hungarian Maltese Charity Service**

Tel: +36 1 / 391 4700

E-mail: [mmszok@maltai.hu](mailto:mmszok@maltai.hu)

Border Crossing Point: Beregsurány

- **Hungarian Interchurch Aid**

Tel: +36 1 / 382 0700

E-mail: [segelyszervezet@segelyszervezet.hu](mailto: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](mailto:hbaid@hbaid.org)

Border Crossing Point: Tiszabecs, Záhony

Present in Transcarpathia

- **Hungarian Red Cross**

Tel: +36 1 / 311 3660

E-mail: [titkarsag@voroskeresztbp.hu](mailto: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

---

<sup>13</sup> <https://migrationaid.org/>

<sup>14</sup> <https://aoh.hu/>

<sup>15</sup> <https://bikemaffia.com/en/home/>

<sup>16</sup> <https://www.facebook.com/groups/1350360178761136/>

<sup>17</sup> <https://www.facebook.com/groups/994143548136400/> and <https://www.facebook.com/groups/527320555481268/>

\*\*\* The Council Implementing Decision already limited the scope of third-country nationals eligible for temporary protection. This can be explained by the fact that in all other EU Member States, access to asylum is ensured, so these people still have the ability to seek protection, just will not automatically receive it. This already limited scope is further limited by the new Government Decree. This is of extreme concern as unlike in other Member States, in Hungary, since May 2020, it is impossible to seek asylum. In practice this means that third-country nationals (including even such clear cases as Belarussian opposition activists who fled to Ukraine and have to flee further) are excluded from any kind of protection.

- At a minimum, Hungary must bring in line the domestic implementation decree with the Council Implementation Decision regarding the personal scope of the EUTP. At the same time, Hungary must ensure access to the asylum system in line with the EU asylum acquis.

Those crossing are not aware of the possibility to apply for temporary protection, and consequently do not request it, thereby losing access to services they would otherwise be eligible for.

- 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.

### 5. \*\*\* Statistics

#### a. Hungary

Number of registered inbound border crossings (between 00:00 24 February – 23:59 7 March): **179 672**<sup>18</sup>

Number of registered applications for temporary protection (between 22:00 24 February – 12:00 6 March): **1026**<sup>19</sup>

Number of push-backs from Hungary to Serbia (between 00:00 24 February – 23:59 7 March): 2 695<sup>20</sup>

#### b. Other countries bordering Ukraine

	Poland <sup>21</sup>	Slovakia <sup>22</sup>	Romania <sup>23</sup>	Moldova <sup>24</sup>	All, including Hungary
Since 24 February	1 200 000	140 700	105 880	250 236	<b>1 883 068</b>

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

<sup>18</sup> <https://www.police.hu/hu/hirek-es-informaciok/legfrissebb-hireink/hatarrendeszet/az-ukran-magyar-hatarszakasz-forgalma-1>

<sup>19</sup> [http://oif.gov.hu/index.php?option=com\\_k2&view=item&id=1731:az-orszagos-idegenrendeszeti-foigazgatosag-kozlemenyek&lang=hu](http://oif.gov.hu/index.php?option=com_k2&view=item&id=1731:az-orszagos-idegenrendeszeti-foigazgatosag-kozlemenyek&lang=hu)

<sup>20</sup> <https://www.police.hu/>

<sup>21</sup> [https://twitter.com/straz\\_graniczna](https://twitter.com/straz_graniczna)

<sup>22</sup> <https://www.facebook.com/policiaslovakia>

<sup>23</sup> Daily update here: [Press releases / News and informations - Border Police \(politiadefrontiera.ro\)](https://www.politiadefrontiera.ro/)

<sup>24</sup> Daily update here: <https://www.border.gov.md/noutati>