

Information for those Ukrainian people and refugees who fled Ukraine before 24 February



HUNGARIAN
HELSINKI
COMMITTEE

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(EN)

This leaflet has useful information for you **if you legally arrived in Hungary before 24 February 2022** and now **you cannot return to Ukraine** for the war AND you are a **Ukrainian citizen or a family member** (wife or husband, partner, children under 18, parents of a Ukrainian children and other relatives, who lived in the same household, even if not Ukrainian citizens) of a Ukrainian citizen, or if you have been **recognized as a refugee or stateless person in Ukraine** or are a family member of such person.

1. Can I apply for a protection status in Hungary if I cannot return to Ukraine?

The European Union decided to grant temporary protection to those Ukrainian citizens, refugees and stateless people and their family members, who resided in Ukraine before 24 February. **In Hungary, this protection can be granted unfortunately only to those who arrived in Hungary on or after 24 February.** Therefore, if you lived in Ukraine but arrived in Hungary earlier, for example because you were fearing the war would break out or because you left for a holiday or a business trip earlier, **you are not entitled to get the same protection as those who left Ukraine on or after 24 February.**

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 a Ukrainian citizen and his/her family member who arrived before 24 February, in other EU countries this may be a possibility for you** (for example in 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>.

2. How can I legally stay in Hungary if I cannot apply for temporary protection?

- **If you have the possibility to get 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) then you should do so, as this is the easiest way to secure a more long-term stay. There are different types

of residence permits, 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: http://www.oif.gov.hu/index.php?option=com_k2&view=item&layout=item&id=1763&Itemid=2127&lang=hu. While normally residence permit applications should be submitted at the Hungarian embassies of your country of origin, **you can now request the immigration office to accept the application** in Hungary, referring to the fact that you cannot return to Ukraine. It is important that you have to have a valid passport to start this procedure.

If you need free legal assistance when 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.

- If you do not have the possibility to apply for a residence permit and you do not want to leave for other EU countries but stay in Hungary, you have the following options, depending on how long have you been in Hungary:
 - A. If you arrived in Hungary not long before 24 February (1-3 weeks)**, you may submit your application for temporary protection status despite the fact that based on the law, you are not eligible for the protection status. In this case, it is likely that the immigration office will take your application in and they conduct the procedure, but as a result, they will reject your application in an official decision. For the time of the procedure you would be issued with a humanitarian residence card, by which your stay in Hungary would be legal. The immigration office has an obligation to assess whether you can be sent back to your home country (Ukraine), so they would conclude that you cannot be sent back for the war, therefore, you would be granted a status called **'tolerated stay'** ('befogadott' in Hungarian) in the same decision which rejects your application for temporary protection. This status does not give you those set of rights which can be accessed by those who have temporary protection status (free employment, financial support, free of charge accommodation, limited access to health care, the right to travel within the EU etc), but it **gives you a right to stay in Hungary for a year**. The application may be submitted to the National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság, OIF), at any of their customer service offices, during business hours. Click [here](#) for the addresses of the OIF offices and customer service offices (oif.gov.hu). The application needs not be written ahead of time: you will receive a form to fill out at the OIF office. If you decide to go with this option, but the immigration officer does not want to take your application, you can contact us and we will provide you with legal assistance

B. If you arrived in Hungary long before 24 February 2022, you have to present yourself to the immigration authority to legalise your stay. In this case the immigration authority would conduct a procedure in which they have an obligation to assess whether you can be sent back to your home country (Ukraine). They would conclude that you cannot be sent back for the ongoing war, therefore, you would be granted a status called **'tolerated stay' ('befogadott' in Hungarian)**. This status does not give you those set of rights as if you had temporary protection status, but it would give you a **right to stay in Hungary for a year**. In such a case, please contact us and we will provide you with legal assistance and representation from the beginning of the procedure.

- If you want to leave for other EU countries from Hungary:

Please contact the embassy of your destination country to find out more about the entry rules (visa requirements). You have to then present yourself to the immigration authority to legalise your stay in Hungary. If you explain to the immigration authority that you want to leave Hungary, but travel arrangements are underway (for example, visa arrangements to another country are underway because you contacted the embassy of the destination country to issue a visa for you), it is likely that the immigration authority will issue a temporary residence document, by which you can stay in Hungary for 1-3 month. Please bring any evidence you have on your travel arrangements (for example, print your correspondence with the embassy). You cannot travel with the temporary residence document, it only gives you the right to stay legally in Hungary. You cannot access special rights with this document either (e.g. working, financial support, special health care), but you are entitled to have emergency health care and mandatory vaccinations if you need it.

3. I got 'tolerated stay' ('befogadott') status in Hungary. What can I do?

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 (international protection status, such as refugee status, which is not the same as the temporary protection) which gives you more rights (e.g. free access to employment, full service to healthcare services, travelling freely within the EU), please contact us and we can discuss your options. International protection status can only be granted in asylum procedures, but starting this procedure is very difficult in Hungary, so you would need legal assistance and representation.

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