

Section 353/A of Act C of 2012 on the Criminal Code as of 1 January 2023

- (1) Any person who provides contribution with the aim of aiding another person in initiating an asylum procedure or any other procedure for obtaining a title of residence in Hungary by means of making a false statement or suppressing known facts with respect to any of the circumstances having a substantial impact on the administrative procedure, or in making a false statement or suppressing known facts with respect to any of the circumstances having a substantial impact on the administrative procedure in the course of any such procedure, is guilty of a misdemeanor punishable by custodial arrest, insofar as the act did not result in a more serious criminal offense.
- (2) The organizer of the criminal offense under paragraph 1 shall be punishable by imprisonment not exceeding one year.
- (3) Any person committing the criminal offense under paragraph 1
- a) for financial gain or advantage; or
  - b) by aiding several persons
- shall be punishable in accordance with the provisions of paragraph 2.
- (4) Any person who provides material assistance for committing the criminal offenses under paragraphs 1 and 2, shall be punishable in accordance with the provisions of paragraph 2.
- (5) Before the conclusion of the original case in which the criminal offenses under paragraphs 1– 4 were committed, criminal proceedings concerning those criminal offenses may be instituted solely upon the motion of the authority acting in the original case. Save for the case of such motion, the term of limitation for the criminal offenses under paragraphs 1– 4 commences on the day of conclusion of the original case.
- (6) The perpetrator of the criminal offense defined in paragraph 1 shall not be prosecuted if
- a) the client of the administrative procedure would, by his testimony, incriminate himself or his family member in a criminal offense; or
  - b) he reports the criminal act to the authorities and unveils the circumstances of the commission of the act before the authorities learned of such activities through their own efforts.
- (7) The penalty may be reduced without limitation – or dismissed in cases deserving special consideration – against the perpetrator of any of the criminal offenses under paragraphs 2 – 4, if the perpetrator reports the criminal act to the authorities and unveils the circumstances of the commission of the act before the authorities learned of such activities through their own efforts.

Reasoning provided to the amendment:

“For the purposes of executing the judgment of the European Court of Justice of 16 November 2021 in case C-821/19, it has become necessary to amend not only the Act on the Police and the Asylum Act but the Criminal Code, too.

Under point b) of Section 42 and point c) of Section 44(1) of Rules of Procedure of the Hungarian National Assembly, a proposal for amendment may be submitted where it is clearly necessary for the purposes of ensuring compliance with the obligations arising from international law and the law of the European Union.”