

Asylum Procedure in Hungary



Last update: English
16 February 2023

The rules for applying for asylum in Hungary have changed. These new rules are in force until the 31st of December 2023. This leaflet contains information on how to apply for asylum (refugee status) in Hungary.

If you fled the war in Ukraine, different rules apply to you and this is not the correct information for you. In this case, please check our website: <https://helsinki.hu/en/ukr/>, where you can find information about those rules that are relevant to your situation.

Who can seek asylum?

Seeking asylum or claiming refugee status means that someone needs the protection of another country than their country of origin. This is so because the country of origin cannot protect the person from persecution, torture or serious human rights violations.

There are two types of protection which you can get as a result of an asylum procedure, but only under certain conditions. When you apply for asylum, the National Directorate General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság) will make one decision, and will examine if you can have any of the two statuses.

1. You can apply for asylum and get refugee status (menekült) if you have a well-founded fear of being persecuted in your country of origin because of your race, religion, nationality, political opinion or membership in a particular social group.

Persecution usually means a serious human rights violation, such as torture, inhuman or degrading treatment, slavery, physical or sexual violence or very serious discrimination, which you suffer for any of the reasons above.

A *well-founded fear* means that you can show to the Asylum Authority that you would be a victim of persecution if you had to return to your country of origin (for example your statements at the asylum interview are credible or you have other proof).

You can fall under the *particular social group* category if you experienced problems because, for example, you are a woman, because of your gender identity or sexual orientation (for example you are man and feel attraction to other men) or for having any other special characteristic that cannot be changed (or you do not want to hide it).

2. **You can apply for asylum and as a result of the procedure, you receive subsidiary protection status (oltalmazott)** if you are at a real risk of suffering any of the following harms in your country of origin: death penalty; torture, inhuman or degrading treatment or punishment; serious threat to your life because of indiscriminate violence in an armed conflict, for example, a war (but NOT because of his/her race, religion, nationality, political opinion or membership of a particular social group).

If you think that based on the above description, you could be a refugee or a beneficiary of subsidiary protection, you can apply for asylum.

How can you apply for asylum in Hungary?

1. If you are on the territory of Hungary, can you 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), or
- **a minor child** (under the age of 18) **of a refugee or a beneficiary of subsidiary protection**, or
- **a parent or a legal guardian of a minor refugee or a beneficiary of subsidiary protection**, or
- **a spouse** (husband or wife) **of a refugee or a beneficiary of subsidiary protection**, if your spouse entered Hungary **after** you got married, or
- **if you entered Hungary in a legal way** (meaning you had the necessary travel documents, such as a passport and visa) **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.

If you are **legally staying in Hungary**, but you **do not fall under the above categories**, you could still apply for asylum in Hungary, as according to recent Hungarian court decisions, this should be possible. However, in this case a series of complex legal procedures must be conducted. We therefore advise you to contact the Hungarian Helsinki Committee first, as you would need legal representation (email: helsinki@helsinki.hu, phone: + 36 1 321 4323).

In any other cases (e.g. if your stay in Hungary is not legal) you cannot apply for asylum in the territory of Hungary (for instance, not even in the case if you had a residence permit in Hungary which expired, and you realise that you fear going back to your country of origin). If you do not belong to the above group of people but you wish to seek asylum in Hungary, please check point 2 of this leaflet.

What should you do to seek asylum?

You have to lodge the asylum application **in person, verbally or in writing**, at the **asylum authority client service** during its opening hours.

The name of the asylum authority in Hungarian is: Országos Idegenrendészeti Főigazgatóság, Menekültügyi Igazgatóság, Menedékjogi Osztály. Address: 1117 Budapest, Budafoki út 60., you can visit the website [here](#).

2. If you are NOT on the territory of Hungary, can you seek asylum?

Yes, you can. First, however, you have to follow a procedure and submit a document either at the Embassy of Hungary in Serbia or Ukraine. There is no fee to be paid for the procedure, it is free. If that procedure is successful, the embassy may grant you the right to travel to Hungary and then you can claim asylum right after entering the country. The steps of the procedure are listed here:

1. You have to contact that Hungarian embassy (either in Kyiv in Ukraine, or Belgrade, Serbia) where you can start the procedure and ask them to give you an appointment to submit a document called "statement of intent declaration".
 - ➔ You can find the contact details of the embassy in Kyiv here: <https://kijev.mfa.gov.hu/page/konzuli-uegyfelszolgalat>, and the embassy in Belgrade here: <https://belgrad.mfa.gov.hu/page/elerhetosegek>).
 - ➔ Please note that it can take several months before the embassy will actually give you an appointment. If you want to apply together with your family members, you should say so in your appointment request.

2. After the embassy gives you an appointment, you have to **fill in a document** (called the “statement of intent declaration”).
 - There is a **form** for the document, available at the asylum authority’s website: <http://oif.gov.hu>.
 - In this document, you have to explain why you want to come to Hungary and live as a refugee there. You have to briefly write down for what reasons you left your country of origin.
 - If you have **proof** (e.g. pictures, letters, emails etc) which can prove your story, you should print it and attach it to the statement of intent declaration form that you filled in.
 - Filling in one statement of intent declaration form is enough, even if you have a family (e.g. husband, wife, children) and you all want to ask for asylum. In this case, that part of the form has to be also filled in, which says “for family members”.
 - Once the document is ready, do not sign it yet, because you have to do this only later at the embassy.
3. You have to then **go to the embassy for your appointment**.
 - If you want to seek asylum with your family members, they should also go with you.
 - At the embassy, you have to say that you arrived to submit your statement of intent declaration form and you have an appointment for that reason. You also 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.
 - You have to sign the statement of intent declaration form that you filled in in front of the embassy officer who will then take it. At the embassy, no interpreter is provided to you, so you should ask for assistance from NGOs, locals, and friends who can help you with this.
 - The embassy will then send your statement of intent and other copied documents to Hungary to the asylum authority.
4. 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).
5. Then, **you have to go to the embassy** again for the interview which will be held online or by phone. This call is set up by the embassy and the asylum authority and if needed, an interpreter will also be provided to you.
6. The asylum authority then checks your statement of intent declaration form. If the asylum authority gave you permission to come to Hungary, **the embassy will inform you**.
7. If you received positive news and you can enter Hungary, but **you don’t have the documents which are needed to travel**, the embassy will give you a special travel document.
 - When the travel document is ready, the embassy will **notify you** and you will have **15 days from the notification to pick up the document**.
 - This special document is valid for **30 days**, you can use it only once to enter Hungary. This document can be used for entering Hungary only once.

8. If you receive negative news and **your statement of intent is rejected and you are denied the permission to come to Hungary**, you have a right to appeal.
 - ➔ Please be aware that the deadline open for appeal is **30 days from receiving the rejection**.
 - ➔ Please contact us for legal assistance
(Hungarian Helsinki Committee, email: helsinki@helsinki.hu, phone: + 36 1 321 4323).
9. **If you were allowed to travel to Hungary, after entering the country** 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.
10. When you arrive at the asylum authority, you have to say again that you seek asylum. The asylum authority will then decide on your case based on the general rules of the asylum procedure.
 - ➔ 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 can either get refugee status or subsidiary protection (which is a similar status to the refugee status), or your asylum application can be rejected.
 - ➔ If you think that the asylum authority made a wrong decision on your case, you can turn to the court and appeal against the decision. In any case, you always have to cooperate with the authorities.
11. **If you submitted your asylum application at the asylum authority after entering Hungary and you do not have the possibility to stay at a private address**, the asylum authority will place you in the reception centre in Vamosszabadi (a small town near Győr). Please note that the law also gives the asylum authority the right to place you at a closed place for a maximum period of 4 weeks, but so far this has not been done in practice.

If you have more questions about these rules, please contact us for further assistance
(Hungarian Helsinki Committee, email: helsinki@helsinki.hu, phone: + 36 1 321 4323).

Relevant law:

- 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.)

Other information:

- [Information concerning the asylum procedure written by the asylum authority](#)