Frequently asked questions with answers

HUNGARIAN HELSINKI COMMITTEE

17.07.2024.

(EN)

We have collected the frequent questions that refugees from Ukraine have asked our colleagues, and which we have not dealt with in our other information. The document is available in English, Ukrainian and Russian.

I. Particular questions on eligibility to temporary protection

1. Can a non-Ukrainian and non-EU citizen family member of a Ukrainian citizen apply for temporary protection?

Yes, if that family member is a spouse (husband or wife), partner, minor child of the said Ukrainian national or that of his/her spouse, or if she/he is another close relative living together with the Ukrainian national and if they left Ukraine on 24.2.2022 or after.

2. If someone is not entitled to get temporary protection (because she/he is not a Ukrainian national or his/her family member, or not a recognized refugee of Ukraine or not a stateless person or their family member) can he/she apply for another type of protection?

You can apply for a residence permit for specific purposes (e.g. to work, study, family reunification etc, if you have the practical possibility to work, study, reunite with your family member in Hungary). However, a new law entered into force on January 1, 2024, according to which such a request can only be submitted in Hungary in specific cases. The types of permits have changed, and in many cases the rules for obtaining a permit have also been tightened. You can see the different types of residence permit here: www.oif.gov.hu. If you cannot safely return to your home country, please contact us directly by writing to ukrainecrisis@helsinki.hu to discuss the legal options.

3. Is the temporary protection status the same as the refugee status?

No. The temporary protection status is different from the refugee status, as this latter one is granted within an asylum procedure, which is a long and complex procedure. We advise people fleeing Ukraine to apply for temporary protection, as it provides people fleeing the war with instant and necessary protection. If you cannot apply for temporary protection, but you cannot safely return to your home country because you would risk to become a victim of human right violations (for example: unlawful detention, torture) contact us by writing to ukrainecrisis@helsinki.hu to discuss the legal options.

II. Entry to Hungary directly from Ukraine

4. Who can enter Hungary?

Non-Ukrainian and non-EU citizens who have not left Ukraine since the outbreak of war may enter Hungary from Ukraine. Ukrainian and dual citizens can travel from Ukraine to Hungary without such restrictions.

5. For a child travelling with only one parent, is the consent from the other parent needed?

No.

6. Can the Hungarian Helsinki Committee help with evacuation from Ukraine?

Unfortunately, we cannot.

7. What happens to those that enter without documents (without a biometric passport)?

Those having problems with documents are escorted to various registration points throughout the border zone, where their personal data is registered. They will likely be issued with a temporary residence permit (so-called ‘ideiglenes tartózkodásra jogosító igazolás’, initially valid for up to 3 months). Ukrainian nationals or family members of Ukrainian nationals, recognized as refugees or stateless in Ukraine and their family members and they would like to apply for temporary protection, they can later do so in the immigration office. If they are neither nationals of Ukraine or family members of Ukrainian nationals, or refugees or stateless recognized in Ukraine, their family members, or nationals of an EU country,but they were residing in Ukraine with a residence permit, they can be issued only with the temporary residence permit.

8. Can asylum seekers (people who applied for refugee status in Ukraine but have not been granted the status yet) in Ukraine cross the Ukrainian-Hungarian border?

They can cross the border if they have not left Ukraine since the outbreak of the war or if they have a valid passport and visa. If they left Ukraine after the outbreak of war and do not have a valid visa, they cannot enter the Ukrainian-Hungarian border.

However, Ukrainian asylum seekers are not entitled to temporary protection status even if they were able to cross the border legally in accordance with the above.

They can register with the immigration authority and then they will be issued with a temporary residence permit (so-called ‘ideiglenes tartózkodásra jogosító igazolás’, initially valid for up to 3 months). If someone has problems with travelling any further or is unable to return to their country of origin, please contact us by writing to ukrainecrisis@helsinki.hu.

III. Entry to Hungary from other neighbouring countries (not directly from Ukraine)

9. Can people fleeing Ukraine enter from other neighbouring countries to Hungary?

Ukranians with biometric valid passports: Yes.

Ukrainians without a valid biometric passport: No, unless they are only transiting through Hungary and the destination country has issued them a certificate of acceptance, or even if they already have temporary protection.

Third-country nationals (non-Ukrainian or non-EU citizens) without a Schengen (EU countries, Liechtenstein, Switzerland, Norway, Iceland) or Hungarian visa/residence permit: No. If you are a Ukrainian citizen or a stateless person, or a close relative of a refugee recognized in Ukraine, you are entitled to asylum status in Hungary. However, the current practice is that if you, as a relative, do not want to enter Hungary directly from Ukraine and you do not have a valid visa, you will not be allowed to cross the border.

IV. Travelling from Hungary to other EU/Schengen countries

10. Can Ukrainian nationals with biometric passports travel any further?

They can move freely for up to 90 days.

11. Can Ukrainian nationals who have no biometric passports travel any further?

If a Ukrainian national without a biometric passport wants to travel from one EU country to another, it is worth doing some inquiries (e.g. calling the border guards/police/ consulate of the target country) to see whether a border is open also for those not having a biometric passport. Rules can be different for travelling by plane, train, bus or car. If these people only want to spend a shorter period of time in Hungary, they should register for a temporary residence permit (so-called ‘ideiglenes tartózkodásra jogosító igazolás’). Note, that a Ukrainian national and his/her family member, as well as stateless persons or refugees recognized in Ukraine and their family members can apply for temporary protection anywhere in the EU, even without a biometric passport. We advise you to contact the respective embassy of your travel destination that might inform you about the specific rules adopted due to the war in Ukraine .

12. What happens if family members entitled to have temporary protection are in different EU countries?

Family members can start a family reunification procedure. If family members want to live in Hungary, please contact us for further information. If family members want to live in other EU countries where the other family members are, please contact the embassy/ NGOs providing free legal aid of the target country and ask them about the family reunification requirements.

13. Can third country nationals (not Ukrainian/not EU citizen /not family members of Ukrainians) travel any further?

No, unless they comply with the visa regulations of that country. They are advised to register for temporary residence permit with the Hungarian immigration authority. It enables them to stay in Hungary for 30-90 days. If someone cannot return to their country of origin and cannot travel any further in the EU, contact us by writing to ukrainecrisis@helsinki.hu and we will talk about the possible legal options. We advise you to contact the respective embassy of your travel destination that might inform you about the specific rules adopted due to the war in Ukraine (e.g. all restrictions have been lifted on the entrance to Germany for people fleeing from Ukraine).

14. If parents (or legal guardians) are Ukrainians with biometric passports, but their child doesn't have an ID or passport, can they travel any further?

In this case, they should try to get the document for the child from the Ukrainian embassy. Other than that, the same applies as is written under question 2 above.

15. I do not want to apply for temporary protection in Hungary, but in another EU country. Can I do that?

Yes, you can. A Ukrainian national and his/her family member, as well as stateless persons or refugees recognized in Ukraine and their family members can apply for temporary protection in any EU country.The regulation of temporary protection may be different in every EU country. 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/3JwYsIq.

16. If people fleeing Ukraine receive temporary protection in Hungary, can they move on and apply for temporary protection again in another EU country?

People can travel for 90 days within 180 days freely to other EU countries in possession of temporary protection card and a valid travel document. This card should be issued within 55 days after your application for temporary protection. It is different in EU states whether or not the application for temporary protection from those, who have already been granted this status in another EU state, is accepted. Therefore, we also advise to contact the immigration authorities/embassies of the target EU country, as some EU countries do not accept applications for temporary protection from those, who have already been granted temporary protection elsewhere. If, however, the temporary protection card is issued and then the beneficiary travels to another EU country, where s/he again applies for temporary protection, which is then granted, the first temporary protection card will be withdrawn. This is so as the rights entailed by temporary protection can only be exercised in one EU state.

People holding temporary protection card might regularise their status otherwise too in other EU countries (e.g. applying for a residence permit for work or studying purposes).

17. How shall I count the 90 days visa-free travel period?

If you want to travel within the Schengen area, you should have a look at the past 180 days counting from the date of your intended travel and sum up the days you had spent in the EU on the basis of your biometric passport. If you subtract the sum from 90 days, you will get the number of days you might still use to travel within the Schengen area with your biometric passport. The days you stayed in the EU on the basis of a residence permit are not to be counted in the 90 days. Once you receive temporary protection, the 90 days start counting from zero again.

V. Travelling from Hungary to countries outside the EU

18. If people fleeing Ukraine come to Hungary, but they want to travel to countries outside the EU (USA, UK, Canada), what should they do?

First, they have to get the necessary documents in Hungary, either by applying for temporary protection or temporary residence permit, unless they can stay visa free (e.g. 90-day visa-free period within 180 days with a biometric passport). Then they have to contact the embassy of the country where they want to travel to. The embassies can give information on the immigration/visa/protection rules of the country. If embassies are busy and they do not respond, it is worth contacting NGOs providing free legal aid in the target country. These NGOs can be searched via google.

19. Are people holding temporary protection status /temporary residence permit prevented from travelling any further to countries outside the EU?

No. People with these documents can travel further, but they have to comply with the immigration/visa requirements of the target country.

20. What happens if you have to return for a short period of time to Ukraine?

Nothing. In accordance with the Hungarian laws, your temporary protection status cannot be withdrawn based on the fact that you travelled to Ukraine.

VI. Forms and procedure for temporary protection

21. By which documents and in which country can people eligible for temporary protection submit their application?

Any type of passport, be an old type of Ukrainian passport (which does not contain a chip) or a biometric one suffices but authorities have to register the application even in the absence of a passport or any other personal documents. Persons eligible for temporary protection can freely choose in which EU country they want to apply for temporary protection. However, if a Ukrainian national without a biometric passport wants to travel from one EU country to another, it is worth doing some inquiries (e.g. calling the border guards/police/consulate of the target country) to see whether a border is open also for those not having a biometric passport. Rules can be different for travelling by plane, train, bus or car.

22. Which is the form that applicants for the temporary protection status should fill out?

There is a form called " Form for temporary protection procedure" to be filled out. It contains questions about personal data, documents, entry place and date, and whether the person needs accommodation in Hungary. People are given this form by the immigration case-officers at the registration points/immigration authority's client service. The form can also be accessed on-line.

23. Where can people submit their application for temporary protection status?

In Budapest you can do so at the immigration office at Budafoki út 60. Otherwise, in the countryside, you can do that at any immigration office. You can find their address here (www.oif.gov.hu).

If you fill in the electronic form first (http://ukran2022.oif.gov.hu/en/Information), then you can also apply at any local governmental office.

24. How long does the procedure take?

Decision on temporary protection status should be adopted in 55 days. There will be no interview. Those arriving without biometric passports can expect more questions.

25. If someone got a temporary residence permit ('ideiglenes tartózkodásra jogosító igazolás'), can she/he still apply for temporary protection status?

Yes, if the said person is a Ukrainian national or refugee or a stateless person and their family members. The temporary residence permit will then be withdrawn.

VII. Material and financial support relating to temporary protection status / questions on employment

26. Can the Hungarian Helsinki Committee help people fleeing Ukraine to get accommodation and advise them on the state support they could get?

Although we try our best to respond to all inquiries, our expertise concerns legal matters concerning the procedure and content of temporary protection. To answer questions regarding the social welfare system, we advise you to contact the Menedék Association at menedek@menedek.hu.

27. Should one ask for accommodation when applying for temporary protection?

After August 21, 2024, only those asylum seekers who came from counties of Ukraine, which according to the Hungarian government are "directly" affected by the war, are entitled to accommodation and food. These counties are currently (as of July 2024): Dnipropetrovsk Oblast, Donetsk Oblast, Zaporizhzhya Oblast, Kyiv Oblast and Kyiv City, Mykolaiv Oblast, Odesa Oblast, Sumy Oblast, Kharkiv Oblast, Kherson Oblast, Chernihiv Oblast, Luhansk Oblast, Zhytomyr Oblast , the Autonomous Republic of Crimea and the city of Sevastopol. The list of counties directly affected by the war is updated monthly, the new list is always published here: https://bit.ly/4cLa2y6 .

If your place of residence in Ukraine was in the counties listed above, you are entitled to accommodation as follows: You can request temporary accommodation at the help points set up next to the border crossings at the Ukrainian-Hungarian border. There are such help points in Záhony, Beregsurány, Tiszabech, Barabás and Lónya. The staff there will also help you if you want to submit an asylum application or find permanent accommodation. When traveling directly to Budapest, you can request accommodation at the Government windows at the Nyugati Pályaudvar (1062, Budapest Teréz körút 55.) or request accommodation assistance, during opening hours. If you want to stay here in Hungary, but have nowhere to live, they can send you to longer-term accommodation from here. Information is also provided here on what other benefits you are entitled to in Hungary. Government Window opening hours: Monday: 8:00-18:00, Tuesday: 8:00-16:00, Wednesday: 11:00-19:00, Thursday: 9:00-16:00, Friday: 8:00- 14:00. Those who arrive outside the opening hours and thus cannot ask for help that day, or who are just traveling through Hungary and do not want to be here for a longer period of time, can also receive temporary accommodation for one night. This is provided at the following address: 1117 Budapest, Galvani utca 44/A. The accommodation is operated by the Hungarian Maltese Charity Service. At the Nyugati Pályaudvar, the railway employees and the police officers working there can help you with how to get to this accommodation.

In order to receive permanent accommodation and three meals a day, it is important that you submit your asylum application within one month of your arrival in Hungary. In this case, until you receive the asylum card or the decision rejecting the asylum application, you are entitled to accommodation and meals. If you submit your asylum application more than 30 days after your arrival in the country, long-term accommodation and meals are only available if you are pregnant, a parent raising a child under the age of six, a person with a disability or the carer of such a person, over 65 or 18 years of age below, who lives in a joint household with any of the people listed here.

After you receive the asylum card, you are entitled to accommodation and food for 30 days. Pregnant women, children under the age of 18 and one parent living in the same household as them, people with disabilities and their caregivers, as well as people over 65 years of age can receive accommodation and meals for an unlimited period of time beyond 30 days after obtaining the asylum card.

If you received an asylum card, accommodation and meals are only available for 30 days after obtaining the card, if you take up work and your employer signs a contract with your accommodation provider. In the absence of work, you are unfortunately not entitled to free meals and accommodation (unless you belong to the group of beneficiaries defined in the previous paragraph).

If your place of residence in Ukraine was not in the counties listed by the government, you are unfortunately not entitled to state-insured accommodation after August 21, 2024. Those who did not previously live in the listed counties, but were accommodated in state-financed accommodation before August 21, could submit a request for fairness until July 10, 2024, in which they requested that they be able to receive accommodation after August 21. If you submitted such a request for fairness, but it was rejected, we recommend that you contact us at the email address ukrainecrisis@helsinki.hu .

If you can, you can also decide to live in your own accommodation (for example with your family or friends), but you must also inform the authorities about this.

28. Can applicants receive financial support during the asylum procedure?

No. There is no support for the duration of the asylum procedure. It can only be requested after receiving the asylum card.

29. To what kind of financial support are beneficiaries of temporary protection entitled?

Beneficiaries of temporary protection (those who already received the final, plastic temporary protection card) are eligible for subsistence allowance in the amount of a monthly 22.800 HUF (around 60 EUR) in case of adults and 13.700 HUF (around 35 EUR) in case of children. The beneficiaries should register at the labour unit of the district government office and appear before that authority once in every month. Once you start working or receive a pension this financial aid ceases. If you are above 16 and refuse the job offered by the labour unit of the district government office you lose eligibility for the subsistence allowance except if you raise a child under the age of 3 or you are under 18 and are still in school.

Yes.

30. Where can people get accommodation?

At the Ukrainian-Hungarian border, you can request temporary accommodation at the help points set up next to the border crossings. There are such help points in Záhony, Beregsurány, Tiszabec, Barabás and Lónya. The staff there will also help you if you want to submit an asylum application. If you are traveling directly to Budapest, you can ask for help at the Government window at Nyugati Pályaudvar (1062, Budapest Teréz körút 55), during opening hours.Regarding the accommodation, please read above, VII/2.

In addition, here you can find some useful websites, which help people to get accommodation:

- https://shelterukr.com/
- https://help.budapest.hu/
- https://www.supportukraine.hu/
- https://ukrainehelp.hu/en/
- https://www.ukrainetakeshelter.com
- menekult@utcarollakasba.hu

31. How can people fleeing Ukraine work in Hungary?

Applicants and beneficiaries of temporary protection can now work without a special permit. You can ask for assistance with job seeking from the Menedék Association at menedek@menedek.hu.

32. Can people holding temporary protection access the public health services? Can people who applied for temporary protection, but have not yet been granted protection, access public health services?

Yes. People with temporary protection have the right to use public health services and are entitled to have necessary and emergency medical treatment. The same applies to those who applied, but not yet received temporary protection. These people can get necessary and emergency services treatment. In addition, they are entitled to get oncological treatment as well as other specialised treatment in case of chronic diseases.

33. How can people get medical services?

People who applied for temporary protection or hold temporary protection and stay in private accommodation, should go to the general practitioner (GP, district doctor, “háziorvos” in Hungarian) for prescriptions and basic medical examinations. For addresses you should google the district/town in which you are and write “háziorvos”. If someone needs urgent medical treatment, then one can go to the closest hospital. He/she will be provided with medical treatment. Please use google for addresses.

34. I know I can request free meal for my children who are in school or kindergarten for 6 months. Can the children get this after 6 months too?

Yes. After 6 months you can request an extension from the local (municipal) clerk.