

# The most important things to know about the new Immigration Law

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COMMITTEE

05. 13. 2024.

(EN)

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On 1 January the new Immigration Law entered into force, and its provisions are applied from 1 March, after a transitional period. The new law (Act XC of 2023 on the General Rules for the Entry and Residence of Third-Country Nationals, abbreviated in Hungarian as: “Btátv”) significantly changes the rules on residence permits.

We have collected the most frequently asked and relevant questions about the new rules. As each case is specific, this is only a general guide. If you need individual legal assistance, see [for which cases](#) you can contact us.

## **Is it necessary to apply for a new residence or permanent residence permit with priority?**

No. Those with valid residence permits and permanent residence permits do not need to apply for a new permit.

## **What if your residence permit or permanent residence permit has expired between 1 January and 29 February 2024?**

The permits that expired in this period were automatically prolonged until 30 April 2024. If you have not yet applied for a new residence permit or an extension, your permit will no longer be valid from 1 May.

## **How will the conditions for extending a residence permit change?**

The rules on extension remain unchanged if the rules of the relevant residence permit are the same in the new law as the previous law. For example, the procedure for extending a residence permit for the purpose of studies will remain the same as before the new law.

If a specific type of residence permit is no longer available according to the new law, it is not possible to apply for its extension either.

In this case, it is necessary to apply for a residence permit under the new law 45 days before the expiry date of the existing residence permit at the earliest .

The question of extension is particularly important for those living in Hungary with a residence permit for the purpose of employment, as this permit will no longer be available. We suggest they read our answer to the question “*How to work as a foreigner in Hungary?*”.

According to the law, when extending a residence permit, the authority will assess whether the applicant fulfils the “conditions for social coexistence”. However, the relevant rules do not say anything about how exactly it will be assessed by the authority upon extension, as these applicants are not subject to the obligation to take an exam. (For more information about the exam, see the question “*Who must take an exam?*”)

## Is it possible to extend a residence permit that will no longer exist under the new law?

Those residence permits that will no longer be available under the new law cannot be extended. It is possible then to apply for a residence permit under the new law 45 days before the expiry date of the existing residence permit at the earliest. One example is a residence permit for other purposes, which can no longer be extended or applied for.

## How to join a family member with a residence permit in Hungary?

The new law also allows relatives to join a family member already living in Hungary. What has also remained unchanged is that not all family members have this right. There are different rules for refugees, which are explained in separate [information leaflets](#). The following is about the rules for those who are not refugees.

Who can request to come to Hungary or stay here?

- whose spouse or registered partner is a Hungarian citizen;
- whose spouse or registered partner is a legal resident in Hungary - but this no longer applies to all residence permits under the new law, as explained in detail below;
- minor children (including adopted and foster children) with the spouse of foreign nationals legally residing in Hungary;
- dependent minor children (including adopted and foster children) of foreign nationals legally residing in Hungary;
- dependent minor foreign children whose parent is a Hungarian citizen or the spouse or registered partner of a legally resident foreign citizen;
- foreign nationals who have parental rights over a minor Hungarian child and live in the same household.

Registered partnership is the legal recognition of same sex couples, and they have the same rights as married couples in most cases. Couples (opposite or of the same sex) who are “simply just” living together, whether they asked to be on the list of cohabiting couples or not, cannot therefore apply for a residence permit for the purpose of family reunification.

In addition to the family relationship, you must also prove that you have a livelihood, housing, and health insurance.

The new law significantly tightens the ban on family members joining foreigners with certain residence permits. These are the followings:

- residence permit for seasonal employment,
- residence permit for the purpose of realising an investment,
- residence permit for the purpose of employment,
- residence permit for the purpose of guest working,

- White Card,
- residence permit for the purpose of studies,
- residence permit for the purpose of traineeship,
- residence permit for the purpose of voluntary service,
- if you have not held a residence permit for guest self-employment for at least one year.

Family members who have a residence permit listed above can join their relatives only if they can get a residence permit for another purpose, such as employment.

It is important to note that if someone had been granted a residence permit for family reunification before the new law, they can extend it even if they were no longer entitled to it under the new law.

## How can you work as a foreigner in Hungary?

The residence permit for the purpose of employment is no longer available and is replaced by several different types of permits. From 1 March, it will be possible to apply for a residence permit issued for the purpose of employment, realising an investment or guest working; and for a National Card and a Hungarian Card as well.

A guest worker is a person who is employed by a preferential employer or a qualified lender of workforce registered with the Government. There are some jobs, however, that [cannot](#) be undertaken with such a residence permit.

A residence permit for the purpose of realising an investment can be given to a person whose employer employs them to work on a specific investment for which the employer has an agreement with the Government or for which the employer receives a grant from the Government.

A National Card is available to Serbian and Ukrainian citizens who wish to work in Hungary.

A Hungarian Card can be given to someone who works at a job that requires a higher education qualification. However, it is currently only available to people with a degree in IT, technology or science, music teachers, professional sportsmen and coaches, performers and people working in film production companies.

A residence permit for work purposes may be granted to someone who is not coming to work as a guest worker or to work at an investment, and they do not need a higher education qualification required to get a Hungarian Card.

## How can you apply for a different type of residence permit?

Those who received a residence permit in Hungary before the new law (before 31 December 2023), will be able to extend it or apply for a new residence permit during the period of validity of that permit. An exception is the residence permit for other purposes, which is no longer available and cannot be extended, but during its period of validity it is possible to apply for a new residence permit in Hungary for one of the purposes listed in the law.

Those who do not have a valid residence permit cannot always apply for one in Hungary. The rule is that an application for a residence permit can be submitted at the embassy of Hungary in the applicant's country of origin. So, for example, if somebody is a Chinese citizen, they have to apply at the Hungarian consulate in Beijing.

The new law allows few exceptions from this. Those who can stay in Hungary as tourists without a visa for up to 3 months can still apply in the country. Those who received a residence permit based on the new law cannot always apply for a new residence permit in Hungary. For example, a Nigerian national who has been studying in Debrecen with a residence permit for study purposes cannot apply for a residence permit for employment purposes at the local immigration office. If they wish to do so, they must first travel home and submit their application at the Hungarian consulate in Abuja. On the other hand, an Australian citizen, for example, could apply for a residence permit in Hungary because they would be able to stay visa-free as a tourist.

Another significant tightening is the revocation of the leniency request (the so-called 'apology letter'). The previous law gave the possibility, in case of a serious reason, to submit an application for residence permit on the territory of Hungary with a special permission, even to an applicant who would not have been eligible. This is no longer in the new law, so nobody can build on this possibility.

## How to become a permanent resident in Hungary?

Permanent residence permits have been renamed in the new law, but - apart from one significant difference, which is described in the next section - the same rules apply as before. The new name for the national permanent residence permit is the national residence card, while the new name for the EC permanent residence permit is the EU residence card. Together, these are called "long-term residences" in the law.

## Who must take an exam?

The national residence card and the EU residence card can be issued once the applicant has passed the cultural knowledge exam. This did not exist before and was introduced by the new law. However, other legal rules on the test will come into force on 1 January 2025, so it is unclear how the authorities will assess the applications of those who apply for such residence cards before then.

The cultural knowledge exam must be taken in written, in Hungarian language and is organised by the Government Office of the Capital City Budapest. The exam fee is HUF 20,000 and there must be at least four exams scheduled per month. The exam will cover the most important topics in Hungarian history and the functioning of the state (e.g. Hungarian national symbols and their meaning, the foundation of the state, the 1956 revolution, the change of regime, the most significant personalities in Hungarian and European music and literature).

Those who received a national permanent residence permit or an EC permanent residence permit before the new law will also most likely have to take the test when their permits expire. However, as the relevant sections of the new legislation are vague, we are still trying to find a clear answer to this question for the time being.

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## What should you do if you are afraid to return to your country of origin?

Both the old and the new law state that you cannot be expelled if you were persecuted, could face the death penalty, torture, inhuman or degrading treatment or punishment in your own country. This is called shortly the principle of non-refoulement. This might be the case if someone would be seriously harmed because of their race, nationality, political opinion, religious beliefs or belonging to a particular social group (for example due to sexual orientation or gender identity).

Normally, if someone is afraid of this, they can apply for asylum. In Hungary, however, with very few exceptions, it is either not possible or very difficult to apply for asylum. We strongly encourage anyone who is afraid to return to their home country and whose residence permit is about to expire to contact us so that we can provide them with legal assistance in time.

If your residence permit expires and you stay in Hungary regardless, you will sooner or later be subject to immigration proceedings. You will be then interviewed by the authorities and, in most cases, expelled from Hungary. It is very important that if this happens to someone, they should make sure to tell at this interview what they would be afraid of if they would have to return and why.

## Access to legal assistance

As the new law has made immigration rules more complicated, you should seek the help of a lawyer or an attorney when dealing with residence permits. Be careful, however, because there are also many fraudsters who pretend to be but are not real attorneys, just scamming clients. Real attorneys must register with the Hungarian Bar Association. Each registered attorney is given a bar identification number.

To make sure that the person you are asking for help is a qualified attorney, you can look them up in the Hungarian Bar Association's database using the "Attorney Finder" "[Ügyvédkereső](#)" search engine. In addition, it is important that you only pay someone for legal assistance if you have met them in person and have a written contract with them about the legal work they will perform for you. The staff of civil society organisations working in the field of legal protection are not always mentioned in the register of the Hungarian Bar Association, but their identity can be verified on the organisation's website.