

Information for Iranian nationals in Hungary

The Hungarian Helsinki Committee prepared this information leaflet for Iranian nationals in Hungary, who are at risk of being sent back to Iran, but fear returning to their home country. It provides information on

- when and how the Hungarian Immigration Office (National Directorate-General for Alien Policing, Immigration Office thereafter) assesses if someone can return to their home country safely,
- who can get protection from return and
- what one should do to ensure they can remain in Hungary legally.

Can the Immigration Office take into consideration if it is not safe for me to return to Iran?

Apart from a few exceptions, it is not possible to apply for asylum in the territory of Hungary. You can read more about this in this [info-leaflet](#). However, if you believe that you have reasons to request asylum, you can contact the Hungarian Helsinki Committee. See our contact information below.

However, before ordering someone to leave Hungary and the EU, the Immigration Office must assess whether that person would face cruel, inhuman treatment or persecution in their home country. This is also called an “examination of *non-refoulement*”. This obligation is based on international law and EU law, but is also ensured by Section 102.§ of the Hungarian Immigration Act (Act No. XC of 2023)

Such assessment can happen in a residence permit procedure when the Immigration Office refuses someone’s application. It can also happen when someone remains in Hungary without a residence permit, and because of this, a so-called ‘aliens policing’ procedure starts against them. This assessment can also happen repeatedly, when someone is already expelled from (ordered to leave) Hungary, but new circumstances arise, which make it necessary to reassess his/her situation.

What happens when the Immigration Office finds that someone cannot return to their home country safely?

If the Immigration Office finds that someone cannot be sent back to their home country, that person can receive protection in Hungary in the form of tolerated status (*befogadott* status in Hungarian) and can get a so-called humanitarian residence permit, valid for one year. The eligibility for this status is reviewed every year.

In what cases can someone get tolerated (*befogadott*) status?

The Immigration Office can give tolerated (*befogadott*) status if someone would face torture or other cruel, inhuman treatment, or persecution because of a specific reason. This reason can be his/her race or ethnicity, religion, political opinion or the fact that he/she belongs to a particular group within society.

General insecurity or bad situation in their home country does not automatically make someone eligible for tolerated status, only if the situation is so bad that the mere presence in the country would endanger a civilian’s life.

When making their assessment, the Immigration Office should examine the individual circumstances of the person concerned (i.e. whether there are special reasons or facts that would make the person concerned a target of persecution or ill-treatment) and compare it with information about the country which is available from objective sources.

Unfortunately, in many cases, especially in residence permit procedures, the Immigration Office does not investigate the individual circumstances of the applicant and makes an assessment solely based on general country information. Therefore, in any procedure, it is very important to proactively tell the Immigration Office the reasons why you are afraid to return to your home country.

What should I do to make sure the Immigration Office will consider the danger I would face in Iran?

As explained in the previous question, in order to make sure the Immigration Office conducts a proper assessment, it is important to communicate that you are afraid to return to Iran, and to tell the reasons why. The way you can do it depends on the type of procedure you are in.

If you have an on-going residence permit procedure (*tartózkodási engedély iránti eljárás*)

Having an on-going residence permit procedure means that you applied for a new residence permit, and you are waiting for the results. In this case, we recommend you submit a letter to the Immigration Office in that procedure, explaining your fear of going back to Iran. You should give a detailed explanation, and you should also submit any proof you have.

You can write such a letter in the first instance procedure, before receiving any decision. You can also communicate your fear of return in an appeal procedure. You have 8 days to submit an appeal against a negative decision. It is better to tell the Immigration Office about your fear of returning to Iran as soon as possible.

If you are in an aliens policing procedure (*idegenrendészeti eljárás*)

Being in an aliens policing procedure means that your residence permit expired or was withdrawn, and because of this, the so-called aliens policing unit of the Immigration Office started a procedure against you. This procedure usually includes an interview.

In this interview you should give a detailed explanation on the reasons why you are afraid to return to Iran. You should make sure that everything you say about your fear of returning to Iran is recorded. You have the right to have a translator who speaks your native language or a language you understand. The record of the interview will be written down in Hungarian, but you have the right to ask them to translate it back to you, to make sure everything you said is recorded correctly.

If you receive an expulsion decision (*kiutasító döntés*)

In both kinds of procedures explained above, if you receive a negative decision, the decision will also order you to leave Hungary and the EU and return to your home country. Such an order is called an expulsion decision.

In a residence permit procedure, if you receive a second negative decision from the Immigration Office, you have 30 days to write an appeal to the competent court and ask the court to reexamine the decision. The name of the competent court is written on the first page of the decision.

In an aliens policing procedure, you only have 8 days to submit an appeal to the competent court against an expulsion decision.

If you write an appeal to the court, you can explain why returning to Iran would be dangerous for you and ask the court to consider it and order the Immigration Office to give you tolerated (befogadott) status.

If you go to court against an expulsion decision, we recommend you look for an attorney, well-versed in immigration law. You are also eligible to receive free legal aid. You can also ask the Immigration Office to help you fill out the necessary form to request free legal aid. However, the system to get free legal aid is rather complicated in Hungary and it can take a long time to get a lawyer this way.

If you already have a final expulsion decision against you

Having a final expulsion decision means that you received an expulsion decision, and you didn't appeal it at court, or you went to court, but the court refused your appeal. In this case, you often have a deadline to leave Hungary on your own. You can request an extension of the deadline to leave Hungary in writing. For this, you have to show that you face technical difficulties in leaving Hungary (for example, because the flights are cancelled to Iran).

You can also submit a letter, arguing that it is not safe for you to return to Iran. However, if at this stage, the Immigration Office decides that it is safe for you to return to Iran, you cannot go to court against this decision.

In some cases, when the Immigration Office thinks that someone wouldn't leave Hungary on their own, the Immigration Office will organize the person's journey home, instead of allowing him/her to leave on their own. In such cases, the Immigration Office will either order your detention or oblige you not to leave your home. In both cases, since you are under a measure that restricts your personal freedom, you can submit an asylum application.

If you are an Iranian national in Hungary, and you received a negative decision from the Immigration Office, or remained here without a residence permit and you are afraid to return home, you can contact the Hungarian Helsinki Committee for advice on this email address: helsinki@helsinki.hu

We cannot provide legal representation in all cases, but we can provide free legal advice.