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FOR MIGRANTS

**Submission by the Hungarian Helsinki Committee and Menedék – Hungarian
Association for Migrants**

For the fourth cycle of the

UPR

of

HUNGARY

on the rights of migrants

The Hungarian Helsinki Committee is an independent human rights watchdog organisation founded in 1989 in Budapest, Hungary. As a leading Hungarian human rights organisation with a globally recognised reputation, the HHC works towards a world in which everyone's human rights are protected. The HHC focuses on defending the rule of law and a strong civil society in a shrinking democratic space; the right to seek asylum and access protection; the rights to be free from torture and inhuman treatment and the right to fairness in the criminal justice system. The HHC contributes to monitoring Hungary's compliance with relevant UN, EU, Council of Europe, and OSCE human rights standards and cooperates with international human rights fora and mechanisms.

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Menedék – Hungarian Association for Migrants is an NGO helping the social integration of immigrants arriving to and departing from Hungary, through a set of social, educational and cultural programs built on more than 30 years of experience. Menedék Association developed a complex system of services to assist refugees and other foreigners in finding a new home in Hungary or returning to their home country. Menedék also offers migrant-specific training for professionals who are in contact with migrants during their work from teachers or social workers to police officers and armed security guards. Menedék cooperates with national and international partners and organisations and participates in national and international research programmes that also support its advocacy for the rights of migrants.

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1. Executive summary

1. This submission highlights the continued systemic deficiencies of Hungary's asylum and protection framework, which have persisted without meaningful reform since the previous UPR cycle. Hungary maintains a fragmented framework in which access to asylum remains severely restricted, protection safeguards are inconsistently applied, significant groups of persons in need of protection fall outside effective legal and social support mechanisms, and collective expulsions (push-backs) are legalised, as data also shows.

	Asylum applications	Positive decisions	Push-backs
2021	38	38	72 010
2022	44	30	151 470
2023	28	22	98 687
2024	28	14	5 713
2025	109	34	4 389

2. As a result, the system formally preserves elements of protection while, in practice, undermining their accessibility and effectiveness.

2. Continuity since the previous UPR cycle

2. 1. Lack of progress in implementing previous UPR recommendations

3. Since the submission of the present organisations' previous stakeholder report in 2021,¹ no substantial legislative reforms have been introduced to address concerns already prevalent then. Moreover, Hungary failed to take either legislative or administrative steps to meet the 2 recommendations it supported during the previous UPR cycle related to asylum-seekers and migrants.²
4. The core structural features of the Hungarian asylum system described in the previous submission remain unchanged. Access to the asylum procedure continues to be severely restricted, collective expulsions at the Serbian border persist, and Hungary still lacks an

¹ Submission by the Hungarian Helsinki Committee (HHC) and Menedék Association for Migrants for the third cycle of the UPR of Hungary on the rights of migrants, 25 March 2021, available at: https://helsinki.hu/wp-content/uploads/2021/03/HHC_Menedek_UPR2021_Hungary_Migrants_web.pdf.

² N° 128.69., by Libya, to "Take all measures to prevent hate speech and all forms of discrimination, especially based on race, colour, religion and nationality", and N° 128.248., by Paraguay, to "Redouble efforts to combat all forms of discrimination against groups in vulnerable situations, such as Roma, refugees and migrants, within the framework of Sustainable Development Goal 10".

effective framework to support the integration of the very low number of beneficiaries of international protection it hosts.

5. While the war in Ukraine prompted the introduction of a temporary protection scheme for persons fleeing the conflict following the Russian Federation's full-scale invasion, this development has not led to a broader reform of the Hungarian asylum system. As a result, most third-country nationals seeking protection in Hungary continue to face systemic barriers to accessing the territory and the asylum procedure.

2.2. Continued restrictions on access to asylum in Hungary

6. Since May 2020, Hungary has operated an asylum system that requires most individuals seeking international protection to submit a "declaration of intent" at Hungarian embassies in Belgrade (Serbia) or Kyiv (Ukraine) before they are allowed to enter the country and lodge an asylum application. Only if the asylum authority approves this declaration can the person obtain a special entry permit allowing them to travel to Hungary and formally register their asylum claim.
7. This framework effectively prevents the lodging of asylum applications at Hungary's borders or on its territory, except for a limited number of narrowly defined categories. Individuals who arrive at the border and express a wish to seek asylum are not granted access to the procedure but are instead directed to leave Hungary and initiate the embassy procedure abroad.
8. The system raises serious concerns under international and European law. By requiring asylum-seekers to first travel to another country and obtain prior authorisation before accessing the asylum procedure, Hungary has effectively externalised access to protection. In practice, the requirement to travel to Belgrade or Kyiv, often without legal status or adequate resources, creates an insurmountable obstacle for many individuals in need of protection.
9. The CJEU, as a result of an infringement procedure, ruled that this system is incompatible with EU law. Nevertheless, the framework remains in force and continues to restrict access to the asylum procedure.
10. *Recommendation:*
 - Ensure full and effective access to the asylum procedure on the territory and at the borders of Hungary, in line with international and EU law.

2.3. Continued use of collective expulsions (push-backs)

11. Collective expulsions of migrants and asylum-seekers to Serbia continue to take place along Hungary's southern border. Hungarian legislation authorises law enforcement authorities to remove third-country nationals found within the territory of Hungary to the external side of the border fence without conducting an individualised procedure.
12. These so-called "push-backs" are carried out without identification procedures, without assessing the individual's protection needs, and without providing the possibility to apply for asylum. The practice therefore raises serious concerns regarding the prohibition of collective expulsion and the principle of non-refoulement.

13. In December 2020, the CJEU ruled that Hungary's legislation permitting such removals is incompatible with EU law. Despite this judgment, the practice has not been terminated and collective expulsions continue to be reported.
14. The persistence of push-backs, combined with the embassy-based asylum procedure described above, means that in practice individuals seeking protection have extremely limited possibilities to access Hungary's asylum system.
15. *Recommendations:*
 - Immediately cease the practice of collective expulsions (push-backs) at Hungary's borders.
 - Ensure that all individuals are granted access to an individualised procedure, including the possibility to apply for asylum.
 - Ensure, both in law and in practice, the principle of *non-refoulement*.

2.4. Lack of integration framework for beneficiaries of international protection

16. Hungary continues to lack a comprehensive integration policy for refugees and beneficiaries of subsidiary protection. The system of integration support that previously existed was dismantled in 2016, and no equivalent framework has been introduced since then.
17. Beneficiaries of international protection formally enjoy many of the same rights as Hungarian nationals in areas such as employment, education, health care, and social services. However, in the absence of targeted support measures, many face significant obstacles in exercising these rights in practice.
18. State-funded integration assistance, including housing support, structured social work, and language training, remains largely unavailable. In practice, civil society organisations have played a crucial role in supporting beneficiaries of international protection, often relying on limited project-based funding.
19. The absence of a coherent integration strategy continues to undermine the long-term social and economic inclusion of recognised refugees and beneficiaries of subsidiary protection in Hungary.
20. *Recommendations:*
 - Establish a comprehensive, state-funded integration framework for beneficiaries of international protection.
 - Ensure access to housing, language training, employment support and social services through structured and predictable programmes.

2.5 Persistent structural failures

21. The Hungarian asylum and return system continues to be characterised by structural deficiencies that undermine the effective identification of vulnerabilities, procedural fairness, and protection against refoulement.

2.5.1. Vulnerable applicants and unaccompanied minors

22. While domestic law, in line with EU law, recognises certain categories of vulnerable applicants, including unaccompanied minors (UAMs), and establishes additional procedural

guarantees for them, there is no effective system for their identification and protection in practice. While the legal framework refers broadly to persons with special needs, including minors and victims of violence, it lacks a comprehensive and operational definition, omitting key categories such as victims of trafficking or persons with serious mental health conditions.

23. Crucially, there is no systematic identification mechanism in place. The authorities are formally required to consider vulnerability, yet no nationally applied procedural framework, methodology, or timeframe exists to guide this assessment, nor are there standard operating procedures for specific vulnerabilities such as gender-based violence, which results in ad hoc and inconsistent identification.
24. The situation of UAMs illustrates these deficiencies particularly clearly. Although the law provides for the appointment of a guardian, significant delays persist in practice (3 to 4 weeks), leaving children without legal representation for extended periods. During this time, children may not be informed of their rights, including the possibility to apply for asylum, and may remain in legal uncertainty. In addition, structural constraints, such as excessive caseloads (often exceeding the statutory limit of 30 children per guardian), language barriers, and lack of interpretation, undermine the effectiveness of guardianship.
25. More broadly, institutional arrangements do not ensure prioritisation or tailored procedural safeguards for vulnerable applicants. Taken together, these elements indicate a systemic failure to operationalise vulnerability safeguards, resulting in inadequate identification and insufficient procedural guarantees for those most in need of protection.
26. *Recommendations:*

- Establish a comprehensive and operational system for the identification of vulnerable applicants, including clear procedures and safeguards for unaccompanied minors.
- Ensure timely appointment of guardians and adequate capacity of guardianship services.

2.5.2. Access to confidential data and procedural fairness

27. Serious concerns persist regarding the use of / recourse to confidential information in cases involving national security considerations. In such cases, decisions affecting protection or immigration status, detention or removal may be based on classified evidence to which neither the applicant nor their legal representative has access.
28. This practice results in a situation where individuals are not granted access even to the essence of the grounds underpinning decisions affecting their fundamental rights, rendering any challenge ineffective in practice.³ The absence of disclosure undermines the principle of equality of arms and deprives applicants of the possibility to meaningfully contest the allegations against them.
29. Despite the CJEU finding this in breach of EU law, including the right to an effective remedy and fair trial enshrined in Article 47 of the Charter of Fundamental Rights, to this day neither affected individuals, nor their legal representative are ensured access to at least the essence

³ See HHC, *National Security Grounds for Exclusion from International Protection as a Carte Blanche: Hungarian asylum provisions not compliant with EU law*, December 2021, https://helsinki.hu/en/wp-content/uploads/sites/2/2022/01/Info-Note_national-security_exclusion_FINAL.docx.pdf; European Council on Refugees and Exiles – Hungarian Helsinki Committee, *Asylum Information Database, Hungary*, May 2025 update, https://asylumineurope.org/wp-content/uploads/2025/05/AIDA-HU_2024-Update.pdf, pp. 112. and 128–129.

of the grounds on which the national security risk was established, making any potential legal remedy illusory.⁴

30. This structural limitation is especially problematic when combined with the deficiencies identified above in relation to vulnerable applicants, who may be less able to challenge decisions based on undisclosed evidence.

31. *Recommendation:*

- Guarantee access to at least the essence of classified information used in asylum and return procedures, in line with the right to an effective remedy and fair trial.

3. The situation of beneficiaries of temporary protection granted as a result of the war in Ukraine

3.1. Legal framework of temporary protection

32. Following the outbreak of the war in Ukraine, the European Union triggered the Temporary Protection Directive, ensuring that people fleeing Ukraine are swiftly provided with basic legal and humanitarian protection. Hungary transposed the decision through the government decree, but with a narrower personal scope of eligibility.⁵ This shift resulted in the exclusion of certain third-country nationals who had previously been covered under the national regime.

33. The legal framework underwent consolidation in 2025, when emergency decrees were codified into statutory law, accompanied by additional implementing decrees regulating specific areas such as accommodation, employment and access to services. While this codification increased formal legal clarity, it also entrenched a fragmented regulatory landscape, where general asylum rules, special TP provisions, and aliens policing legislation coexist and sometimes diverge.

34. Importantly, the Hungarian implementation of the TPD departs from EU law and in key respects. In particular, certain categories of third-country nationals legally residing in Ukraine are excluded from temporary protection and are instead channelled into general immigration procedures, which do not necessarily provide “adequate protection” within the meaning of EU law (see above in 2.2.). This structural limitation has significant implications for access to protection.

35. *Recommendation:*

- Ensure that all persons eligible under EU law are granted access to temporary protection or an equivalent form of adequate protection.

3.2. Groups excluded from temporary protection and resulting protection gaps

36. A significant but largely unquantified group of persons displaced by the war in Ukraine falls outside the scope of temporary protection in Hungary.

⁴ Judgment in Joined Cases C-420/22 and C-528/22 (NW-PQ), <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62022CJ0420>.

⁵ See in detail: https://helsinki.hu/en/wp-content/uploads/sites/2/2022/03/War-in-Ukraine_1603update.pdf.

37. Hungarian-Ukrainian dual citizens represent a sizeable, affected group. While no official statistics exist on their number, it is estimated that tens of thousands of Hungarian citizens resided in Ukraine prior to the war, particularly in the Zakarpattia region. Many fled to Hungary following the outbreak of hostilities. However, due to their Hungarian citizenship, they obviously do not (cannot) fall within the scope of the asylum system or temporary protection regime.
38. At the same time, these individuals often cannot effectively access the full range of rights associated with Hungarian citizenship, as many entitlements, such as social benefits and services, are conditional on residence registration and social security affiliation in Hungary. As a result, dual citizens may have found themselves in a legal and practical protection gap, formally excluded from temporary protection while not fully covered by mainstream welfare systems.
39. To address this, Hungarian legislation introduced a specific provision granting dual citizens access to benefits equivalent to those available to temporary protection beneficiaries, provided they resided in Ukraine and arrived in Hungary after 24 February 2022. Available administrative data—such as over 32,000 applications for financial support submitted by dual citizens between 2022 and 2024—only partially reflect the scale of the group and do not allow for a full assessment of their situation.
40. Another group falling outside the scope of temporary protection comprises non-Ukrainian third-country nationals displaced by the war, who in most cases are ineligible for temporary protection. A special group of these people are Belarussian and Russian nationals who fled their respective countries to Ukraine prior to the outbreak of the full-scale invasion and are therefore in an especially precarious situation. Many of these individuals are unable or unwilling to return to their country of origin due to well-founded fears related to political repression, anti-war positions, or risks linked to military conscription or discriminatory legislation.
41. Despite potentially strong protection needs, these individuals face systemic barriers to accessing asylum. The restriction on access to asylum, as explained in 2.2. above, renders access to asylum largely illusory for those non-Ukrainian citizens who fled the country following February 2022.
42. As a result, such persons often remain in a situation of legal precarity, without access to temporary protection, effective asylum procedures, or a secure residence status. The increasing number of such cases handled by civil society organisations indicates that this is not an isolated issue but a growing structural gap in the protection system.
43. *Recommendations:*
 - Ensure that all persons displaced by the war in Ukraine have access to effective protection, regardless of nationality.
 - Establish clear and accessible legal pathways for third-country nationals excluded from temporary protection to access asylum procedures.
 - Ensure that persons granted alternative statuses (including tolerated status) enjoy rights sufficient to guarantee a dignified standard of living.

3.3. Access to protection and registration, including prolonging statuses

44. At the outset of the crisis, entry to the territory was largely facilitated, including for individuals lacking travel documents or subject to entry bans, in line with EU guidance. However, subsequent practice, particularly from 2023 onwards, reveals increasing inconsistencies. Reports indicate cases of refusal of entry based on lack of visas or prior travel history, lack of biometric documents, even where individuals might otherwise have been eligible for protection. After Romania joined the Schengen Zone on 1 January 2025, border control between Hungary and Romania ceased to exist, resulting in a potentially easier way to enter Hungary from Ukraine via Romania.
45. Access to the procedure itself is further constrained by the restrictive personal scope of eligibility. Only Ukrainian nationals, beneficiaries of protection in Ukraine, stateless persons, and their family members are clearly covered, while other groups—especially third-country nationals with lawful residence in Ukraine—are excluded from temporary protection and directed to alternative procedures (see above 3.2.).
46. In practice, individuals falling outside the scope of temporary protection may receive tolerated status following either a rejected TP application or an aliens policing procedure. This status is typically granted on *non-refoulement* grounds but provides significantly fewer rights than temporary protection. The widespread use of tolerated status (with over 2,900 beneficiaries by the end of 2025) indicates a structural gap in access to protection.
47. Regarding registration, the number of temporary protection beneficiaries has steadily increased, reaching over 43,000 by the end of 2025. However, there is no comprehensive data on the broader population potentially in need of protection, including those excluded from the TP framework due to the erroneous implementation of the Council Decision.
48. *Recommendation:*
 - Ensure that persons fleeing Ukraine have access to territory and procedure in line with Hungary's international and EU obligations.

3.4. Rights, access to services under TP

49. Beneficiaries of temporary protection are formally entitled to a range of rights aligned with the Temporary Protection Directive, including residence, access to the labour market, education, social welfare and healthcare.
50. However, the enjoyment of these rights is conditioned by a complex and differentiated legal framework. The introduction of multiple implementing decrees has created a system where rights are not solely derived from the Asylum Act but also from sector-specific regulations, sometimes leading to fragmentation and lack of transparency.
51. A key structural issue arises in comparison with tolerated status, which is frequently granted instead of temporary protection. Individuals with tolerated status have access only to a limited set of rights, such as emergency (life-saving) healthcare, education and restricted access to employment (subject to work permits), but are excluded from broader integration and social support measures.
52. Access to accommodation has become one of the most acute humanitarian issues of beneficiaries of temporary protection. Accommodation support has been primarily regulated

through a series of emergency decrees, which introduced a system of state-funded support to accommodation providers, rather than a unified, rights-based reception system. This has resulted in a decentralised and uneven framework, where access to housing depends largely on local capacities and the willingness of providers, rather than on enforceable individual entitlements.

53. In the initial phase following the outbreak of the war, access to accommodation was relatively broad. However, over time, the system has undergone significant restrictions. Legislative amendments introduced eligibility criteria that exclude certain categories of beneficiaries in two tiers in 2023 and 2024.⁶ As a result, a growing number of temporary protection beneficiaries have been required to leave state-funded housing without adequate alternatives.
54. This shift has led to a progressive withdrawal of support, placing increasing responsibility on individuals to secure accommodation on the private market, often without sufficient financial means or access to stable employment. Civil society organisations and service providers report that affected individuals face a heightened risk of homelessness, destitution, or informal and precarious living arrangements.
55. The situation is particularly acute for vulnerable groups, including families with children, single-parent households, and persons with limited labour market access. At the same time, individuals with tolerated status or other precarious legal positions, who are already excluded from the full range of rights under temporary protection, face even more limited access to housing support.
56. The current system does not provide systematic pathways from emergency accommodation to stable housing, nor does it ensure predictable support beyond short-term measures. Projects aimed at providing shelter are implemented by civil society organisations and rely on project-based EU funding.
57. *Recommendations:*
 - Ensure equal and effective access to rights for all beneficiaries of temporary protection, including those currently granted tolerated status.
 - Refrain from further restricting access to state-funded accommodation and ensure that no beneficiaries are left without housing, in line with EU law.

4. Rights and integration of migrants

58. Hungary continues to lack a comprehensive migration strategy and an integration strategy. State-funded integration policies and measures are non-existent, the integration of migrants is supported by non-governmental and faith-based organisations, which are dependent on project-based funding (mainly from EU and international donors).
59. The rights of migrants are fragmented in the Hungarian legislation, sectoral pieces of legislation regulate their access to healthcare, employment, education, social assistance, etc. The large number of legal provisions makes it difficult for migrants and the professionals

⁶ More on this see HHC, *Destitution and homelessness: the situation of vulnerable Ukrainian beneficiaries of temporary protection*, 3 September 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/09/Destitution-and-homelessness_3_9_2024.pdf.

working with them to become familiar with these rules and for migrants to exercise their rights.

60. The rights of migrants were fundamentally affected in 2024 by the entry into force of the new immigration legislation. The new rules restricted several previously existing rights for many migrants, including the right to family reunification and access to long-term residence. In addition, the regulation came into force within an extremely short period of time, thereby increasing the legal uncertainty faced by migrants.⁷
61. While the new legislation provides for 24 types of residence permits, the problems of migrants who are victims of domestic violence while being dependent on their abusive family members remain unsolved. They cannot escape their abusers as there is no residence permit that would provide a right to residence for those, who are residing in Hungary as family members and their sponsor is abusing them.
62. The new immigration legislation sets labour immigration as the primary reason for immigration. The new residence permits are mostly relating to employment, creating two categories of residence permits - the category of guest worker residence permits that provides a lower set of rights (no right to family reunification, limited access to permanent residence, no possibility for the renewal of residence permits) and another for labour immigrants with higher competences with rights similar to the ones granted by the previous immigration legislation. In 2025, access to work residence permits was significantly limited - the volume of the residence permits was limited to 35000 (in 2024, the quota was 65000) and access to the guest worker residence permits was limited to three nationalities only. The differentiation of rights and the limitation of access increased the vulnerability of migrant workers. The media presented several cases of severe exploitation of migrant workers and reported about trafficking in human beings - nevertheless, the Hungarian authorities have not identified migrant workers as victims of trafficking and no residence permits for victims of trafficking in human beings were issued to them.
63. *Recommendations:*
 - Adopt and implement an integration strategy for migrants, establish a comprehensive system supporting the integration of migrants
 - Ensure that migrant victims of domestic violence receive adequate protection, including stability of residence
 - Ensure protection for migrant victims of trafficking in human beings for labour exploitation, ensure access to existing residence rights

⁷ Menedék's assessment of the adopted legislation: <https://menedek.hu/hirek/eszreveteleink-az-uj-migracios-torvenyrol>.