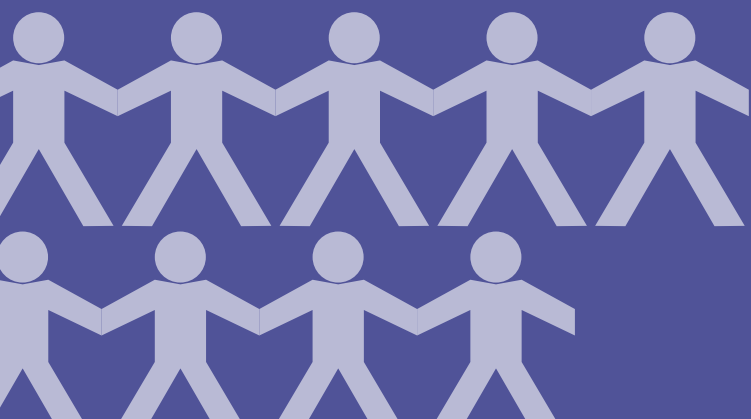


Hungarian Helsinki Committee

STATELESS IN HUNGARY



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Can I get a residence permit in Hungary just because I don't have any nationality?

What are my rights?

Where can I get help for free?



Hungarian Helsinki Committee

A plain language information leaflet for stateless persons by the Hungarian Helsinki Committee



AM I STATELESS?

Being stateless means that **you don't have any nationality (you are not a citizen of any country in the world).**

Most people have a nationality. This means that a state officially recognises someone as one of its own nationals (citizens), based on its own laws. This relationship between a person and a state includes many different rights and obligations. For example, if you are in a foreign country, you can always go back to your country of nationality, and you can always ask for help from its embassy or consulate while you are abroad. It also means that you can ask your country of nationality to give you official documents that prove who you are (identity card, passport, etc.).

How do I know if I am stateless? Statelessness is usually a complicated legal question. It is often impossible to decide who is stateless "at first sight". Here are a few situations which may show that you are stateless:

- Both of your parents were/are stateless;
- Your father is stateless (or you don't know him), and your mother is a national of a country which does not allow women to pass on their nationality to their children (like Lebanon, Iran, Somalia or Kuwait);
- You or your parents used to have the nationality of a country which no longer exists (like Yugoslavia or the Soviet Union), and you have never got any other nationality;
- It seems that you have never had any nationality (you don't know about having one);
- You have never had any official document which could prove who you are (identity card, birth certificate, passport, etc.); or
- You used to have a nationality, but that nationality was taken away from you and you have never got any other nationality.

There are some groups of people in the world who are typically stateless, for example:

- the *ajanib* and *maktumin* Kurds in Syria;
- the Rohingya in Myanmar;
- the Saharawi exiles in Algeria; and
- the Bidoon in Kuwait, etc.

Most Palestinians living in the Middle East and the Arab Peninsula are also stateless.

Being stateless is **a legal question, not an emotional question.** You are not stateless just because you would like to have the nationality of a country which does not exist now, or a country which the rest of the world does not officially recognise as a state. Deciding if a territory is a "state" is also a legal, and not an emotional question. It can happen that you think that a country is your homeland and you belong there, but at the same time, you don't have the nationality of that country.

I AM STATELESS, WHAT ARE MY RIGHTS?

If you are stateless, you have the right to get a **humanitarian residence permit** in Hungary.

- This is not automatic; you first have to ask for this permit;
- The residence permit is first **valid for three years**, and after that you can ask to prolong it every year;
- With this residence permit you can work, but only if you first get a work **permit**; and
- With this residence permit you can **study** in Hungary.

As a stateless person, you also have the right to get a special **travel document**. This is similar to a passport; you can use it to travel abroad and then come back to Hungary.

WHAT SHOULD I DO TO GET THE RESIDENCE PERMIT?

First, you have to ask the Hungarian authorities to officially recognise you as a stateless person. You should apply at the **Immigration Office** (National Directorate-General for Alien Policing, the short form is "OIF" in Hungarian). You should go to the local Immigration Office which is responsible for the town where you live. For example, if you live in Pest County, you should go to the Budapest office, or if you live in Baranya County, you should go to the office in Pécs, etc. You can find more information about the local immigration offices and about how to make an appointment with them online on their [website](#).

You can submit your application in **writing, or by telling it** verbally to the Immigration Office. If you don't speak Hungarian, you can use your mother tongue (your first language) or any other language that you speak well. But if you apply verbally (*not* in writing), it is good to bring someone with you that can translate for you into Hungarian or English. If you apply in writing, it is better to write your application in Hungarian or English. Also, write down in your application in what language you will need interpretation during the procedure.

You can also ask for stateless status if you don't have a valid residence permit in Hungary. In this case, the law says that the Immigration Office will have to give you a **"temporary residence certificate"**. With this document, you can legally stay in Hungary during the procedure in which the authority decides if you are stateless or not.

The procedure is **free of charge**, you will not have to pay anything.

WHAT WILL HAPPEN DURING THE STATELESSNESS PROCEDURE?

You will have an **interview** with the Immigration Office (OIF). You have the right to use your mother tongue (your first language) at this interview, or another language that you speak well. The Immigration Office will organise **an interpreter for you, for which you don't have to pay**. If you don't understand the interpreter well, make sure to mention this as soon as you can. If you have a lawyer, she/he can also participate in the interview.

In this procedure, the Immigration Office will check if you have any nationality. They will mainly look at:

- the country where you were born;
- the country where you lived before you came to Hungary; and
- the country where your parents and family live.

The Immigration Office will ask you questions about these countries during the interview. The Immigration Office will probably also officially ask these countries if you have their nationality or not.

It is important that you **cooperate with the authority** during the entire procedure. For example:

- Try to give correct and detailed answers to all their questions. Any information can be important;
- If you have any document, photo, or any other thing which can prove that you are stateless, show this to the Immigration Office as soon as possible. The same goes for any document that can prove who you are, where you are from, etc.; and
- Don't disappear during the procedure, and always be on time for the interview(s). If you disappear, the Immigration Office will simply close your statelessness procedure.

Officially, the Immigration Office should decide your case in 45 days (1.5 months). In reality, this usually takes much longer. The Immigration Office often asks another state if you have their nationality or not. In these cases, the procedure is suspended (temporarily stopped) while the Immigration Office is waiting for the other state's response. As a result, in reality the statelessness procedure can take several months, or even one or two years.

WHAT CAN I DO IF THE IMMIGRATION OFFICE REJECTS MY APPLICATION?

It is possible that the Immigration Office will not believe that you are stateless and they will think that you do have a nationality. If this happens, and you don't agree with this decision, you can ask a **court** to reject the



decision of the Immigration Office. You only have **15 days** for this, after you received the negative decision of the Immigration Office. Respect this deadline, and ask for professional legal assistance.

After this, a court in Budapest (*Fővárosi Törvényszék*) will decide about your case in 90 days (3 months). The Court can agree with the Immigration Office and reject your application. The Court can also agree with you, and give you stateless status. The Court can also decide to send your case back to the Immigration Office. If this happens, the Immigration Office must examine your case again and make a new decision.

WHERE CAN I GET HELP FOR FREE?

It is very important that you get professional legal assistance during the entire statelessness procedure. If a lawyer helps you, it will be easier for you to participate in this process. Also, if you are stateless, you will have a better chance to get stateless status and a residence permit with the help of a specialised lawyer.

The Hungarian Helsinki Committee gives **professional and free legal assistance** to stateless persons (you don't have to pay for it), with the support of the United Nations High Commissioner for Refugees (UNHCR). Ask for our help as soon as possible. *It is best if you contact us even before you submit your application to the Immigration Office.*

You can contact us:

- Ask for help online: <https://helsinki.hu/en/howcanwehelp/refugee-and-migrant-rights/>
- Telephone: (+36 1) 321 4323, 321 4327, 321 4141
- E-mail: helsinki@helsinki.hu

More information on the statelessness procedure on the Immigration Office [website](#).

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