

**Government Decree no. 233/2020 (V.26.)**

**On the rules of the asylum procedure during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, and for the protection of the health and lives of Hungarian citizens**

The Government,  
acting within its original legislative power laid down in Article 53(2) of the Fundamental Law, considering the provisions of Act XII of 2020 on protection against the coronavirus, with respect to Section 10, acting within its original legislative power laid down in Article 53(3) of the Fundamental Law, under the original legislative power of laid down in Section 3(1) of Act XII of 2020 on protection against the coronavirus, acting within its functions laid down in Article 15(1) of the Fundamental Law, orders as follows:

1. §

The asylum authority shall carry out the adjudication of asylum applications until the termination of the state of danger as set forth in Government Decree no. 40/2020 (III.11.) on the declaration of the state of danger, with the following differences.

2. §

(1) By personally submitting a statement of intent, the foreigner informs the asylum authority that he/she wishes to enter Hungary for the purpose of lodging an asylum application.

(2) Submitting a statement of intent for the purpose of lodging an asylum application can be made in a submission addressed to the asylum authority at places defined by Section 3(1)(a) of Act LXXIII of 2016 on the Foreign Representations of Hungary located outside of the Schengen Area (hereinafter: Embassy), in a format defined and published by the asylum authority.

(3) The asylum authority shall examine the statement of intent, during which it may remotely interview the foreigner at its embassies.

(4) The asylum authority shall inform the embassy regarding the issuance of a single-entry permit to Hungary for the purpose of lodging an asylum application (hereinafter: travel document) within 60 days.

(5) If the asylum authority does not propose to issue a travel document, it shall inform the foreigner thereof via the embassy.

3. § Based on the information provided by the asylum authority as defined in Section 2(4), the Embassy shall issue a travel document to the foreigner within 30 days, unless he/she already holds a permit to enter Hungary,

4. § (1) An asylum application may only be lodged following the procedures described in Sections 2 and 3, except in cases defined in Section 5.

(2) The foreigner in possession of the travel document shall inform without delay the authority in charge of border protection upon entering Hungary of his/her intent to lodge an asylum application.

(3) The border protection authority shall bring the foreigner to the asylum authority within 24 hours.

(4) The foreigner who lodged his/her asylum application may enjoy the rights provided by the Asylum Act from the moment of having lodged the asylum application before the asylum authority.

(5) The asylum authority may issue a decision (*végzés*) on the placement of the applicant in a closed facility. If four weeks have passed after lodging the asylum application and there are no grounds for asylum detention, the asylum authority shall designate the place of accommodation for the asylum applicant in accordance with the general rules of the asylum procedure.

5. § (1) The submission of a statement of intent as per Section 2 shall not be a precondition for lodging an asylum application

- a) for anyone holding subsidiary protection status who is staying in Hungary,
- b) in case of a person recognised as a refugee or having subsidiary protection status, for his/her family members as defined under the Act on Asylum who are staying in Hungary, and
- c) for anyone who is subject to forced measures, measures or punishments affecting personal liberty, except if they have crossed the border of Hungary in an illegal manner.

(2) For a foreign national who had crossed the state border of Hungary in an illegal manner -- if they state their intention to submit an asylum application before the police -- the police shall direct him/her to the Hungarian embassy located in the neighbouring country from which they had crossed the border.

(3) In cases falling under the scope of paragraph (1), the asylum authority shall proceed in accordance with the general rules of the asylum procedure.

6. § The asylum authority shall process the data of foreigners in connection to the procedure related to their statement of intent for a period of 10 years.

7. § During the asylum procedures, the following provisions shall not be applicable:

- a) Sections 71/A-72 and 80/H-80/K of Act LXXX of 2007 on Asylum,
- b) Chapter VII/A of Government Decree 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on Asylum.

8. § (1) The provisions of this Decree shall not apply to asylum applications submitted prior to the entry into force of this Decree.

(2) The detailed rules necessary for the implementation of this Decree shall be set out by a decree of the Minister of Interior adopted with the agreement of the minister in charge of foreign policy.

9. § (1) This Decree shall enter into force on the day following its promulgation, except for the provisions of paragraph (2).

(2) Section 10 shall enter into force on the fifteenth day following the promulgation of this Decree.

10. § The validity of this Decree shall be prolonged until the termination of the state of danger as per Government Decree 40/2020 (III.11.) on declaring the state of danger.