

Government Decree 114/2007 (V. 24.) Korm.

on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals

Pursuant to the authorization conferred under Paragraphs a)-c) and e)-q) of Subsection (1) of Section 111 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter referred to as "RRTN"), the Government has adopted the following Decree:

Chapter I

GENERAL PROVISIONS

Section 1.

The administrative proceedings specified in the RRTN (hereinafter referred to as "immigration proceedings") shall be conducted by the following authorities (hereinafter referred to as "immigration authorities"):

- a) the minister in charge of immigration;
- b) the minister in charge of foreign policies;
- c) the Office of Immigration and Nationality (hereinafter referred to as "Office");
- d) the local branches of the Office (hereinafter referred to as "regional directorate");
- e) the consulate officer of Hungary authorized to issue visas (hereinafter referred to as "consulate officer");
- f) the Police.

Section 2.

(1) In immigration proceedings Hungarian citizenship may be verified by a valid personal identification document, a valid Hungarian passport, or a certificate of citizenship issued within one year to date.

(2) In immigration proceedings the immigration authority shall consult the register of personal data and address records to verify the existence of Hungarian citizenship.

(3) Where there is any doubt, the immigration authority shall request the citizenship division of the Office to determine the existence of Hungarian citizenship.

Chapter II

Regulations for the Right of Residence for Less than Three Months Within a Six-Month Period

General Provisions

Section 3.

(1) Prior to the admission of third-country nationals into the territory of the Republic of Hungary the Police shall check compliance with Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (hereinafter referred to as "Schengen Borders Code").

(2) Where the entry and residence of a third-country national not exceeding three months is not subject to a visa requirement, the validity period of his/her travel document must exceed the date of his/her entry into the territory of the Republic of Hungary by at least one month.

(3) The Police may grant an exemption - in exceptional cases - from compliance with what is contained in Subsection (2) on humanitarian grounds, on grounds of national interest or because of international obligations.

Section 4.

(1) Taking into consideration of what is contained in Council Regulation 539/2001/EC of 15 March 2001 (hereinafter referred to as "Council Regulation 539/2001/EC"), the right of entry for the purpose of residence not exceeding three months without a visa and the visas for a validity period not exceeding three months shall be granted:

a) to third-country nationals who have been granted asylum or treatment as stateless persons and holding a travel document listed under Annex II of Council Regulation 539/2001/EC;

b) to third-country nationals who are crew members of an air transport vehicle participating in aid or rescue operations in natural disasters and other and similar events, and to third-country nationals participating in such rescue operations;

c) to third-country nationals holding a travel document issued by the United Nations Organization, Council of Europe or the International Court of Justice.

(2) The right of entry for the purpose of residence not exceeding three months without a visa and the visas for a validity period not exceeding three months shall be granted to third-country nationals holding

a) a transit visa that is also valid for the territory of the Republic of Hungary, or a short-stay visa;

b) a long-stay visa; issued under the requirements set out in Article 5 (1) a), c)-e) of the Schengen Borders Code.

Section 5.

(1) With the exceptions set out in Subsection (2), nationals of the countries listed in:

a) Part I of Annex 3 of the Common Consular Instructions on visas for the diplomatic missions and consular posts (hereinafter referred to as "CCI"); or

b) in Schedule No. I of this Decree;

shall obtain an airport transit visa, including the third-country nationals holding a valid travel document issued by such third country.

(2) The requirement to obtain an airport transit visa shall not apply to the third-country nationals:

a) holding a diplomatic, service or other official passport;

b) who are crew members of an aircraft, provided that they are nationals of either of the countries having signed the Convention on International Civil Aviation signed in Chicago on 7 December 1944;

c) holding a residence permit issued by an EEA Member State listed under Part III of Annex 3 of the CCI, or by Andorra, Japan, Canada, Monaco, San Marino, Switzerland or the United States of America.

Section 6.

No transit visa is required for a third-country national who is otherwise subject to a visa requirement, and who has, for the entire duration of transit - that does not exceed five days:

a) either of the visas mentioned in Article 2 (1) of Decision No. 895/2006/EC of the European Parliament and of the Council of 14 June 2006 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (hereinafter referred to as "Decision No. 895/2006/EC"), or a residence permit issued by any Schengen State; or

b) either of the documents listed in the Annex to Decision No. 895/2006/EC issued by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Poland, Slovenia or Slovakia; or

c) in accordance with Article 2 of Decision No. 896/2006/EC of the European Parliament and of the Council of 14 June 2006 establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory, either of the residence permits listed in the Annex to the Decision issued by Switzerland or Liechtenstein.

Visas for a Validity Period Not Exceeding Three Months

Section 7.

The immigration proceedings for issuing visas for a validity period not exceeding three months is conferred under the competence of:

- a) the minister in charge of foreign policies;
- b) the competent consulate officer;
- c) the Office;

(for the purposes of this Chapter hereinafter referred to collectively as "visa authority").

Section 8.

(1) Applications for visas for a validity period not exceeding three months - with the exceptions set out in Sections 9 and 10 - are adjudged by the competent consulate officers.

(2) The competent consulate officer shall have authority to conduct immigration proceedings for the purpose of issuing a visa for a validity period not exceeding three months if:

- a) the applicant's final destination is the Republic of Hungary, or
- b) the applicant wishes to enter the Republic of Hungary to gain admission into the territory of the Schengen States, provided that the country of final destination cannot be determined.

(3) The competent consulate officer shall determine the final destination in light of the purpose and route of travel and the duration of stay.

(4) Where several destinations are indicated, the Republic of Hungary shall be considered the final destination if:

- a) the applicant plans to stay in the Republic of Hungary the most, or
- b) the Republic of Hungary is the applicant's first destination, if the planned duration of stay in the other countries of destination is the same.

Section 9.

Issuing visas for a validity period not exceeding three months to persons enjoying diplomatic immunity or some other privilege under international law, and their family members, visitors of members of international organizations and members of diplomatic and consular representations in Hungary, and to persons whose entry is desirable for political reasons shall fall within the competence of the minister in charge of foreign policies as laid down in specific other legislation.

Section 10.

(1) Under special circumstances visas for a validity period not exceeding three months may be issued at road, air and water border crossing points of the Republic of Hungary (hereinafter referred to collectively as "border crossing points") in due compliance with the Schengen Borders Code.

(2) Visas issued at border crossing points are:

- a) single entry transit visas with a limited period of stay of five days;
- b) single entry short-stay visas for a validity period not exceeding fifteen days.

(3) The Police shall forward applications for visas for a validity period not exceeding three months submitted at border crossing points - by way of electronic means - without delay to the Office.

(4) The Office shall promptly adopt a decision concerning the aforesaid applications, not to exceed three hours, and shall notify the applicant of its decision via the Police.

(5) If the application is approved, the visa for a validity period not exceeding three months shall be issued to the applicant by the Police.

(6) If an application for a visa for a validity period not exceeding three months is submitted at a border crossing point, the visa may not be refused based solely on the third-country national's lack of travel insurance prescribed in Paragraph e) of Subsection (5) of Section 12.

Section 11.

(1) With the exception set out in Subsections (2) and (3), applications for visas for a validity period not exceeding three months may be submitted at any consulate officer of Hungary, or any other agency authorized to accept such

visa applications in the country where the permanent or temporary residence of the applicant is located or in the country of the applicant's nationality.

(2) Applications for visas for a validity period not exceeding three months may be submitted at the consulate officers of Hungary, or any other agency authorized to accept such visa applications in countries other than the ones referred to in Subsection (1), in which the applicant is lawfully residing, provided that:

a) in the country specified in Subsection (1) there is no consulate officer or any other agency authorized to accept such visa applications; or

b) the applicant is able to verify reasonable cause to submit his/her application in a country other than where his/her permanent or temporary residence is located; or

c) the entry and stay of the applicant is desired on the grounds of substantial national interest of the Republic of Hungary in the field of economics, culture, science or sports.

(3) Where Section 10 applies, applications for visas for a validity period not exceeding three months shall be submitted to the Police at the border crossing point of entry.

Section 12.

(1) Applications for visas for a validity period not exceeding three months shall be submitted on a standard form, a model of which is contained in specific other legislation.

(2) Applications for visas for a validity period not exceeding three months may be submitted within three months prior to the planned date of travel.

(3) When lodging an application for a visa for a validity period not exceeding three months the applicant shall present his/her valid travel document. The validity period of the travel document - with the exception set out in Subsection (4) - must exceed the planned date of exit from the territory of the Republic of Hungary by at least three months and - with the exception set out in Subsection (2) of Section 18 - must have at least one suitable page where the visa can be installed.

(4) The competent consulate officer may grant an exception from the requirement set out in Subsection (3) concerning the validity period if the travel document - in exceptional cases - on humanitarian grounds, on grounds of national interest or because of international obligations, on condition that the validity period of the travel document exceeds the planned date of exit from the territory of the Republic of Hungary.

(5) Applications for visas for a validity period not exceeding three months must have enclosed:

a) one facial photograph;

b) documents to verify the purpose and duration of stay;

c) documents to verify the availability of financial means necessary for the entire duration of stay, or for the return or continued travel;

d) documentation with regard to appropriate accommodation;

e) in connection with short-stay visas, a document in proof of having a travel insurance policy of up to 30,000 euro minimum covering emergency medical care for the entire duration of stay and for all Schengen States, and covering the policy holder's transport home for health reasons.

(6) The requirement to submit the document referred to in Paragraph e) of Subsection (5) shall not apply:

a) to the third-country nationals holding a diplomatic, service or other official passport;

b) if it cannot be obtained as determined under local consular cooperation.

(7) Where it is necessary to clarify the relevant facts concerning the applicant's stay, the competent consulate officer may request the applicant to produce documentary evidence in addition to those specified in Subsection (5).

Section 13.

In connection with applications for visas for a validity period not exceeding three months the visa authority shall record in the applicant's travel document - with the exception of diplomatic, service and other official passports, and with the exception of applications submitted at border crossing points in accordance with Section 10 - the fact of application and the date and place when and where submitted, the code of the visa requested, and the name of the authority receiving the application.

Section 14.

(1) With the exception set out in Subsection (2), the competent consulate officer shall adopt a decision concerning applications for visas for a validity period not exceeding three months within thirty days from the time of receipt.

(2) The following visa applications shall be evaluated immediately, within a maximum of seven days of receipt:

a) applications of minors and their accompanying legal guardians, if the substantiated purpose of travel is medical treatment for the minor;

b) visa applications of persons with custody of an unaccompanied minor who are arriving to escort the minor home;

c) applications for visas for a validity period not exceeding three months if the entry and stay of the applicant is desired on the grounds of substantial national interest of the Republic of Hungary in the field of economics, culture, science or sports.

Section 15.

(1) The minister in charge of foreign policies, and the competent consulate officer in cases falling within his competence, may request the opinion of the National Security Agency concerning applications for visas for a validity period not exceeding three months.

(2) The National Security Agency shall provide the aforementioned opinion:

a) within seven days in the case described under Subsection (2) of Section 14;

b) within ten days in all other cases.

Section 16.

(1) The visa authority shall determine the duration of residence permitted by visas for a validity period not exceeding three months and the validity period of such visas - within the limits defined in the RRTN - on the basis of the documents enclosed with the application, the verifiable purpose of entry, transit or residence, the planned duration of stay, and based on all other information available regarding the circumstances of residence, taking also into consideration the applicant's personal and particular circumstances.

(2) The visa authority may issue multiple-entry transit visas with a validity period of over one year, or short-stay visas only in exceptional cases, and in due consideration of the following criteria:

a) the applicant is required to travel frequently and regularly due to reasons of employment or family reasons;

b) the applicant's good faith, such as in particular his/her lawful use of any previous visas, the applicant's relations (personal and business) to his/her country of origin, and his/her verifiable intent to return to his/her country of origin.

Section 17.

Visas for a validity period not exceeding three months shall be issued in the form and with the content specified in Point 1 of Schedule No. II to this Decree.

Section 18.

(1) If the Republic of Hungary refuses to recognize the travel document of a third-country national who is subject to a visa requirement, a visa for a validity period not exceeding three months shall be issued in the form and with the content specified in Point 2 of Schedule No. II to this Decree on a form for affixing a visa (hereinafter referred to as "separate sheet").

(2) Visas issued on humanitarian grounds, on grounds of national interest or because of international obligations shall be issued on a separate sheet if the travel document of the applicant third-country national who is subject to a visa requirement is recognized by the Republic of Hungary, however, the travel document does not have any free space for affixing the visa.

Section 19.

A visa for a validity period not exceeding three months shall be considered cancelled if:

a) the visa is no longer valid for entry into the Republic of Hungary and residence in the territory of the Republic of Hungary in light of its validity period and/or the number of days and the number of entries authorized;

- b) the visa for a validity period not exceeding three months was withdrawn;
- c) the third-country national was issued a new visa in a proceedings for the exchange or replacement of the visa or for the extension of his/her visa's validity period;
- d) the data and information it contains are no longer legible;
- e) it contains false or untrue information or has been forged;
- f) the holder is granted a visa for a validity period of longer than three months, interim permanent residence permit or a document evidencing the right of free movement and residence;
- g) the holder has died.

Section 20.

(1) The decision for the withdrawal of a visa for a validity period not exceeding three months before entry to the Republic of Hungary lies with the visa authority that learns of any reason during its proceedings under which the visa has to be invalidated.

(2) The decision for the withdrawal of the visa for a validity period not exceeding three months held by a third-country national who resides in Hungary lies with the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country national is located.

(3) Where a transit visa or short-stay visa issued by another Schengen State is withdrawn, the issuing Schengen State shall be notified without delay, maximum within seventy-two hours.

Section 21.

(1) The duties conferred upon the central visa authority in the RRTN shall be discharged by the Office.

(2) If - according to Subsection (6) of Section 9 of the RRTN - the consent of the central visa authority is required for the issue of a visa for a validity period not exceeding three months, the competent consulate officer shall forward the application for such visa without delay upon receipt to the central visa authority.

(3) The central visa authority shall inform the competent consulate officer of its decision to grant or refuse consent for the issue of a visa for a validity period not exceeding three months:

a) within seven days upon receipt of the visa application if the consultation referred to in Subsection (7) of Section 9 of the RRTN is not required, or if the central visa authority decided to avoid the consultation procedure;

b) immediately upon receipt of all replies or following the time limit prescribed for such replies in connection with the consultation referred to in Subsection (7) of Section 9 of the RRTN.

Section 22.

(1) The central visa authority shall avoid the consultation procedure specified in Subsection (7) of Section 9 of the RRTN if it finds following receipt of a visa application for a visa for a validity period not exceeding three months that it has to be refused.

(2) If according to the assessment of the central visa authority there are no grounds for the refusal of an application for a visa for a validity period not exceeding three months, it shall contact following submission of the visa application the central authorities of the Schengen States requesting consultation, to declare their position in connection with granting consent for the issue of the visa for a validity period not exceeding three months.

(3) If either of the central authorities contacted refused to grant consent for the issue of the visa for a validity period not exceeding three months, the central visa authority may grant its consent for the issue of such visa only with limited territorial validity.

(4) The central visa authority may extend the time limit within which to reply upon the reasoned request of the central authority contacted, and shall inform the competent consulate officer of such extension.

(5) Where a contacted central authority fails to reply within seven days from the day when the request was forwarded or within the extended time limit, where applicable, its consent shall be considered granted.

Section 23.

(1) Where the central authority of any Schengen State is required to consult with the central visa authority prior to granting consent for the issue of a visa for a validity period not exceeding three months - according to the decree adopted under Subsection (6) of Section 111 of the RRTN -, the central visa authority shall declare its position in

connection with granting consent for the issue of the visa for a validity period not exceeding three months within seven days from the date when contacted.

(2) Under exceptional circumstances linked to the complexity of the case on hand, the central visa authority may request the central authority of the requesting Schengen State to extend the time limit for reply. The request for extension must be properly justified.

(3) If the central visa authority fails to reply within the prescribed time limit, it shall be construed that the central visa authority granted the consent requested.

Section 24.

(1) The central visa authority, prior to granting the consent under Subsection (6) of Section 9 of the RRTN, shall request the opinion of the National Security Agency.

(2) The National Security Agency shall comply with the request of the central visa authority and provide the aforesaid opinion within seven days.

Section 25.

The extension of visas for a validity period not exceeding three months is conferred under the competence of the regional directorate of jurisdiction by reference to the place where the third-country national's accommodation is located.

Section 26.

(1) Applications for the extension of visas for a validity period not exceeding three months shall be submitted on a standard form, a model of which is contained in specific other legislation.

(2) The above-specified applications shall be submitted on the last day of validity of the visa.

(3) When lodging an application for the extension of a visa for a validity period not exceeding three months the applicant shall present his/her valid travel document. The validity period of the travel document must exceed the planned date of exit from the territory of the Schengen States.

(4) Applications for the extension of visas for a validity period not exceeding three months must have enclosed:

a) one facial photograph; and

b) documentary evidence verifying compliance with the requirements set out in Paragraphs *a)* and *b)* of Subsection (1) of Section 10 of the RRTN.

(5) The regional directorate shall adopt a decision concerning the renewal of visas for a validity period not exceeding three months immediately.

Section 27.

(1) If the decision of the regional directorate is in favor of the application for extension, a new visa shall be issued in the form and with the content specified in Point 1 of Schedule No. II to this Decree.

(2) If the Republic of Hungary refuses to recognize the travel document of a third-country national, or if the travel document does not have any free space for affixing the visa, the visa referred to in Subsection (1) shall be issued on a separate sheet.

(3) The territorial validity of renewed visas for a validity period not exceeding three months shall cover the same Schengen States to which the original visa applied.

(4) The resolution of the regional directorate rejecting the application for extension of a visa for a validity period not exceeding three months shall contain a command ordering the third-country national affected to exit the territory of the Schengen States upon expiry of his/her visa.

Section 28.

(1) All Schengen State shall be notified when a visa with limited territorial validity is issued.

(2) The visa authority shall notify the central visa authority when issuing a visa with limited territorial validity under Paragraph *b)* of Subsection (1) of Section 11 of the RRTN.

Local Border Traffic Permit

Section 28/A.

(1) The administrative proceedings for the issue of a local border traffic permit under Regulation (EC) No. 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention as specified in the relevant international agreement (hereinafter referred to as “local border traffic permit”) shall fall within the competence of the consular officer of the consular post specified in the international agreement.

(2) The local border traffic permit shall be made out in the form specified in Point 3 of Schedule No. II.

Section 28/B.

(1) Applications for local border traffic permit shall be submitted on a standard form prescribed in specific other legislation.

(2) When lodging an application for a local border traffic permit the applicant shall present his/her valid travel document. The validity period of the travel document must not be less than one year from the date of submission of the application, plus thirty days, and must have at least one suitable page where the local border traffic permit can be installed.

(3) Applications for local border traffic permit must have enclosed:

- a) one facial photograph;
- b) a document in proof of lawful residence in a border area as defined in the relevant international agreement.

Section 28/C.

(1) A local border traffic permit must be refused, or an existing local border traffic permit shall be withdrawn if the applicant or the holder of the local border traffic permit:

- a) fails to comply with the requirements for the issue of a local border traffic permit;
- b) has supplied false or untrue information in his/her application for a local border traffic permit;
- c) has made an attempt to mislead the competent authority as far as the purpose of entry and residence is concerned.

(2) A local border traffic permit may be withdrawn if the third-country national leaves the border area defined in the relevant international agreement without authorization.

(3) The decision for the withdrawal of the local border traffic permit lies with the authority that has issued the local border traffic permit, or if held by a third-country national who resides in Hungary, with the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country national is located.

(4) A local border traffic permit shall be considered cancelled if:

- a) the local border traffic permit was withdrawn by final decision;
- b) the data and information it contains are no longer legible;
- c) it contains false or untrue information or has been forged;
- d) the holder has died.

Chapter III

Provisions Governing the Right of Residence for a Period of Longer than Three Months

General Rules

Section 29.

(1) The continued travel or the return trip of a third-country national shall be deemed ensured if the visa for a validity period of longer than three months or a residence permit held by the person in question to enter the

destination country or to return to his country of origin will remain valid beyond the expiration of his residence permit, and if having a valid travel ticket or sufficient financial means to purchase one, or a means of transport that is in the legitimate use of the foreign national with adequate insurance coverage.

(2) The purpose of entry and residence shall be considered justified if the applicant wishes to reside in the territory of the Republic of Hungary for either of the reasons described in Sections 19-28 of the RRTN, and if able to produce documentary evidence to support his/her reasons.

(3) The requirement of accommodation is considered satisfied if the third-country national is the owner of a residential property registered in the real estate register as a detached house or a residential suite, or if entitled to use such property under any title.

(4) In proceedings for the issue of visas for a validity period of longer than three months and for residence permits, the requirement of accommodation may be verified by the following documentary evidence:

a) abstract of title issued within thirty days to date, establishing the applicant's title to a residential real estate property in Hungary;

b) a residential lease contract in proof of the rental of a residence;

c) a valid letter of invitation with an official certificate affixed;

d) documentary evidence to verify the reservation of accommodation and payment;

e) a notarized statement made by a family member with the right of residence in Hungary as holding a long-term visa or residence permit, with immigrant or permanent resident status, holding a residence card or a permanent residence card in accordance with specific other legislation, or with refugee status, promising a place of abode to the applicant; or

f) other reliable means.

(5) A third-country national shall be construed to have sufficient resources to cover his/her subsistence for residence for a period of longer than three months if his/her income or assets or his/her family member's income or assets is sufficient to cover their living expenses, including accommodation, return travel, and if necessary, health care.

(6) In proceedings for the issue of visas for a validity period of longer than three months and for residence permits, the requirement of subsistence may be verified by the following:

a) the national currency of Hungary, or the national currency of any other country that may be converted at a Hungarian financial institution;

b) documentary evidence entitling the third-country national to withdraw cash at a Hungarian financial institution (bank account contract, deposit book, etc.) and a statement from the financial institution to certify the availability of funds;

c) cash substitute payment instruments which are accepted in commercial circulation in Hungary (check, credit card, etc.) and a statement from the financial institution to certify the availability of funds;

d) a valid letter of invitation with an official certificate affixed;

e) documentary evidence to verify the reservation of accommodation and payment;

f) an authentic instrument or a private document with full probative force in proof of the applicant's financial assets (tangible or intangible) whereby to ensure subsistence in Hungary;

g) a certificate of income from lawful gainful employment in which the applicant plans to engage in the territory of the Republic of Hungary or is already engaged;

h) a certificate in proof of regular income received from abroad;

i) a notarized statement made by a family member with the right of residence in Hungary as holding a long-term visa or residence permit, with immigrant or permanent resident status, holding a residence card or a permanent residence card in accordance with specific other legislation, or with refugee status, promising support to the applicant along with a document in proof of the family member's ability to provide such support; or

j) other reliable means.

(7) Verification of compliance with the conditions set out in Paragraph g) of Subsection (1) of Section 13 of the RRTN, if the third-country national in question is able to prove compliance with either of the following requirements for the entire duration of his/her stay in Hungary:

a) in accordance with the Act on Social Security Benefits, the applicant:

aa) is insured; or

ab) has acquired access to Hungarian health insurance services by virtue of an agreement, or financing for services similar to what is provided to Hungarian residents is ensured under international convention or agreement; or

ac) is entitled to receive medical services only;

b) the applicant is entitled to health care services similar to those provided to persons under the scope of specific other legislation by virtue of a private accident and health insurance plan from an insurance company outside the compulsory social security system;

c) by virtue of international convention or agreement the applicant is entitled to health care services similar to those provided to Hungarian residents;

d) the applicant is able to cover his/her costs of health care services as verified by the documentary evidence on his/her subsistence.

Section 30.

(1) Prior to the admission of third-country nationals into the territory of the Republic of Hungary the Police shall check their compliance with the requirements set out in Section 13 of the RRTN.

(2) Where a third-country national fails to comply with the requirements set out in Sections 13 of the RRTN he/she shall be treated as seeking entry for the purpose of residence for a period not exceeding three months, and shall be checked for compliance with the requirements on entry for the purpose of residence for a period not exceeding three months.

Visas for a Validity Period of Longer Than Three Months

Section 31.

The immigration proceedings for the issue of visas for a validity period of longer than three months is conferred under the competence of:

a) the competent consulate officer;

b) the Office;

c) the regional directorate;

(for the purposes of this Chapter hereinafter referred to collectively as "visa authority").

Section 32.

Applications for visas for a validity period of longer than three months are adjudged:

a) by the regional directorate in the case of visas for entitlement to collect a residence permit,

b) by the Office in the case of national visas;

c) by the competent consulate officer in the case of seasonal employment visas.

Section 33.

(1) Third-country nationals may apply for an entry visa for entitlement to collect the residence permit before admission to the country in the application for residence permit, without having to lodge a separate application.

(2) The decision concerning an application for a visa for entitlement to receive a residence permit lies with the regional directorate that issued the residence permit.

(3) If the decision of the regional directorate is in favor of the application for residence permit, it shall constitute approval for the issue of a visa for entitlement to collect the residence permit, of which the competent consulate officer shall be notified.

(4) The visa for entitlement to collect the residence permit shall be issued by the competent consulate officer based on the regional directorate's decision.

Section 34.

(1) With the exception set out in Subsection (2), applications for visas for a validity period of longer than three months may be submitted to any consulate officer of Hungary, or at any other place authorized to accept such applications located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin.

(2) Applications for visas for a validity period of longer than three months may also be submitted at consular posts situated in a country other than those specified in Subsection (1), or at any other place authorized to accept such applications located in a country where the applicant lawfully resides, provided that:

- a) Hungary does not have a consular post or another place authorized to accept such visa applications in the country specified in Subsection (1); or
- b) the applicant is able to justify the reasons for submitting the application in a country other than where his/her permanent or temporary residence is located; or
- c) the entry and stay of the applicant is desired on the grounds of substantial national interest of the Republic of Hungary in the field of economics, culture, science or sports.

(3) Third-country nationals residing in the territory of the Republic of Hungary may lodge their long-term visa applications at the regional directorate of jurisdiction by reference to their place of accommodation if:

- a) there are special circumstances to justify lodging the application in Hungary, such as on the grounds of family reunification or medical treatment;
- b) the purpose of residence for a period of longer than three months is research.

Section 35.

(1) Applications for visas for a validity period of longer than three months shall be submitted on a standard form prescribed in specific other legislation.

(2) When lodging applications for visas for a validity period of longer than three months the applicant shall present his/her valid travel document. The validity period of the travel document - with the exception set out in Subsections (3) and (4) - must exceed the planned date of exit from the territory of the Republic of Hungary by at least three months and must have at least one suitable page where the visa can be installed.

(3) Where the purpose of residence of a third-country national for a period of longer than three months is the pursuit of studies or research, the validity period of his/her travel document shall cover only the planned duration of residence.

(4) The competent visa authority may grant an exception from the requirement set out in Subsection (2) concerning the validity period if the travel document - in exceptional cases - on humanitarian grounds, on grounds of national interest or because of international obligations, on condition that the validity period of the travel document exceeds the planned date of exit from the territory of the Republic of Hungary.

(5) Unless otherwise prescribed in this Decree, applications for visas for a validity period of longer than three months must have enclosed:

- a) one facial photograph; and
- b) documentary evidence verifying compliance with the requirements set out in Paragraphs c)-g) of Subsection (1) of Section 13 of the RRTN.

(6) Where it is necessary to clarify the relevant facts concerning the applicant's stay, the visa authority may request the applicant to produce documentary evidence in addition to those specified in Subsection (5).

Section 36.

In connection with applications for visas for a validity period of longer than three months the visa authority shall record in the applicant's passport - with the exception of diplomatic, service and other official passports - the fact of application and the date and place when and where submitted, the code of the visa requested, and the name of the authority receiving the application.

Section 37.

(1) The competent consulate officer shall forward long-term visa and national visa applications to the Office upon receipt without delay.

(2) Where Subsection (3) of Section 34 applies, long-term visa applications shall be adjudged by the competent regional directorate.

Section 38.

The visa authority shall adopt a decision concerning seasonal employment visas and national visas within fifteen days from the time of receipt.

Section 39.

(1) The visa authorities shall request the opinion of the National Security Agency concerning applications for long-term visas and national visas for reasons of public security and national security.

- (2) The National Security Agency shall provide the aforementioned opinion:
- a) within seven days in the case described under Subsection (2) of Section 38;
 - b) within ten days in all other cases.

Section 40.

The visa authority shall determine the duration of residence permitted by visas for a validity period of longer than three months and the validity period of such visas - within the limits defined in the RRTN - on the basis of the documents enclosed with the application, the verifiable purpose of entry and residence, the planned duration of stay, and based on all other information available regarding the circumstances of residence, taking also into consideration the applicant's personal and particular circumstances.

Section 41.

Visas for a validity period of longer than three months shall be issued in the form and with the content specified in Point 1 of Schedule No. II to this Decree.

Section 42.

The decision for the withdrawal of a visa for a validity period of longer than three months lies with the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country national is located.

Section 43.

- A visa for a validity period of longer than three months shall be considered cancelled if:
- a) the visa is no longer valid for entry into the Republic of Hungary and residence in the territory of the Republic of Hungary in light of its validity period and/or the number of days and the number of entries authorized;
 - b) the visa for a validity period of longer than three months was withdrawn;
 - c) the third-country national was issued a new visa in a proceedings for the exchange or replacement of the visa;
 - d) the data and information it contains are no longer legible;
 - e) it contains false or untrue information or has been forged;
 - f) the holder is granted a residence permit, a document evidencing permanent resident status or a document evidencing the right of free movement and residence;
 - g) the holder has died.

Residence Permit

Section 44.

The immigration proceedings for the issue and extension of residence permits is conferred under the competence of:

- a) the minister in charge of foreign policies,
- b) the regional directorate.

Section 45.

Applications of third-country nationals for the issue and extension of residence permits (hereinafter referred to as "application for a residence permit") are adjudged by the regional directorate, with the exception set out in Section 46.

Section 46.

Issuing residence permits to persons enjoying diplomatic immunity or some other privilege under international law, and their family members, visitors of members of international organizations and members of diplomatic and consular representations in Hungary, and to persons whose entry is desirable for political reasons, shall fall within the competence of the minister in charge of foreign policies as laid down in specific other legislation.

Section 47.

(1) With the exception set out in Subsections (2) and (4), applications for residence permits may be submitted at any consulate officer of Hungary, or any other agency authorized to accept such applications for residence permit in the country where the permanent or temporary residence of the applicant is located or in the country of the applicant's nationality.

(2) Applications for residence permits may be submitted at the consulate officers of Hungary, or any other agency authorized to accept such applications for residence permit in countries other than the ones referred to in Subsection (1), in which the applicant is lawfully residing, provided that:

a) in the country specified in Subsection (1) there is no consulate officer or any other agency authorized to accept such applications for residence permit; or

b) the applicant is able to provide documentary evidence to verify the reasons to submit his/her application in a country other than where his/her permanent or temporary residence is located; or

c) the entry and stay of the applicant is desired on the grounds of substantial national interest of the Republic of Hungary in the field of economics, culture, science or sports.

(3) The competent consulate officer shall forward applications for residence permit to the regional directorate of jurisdiction by reference to the future residence in Hungary of the third-country national affected upon receipt without delay.

(4) Third-country nationals residing in the territory of the Republic of Hungary may lodge their applications for a residence permit at the regional directorate of jurisdiction by reference to their place of accommodation if:

a) there are special circumstances to justify submission of the application in Hungary, such as on the grounds of family reunification or medical treatment;

b) the purpose of residence for a period of longer than three months is research;

c) lawfully residing in the Republic of Hungary as nationals of the states listed in Annex II of Council Regulation 539/2001/EC, or together with such third-country national in the capacity of a family member.

(5) With the exception set out in Section 46, third-country nationals shall submit applications for the extension of their residence permit to the regional directorate by reference to the place where the third-country national's accommodation is located.

(6) Applications for the extension of a residence permit and for the issue of a national residence permit shall be submitted on a standard form prescribed in specific other legislation within thirty days prior to the expiry of the residence permit or national residence permit underlying the application for a residence permit.

(7) When lodging the application for a residence permit the applicant shall present his/her valid travel document.

(8) Unless otherwise prescribed in this Decree, applications for a residence permit must have enclosed:

a) one facial photograph; and

b) documentary evidence verifying compliance with the requirements set out in Paragraphs *c*)-*g*) of Subsection (1) of Section 13 of the RRTN.

(9) Where it is necessary to clarify the relevant facts concerning the applicant's stay, the visa authority may request the applicant to produce documentary evidence in addition to those specified in Subsection (8).

(10) If any of the circumstances that served as the basis for issuing a long-term visa or a previous residence permit issued in the Republic of Hungary did not change by the time the application for the extension of a residence permit was submitted, documents to support such unaltered conditions need not be recurrently attached to the application.

Section 48.

(1) Applications for residence permits shall contain a statement from the applicant third-country national as to whether or not he/she suffers from a disease or disorder specified in a decree issued by the minister in charge of the healthcare system, or is suffering from a contagious or pathogenic condition, or if he/she receives compulsory and regular treatment for any disease that constitute a potential threat to public health, or for a contagious or pathogenic condition.

(2) If according to the third-country national's statement, the health condition specified in Subsection (1) exists, the regional directorate shall notify the government body in charge of the healthcare system competent according to the third-country national's Hungarian place of domicile.

(3) The government body referred to in Subsection (2) that is in charge of the healthcare system may compel the third-country national to attend the necessary medical examinations, or to present an official medical report issued by the competent authority of his/her country of origin bearing the contents specified in specific other legislation.

(4) If the government body referred to in Subsection (2) that is in charge of the healthcare system finds that the third-country national suffers from a disease that constitutes a potential threat to public health, and he/she is in violation of the rules of conduct, official resolutions and legal regulations concerned with medical treatment or therapy, the said government body shall notify the regional directorate without delay.

(5) If the regional directorate issues a new residence permit or an extension in spite of what is contained in Subsection (4), it shall notify the government body referred to in Subsection (2) that is in charge of the healthcare system so as to take the necessary disease control measures.

Section 49.

(1) With the exceptions set out in Subsections (2)-(3), the regional directorate shall adopt a decision concerning applications for residence permits within thirty days from the time of receipt.

(2) The following applications shall be evaluated immediately within a maximum of seven days of receipt:

a) applications of minors and their accompanying legal guardians for a residence permit, if the substantiated purpose of travel is medical treatment for the minor;

b) applications for a residence permit of persons with custody of an unaccompanied minor who are arriving to escort the minor home;

c) applications for a residence permit, if the entry and stay of the applicant is desired on the grounds of substantial national interest of the Republic of Hungary in the field of economics, culture, science or sports.

(3) The applications for a residence permit of third-country nationals shall be adjudged within fifteen days if the purpose of entry is:

a) the pursuit of studies; or

b) research.

Section 50.

(1) The regional directorate shall request the opinion of the National Security Agency concerning applications for a residence permit for reasons of public security and national security.

(2) The National Security Agency shall provide the aforementioned opinion:

a) within seven days in the case described under Subsection (2) of Section 49;

b) within fifteen days in the case described under Subsection (3) of Section 49;

c) within twenty days in all other cases.

Section 51.

(1) The regional directorate shall determine the validity period of residence permits - within the limits defined in the RRTN - on the basis of the documents enclosed with the application, the verifiable purpose and the planned duration of residence, and based on all other information available regarding the circumstances of residence, taking also into consideration the applicant's personal and particular circumstances.

(2) The authorized duration of residence shall be determined - with the exceptions set out in Subsections (3) and (4) - so that the validity period of the third-country national's travel document shall have at least three months remaining at the time the authorized duration of residence expires.

(3) Where the purpose of residence of a third-country national is the pursuit of studies or research, the validity period of his/her travel document shall cover only the authorized duration of residence.

(4) The regional directorate may grant an exception from the requirement set out in Subsection (2) concerning the validity period of the travel document - in exceptional cases - on humanitarian grounds, on grounds of national interest or because of international obligations, on condition that the validity period of the travel document exceeds the authorized duration of residence.

Section 52.

If the application of a third-country national for a residence permit is approved, the residence permit shall be issued in the form and with the content specified in Point 1 of Schedule No. III to this Decree.

Section 53.

A residence permit shall be considered cancelled if:

- a) the authorized duration of residence has expired;
- b) the residence permit was withdrawn by final decision;
- c) the third-country national was issued a new residence permit in a proceedings for the exchange or replacement of the residence permit, or for the extension of the residence permit;
- d) the data and information it contains are no longer legible;
- e) it contains false or untrue information, or has been forged;
- f) the holder is granted a document evidencing permanent resident status or a document evidencing the right of free movement and residence;
- g) the holder has died.

Section 54.

(1) The regional directorate may issue a residence permit on the grounds specified in Subsection (2) of Section 18 of the RRTN to a third-country national for whom an alert has been issued in the SIS for the purposes of refusing entry and residence, or may renew the residence permit of such third-country national only upon consultation held before adopting a decision with the competent authority of the Schengen State that has issued the alert through the SIRENE Office described in specific other legislation (hereinafter referred to as "SIRENE Office").

(2) If any Schengen State issues an alert in the SIS for the purposes of refusing entry and residence for a third-country national with a residence permit, the competent regional directorate shall consult with the competent authority of the Schengen State that has issued the alert via the SIRENE Office.

(3) Following consultation as specified in Subsections (1) and (2) the regional directorate shall elaborate whether or not to adopt the decision referred to in Subsection (2) of Section 18 of the RRTN taking, in particular, into consideration the reasons for issuing the alert in the SIS for the purposes of refusing entry and residence, whether the third-country national affected represents any threat to public policy or public security in the Schengen State in question, and the duration of the alert.

(4) The regional directorate shall inform the competent authority of the Schengen State affected via the SIRENE Office.

Section 55.

An appeal against a resolution for the refusal of an application for a residence permit or for the withdrawal of a residence permit shall be lodged within five working days following delivery of the resolution.

Special Regulations Relating to Stays for a Period of Longer Than Three Months

Section 56.

(1) Where the purpose of entry and residence is family reunification, the third-country nationals may verify compliance with the requirements set out in Paragraph d) of Subsection (1) of Section 13 of the RRTN with the following:

- a) birth certificate,

- b) marriage certificate,
- c) adoption document, or
- d) other reliable means.

(2) Any reference made in this Decree to a registrar certificate shall also mean a similar or equivalent document issued by a foreign authority.

Section 57.

(1) The refugee authority shall be notified of any application filed by a family member of a person with refugee status for a long-term visa or for a residence permit.

(2) Family relationship for the purpose of reunification with a person with refugee status may be verified by any reliable means.

(3) The family members of third-country nationals with refugee status shall verify their compliance with the requirements set out in Paragraphs e)-g) of Subsection (1) of Section 13 of the RRTN if more than six months have lapsed between the time when refugee status was granted and the time when the request for family reunification was lodged.

Section 58.

Any third-country national who received his/her long-term visa or residence permit for reasons of family reunification shall be required to report to the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country nationals is located if his/her marriage is dissolved or in the event of the death of his/her spouse within thirty days following the spouse's death or the final court ruling for the dissolution of the marriage with the relevant documents attached.

Section 59.

(1) If the purpose of entry and residence is to engage in gainful employment, the applicant shall supply the following proof for compliance with the requirements set out in Paragraph d) of Subsection (1) of Section 13 of the RRTN:

- a) a document verifying the employment relationship;
- b) a temporary employment book;
- c) a business plan for the economic activities;
- d) a private entrepreneurial license;
- e) a small-scale agricultural producer's license;
- f) a personal service contract, contract for professional services or an exploitation contract entered into as a private individual; or
- g) other reliable means.

(2) The purpose of entry and residence specified in Paragraph c) of Subsection (1) of Section 20 of the RRTN shall be considered verified if:

- a) the business association, cooperative or other legal entity established to engage in gainful operations (for the purposes of this Subsection hereinafter referred to collectively as "business association") employs at least three Hungarian citizens or persons with the right of free movement and residence in full time employment; or
- b) the stay of the applicant third-country national in the Republic of Hungary is essential for the business association, and the business plan enclosed with the application contains sufficient information to ascertain that the business association will prosper to ensure the applicant's subsistence.

Section 60.

(1) If the purpose of entry and residence is the pursuit of studies, the applicant third-country national may verify compliance with the requirement set out in Paragraph d) of Subsection (1) of Section 13 of the RRTN by the following:

- a) a certificate from the relevant educational institution;
- b) a document to verify his/her student status; or
- c) other reliable means.

(2) A residence permit issued for the purpose of attending a preparatory course prior to education may be extended for the purpose of pursuing studies only if the third-country national in question is admitted into an institution of higher education accredited in the Republic of Hungary following the aforesaid preparatory course.

Section 61.

If the purpose of entry and residence is to carry out a research project, the applicant third-country national may verify compliance with the requirement set out in Paragraph d) of Subsection (1) of Section 13 of the RRTN by producing a hosting agreement concluded with the relevant research organization.

Section 62.

If the purpose of entry and residence is medical treatment, the applicant third-country national may verify compliance with the requirement set out in Paragraph d) of Subsection (1) of Section 13 of the RRTN by a certificate from the medical institution providing the treatment.

Section 63.

If the purpose of entry and residence is to visit, compliance with the requirements set out in Paragraphs d)-g) of Subsection (1) of Section 13 of the RRTN may be verified by a letter of invitation with an official certificate affixed (hereinafter referred to as "letter of invitation").

Section 64.

(1) A request for a letter of invitation may be presented by:

- a) a Hungarian citizen;
- b) a third-country national with immigrant or permanent resident status, or recognized by the Republic of Hungary as a refugee and holding a long-term visa or a residence permit;
- c) a person with the right of free movement and residence granted under specific other legislation; and
- d) a legal person or business association lacking the legal status of a legal person that is established or registered in Hungary.

(2) A request for a letter of invitation shall be submitted on a standard form, a model of which is contained in specific other legislation, at the regional directorate of jurisdiction by reference to the requesting person's permanent or temporary residence or place of accommodation, or the registered office of a legal person.

(3) The regional directorate shall evaluate requests for a letter of invitation within fifteen days, or within seven days if the entry and stay of the invited third-country national is desired on the grounds of substantial national interest of the Republic of Hungary in the field of economics, culture, science or sports.

Section 65.

The person requesting a letter of invitation must be able to verify his/her compliance with the conditions to satisfy the commitment specified under Paragraph l) of Section 2 of the RRTN.

Section 66.

(1) If the regional directorate approves the request for a letter of invitation, it shall grant consent for invitation and issue a letter of invitation to the requesting person.

(2) A letter of invitation shall be issued in the form and with the content specified in specific other legislation.

(3) The validity period of a letter of invitation shall be specified in days, determined with regard to all prevailing circumstances. The maximum validity period of a letter of invitation is 365 days.

(4) The responsibility to send the letter of invitation to the invited third-country national lies with the host.

Section 67.

- (1) A request for a letter of invitation shall be refused if the requesting person:
- a) is unable to satisfy the conditions for performance of the commitment;
 - b) failed to perform his commitments associated with a previous letter of invitation;
 - c) has supplied false or untrue information in his/her request.
- (2) The host shall be informed that a letter of invitation shall not in itself constitute authorization for the third-country national to enter the Republic of Hungary.

Section 68.

The following shall not be required to obtain a letter of invitation: the Parliament, the President of the Republic, the Government, their public administration body of the Government of regional jurisdiction, the State Audit Office, the Ombudsman, the Constitutional Court, the ministries, the Hungarian Academy of Science, central administration authorities, the courts and the public prosecutors' offices, the public administration body of the Government of regional jurisdiction, and minority self-governments.

Section 69.

If the purpose of entry and residence is to engage in voluntary service activities, compliance with the requirements set out in Paragraph d) of Subsection (1) of Section 13 of the RRTN may be verified by the voluntary service agreement concluded between the third-country national and the hosting organization.

Section 70.

- (1) A residence permit may be granted on humanitarian grounds ex officio, and shall be extended by:
- a) the competent regional directorate granting stateless or refugee status, respectively, under Paragraph a) and b) of Subsection (1) of Section 29 of the RRTN;
 - b) the refugee authority under Paragraph c) of Subsection (1) of Section 29 of the RRTN;
 - c) the regional directorate of jurisdiction by reference to the place of accommodation of the unaccompanied minor under Paragraph d) of Subsection (1) of Section 29 of the RRTN, at the request of the guardian authority;
 - d) the regional directorate of jurisdiction by reference to the place of accommodation of the third-country national under Paragraph e) of Subsection (1) of Section 29 of the RRTN.
- (2) A residence permit shall be issued to a third-country national requesting asylum, or requesting any subsidiary form of protection or temporary protection from the refugee authority within three days from the date when the request is submitted.
- (3) The third-country nationals referred to in Paragraphs a)-e) of Subsection (1) of Section 29 of the RRTN are required to fill out the residence permit application form or residence permit extension form prescribed in specific other legislation, and submit it with a photograph attached.

Section 71.

- (1) Residence permits granted to third-country nationals on humanitarian grounds shall be issued - with the exception set out in Subsection (2) - in the form and with the content specified in Point 2 of Schedule No. III to this Decree.
- (2) Residence permits granted to the third-country nationals referred to in Paragraph c) of Subsection (1) of Section 29 of the RRTN on humanitarian grounds shall be issued in the form and with the content specified in Point 3 of Schedule No. III to this Decree.

Section 72.

- (1) The immigration authority shall conduct immigration proceedings relating to a minor child who is a third-country national to investigate as to whether the provisions laid down in the RRTN and in this Decree pertaining to unaccompanied minors apply to the child in question. The inquiry shall, in particular, aim to determine:
- a) whether the third-country national in question is in fact a minor;
 - b) if there is an adult who can be held responsible for him/her whether by law or custom.

(2) For the protection of the rights of unaccompanied minors, the immigration authority shall take adequate measures at the beginning of the proceeding to have a representative ad litem appointed.

(3) With a view to provide support and care for the unaccompanied minor the immigration authority shall contact the competent guardian authority and the consular post of the country of origin of the minor in question in the Republic of Hungary.

Aid and Support Granted to Exiles and Third-Country Nationals Who Are Victims of Trafficking in Human Beings

Section 73.

The Office shall provide aid and support for the subsistence of exiles and third-country nationals who are victims of trafficking in human beings and to whom a residence permit has been granted (hereinafter referred to as "third-country nationals who are victims of trafficking in human beings").

Section 74.

(1) Exiles and third-country nationals who are victims of trafficking in human beings shall be entitled to receive provisions under the scope of personal care, including financial provisions and financial assistance.

(2) Provisions under the scope of personal care are:

- a) room and board in a community hostel or the like;
- b) medical services;
- c) meals provided in an educational institution.

(3) Financial provisions:

- a) one-off moving allowance;
- b) school aid.

(4) Financial assistance:

- a) rental support;
- b) financial support for leaving the country permanently;
- c) covering the costs of a pre-employment medical examination and aptitude test, and the costs of translation of documents in proof of vocational training.

Section 75.

(1) The financial provisions and financial assistance defined in Section 74 shall be provided to an exile or a third-country national who is a victim of trafficking in human beings who does not have any assets or whose income, or the combined monthly income of his family as distributed equally among all family members living under the same roof, including his spouse, domestic partner, brother, sister and next of kin, is not more than the mandatory minimum old age pension.

(2) For the purposes of this Decree assets and income shall have the meaning as defined in Paragraphs a) and b) of Subsection (1) of Section 4 of Act III of 1993 on Social Administration and Social Provisions.

Section 76.

(1) Exiles and third-country nationals who are victims of trafficking in human beings requesting any of the aid or support defined in Section 74 shall be required to fill out the form contained in Schedule No. VI of this Decree to declare their financial and income situation and submit it enclosed with the written request for aid and support.

(2) Requests submitted by exiles and third-country nationals who are victims of trafficking in human beings for aid and support shall be evaluated by the regional directorate of jurisdiction by reference to their place of accommodation.

(3) The competent regional directorate shall issue a provisions certificate, contained in Schedule No. VII to this Decree, to the exiles and third-country nationals who are victims of trafficking in human beings eligible for aid and support. The provisions certificate shall be valid only when presented together with the residence permit of exiles and third-country nationals who are victims of trafficking in human beings.

Section 77.

(1) Exiles may be placed in community hostels or refugee centers, and third-country nationals who are victims of trafficking in human beings may be placed in reception centers or other places of accommodation maintained under contract for third-country nationals who are victims of trafficking in human beings (for the purposes of this Subtitle hereinafter referred to collectively as "community hostel").

(2) The exiles and third-country nationals who are victims of trafficking in human beings placed under compulsory confinement in a community hostel shall not be required to pay for the hostel's services for a period of eighteen months from the date of the compulsory order, if his/her income does not exceed the threshold amount specified in Subsection (1) of Section 75.

(3) Exiles and third-country nationals who are victims of trafficking in human beings shall be subject to the provisions laid down in Sections 130-133 during their tenancy in community hostels.

(4) In addition to the provisions specified in Subsection (3), exiles and third-country nationals who are victims of trafficking in human beings over the age of fourteen shall be provided spending money each month - in an amount equal to twenty-five per cent of the prevailing minimum old-age pension - starting in the third month of their stay in the community hostel. If the recipient repeatedly or seriously violates the house rules of the community hostel the director of the community hostel shall withhold payment of spending money for a specific period of time. The duration of non-payment shall be determined by the nature and gravity of the act committed.

(5) If the income of an exile or a third-country national who is a victim of trafficking in human beings is over the threshold amount specified in Subsection (1) of Section 75, he/she shall pay for the costs of the services received from the community hostel by the fifth day of each month, in the amount specified by the director of the community hostel.

Section 78.

(1) Exiles and third-country nationals who are victims of trafficking in human beings shall be permitted to leave the community hostel if moving out with the permission of the competent regional directorate and upon providing a statement before moving out (hereinafter referred to as "statement of relocation").

(2) The spending money may be deprived of any exile and third-country national who is a victim of trafficking in human beings, who leaves the community hostel without a statement of relocation and remains absent for over forty-eight hours without a plausible explanation. The duration of the non-payment shall be determined by the director of the community hostel.

(3) Any exile or third-country national who is a victim of trafficking in human beings who has moved to a private accommodation, may be allowed to return to the community hostel with the permission of the competent regional directorate, and if eligible for community hostel services by virtue of his/her financial standing and income.

(4) The competent regional directorate may authorize exiles and third-country nationals who are victims of trafficking in human beings tenancy in a community hostel beyond the eighteen-month period under special and equitable circumstances, and if justified by virtue of their financial standing and income.

Section 79.

(1) Any exile and third-country nationals who are victims of trafficking in human beings who are not covered by any social insurance system shall be eligible to receive the health care services defined in Section 138 free of charge.

(2) Basic medical care shall be provided to exiles and third-country nationals who are victims of trafficking in human beings residing in community hostels in the community hostel of tenancy.

(3) Exiles and third-country nationals who are victims of trafficking in human beings residing in places other than community hostels shall be provided basic medical care by the general practitioner responsible for the region where their abode is located.

(4) Special medical care shall be available at the health care provider responsible for the region in question.

Section 80.

Regarding the costs of meals of exiles and third-country nationals who are victims of trafficking in human beings received in a nursery school, primary or secondary school, or in a boarding school or a children's institution, the Office - upon the initiative of the competent regional directorate - shall make allowance for such costs by request of

the legal representative of the exiles and third-country nationals who are victims of trafficking in human beings, directly reimbursing the institution that has provided them.

Section 81.

If an exile or a third-country national who is a victim of trafficking in human beings moves to a private accommodation within six months from the date when his residence permit was issued, he may request a one-off moving allowance from the competent regional directorate. A statement of relocation shall be attached together with a new financial and income statement and proof of registration of the place of abode, plus a rental agreement and a statement of consent from the owner of the private accommodation and proof of registration of the applicant's place of abode.

Section 82.

(1) The request for a one-off moving allowance shall be adjudged by the competent regional directorate in consideration of the applicant's social welfare. The moving allowance shall be provided one time only.

(2) The allowance shall be three hundred per cent of the prevailing minimum old-age pension for adults and one hundred and seventy per cent for persons under eighteen years of age, however, it may not be more than the six-times the amount of the prevailing mandatory minimum old-age pension per family.

(3) The Office shall dispatch the allowance via postal service to the applicant's registered place of abode indicated in the application.

(4) The persons claiming any one-off moving allowance shall be eligible for room and board in a community hostel only in accordance with the provisions of Subsection (4) of Section 78.

Section 83.

(1) The legal representative of an exile or a third-country national who is a victim of trafficking in human beings of school age may apply to the competent regional directorate for aid at the beginning of the academic year. The Office - upon the initiative of the competent regional directorate - shall award a single, one-time-only school aid if it determines that the student is indigent for social reasons.

(2) The amount of school aid provided shall be equal to fifty per cent of the prevailing mandatory minimum old age pension.

Section 84.

(1) Upon request, the competent regional directorate may provide assistance for exiles and third-country nationals who are victims of trafficking in human beings to pay their rental fee or lease for a dwelling or lodging, provided it does not surpass the basic requirements by local standards in terms of size and comfort. Rental support shall be provided only upon a valid rental or lease agreement or a declaration of admission, following a preliminary assessment of living conditions. The preliminary assessment of living conditions shall be conducted by the regional directorate of jurisdiction by reference to applicant's place of abode.

(2) Rental support shall be provided for a maximum period of eighteen months from the date when the first residence permit was issued.

(3) The amount of the support shall be fifty per cent of the rental fee or lease charge, as verified by the lessor or the landlord, or maximum the amount of the prevailing mandatory minimum old age pension if provided to a single individual, or twice the amount of the prevailing mandatory minimum old age pension if provided to a family. The exiles and third-country nationals who are victims of trafficking in human beings living in the same residential unit, who are not regarded as family members, shall be subject to the provisions pertaining to families.

Section 85.

Upon request, the competent regional directorate may reimburse, in part or entirely, the fare paid by an exile or a third-country national who is a victim of trafficking in human beings (as substantiated by a valid ticket) wishing to

permanently leave the country and return to his home country or relocate to another country. The amount established by the competent regional directorate shall be paid by the Office.

Section 86.

Upon the request made by an exile or a third-country national who is a victim of trafficking in human beings, the competent regional directorate may - on one occasion - finance the cost of medical examination required for employment purposes and the costs of translation of documents in proof of vocational training. The amount thus financed shall be paid by the Office.

Section 87.

(1) The Office may contract non-governmental organizations, local governments, churches, legal persons, associations, foundations, their institutions, and business associations (hereinafter referred to as "contractor") for:

- a) providing accommodation to exiles and third-country nationals who are victims of trafficking in human beings;
- b) administering provisions;
- c) providing social and consultative mental health services to exiles and third-country nationals who are victims of trafficking in human beings;
- d) providing information to exiles and third-country nationals who are victims of trafficking in human beings concerning their rights and obligations.

(2) These contracts shall cover:

- a) the persons to whom the services are provided, and the description and duration of provisions;
- b) the terms and conditions for providing the services contracted and the remuneration payable;
- c) the clauses and conditions for keeping records of the services provided and the payment terms and conditions;
- d) the Office's right to oversee performance and the manner in which to exercise such oversight;
- e) the conditions for termination of the contract, the notice period in months, and clauses to settle any legal disputes.

Section 88.

(1) The agencies, institutions and persons under contract for supplying services and provisions shall keep separate records of the expenses incurred in connection with their contractual relation with the Office, and shall check the eligibility of applicants as appropriate.

(2) The Office shall subsequently settle the accounts for the costs and expenses involved in the provision of aid and support under this Decree. Contractors shall submit their invoice to the Office for services - indicating the name of the exiles or third-country nationals who are victims of trafficking in human beings to whom the services were provided and the serial number of the official document or the case number to which it pertains - within one month from the date when the service was rendered.

(3) The Office may advance funds to cover essential expenses in connection with urgent services or support provided to exiles and third-country nationals who are victims of trafficking in human beings to the contractor rendering such service.

(4) The Office shall reimburse the funeral costs of an exile or third-country national who is a victim of trafficking in human beings buried in Hungary by request of the notary of the community local government that has advanced such costs.

Certificate of Temporary Residence

Section 89.

(1) The issue of certificates of temporary residence is conferred under the competence of:

- a) the competent regional directorate conducting the immigration proceedings under Paragraphs a), b), h) and i) of Subsection (1) of Section 30 of the RRTN;

b) in the case under Paragraph c) of Subsection (1) of Section 30 of the RRTN, the regional directorate of jurisdiction by reference to the place where the third-country national resides in Hungary, or failing this where his/her permanent or temporary residence is located;

c) in the case under Paragraph d) of Subsection (1) of Section 30 of the RRTN, the regional directorate of jurisdiction by reference to the place where the parent resides in Hungary or where his/her residence is located;

d) in the case under Paragraph e) of Subsection (1) of Section 30 of the RRTN, the regional directorate of jurisdiction by reference to the place where the third-country national who is a victim of trafficking in human beings resides in Hungary;

e) the Police in the case under Paragraph f) of Subsection (1) of Section 30 of the RRTN;

f) in the case under Paragraph g) of Subsection (1) of Section 30 of the RRTN, the regional directorate withholding or withdrawing the travel document;

g) in the case under Paragraph j) of Subsection (1) of Section 30 of the RRTN, the regional directorate of jurisdiction by reference to where the place of compulsory confinement is located.

(2) The certificate of temporary residence shall be cancelled when the third-country national is granted a long-term visa, a residence permit or an interim permanent residence permit upon the conclusion of the proceedings on the basis of which the certificate of temporary residence was awarded.

Provisions Relating to the Entry and Residence of the Civilian Personnel, and their Relatives, under the Convention between the Parties to the North Atlantic Treaty on the Status of their Forces, signed in London on 19 June 1951

Section 90.

By way of derogation from what is contained in Subsection (5) of Section 35 and in Subsection (4) of Section 47, the third-country nationals referred to in Subsection (1) of Section 31 of the RRTN shall supply the following documents enclosed with the application for a long-term visa or residence permit:

a) one facial photograph; and

b) documentary evidence verifying compliance with the requirements set out in Paragraphs c)-d) of Subsection (1) of Section 13 of the RRTN; and

b) a certificate made out by the minister in charge of defense relating to the applicant's status in Hungary.

Chapter IV

Detailed Provisions on Establishing Residence

Notification of the Place of Domicile of Third-Country Nationals with Permanent Resident Status and Supplying Them with Personal Identification Documents

Section 91.

(1) Third-country nationals applying for an interim permanent residence permit, national permanent residence permit, or EC permanent residence permit shall register their first place of domicile in Hungary - if they do not yet have a place of abode in Hungary - at the same time when filing the application for the aforesaid permanent resident permits.

(2) The notification of place of domicile shall have attached a document in proof of the third-country national's right or title to the residential property. The section of the application for permanent resident permit for registration of the place of domicile shall be signed by the applicant and by the owner of the residential property, or by the landlord where applicable.

(3) If the application for registration of the first place of domicile is rejected it shall be contained in the resolution of the competent regional directorate rejecting the application for permanent residence permit.

(4) A third-country national with permanent resident status, when relocating from the address indicated in his/her application for permanent residence permit shall be required to notify the notary of the local government of the new address according to the provisions contained in specific other legislation.

(5) Relocating from one place of domicile to another shall not cause the replacement of the permanent resident permit. The new address shall be contained, in consequence of the procedure under Subsection (4), in the personal identification number and official address card issued by the notary, which means that this official document shall be kept together with the resident permit, and shall be surrendered to the duly empowered authorities upon request.

(6) Attached to the application for a personal identification number and an official address card, the third-country national with permanent resident status shall produce an official certificate issued by the competent regional directorate to evidence his/her first place of domicile, his personal data of record with the immigration authority, and the serial number of the document containing his residence permit. Any change in his home address thereafter shall be contained in the personal identification number and official address card.

Section 92.

Third-country nationals with permanent resident status shall supply their personal data and addresses to the notary of the local government in whose jurisdiction their residence is located within three working days following the issue of the document containing their permanent resident status, and they shall apply for a personal identification document at the notary of the competent local (Budapest district) government in whose jurisdiction the resident foreign national is domiciled.

Jurisdiction of Competent Authorities

Section 93.

(1) Applications for interim permanent residence permits, national permanent residence permits and EC permanent residence permits shall be submitted on a standard form, a model of which is contained in specific other legislation, at the regional directorate of jurisdiction by reference to the applicant third-country national's future residence.

(2) The regional directorate of jurisdiction by reference to the third-country national's residence shall have powers to withdraw the immigration permit, permanent residence permit, interim permanent residence permit, national permanent residence permit, or EC permanent residence permit of third-country nationals.

Mandatory Enclosures

Section 94.

(1) When lodging an application for an interim permanent residence permit, national permanent residence permit, or EC permanent residence permit the applicant shall present his/her valid travel document and shall enclose with the application:

a) his/her birth certificate, and also the marriage certificate if the applicant is married, the certificate of divorce if the marriage was terminated, furthermore, in the case of minors, documentary evidence from the competent authority of the country of origin stating that there is no legal impediment for the minor person in question who is a third-country national to seek permanent residency abroad;

b) a certificate of clean criminal record issued within six months to date by the competent authority of the country where the applicant's permanent or temporary residence was located before his/her entry to the Republic of Hungary;

c) documentary proof of the applicant's abode and subsistence in Hungary;

d) documentary evidence of insurance coverage.

Section 95.

(1) The following shall, in particular, be accepted as proof of subsistence in Hungary:

a) a statement from a Hungarian financial institution concerning the applicant's savings account;

b) an authentic instrument or a private document with full probative force in proof of the applicant's financial assets (tangible or intangible) whereby to ensure subsistence in Hungary;

c) a certificate on the applicant's taxable income from employment or other similar relationship performed on a regular basis under Hungarian law;

d) an authentic instrument or other proof for the applicant's income from other gainful activity performed in Hungary on a regular basis;

e) a certificate issued by a Hungarian financial institution as proof of regular income received from abroad;

f) a notarized statement made by a family member with the right of residence in Hungary promising support to the applicant along with a document in proof of the family member's ability to provide such support.

(2) The examination of subsistence in Hungary shall cover, in particular, the following criteria:

a) number of family members of the household with any income or assets;

b) number of dependant persons living in the household;

c) as to whether the applicant is the owner of the real estate property in which they reside.

(3) The assets referred to in Paragraph b) of Subsection (1) may not comprise:

a) articles of everyday use and household equipment and accessories;

b) any property serving as the residence of the third-country national and his dependant family members;

c) the vehicle of handicapped persons; and

d) any assets which are required for the third-country national's gainful activity.

(4) The amount of monthly income shall be calculated as the monthly average of the sums:

a) in the case of regular income:

aa) taxed income received during the one-year period prior to the date of submission of the application if lawful residence exceeds one year, plus any income received during the three-month period prior to submission;

ab) in all other cases the income received during the three-month period prior to submission of the application;

b) income received during the twelve-month period prior to submission of the application in the case of non-regular income.

(5) The requirement of accommodation in Hungary may be verified by the following documentary evidence:

a) abstract of title issued within thirty days to date, establishing the applicant's title to a residential real estate property in Hungary;

b) a residential lease contract in proof of the rental of a residence;

c) a notarized statement made by a family member living in the Republic of Hungary promising a place of abode to the applicant.

(6) No further proof of abode is required if the applicant has already supplied them with his application for the issue or extension of the residence permit, and the registered place of accommodation of the third-country national did not change.

Section 96.

An exemption from supplying the documents referred to in Paragraphs a) and b) of Subsection (1) of Section 94 may be granted if they cannot be obtained for reasons beyond the third-country national's control, or it would entail unreasonable difficulties. In such cases the applicant's statement shall be accepted as a substitute to these documents.

Proceedings of the National Security Agency

Section 97.

(1) In connection with applications of third-country national's for interim permanent residence permits, national permanent residence permits and EC permanent residence permits, in order to determine as to whether the residence of a third-country national is considered to constitute a threat to the national security of the Republic of Hungary, the Government shall appoint the National Security Agency to function as the competent authority.

(2) The competent regional directorate, in connection with the first issue of an interim permanent residence permit, shall forward the personal data of third-country nationals applying for national permanent residence permits or EC permanent residence permits from the central immigration register to the National Security Agency. At the National Security Agency's request the competent regional directorate shall allow access to the documents enclosed with such applications, or shall make copies of them.

(3) The National Security Agency shall complete its official assessment:

a) within twenty days in connection with applications for interim permanent residence permits;

b) within forty-five days in connection with applications for national permanent residence permits and EC permanent residence permits,
and send it to the competent regional directorate in writing.

(4) In the event of any information arising after the official assessment of the National Security Agency is delivered concerning the third-country national to whom it pertains, based on which the official assessment is to be revoked, the National Security Agency shall forthwith notify the competent regional directorate.

Proceedings for the Notification of the Birth of Child of Third-Country Nationals with Immigrant or Permanent Resident Status in the Territory of the Republic of Hungary

Section 98.

The competent regional directorate shall issue an interim permanent residence permit or national permanent residence permit to the child of a third-country national with immigrant or permanent resident status born in the territory of the Republic of Hungary immediately upon receipt of notice submitted on a form prescribed in specific other legislation, or maximum within five days.

Interim Permanent Residence Permit

Section 99.

(1) Third-country nationals may submit an application for an interim permanent residence permit on or before the last day of their lawful residence for a period not exceeding three months, or thirty days before the expiry of their right of residence for a period of longer than three months.

(2) Enclosed with the application for an interim permanent residence permit third-country nationals shall present their EC residence permit issued under Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (hereinafter referred to as "Council Directive 2003/109/EC").

(3) To verify the purpose of residence referred to in Subsection (1) of Section 34 of the RRTN the following document shall be enclosed with the application for an interim permanent residence permit:

- a) the document referred to in Subsection (1) of Section 59 if the purpose of residence is to engage in gainful employment;
- b) the document referred to in Subsection (1) of Section 60 if the purpose of residence is the pursuit of studies or vocational training;
- c) the document evidencing the purpose of residence if other than what is described above;
- d) if applying as a family member the document in proof of the family relationship specified in Subsection (2) of Section 34 of the RRTN.

(4) In connection with the extension of an interim permanent residence permit the applicant is required to supply only the documents referred to in Subsection (3) if providing a statement to the extent that his/her situation in terms of subsistence and abode did not change since the last application.

Section 100.

(1) The period of validity of an interim permanent residence permit shall be determined in consideration of the planned duration of stay, as stated by the applicant, and the contents of the documents supplied in support of the purpose of residence.

(2) Following authorization, the competent regional directorate shall issue the residence document specified in Schedule No. IV of this Decree containing the interim permanent residence permit.

Section 101.

An interim permanent residence permit shall be considered cancelled if:

- a) the authorized period of residence has expired;

- b) the interim permanent residence permit was withdrawn by final decision;
- c) the third-country national was issued a new document in a proceedings for the exchange or replacement of the interim permanent residence permit or for the extension of his/her interim permanent residence permit's validity period;
- d) the data and information it contains are no longer legible;
- e) it contains false or untrue information or has been forged;
- f) the holder is granted a national permanent residence permit, EC permanent residence permit, or document evidencing the right of free movement and residence, or Hungarian citizenship;
- g) the holder has died.

Section 102.

In accordance with Subsection (8) of Section 34 of the RRTN the competent regional directorate of the first instance shall notify the Member State affected when the withdrawal becomes final and definitive.

National Permanent Residence Permit

Section 103.

(1) The conditions specified in Paragraph a) of Subsection (1) of Section 35 of the RRTN shall be satisfied by any third-country national who has been residing in Hungary lawfully for three years - in light of Subsection (2) of Section 35 of the RRTN - without interruption up to the time at which they submit their application for a national permanent residence permit.

(2) If the period of lawful residence is disrupted, the required period of stay shall be calculated from the time when residence is re-established.

(3) In the application of Section 35 of the RRTN, 'lawful residence' shall mean any stay in Hungary by persons in possession of:

- a) a visa for a validity period of longer than three months,
- b) a residence permit,
- c) an interim permanent residence permit,
- d) a certificate of temporary residence issued under Paragraph a) of Subsection (1) of Section 30 of the RRTN,
- e) a residence card granted under specific other legislation.

(4) Within the meaning of Paragraph b) of Subsection (1) of Section 35 of the RRTN, shared household means when the applicant third-country national lives under the same roof with another third-country national with immigrant status, permanent resident status or refugee status.

(5) Where lawful residence was discontinued, the person applying for a national permanent residence permit shall provide documentary evidence to verify that it was for a substantial reason, such as:

- a) a certificate of medical treatment provided in a foreign institution;
- b) a certificate to verify employment in a position that frequently involves foreign assignments, or a list of such assignments endorsed by the employer.

Section 104.

(1) The competent regional directorate shall process applications for national permanent residence permits within one hundred and twenty days in the first instance. Appeals against resolution in the first instance shall be adjudged by the Office within sixty days.

(2) Following authorization, the competent regional directorate shall issue the residence document specified in Schedule No. IV of this Decree containing the national permanent residence permit.

(3) The validity period of the document referred to in Subsection (1) shall be five years, which may be extended with an additional five years upon the third-country national's request submitted on the standard form, a model of which is contained in specific other legislation by the regional directorate of jurisdiction by reference to the place where the third-country national's residence is located.

(4) When the document containing the permanent residence permit expires, or if the document has to be replaced, or if the person with immigrant status was issued a new travel document, upon the third-country national's request submitted on the standard form - a model of which is contained in specific other legislation - the regional directorate

of jurisdiction by reference to the place where the third-country national's residence is located shall issue the document specified in Subsection (2).

Section 105.

(1) The following shall be treated as significant changes in the circumstances underlying the authorization of residence under Paragraph a) of Subsection (1) of Section 37 of the RRTN, notably, when the third-country national with permanent resident status:

- a) is no longer able to support him/herself and his/her dependent family members, nor is able to provide a place of abode;
- b) is receiving social welfare benefits and support in spite of having full capacity to work;
- c) is no longer provided support or a place of abode by the family member who has previously agreed to provide them.

(2) Any third-country national who received his/her permanent residence permit or national permanent residence permit on the grounds of family relations shall be required to report to the competent regional directorate of jurisdiction by reference to the place where the residence of the third-country national is located if his/her marriage is dissolved or in the event of the death of his/her spouse within sixty days following the spouse's death or the final court ruling for the dissolution of the marriage with the relevant documents attached.

(3) Third-country nationals with immigrant or permanent resident status shall be required to notify the regional directorate of jurisdiction by reference to the place where their permanent or temporary residence is located if they wish to leave the Republic of Hungary and resettle in another country.

(4) Third-country nationals with an immigration permit, permanent residence permit or national permanent residence permit shall be required to notify in writing the regional directorate of jurisdiction by reference to the place where their permanent or temporary residence is located concerning their intention to exit the territory of the Republic of Hungary for a period of more than six months, with the reasons and the planned duration of foreign residence indicated. If the third-country national leaves the territory of the Republic of Hungary for a period not exceeding two years for reasons other than resettlement, the competent regional directorate may not withdraw - pursuant to Paragraph c) of Subsection (1) of Section 37 of the RRTN - the immigration permit, permanent residence permit, or national permanent residence permit of this person who is inside the planned duration of foreign residence indicated in the notice, provided that the third-country national in question resided in the Republic of Hungary for at least one hundred and eighty days within a period of one year before the notice was filed.

Section 106.

An immigration permit, permanent residence permit and national permanent residence permits shall be considered cancelled if:

- a) its validity period has expired;
- b) the immigration permit, permanent residence permit or national permanent residence permit was withdrawn by final decision;
- c) the third-country national was issued a new document in a proceedings for the exchange or replacement of the document or for the extension of the document's validity period;
- d) the data and information it contains are no longer legible;
- e) it contains false or untrue information or has been forged;
- f) the holder is granted an EC permanent residence permit or document evidencing the right of free movement and residence, or Hungarian citizenship;
- g) the holder has died.

EC Permanent Residence Permit

Section 107.

(1) The conditions specified in Subsection (1) of Section 38 of the RRTN shall be satisfied by any third-country national who have been residing in Hungary lawfully for five years - in light of Subsection (6) of Section 38 of the RRTN - without interruption up to the time at which they submit their application for EC permanent residence permit.

(2) If the period of lawful residence is disrupted, the required period of stay shall be calculated from the time when residence is re-established.

(3) In the application of Section 38 of the RRTN, 'lawful residence' shall mean any stay in Hungary in possession of:

- a) a visa for a validity period of longer than three months,
- b) a residence permit,
- c) an interim permanent residence permit,
- d) an immigration permit, permanent residence permit or national permanent residence permit,
- e) a certificate of temporary residence issued under Paragraph a) of Subsection (1) of Section 30 of the RRTN,
- f) a residence card granted under specific other legislation.

Section 108.

(1) The competent regional directorate shall process applications for EC permanent residence permits within one hundred and twenty days in the first instance. Appeals against resolutions in the first instance shall be adjudged by the Office within sixty days.

(2) Following authorization, the competent regional directorate shall issue the residence document specified in Schedule No. IV of this Decree containing the EC permanent residence permit.

(3) The validity period of the document referred to in Subsection (2) shall be five years, that may be extended upon the third-country national's request submitted on the standard form, a model of which is contained in specific other legislation by the regional directorate of jurisdiction by reference to the place where the third-country national's residence is located with an additional five years.

Section 109.

If the competent authority of any Member State of the European Union sends notice of having issued an EC residence permit certifying long-term residence status under Council Directive 2003/109/EC to a third-country national holding an EC permanent residence permit in the Republic of Hungary, the competent regional directorate shall notify the competent authority of the Member State in question of having withdrawn the EC permanent residence permit of the third-country national affected when the withdrawal becomes final and definitive.

Section 110.

An EC permanent residence permit shall be considered cancelled if:

- a) its validity period has expired;
- b) the EC permanent residence permit was withdrawn by final decision;
- c) the holder third-country national was issued a new document in a proceedings for the exchange or replacement of the document or for the extension of the document's validity period;
- d) the data and information it contains are no longer legible;
- e) it contains false or untrue information or has been forged;
- f) the holder is granted a document evidencing the right of free movement and residence, or Hungarian citizenship;
- g) the holder has died.

Notice of Withdrawal of Immigrant Status or Permanent Resident Status

Section 111.

(1) The competent regional directorate shall send an official copy of the final and executable resolution for the withdrawal of an immigration permit, permanent residence permit, interim permanent residence permit, national permanent residence permit, or EC permanent residence permit to the central body operating the register of the personal data and addresses of citizens (hereinafter referred to as "central body operating the register of the personal data and addresses of citizens") within five working days, and shall confiscate the personal identification document, the personal identification number and official address card of the third-country national affected.

(2) The documents confiscated according to Subsection (1) shall be sent to the central body operating the register of the personal data and addresses of citizens.

Chapter V

Regulations Pertaining to Third-Country Nationals

Refusal of Entry and Assisted Return

Section 112.

(1) The time limits specified in Subsection (1) of Section 41 of the RRTN shall be calculated from the date of refusal of entry.

(2) If the Police confines a third-country national under Paragraph b) of Subsection (1) of Section 41 of the RRTN to a designated area of the frontier zone or the airport, the place set up in the airport transit zone or in the frontier zone shall be suitable to provide the provisions specified in Section 132.

(3) Where Subsection (2) of Section 41 of the RRTN applies, the Police shall admit the third-country national affected in accordance with Article 5 (4) c) of the Schengen Borders Code and transport him/her to the competent regional directorate for the place of entry, and the regional directorate shall forthwith conduct the immigration proceedings to examine as to whether expulsion applies.

Order to Leave the Territory of the Republic of Hungary

Section 113.

(1) The time limit referred to in Subsection (2) of Section 42 of the RRTN shall be determined in consideration of the purpose of residence and the time required to make the necessary preparations for the third-country national's return travel.

(2) The obligation to leave the territory of the Republic of Hungary shall commence on the day when the resolution for the refusal of issue or extension of a document evidencing right of residence, or for the withdrawal of the document evidencing right of residence becomes final and definitive.

(3) Legal grounds for the third-country national's stay in Hungary up to the deadline for leaving the country shall be verified by the resolution containing the order to leave the country.

Expulsion Ordered Under Immigration Laws and Exclusion

Section 114.

(1) With the exception set out in Subsection (2), the competent regional directorate shall have authority to order expulsion under immigration laws.

(2) In the application of Paragraph a) of Subsection (2) of Section 43 of the RRTN, the Police shall have powers to order expulsion under immigration laws, if it detected the intention to illegally cross or the act of illegally crossing the external borders of the Republic of Hungary during border control activities carried out according to Point 9 of Article 2 of the Schengen Borders Code, and the expulsion of the third-country national in question can be carried out under a readmission agreement.

(3) Authority to order exclusion independently is vested:

- a) upon the Office under Subsection (1) of Section 43 of the RRTN;
- b) upon the competent regional directorate under Subsection (2) of Section 43 of the RRTN;
- c) upon the Police under Paragraph e) of Subsection (2) of Section 43 of the RRTN, if the third-country national affected failed to cover the costs associated with his/her expulsion ordered by the Police.

(4) Expulsion under immigration laws or exclusion may be ordered independently:

- a) upon the initiative of the Police under Paragraph a) of Subsection (2) of Section 43 of the RRTN;

b) only upon the initiative of the investigating authority or the National Security Agency under Paragraph f) of Subsection (2) of Section 43 of the RRTN;

c) only upon the initiative of the government body in charge of the healthcare system under Paragraph g) of Subsection (2) of Section 43 of the RRTN;

d) upon the initiative of the misdemeanor authority, the court or the agency levying the instant fine under Paragraph i) of Subsection (2) of Section 43 of the RRTN.

(5) The minister in charge of foreign policies shall inform the Office where there are any grounds to order the expulsion or exclusion of a third-country national under Subsection (1) of Section 43 of the RRTN.

(6) With the exception set out in Subsection (8) of Section 115, an order of exclusion may be lifted only by the same immigration authority that has ordered it.

Section 115.

(1) On the grounds specified in Paragraph i) of Subsection (2) of Section 43 of the RRTN, the misdemeanor authority, the court or the agency levying the instant fine shall contact the competent regional directorate and initiate to order exclusion as of the forty-sixth day following the operative date of the resolution ordering the fine or when the instant fine was levied.

(2) The misdemeanor authority, the court or the agency levying the instant fine shall communicate the personal identification data of the delinquent third-country national in its request referred to in Subsection (1), including his/her nationality, place of domicile outside of Hungary, the name of the misdemeanor authority, the court or the agency levying the instant fine, the number and operative date of the misdemeanor resolution, the case number of the instant fine, the account number, and the amount of the fine.

(3) Upon receipt of the above-specified request, the competent regional directorate shall check the third-country national's particulars on record, and shall notify the agency specified in Subsection (1) if it finds that the person in question was granted the right of residence subsequent to the misdemeanor offense.

(4) Any exclusion ordered pursuant to Paragraph i) of Subsection (2) of Section 43 of the RRTN shall be lifted with immediate effect upon receipt of payment from the third-country national affected of the fine or instant fine levied.

(5) When a third-country national pays a fine or instant fine subsequently in cash, the misdemeanor authority, the court or the agency levying the instant fine shall notify the competent regional directorate immediately upon receipt of the payment to have the exclusion order cancelled.

(6) If, in the course of a visa application proceedings, the applicant third-country national provides proof of having paid the fine or instant fine subsequently, the competent consulate officer shall notify the competent regional directorate that has ordered the exclusion to cancel the order of exclusion regarding the payment without delay, with the payer's personal identification data, nationality, passport number, the number of the resolution or the case number of the instant fine, the amount of fine paid and the name of the competent authority or agency.

(7) If the Police determines in the course of security checks on persons carried out at the border crossing point that the third-country national requesting admission is subject to exclusion solely on the grounds of a delinquent fine or instant fine, the third-country national in question shall be informed of his right to pay the fine subsequently in cash.

(8) If the above-specified third-country national pays the fine subsequently in cash, or is able to produce a bank statement in proof of having the money transferred, the Police shall permit his/her admission following cancellation of the exclusion order.

Section 116.

Where a third-country national with immigrant or permanent resident status is expelled by final decision, the regional directorate ordering the expulsion or carrying out the expulsion ordered by the court shall send the personal identification document, personal identification number and official address card of the third-country national in question within thirty days to the central body operating the register of the personal data and addresses of citizens.

Section 117.

If expulsion cannot be executed in accordance with Subsection (5) of Section 45 of the RRTN the immigration authority shall contact the competent guardian authority to provide support and care for the unaccompanied minor.

Section 118.

(1) Where expulsion is ordered by the immigration authorities, the deadline for leaving the country shall be determined in consideration of the time limit for remedy, whether the third-country national represents any threat to public policy, public security or national security, and the time required to make the necessary preparations for the third-country national's return travel.

(2) The country designated as the destination of expulsion shall be determined according to the following sequence:

a) any Schengen State, if the third-country national has a valid residence permit that was issued by this Schengen State,

b) a Member State of the European Union, if the third-country national in question is holding a residence permit issued by that Member State certifying long-term residence status under Council Directive 2003/109/EC;

c) the country that is liable to accept the third-country national in question;

d) the country where the third-country national's permanent or temporary residence is located;

e) the country in which the third-country national in question has a citizenship;

f) any third country prepared to accept the third-country national in question.

(3) With the exception contained in Paragraph b) of Subsection (2), expulsion may not be carried out to any Member State of the European Union.

Section 119.

The duration of an exclusion measure shall be determined in years.

Section 120.

(1) Third-country nationals who are subject to exclusion shall be admitted to the territory of the Republic of Hungary by permission of the immigration authority ordering the expulsion or the authority ordering the exclusion under special circumstances for a single entry and stay for a duration consistent with the purpose of entry, not exceeding three months, while the exclusion shall remain in effect.

(2) The request for such entry permit shall be submitted in writing to the competent consulate officer specified in Section 11.

(3) If having in possession the aforesaid entry permit the third-country national may be admitted to the territory of the Republic of Hungary according to the rules on stays not exceeding three months.

(4) If the admission of the third-country national is subject to a visa requirement as referred to in Subsection (1), the competent consulate officer shall indicate in the visa issued to the third-country national the number of the special authorization as well.

Section 121.

The Police shall forthwith notify the central data administration agency concerning the exit of a third-country national expelled from the country by a definitive and executable resolution, and shall disclose the data specified in Paragraph a) of Subsection (1) of Section 102 of the RRTN.

Enforcement of Expulsion Ordered by the Court

Section 122.

(1) The relevant penal institution shall notify the regional directorate of jurisdiction by reference to the location of the penal institution to make the necessary preparation for the expulsion of a third-country national incarcerated six months prior to the prospective date of release.

(2) The court, or the relevant penal institution in the case of third-country nationals released from imprisonment, shall send the notice referred to in Subsection (2) of Section 49 of the RRTN to the regional directorate of jurisdiction by reference to the location of the court or the penal institution.

(3) In its resolution adopted according to Section 118, the competent regional directorate shall specify the deadline for leaving the territory of the Republic of Hungary and the country to which the person in question is expelled.

(4) The competent regional directorate shall provide for:

- a) the registration of the exclusion measure;
- b) the withdrawal of the third-country national's right of residence.

Costs of Expulsions

Section 123.

(1) Expulsion measures shall be carried out with a view to cause the least amount of expenses to the person expelled.

(2) The authority carrying out the expulsion shall provide for the obligation reimbursement specified in Subsection (4) of Section 50 of the RRTN in a ruling. The obligation shall be discharged within three months from the date when ordered. In the event of non-compliance with this deadline, the provisions on administrative enforcement shall apply.

Prohibition of Return, and for Ordering and Carrying Out Expulsion Measures (Non-Refoulement)

Section 124.

(1) Where a third-country national lodged a request in accordance with Subsection (3) of Section 52 of the RRTN directly to the sentencing judge, the sentencing judge shall contact the refugee authority to request a prompt opinion as to whether the principle of non-refoulement applies.

(2) In the event that there is any doubt as to whether or not the principle of non-refoulement applies as regards the ordering and execution of assisted return, the competent immigration authority shall request the opinion of the refugee authority. The refugee authority shall comply with the above request without delay.

(3) The competent immigration authority shall request the opinion of the refugee authority to determine as to whether the principle of non-refoulement applies as regards the proceedings for ordering expulsion or for carrying out an expulsion measure. The refugee authority shall comply with the above request without delay.

(4) The immigration authority, when carrying out an expulsion measure, shall inform the person affected of his/her right to seek legal advice and representation, or the assistance of a registered legal aid organization.

(5) If there is no safe third country offering refuge to the third-country national affected:

a) if assisted return is not an option, the regional directorate of jurisdiction by reference to the border crossing point,

b) if expulsion is not an option the competent regional directorate

shall adopt a resolution to grant refugee status to the third-country national in question on behalf of the Republic of Hungary, and shall issue a humanitarian residence permit in accordance with Paragraph b) of Subsection (1) of Section 29 of the RRTN.

(6) When the grounds for refugee status cease to apply, the regional directorate of jurisdiction by reference to the place where the accommodation of the refugee is located shall withdraw the refugee status by way of a resolution.

Section 125.

The competent regional directorate or the Police shall take the fingerprint and photograph of the persons referred to in Subsection (1) of Section 53 of the RRTN.

Detention

Section 126.

(1) Detention under immigration laws may be ordered by the authority that ordered the expulsion.

(2) Detention prior to expulsion may be ordered:

- a) by the Police if the third-country national's identity is not established;
- b) by the competent regional directorate if the third-country national's right of residence is uncertain.

(3) The duration of detention - with the exception set out in Subsection (4) - shall be determined in hours.

(4) Any duration of the extension of a detention order by the local court shall be specified in days, with any fraction of a day counted as a whole.

(5) The authority ordering the detention of a third-country national shall strive to keep it as short as possible and shall expedite the expulsion procedure, or the procedure to establish the identity of the third-country national or the legal grounds for the right of residence of the third-country national if detention prior to expulsion is ordered.

(6) The provisions contained in Paragraph b) of Subsection (4) of Section 54 of the RRTN may be applied if there is evidence that the expulsion measure cannot be carried out after six months from the date when detention was ordered, such as:

- a) the conditions for his/her exit cannot be ensured;
- b) the expelled person is to be hospitalized due to his/her health.

Section 127.

Any complaint lodged by a third-country national verbally or in writing shall be forwarded without delay by the authority ordering or carrying out the detention measure to the competent local court.

Section 128.

The request for the extension of a detention lodged by the authority ordering the detention shall contain the information concerning the measures taken to establish the identity or the legal grounds for the right of residence of the third-country national or the travel arrangements made for the third-country national affected. A copy of the request for extension shall be sent to the legal representative of the third-country national.

Requirements for Detention Facilities

Section 129.

(1) Hostels of restricted access shall satisfy the following criteria:

- a) the living quarters of detained third-country nationals must have at least 15 cubic meters of air space and 5 square meters of floor space per person;
- b) they must have a common area for dining, for recreational purposes and for receiving visitors;
- c) they must have separate washrooms and showers and toilets for men and women, with hot and cold running water, in sufficient capacity consistent with the number of detainees;
- d) they must have an infirmary for providing basic medical care;
- e) they must have a medical examination room and an isolation room;
- f) they must have sufficient space for outdoor activities;
- g) they must have lighting sufficient to satisfy the standards laid down in the national requirements concerning regional development and construction;
- h) they must have an uninterrupted power supply;
- i) they must have a separate room for receiving visitors;
- j) they must have telephone facilities;
- k) they must have natural ventilation in the living quarters of third-country nationals and in the staff rooms, in the medical rooms, in the visitors areas, in the kitchen and in the dining room, and in the common areas.

(2) Hostels of restricted access may not be installed in police detention facilities or in penal institutions.

(3) Men placed under detention shall be housed in separate quarters from women.

Compulsory Confinement

Section 130.

(1) With the exceptions set out in Subsections (4)-(5), the competent regional directorate may order third-country nationals to remain in the following compulsory places of confinement:

- a) the third-country national's registered place of abode;
- b) the host's permanent or temporary residence in the event that the third-country national was invited, or the accommodation provided by the host;
- c) the place of abode or permanent or temporary residence of the person responsible to provide support for the third-country national;
- d) the accommodation provided by charity organizations;
- e) the medical institution providing care for inpatients for the duration of treatment to prevent severe damage to health, subject to the consent of the government body in charge of the healthcare system; and
- f) social institutions providing personal care to third-country nationals who satisfy the criteria as required by law.

(2) In the absence of the prospects specified in Subsection (1), the third-country national may be placed in a community hostel or a reception center.

(3) Reception centers may be used only for:

- a) exiles, and
- b) minor third-country nationals and their parents with actual custody.

(4) The place designated for an unaccompanied minor for compulsory confinement shall be a reception center for unaccompanied minors; in the absence of this, a children's institution or a commercial or private accommodation maintained under contract. Unaccompanied minors may be placed in private accommodation at relatives other than immediate family members, if the relative undertakes a commitment in writing to provide room and board and support for the minor, and if it is evident that such placement is in the minor's best interest by virtue of the relationship between the minor and said relative.

(5) Third-country nationals who are victims of trafficking in human beings may be placed in a reception center reserved for victims of trafficking in human beings or in other places of accommodation maintained under contract.

(6) A request lodged by a third-country national who is a minor and his/her parent having actual custody under Subsection (2) of Section 63 of the RRTN shall be considered substantiated in all cases.

Community Hostel

Section 131.

(1) Community hostels are maintained by the regional directorates for this particular purpose.

(2) A community hostel shall satisfy the following criteria:

- a) it must have at least fifteen cubic meters of air space and five square meters of floor space per person;
- b) it must have a common area for dining, for recreational purposes and for receiving visitors in addition to the living quarters;
- c) it must have an infirmary for providing basic and emergency medical care;
- d) it must have a medical examination room and an isolation room;
- e) it must have adequate hygienic facilities, including separate washrooms and showers and toilets for men and women, with hot and cold running water, in sufficient capacity consistent with the number of tenants, furthermore, all rooms and areas inhabited by the third-country nationals must have natural ventilation and natural light.

Section 132.

The agency responsible to maintain the community hostel shall provide for the third-country nationals:

- a) lodging;
- b) three meals a day;
- c) personal necessities.

Section 133.

(1) In community hostels separate living quarters must be provided for men and women. Family members shall be placed in common quarters, unless this is contrary to the interests of the third-country nationals affected.

(2) The number of tenants placed in a community hostel shall not exceed its capacity. Where the provisions set out in Subsection (1) cannot be satisfied with respect to a third-country national, he/she shall be transferred to another community hostel.

Section 134.

(1) Meals provided to third-country nationals in a community hostel shall be arranged in due consideration of their religious affiliation.

(2) The personal necessities provided to third-country nationals upon their arrival to the community hostel shall include dinnerware, hygienic supplies and bed-linen. The operator of the community hostel shall provide fresh bed-linen and towels as personal necessities every other week.

Section 135.

(1) The code of conduct to be observed in a community hostel is laid down in the house rules, as illustrated in Schedule No. V to this Decree.

(2) Third-country nationals placed in community hostels shall:

- a) observe the house rules of the hostel and comply with the pertaining instructions;
- b) keep their surroundings clean;
- c) submit to the necessary medical examinations, medical treatment and disease control measures (including vaccinations);
- d) preserve the equipment, fittings and furniture, refrain from causing damage, and compensate for any willfully caused damage;
- e) notify the competent regional directorate in advance concerning his temporary absence in excess of twenty-four hours but not more than one-hundred-and-twenty hours, and shall disclose the destination and the duration of the absence.

Section 136.

(1) The costs of services provided in community hostels shall be calculated by the competent regional directorate at the time of leaving the hostel; this provision shall not apply to third-country nationals whose residence permit was granted on humanitarian grounds. The formula for calculating said costs is specified in specific other legislation.

(2) Third-country nationals shall be required to repay the costs of services advanced by the operator of the community hostel after leaving the hostel or exiting the country, in the manner prescribed in specific other legislation.

Section 137.

(1) Upon ordering a third-country national to stay in a place of compulsory confinement, the ordering authority shall notify the diplomatic mission or consular post of the person in question; this provision shall not apply to third-country nationals whose residence permit was granted on humanitarian grounds. If there is no such diplomatic mission or consular post in the Republic of Hungary, the notice shall be conveyed via the minister in charge of foreign policies.

(2) As regards third-country nationals holding a humanitarian residence permit, the competent regional directorate shall convey the notice referred to in Subsection (1) without delay at the request of the person affected.

Medical Care Provided to Third-Country Nationals Who Are Detainees or Tenants of Community Hostels

Section 138.

(1) Any third-country national who is detained or is a tenant in a community hostel, if not covered by any social security system, shall be provided free of charge the health care services specified in Subsection (2) of Section 142 and in Paragraphs e) and i) of Subsection (3) of Section 142 of Act CLIV of 1997 on Health Care.

(2) After placement, the third-country national shall be entitled to receive the vaccinations specified in specific other legislation.

Section 139.

(1) General medical care shall be provided to third-country nationals in the hostel of restricted access or in the community hostels (hereinafter referred to collectively as "alien accommodations center").

(2) Special medical care shall be provided by the health care provider responsible for the region in question.

(3) The authority operating the alien accommodations center shall cover the full costs of medical aids and pharmaceuticals provided by prescription and issued by a doctor who has an official stamp for authorization as laid out in specific other legislation, to prescribe medicinal products.

Section 140.

(1) The authority operating the alien accommodations center shall reimburse the costs of health care services, other than those described in Section 138, to the health care service provider carrying out the procedure, if the Republic of Hungary did not agree to compensate such costs under international treaty.

(2) Health-care services may be obtained if having in possession a certificate of eligibility for provisions. Compensation shall be governed by Subsections (5)-(6) of Section 13 of Government Decree 25/1998 (II. 18.) Korm.

Removal by Deportation

Section 141.

(1) The cooperation referred to in Subsection (6) of Section 65 of the RRTN shall mean the authorization of transit through the territory of the Republic of Hungary in cases of removal by air of third-country nationals in the enforcement of expulsion ordered by a country that is required to apply the provisions of Council Directive 2003/110/EC of 25 November 2003 (hereinafter referred to as "requesting state"), including any official escort and all other persons required to accompany the third-country nationals in question, such persons liable to provide medical care and interpreters, and assistance with regard to such removals by air.

(2) The Office, upon receipt of a request submitted by the requesting state on a standard form, a model of which is contained in specific other legislation, shall notify the competent authority of the requesting state concerning its approval immediately, within maximum two days. This time limit may be extended in justified cases by forty-eight hours, of which the competent authority of the requesting state shall be promptly notified.

(3) The Office shall promptly notify the Police of its authorization for transit for the purposes of removal by air, with the request submitted on a standard form attached, a model of which is contained in specific other legislation.

(4) The Office shall refuse to authorize transit through the territory of the Republic of Hungary for the purposes of removal by air, or shall withdraw its authorization if the principle of non-refoulement applies under Section 51 of the RRTN regarding the third-country national.

(5) The Office shall refuse to authorize transit through the territory of the Republic of Hungary for the purposes of removal by air, or shall withdraw its authorization if:

a) the third-country national affected under Hungarian laws is charged with criminal offences or is wanted for the carrying out of a sentence;

b) transit through other states or admission by the country of destination is not feasible;

c) the removal measure requires a change of airport on the territory of the Republic of Hungary;

d) the personal and material conditions for the requested assistance specified in specific other legislation are not available, or transit for the purposes of removal by air is impossible at a particular moment for practical reasons;

e) the transit of the third-country national will be a threat to public policy, public security, public health or to the international relations of the Republic of Hungary.

(6) The competent authority of the requesting state shall be promptly informed when authorization for transit for the purposes of removal by air is revoked, or of any other reason why the transit is not possible, including an explanation of the reasons.

(7) If transit for the purposes of removal by air is authorized, the Police shall provide assistance in accordance with specific other legislation.

Section 142.

(1) In connection with assisted return deportation shall be ordered by the Police, whereas in connection with an expulsion measure it shall be ordered by the immigration authority ordering the expulsion or by the competent regional directorate carrying out an expulsion measure ordered by the court.

(2) The order of deportation shall contain the grounds for deportation, the date of execution, and shall specify the state to which the person is deported.

(3) A deportation measure that was ordered by another Schengen State may be enforced if the Office finds the requirements set out in Subsection (3) of Section 65 of the RRTN satisfied following consultation with the Schengen State that has issued the order. If the deportation measure is carried out or if it cannot be executed, the competent authority of the Schengen State that has issued the order shall be notified.

(4) Preparations for the enforcement of a deportation measure shall be made by the Police, with the exception set out in Subsection (5).

(5) Where deportation is carried out by removal by air, preparations for the enforcement of such deportation measure shall be made by the Office.

(6) Deportation shall be carried out by the Police.

Section 143.

(1) The third-country national ordered to be deported shall be escorted to the frontier of the Republic of Hungary. If allowing the deported person to travel by air transport without safeguards is likely to jeopardize aviation safety or if prescribed under treaty (readmission agreement), the deported person shall be escorted to the country of origin or to another state liable for readmission.

(2) The person affected shall be informed - in a language he understands - of the way deportation is to be carried out (hereinafter referred to as "enforcement") and of the opportunity to lodge a complaint. The information shall include:

a) the date of deportation, which is to be conveyed at least thirty-six hours in advance in the case of deportation by air transport;

b) the destination;

c) the means of transport planned to be used and as to whether or not deportation will be carried out under escort.

(3) In the cases described in specific other legislation a psychologist or doctor may be called in to assist in the procedure, if the person affected - due to his/her mental condition or health - is unable to endure the trauma of deportation or he/she requires special assistance during the proceedings.

(4) Deportation may only be carried out in possession of and following the instructions contained in the resolution. Before and after the deportation procedure, the third-country national deported shall be examined for any marks of injury, and, if any, a medical report shall be obtained.

(5) The person affected may lodge a complaint in writing within eight days after detention is carried out against the mode of enforcement, to be sent by mail. The complaint shall be investigated in accordance with the provisions of the Act on the Police.

Section 144.

(1) Entry of the person deported to the country of destination shall be considered to have failed, and deportation shall be suspended if:

a) the captain of the aircraft refuses to allow the deported person to board the aircraft, or if boarding the aircraft failed for other reasons;

b) admission of the deported person was refused by a transit country or the destination country;

c) the deported person carries marks of injury that were not documented or if the deported person offers resistance of a degree that cannot be overcome by legal means and without jeopardizing or causing any impairment in the deported person's life, physical integrity or health.

(2) Deportation may not be enforced if the person deported requires urgent medical attention, and during deportation the medical or mental condition of the deported person changes to a degree in which deportation, if carried out, is likely to impose a serious threat as to the deported person's life or physical integrity.

(3) A suspended deportation procedure shall be continued when the reasons specified under Subsection (7) of Section 65 of the RRTN no longer exist.

(4) Enforcement of a deportation measure shall be abolished by resolution of the competent authority if it is evident that it cannot be carried out. This resolution cannot be appealed. When the reason or reasons for abolishment cease to exist, deportation may be ordered once again.

(5) The deportation procedure and its circumstances are governed in specific other legislation.

Section 145.

The notice mentioned in Subsections (1) and (4) of Section 66 of the RRTN and the travel document shall be sent to the regional directorate of jurisdiction by reference to the place where the restraining measures were carried out against the third-country national in criminal proceedings for taking measures:

- a) concerning the registration and cancellation of the prohibition of leaving the country;
- b) for confiscation or release of the travel document;
- c) for the confiscation of the travel document under Section 86 of the RRTN.

Control of Third-Country Nationals

Section 146.

(1) In the application of the provisions of Subsection (4) of Section 67 of the RRTN, the police shall take into custody the third-country national:

a) if his/her documents, by which to verify his/her legal status in Hungary, are expired or invalid, or if unable to verify his/her lawful right of residence in Hungary, and shall take him/her:

aa) to the local branch of the Police of jurisdiction by reference to the place where the check was carried out if the Police is vested with authority to order an expulsion measure under Subsection (2) of Section 114;

ab) to the competent regional directorate in other cases;

b) if unable to produce proof of identification, and shall take him/her to the local branch of the Police of jurisdiction by reference to the place where the check was carried out if the person in question cannot be indicted in criminal proceeding by virtue of specific other legislation, or may keep the person under custody.

(2) The duration of custody shall be calculated from the time of commencement of the measure, and it may be imposed for the time necessary, not to exceed eight hours. If taking the person into custody failed to achieve its purpose, it may be extended by order of the head of the body carrying out the custody measure in justified cases on occasion, by maximum four hours. The duration of the custody may not exceed twelve hours commencing from the time when the person in question is released from custody.

Warrant of Arrest

Section 147.

A warrant of arrest may be issued under Section 68 of the RRTN by:

a) the immigration authority conducting the immigration proceedings in the case referred to in Paragraph a) of Subsection (1) of Section 68 of the RRTN;

b) the immigration authority carrying out the detention or ordering compulsory confinement in the case referred to in Paragraph b) of Subsection (1) of Section 68 of the RRTN;

c) the immigration authority ordering the expulsion or carrying out the expulsion ordered by the court in the case referred to in Paragraph c) of Subsection (1) of Section 68 of the RRTN.

Chapter VI

Vested Responsibilities

Section 148.

(1) Where the Police levies a penalty on a carrier in connection with Section 69 of the RRTN it shall be issued by resolution; liability of a carrier to return or finance the stay of its non-admitted passenger shall also be issued by resolution, and shall be executable with immediate effect.

(2) If a carrier fails to fulfill its liability to return a non-admitted passenger within the deadline specified in Subsection (1) of Section 41 of the RRTN, the Police shall advance the costs of the return of such person and shall execute it by way of another carrier.

(3) If the carrier responsible refuses to repay the costs advanced by the Police, the Police shall seek recourse to recover such expenses under civil law.

(4) The obligation to return a non-admitted passenger may not be enforced if the third-country national applies for asylum or for any subsidiary form of protection or temporary protection.

Section 149.

(1) In the event of non-compliance with the control obligation referred to in Subsection (1) of Section 69 of the RRTN, a penalty for the protection of public policy shall be imposed upon the carrier in question for the forint equivalent of between 3000 and 5000 euro per person.

(2) The aforesaid penalty shall be imposed by the local branch of the Police at the place where entry to the territory of the Republic of Hungary was attempted.

Section 150.

(1) The penalty for the protection of public policy to be imposed under Section 70 of the RRTN shall be in the amount of the forint equivalent of between 3000 and 5000 euro for each journey for which passenger data were not communicated or were communicated incorrectly.

(2) The aforesaid penalty shall be imposed upon the defaulting carrier by the local branch of the Police at the place where entry to the territory of the Republic of Hungary was attempted.

Section 151.

(1) The regional directorate of jurisdiction by reference to the place where the employer's registered office is located shall impose a penalty for the protection of public policy upon the employers who fail to satisfy the obligation defined in Subsection (1) of Section 71 of the RRTN in the amount of up to five hundred thousand forints per employee.

(2) The regional directorate shall not be authorized to impose the aforesaid penalty after one year following gaining knowledge of the event referred to in Subsection (1).

Section 152.

(1) The amount of the penalties imposed under Sections 149-151 shall be determined having regard to all prevailing circumstances, such as any recidivism, where applicable.

(2) The proceedings for the collection of the penalties imposed under Sections 149-151 shall be governed by the provisions on administrative enforcement.

(3) Appeals against the sanctions imposed under Sections 149-151 shall be adjudged by the Office, and appeals against the sanction imposed under Section 151 shall be adjudged by the National Police Headquarters.

Chapter VII

Provisions Governing the Obligation of Third-Country Nationals to Register their Place of Accommodation

Obligation of Third-Country Nationals to Register their Place of Accommodation

Section 153.

(1) Commercial lodgings (hotels, pensions, camping sites, resort facilities, tourist lodges, youth hostels), private accommodations (private lodgings and rural accommodations) and other non-commercial establishments of the like which are subject to keeping guest books (hereinafter referred to collectively as "commercial lodging") under Subsection (2) of Section 73 of the RRTN shall keep the guest book either manually (in a conventional ledger) or in a computerized format. The particulars of third-country nationals shall be recorded in a separate guest book.

(2) The format of the guest book shall be selected by the operator of the commercial lodging.

Section 154.

Obtaining the guest book and keeping records of all guests shall be the responsibility of the operator of the commercial lodging as well as having it submitted to the competent regional directorate by 31 March of the year following the year to which it pertains.

Section 155.

(1) The third-country nationals staying at facilities other than the commercial lodgings required to keep guest books shall be required to register such accommodation if they plan to remain in Hungary for over thirty days from the date of entry.

(2) Registration shall be submitted on a standard form within three days from the date of entry, a model of which is contained in specific other legislation (hereinafter referred to as "registration form") to the regional directorate of jurisdiction by reference to the place where the accommodation is located.

(3) The registration form shall contain the particulars of the travel document, and shall be signed by both the person registering and by the keeper of the lodging.

(4) Third-country nationals shall present their travel documents at the competent regional directorate when registering. The competent regional directorate shall be entitled to consult the register of personal data and address records to verify the address registered.

(5) Third-country nationals shall retain the duplicate copy of the registration form in proof of compliance with the registration requirement.

Section 156.

(1) When relocating, third-country nationals shall - within three days - notify the regional directorate of jurisdiction by reference to the place where the new place of abode is located.

(2) The requirement for notification of relocating shall not apply to any registered place of abode to which the third-country national holding a long-term visa or residence permit returns after a temporary absence. If the place of temporary absence is a lodging that is required to keep a guest book, it shall be recorded in the guest book also indicating the third-country national's registered place of abode.

Registration of Birth

Section 157.

(1) Third-country nationals shall report their giving birth to a child to the regional directorate of jurisdiction by reference to the place where the parent's place of residence or place of abode is located, submitted on a standard form, a model of which is contained in specific other legislation, and shall present the child's birth certificate within three months from the date of birth.

(2) If both parents are residing in the Republic of Hungary and they have joint custody, however their legal status in Hungary differ, the child's entitlement to stay in the country shall be determined on the basis of the parents' joint

statement. If the parents fail to agree on a joint statement, the child shall be given the right of residence that is more beneficial.

Reporting Obligations and Regulatory Measures in Connection with the Personal Documents of Third-Country Nationals

Section 158.

(1) The third-country nationals whose travel document, personal identification document, or residence card is lost, stolen, destroyed or has expired shall report it to the competent regional directorate or the Police. The competent regional directorate or the Police shall provide a certificate to the reporting third-country national to confirm receipt of such notification.

(2) When a document that was reported lost or destroyed is found by its rightful holder, and the replacement travel document or document evidencing right of residence is not yet issued, the person in question shall return the temporary certificate of right of residence to the authority where it was issued.

(3) If a document that was reported lost or destroyed is found by its rightful holder, and the replacement document is already issued, the person in question shall surrender the found document to the authority where it was issued.

(4) The authority to which a found travel document was surrendered shall forward it to the Office.

(5) The Office shall keep individual records on the blank forms of travel documents described in Subsection (1) and which can be issued in immigration proceedings, and on the blank forms of documents evidencing right of residence. These records shall contain the type and particulars, and the number, series and validity period of travel documents and documents evidencing right of residence.

(6) The Office shall issue a warrant to locate the blank form of travel documents and documents evidencing right of residence which may be issued in immigration proceedings, if the whereabouts of such document is unknown.

Chapter VIII

Stateless Status and Issuing Travel Documents to Third-Country Nationals

Opening Proceedings for the Recognition of Stateless Status

Section 159.

(1) A petition for the recognition of stateless status shall be submitted in person, verbally or in writing, at the regional directorate of jurisdiction by reference to petitioner's permanent or temporary residence. The proceedings for the recognition of stateless status are exempt from charges.

(2) The petition submitted in writing shall be signed by the petitioner. Where the petition is submitted verbally on account of the petitioner being illiterate, it shall be so stated in a report.

(3) If the petition is submitted verbally and the petitioner cannot speak Hungarian, the competent regional directorate shall provide an interpreter who speaks a language he understands. An interpreter may not be required if the officer in charge of the case speaks the petitioner's native language or another language he/she understands, and if the petitioner so agrees in writing.

(4) The date of submission of a written petition is the day when it is received by the competent regional directorate. The date of submission of a verbal petition is the day when the relevant report is dated.

Petitioner's Rights and Obligations

Section 160.

(1) Where under the proceedings governed by the RRTN there is any possibility that a third-country national should be declared stateless, the immigration authority shall inform the person in question concerning his/her option

to request stateless status, about the procedures involved, and about the rights and obligations of stateless status. The providing and acknowledgment of the aforesaid information shall be recorded in writing.

(2) The petitioner shall be required to cooperate with the competent regional directorate in all stages of the proceedings, of which he/she shall be apprised in writing with the acknowledgment of such information also recorded in writing.

(3) A petition for the recognition of stateless status shall have attached the petitioner's foreign documents evidencing his/her identity, his/her travel documents, and all other documents that may be admissible to support the petitioner's statements.

(4) Subsection (5) notwithstanding, the aforesaid enclosures shall be returned to the petitioner when the resolution adopted in conclusion of the case becomes final and operative.

Preliminary Hearing

Section 161.

(1) Following the submission of a petition, or upon drawing the report if the petition is submitted verbally, the competent regional directorate shall conduct a preliminary hearing.

(2) During the preliminary hearing the competent regional directorate shall draw up a report to record:

a) that the information required under Subsection (3) of Section 76 of the RRTN was in fact provided and acknowledged;

b) the following if they were not supplied in the petition:

ba) the petitioner's personal identification data (surname and forename, any previous name, surname and forename at birth, previous nationality, sex, place and date of birth, mother's birth name);

bb) personal data available and particulars from any travel documents (mark of the document and serial number, validity period, place and date of issue, name of issuing authority);

c) marital status, date of marriage;

d) occupation and education;

e) permanent or temporary residence in the country of customary residence;

f) permanent or temporary residence or place of accommodation in Hungary.

(3) The report shall be signed by the petitioner and also by the interpreter, if applicable, and by the representative ad litem appointed for an unaccompanied minor.

Hearing

Section 162.

(1) Following the preliminary hearing the competent regional directorate shall conduct a full hearing.

(2) In this hearing the petitioner shall present his/her reasons for lodging the petition, and shall present any evidence to support his/her case that has not yet been presented. The petitioner shall be apprised of this obligation at the time of opening the proceedings.

(3) If the representative ad litem appointed to represent an unaccompanied minor fails to appear in the hearing in spite of being duly summoned, the hearing shall be rescheduled, of which the guardian authority that has appointed the representative ad litem shall also be notified.

Representation of the Petitioner

Section 163.

(1) Apart from the petitioner his/her legal representative and/or another duly authorized person may also be involved in the case on the petitioner's behalf, subject to providing proof of their power of representation or written authorization. An appointed representative ad litem shall proceed on behalf of an unaccompanied minor.

(2) Persons with limited capacity shall also have the right to participate in such proceedings as parties.

(3) The petitioner's representative and an officer - subject to the petitioner's consent - of the Budapest Regional Branch of the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as "UN Office")

may attend the hearing of the petitioner. The competent regional directorate shall inform the petitioner's representative and the UN Office at least three working days in advance concerning the scheduled date of the hearing.

Verification

Section 164.

(1) The competent regional directorate shall establish, relying on the national laws of the states referred to in Subsection (1) of Section 79 of the RRTN on citizenship and on their records, such as in particular the opinion of the Office of the United Nations High Commissioner for Refugees and the information received from Hungarian foreign missions and from foreign authorities, furthermore, on the means of proof supplied by the petitioner, that the petitioner is not recognized as a citizen by any state under the national laws of his/her country of origin.

(2) In proceedings for the recognition of stateless status the competent regional directorate may admit any foreign document enclosed by the petitioner that was made out abroad, as a substantiating document in the absence of the requirements set out in the Act on the General Rules of Administrative Proceedings and Services.

(3) The competent regional directorate, upon request, shall contact the relevant Hungarian foreign missions within the framework of administrative assistance with a view to obtain the documents to support the petition.

(4) The UN Office may, subject to the petitioner's consent:

- a) provide administrative assistance;
- b) review the documents of proceedings for the recognition of stateless status, and may make copies of these documents.

Proceedings of the National Security Agency

Section 165.

(1) The Government shall appoint the National Security Agency to function as the competent authority in proceedings for the recognition of stateless status.

(2) The National Security Agency may interview the petitioner.

(3)

The Resolution

Section 166.

(1) The competent regional directorate shall adopt a resolution in conclusion of its proceedings for the recognition of stateless status.

(2) The resolution shall be adopted within sixty days following the date of submission of the petition.

(3) The resolution concerning the recognition of stateless status shall be entered on the case file as well.

(4) A copy of the resolution shall be sent to the UN Office and the National Security Agency.

(5) As regards the recognition of stateless status of an unaccompanied minor, a copy of the relevant resolution shall be sent to the guardian authority of jurisdiction by reference to the place where the permanent or temporary residence, or accommodation of the minor is located with a view to the protection of the rights of the stateless minor, and for providing and monitoring care for them.

Issuing Travel Documents to Third-Country Nationals

Section 167.

(1) Applications for the travel documents specified in Sections 82-85 of the RRTN shall be submitted in person on a standard form, a model of which is contained in specific other legislation, with the exceptions set out in Subsection

(2):

a) to the competent consulate officer if the application pertains to the travel document referred to in Section 82 of the RRTN;

b) to the regional directorate of jurisdiction by reference to the applicant's permanent or temporary residence, or accommodation if the application pertains to the travel documents referred to in Sections 83-85 of the RRTN.

(2) The applications of minors and persons placed under guardianship may be submitted by the parent or guardian.

(3) The application may be submitted by an authorized agent if the applicant cannot appear in person due to health reasons, which is to be substantiated in writing by his physician.

(4) Applications for travel documents shall have attached the applicant's previous travel document, if it is in his/her possession, and two facial photographs suitable to identify the applicant.

(5) With the application of minors and third-country nationals placed under guardianship, the consent of the parents (legal representatives) made before a notary public, the guardian authority or the competent regional directorate concerning the travel document, or the copy of a definitive court ruling on the termination or suspension of parental custody, must be attached.

Issue and Replacement of Travel Documents

Section 168.

(1) The travel documents issued to third-country nationals with immigrant or permanent resident status shall contain the indication "immigrant", or "permanent resident".

(2) Stateless persons residing in the Republic of Hungary shall have issued a bilingual document entitled "Utazási igazolvány hontalan személy részére/Travel document for Stateless Person" made out in Hungarian and English, containing the indication specified in Paragraph 1 of Article 1 of the Appendix of the United Nations Convention relating to the Status of Stateless Persons signed in New York on 28 September 1954, promulgated by Act II of 2002. The validity period of the travel documents of stateless persons may be extended once, by six months.

(3) A replacement travel document shall be requested if:

a) the particulars of the third-country national contained in the travel document have changed;

b) the travel document is full; or

c) the travel document is damaged, or no longer suitable for identification purposes for other reasons.

(4) Applications for replacement travel documents shall have attached two facial photographs suitable to identify the applicant.

Special Provisions Concerning the Travel Documents of Stateless Persons

Section 169.

(1) The competent regional directorate shall confiscate the previous travel document issued to the stateless person by the competent authority of another state, and shall return it to the issuing authority via the diplomatic mission or consular post of the country in question.

(2) If a stateless person is granted citizenship, his/her travel document must be surrendered within fifteen days at the regional directorate of jurisdiction by reference to the place where his/her permanent or temporary residence or accommodation is located.

Chapter IX

Regulations Relating to the Processing of the Data of Third-Country Nationals

Data Administration Agency

Section 170.

The Office shall function as the body operating the central immigration register (for the purposes of this Chapter hereinafter referred to as "central data administration agency").

Detailed Provisions Relating to Immigration Sub-Registers

Section 171.

The visa issuing authority and the consular officer issuing the local border traffic permit, the Police and the regional directorates shall forward the data specified, respectively, in Subsection (1) of Section 95 of the RRTN, Paragraph h) of Subsection (1) of Section 95 of the RRTN and in Paragraph i) of Subsection (1) of Section 95 of the RRTN to the central data administration agency.

Section 172.

The minister in charge of foreign policies and the regional directorates, and the Police shall forward the data specified, respectively, in Subsection (1) of Section 96 of the RRTN and Paragraph h) of Subsection (1) of Section 96 to the central data administration agency.

Section 173.

A regional directorates shall forward the data specified in Subsection (1) of Section 97 of the RRTN to the central data administration agency.

Section 174.

The regional directorates and the Police shall forward the data specified in Subsection (1) of Section 98 of the RRTN to the central data administration agency.

Section 175.

The regional directorates shall forward the data specified in Subsection (1) of Section 99 of the RRTN to the central data administration agency.

Section 176.

The regional directorates shall forward the data specified in Subsection (1) of Section 100 of the RRTN to the central data administration agency.

Section 177.

The regional directorates shall forward the data specified in Subsection (1) of Section 101 of the RRTN to the central data administration agency.

Section 178.

The regional directorates and the Police, and the Office shall forward the data specified, respectively, in Subsection (1) of Section 102 of the RRTN and in Subsection (2) of Section 102 of the RRTN to the central data administration agency.

Section 179.

The regional directorates shall forward the data specified in Subsection (1) of Section 103 of the RRTN to the central data administration agency.

Section 180.

The regional directorates shall forward the data:

- a) specified in Paragraphs a)-c) of Subsection (1) of Section 104 of the RRTN upon being notified by the competent investigating authority or law enforcement agency;
 - b) specified in Paragraphs a)-b) and d) of Subsection (1) of Section 104 of the RRTN upon being notified by the Police;
- to the central data administration agency.

Section 181.

The regional directorates shall forward the data specified in Subsection (1) of Section 105 of the RRTN to the central data administration agency to have them transmitted to the central unit of Eurodac.

Chapter X

CLOSING PROVISIONS

Entry into Force

Section 182.

- (1) This Decree - with the exceptions set out in Subsection (2) - shall enter into force on 1 July 2007.
- (2) Of this Decree,
 - a) Subsection (2) of Section 4;
 - b) Subsections (2)-(4) of Section 8;
 - c) Subsection (6) of Section 10;
 - d) in Subsection (1) of Section 11 and the introductory sentence to Subsection (2) of Section 11 the passage ", at the foreign mission of any Schengen State that is authorized under international agreement to issue visas in the name and on behalf of the Republic of Hungary";
 - e) in Paragraph a) of Subsection (2) of Section 11 the passage ", foreign mission of any Schengen State that is authorized under international agreement to issue visas in the name and on behalf of the Republic of Hungary";
 - f) Paragraph e) of Subsection (5) of Section 12;
 - g) Subsection (6) of Section 12;
 - h) in Paragraph a) of Section 19 the passage "or the territory of the Schengen States" and the passage "or in any Schengen State";
 - i) in Paragraph f) of Section 19 the passage "residence permit,";
 - j) Subsection (3) of Section 20;
 - k) Section 22 and Section 23;
 - l) in Subsection (1) of Section 24 the passage "and before the reply made upon consultation as specified in the relevant decree adopted according to Subsection (6) of Section 111 of the RRTN";
 - m) Sections 25-28;
 - n) Section 33;
 - o) Section 49;
 - p) Section 54;
 - q) Paragraph a) of Subsection (2) of Section 118, and in Subsection (3) the passage "a) and";
 - r) Subsection (3) of Section 142shall enter into force on the day determined in the Council Decision for authorizing the Republic of Hungary to apply the Schengen acquis in full.
- (3)-(6)

Compliance with the Acquis

Section 183.

(1) This Decree - in conjunction with Act II of 2007 on the Admission and Residence of Third-Country Nationals - serves the purpose of compliance with the following legislation of the Communities:

- a) Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals;
- b) Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985;
- c) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;
- d) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;
- e) Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;
- f) Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- g) Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data;
- h) Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service;
- i) Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research;
- j) Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3 (2) of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State.

(2) This Decree contains provisions for the implementation of:

- a) Council Regulation (EC) No. 1683/95 of 29 May 1995 laying down a uniform format for visas;
- b) Council Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement;
- c) Council Regulation (EC) No. 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognized by the Member State drawing up the form;
- d) Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals;
- e) Council Regulation (EC) No. 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit;
- f) Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders.
- g) Regulation (EC) No. 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention

Schedule No. I to Government Decree 114/2007 (V. 24.) Korm.

Countries subject to airport transit visa requirement

Philippines
Guinea
Cameroon
Lebanon
Liberia
Rwanda
Sierra Leone
Senegal
Syria
Sudan

Schedule No. II to Government Decree 114/2007 (V. 24.) Korm.

Visa documents

1) 'Visa document' shall mean a document made out in the form and with the contents specified in Council Regulation (EC) No. 1683/95 of 29 May 1995 laying down a uniform format for visas.

2) 'Form for affixing a visa' shall mean a document made out in the form and with the contents specified in Council Regulation (EC) No. 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognized by the Member State drawing up the form.

Local border traffic permit document

3) 'Local border traffic permit' shall mean a document made out in the form specified in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

Document format: sticker.

Comment: issued for use in local border traffic.

Schedule No. III to Government Decree 114/2007 (V. 24.) Korm.

Residence permit documents

1) 'Residence permit document' shall mean a document made out in the form and with the contents specified in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

Document format: sticker

2) 'Humanitarian residence permit document' shall mean a document made out in the form and with the contents specified in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

Document format: ID-2 card

Remarks: "residence permit granted on humanitarian grounds"

3) Humanitarian residence permit to asylum seekers

Name of document: humanitarian residence permit to asylum seekers

Document format: ID-2 card

The document contains the following information:

1) serial number

2) name - surname and forename(s)

3) nationality (stateless status)

4) sex

5) facial photograph

6) date and place of issue

7) validity period

8) purpose of residence

9) place and date of birth

10) address

11) signature

12) remarks

Schedule No. IV to Government Decree 114/2007 (V. 24.) Korm.

Documents evidencing immigrant status and permanent resident status

A document made out in the form and with the contents specified in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

Document format: sticker

Remarks:

- 1) In the case of immigration permits: "immigration permit";
- 2) In the case of permanent residence permits: "permanent residence permit";
- 3) In the case of interim permanent residence permit: "interim permanent residence permit";
- 4) In the case of national permanent residence permits: "national permanent residence permit";
- 5) In the case of EC permanent residence permits: "EC residence permit certifying long-term residence status";

Schedule No. V to Government Decree 114/2007 (V. 24.) Korm.

Community hostel house rules

- 1) Upon arrival, new tenants shall present their residence document and the resolution ordering compulsory confinement upon arrival for admission at the hostel.
- 2) New tenants shall be subject to medical examination and shall have their clothing and other belongings searched.
- 3) Third-country nationals admitted into the community hostel (hereinafter referred to as 'hostel residents') may deposit their money and valuables for safe keeping when admitted, or may keep them in their possession at their own risk.
- 4) Hostel residents may not keep objects with which they might endanger their own or other persons' life or physical integrity (weapons; hitting, cutting, and piercing devices; gas spray, drugs, alcohol etc.).
- 5) When leaving the community hostel residents must return all of the inventory items they have received.
- 6) Hostel residents are to use the home's premises, furniture and equipment in accordance with their designated purpose. Residents shall refrain from littering and causing any damage to property, and shall keep their environment clean.
- 7) Hostel residents shall be provided with medical services. The office hours of the physician on duty shall be posted on the daily schedule.
- 8) Hostel residents are entitled to receive visitors at the times indicated on the daily schedule in the area designated for this purpose. They may use the telephone, send and receive letters at their own cost.
- 9) Hostel residents may exercise their religion individually or in groups without any restrictions. Religious activities shall not violate the hostel's operating order.
- 10) Hostel residents may move about freely in designated areas of the hostel and shall have free access to entertainment and sports facilities and other available equipment.
- 11) Hostel residents shall not engage in any conduct that violates the rights of other residents or causes any disturbance.

Schedule No. VI to Government Decree 114/2007 (V. 24.) Korm.

Financial and income statement of exiles and third-country nationals who are victims of trafficking in human beings

STATEMENT

on the financial standing and income situation of exiles and third-country nationals who are victims of trafficking in human beings, and on any changes therein

A) Personal data

Declarant's

Name:

Place of birth:

Address (place of accommodation or place of domicile):.....

Residence permit number:

B) Financial information

At the time of this statement I have - do not have - the following assets in my possession and control in Hungary:

1) Real estate:
yes - no,
Market value: Forints
(Real estate other than the declarant's residence)

2) Automobile:
yes - no,
Market value: Forints

3) Motorized production or work equipment:
yes - no,
Market value: Forints

4) Cash:
yes - no,
Amount: Forints

5) Savings account:
yes - no,
Amount: Forints

6) Securities:
yes - no,
Value: Forints

7) Rights in immovables (long-term land lease, land use, beneficial ownership and use and similar rights, right of foreigners to use real property etc.):

yes - no,
Value: Forints

8) Total assets (1-7)
Amount: Forints

C) Income information

At the time of this statement I have - do not have - the following income in Hungary:

1) Monthly income from employment:
yes - no,
Amount: Forints

2) Income from other gainful activity:
yes - no,
Amount: Forints

3) Income from the sale of assets:
yes - no,
Amount: Forints

4) Other income:
yes - no,
Amount: Forints

5) Total income (1-4)
Amount: Forints

At the time of this statement the combined monthly income of my family as distributed equally among all family members living under the same roof (spouse, domestic partner, brother, sister and next of kin) is:
..... Forints

D) Notification requirement

Applicants and exiles shall notify the Office of Immigration and Nationality (hereinafter referred to as "Office") forthwith within fifteen days,

when the market value (amount) of any of his assets has reached Forints, or the total market value (amount) of all his assets has reached Forints
if his monthly income is above the current mandatory old age pension (.....Forints in 200.....).

Declaration

I hereby declare that all data and information contained in this statement is true and correct. I understand that:

a) I am required to cover the costs of provisions received under the scope of personal care if the forint value (amount) of my assets and holdings or my monthly income is above the value (amount) specified in point D) of this Statement;

b) If I receive any non-repayable aid or support, the Office may request another financial and income statement which I am to provide within fifteen days;

c) The Office has powers to check and verify the data and information contained in this Statement;

d) The Office has the right to discontinue to provide aid and financial support should I fail to notify any changes in my financial and income situation under point D) of this Statement, until my compliance with said notification requirement;

e) The Office may decline to provide any aid and support should any of the data or information contained in my financial and income statement or in my notification of changes prove to be false.

Date:, day month year

.....

Signature of declarant (legal representative)

Received on:

Date:, day month year

.....

Signature of representative of the Office

Each petitioner and exile (accompanying spouse, legal guardian in the name of minors) shall fill out a separate statement.

The statement shall be completed using block letters.

Schedule No. VII to Government Decree 114/2007 (V. 24.) Korm.

Certificate of eligibility for provisions for exiles and third-country nationals who are victims of trafficking in human beings

Data content of document:

- 1) Surname and forename
- 2) Date of birth
- 3) Place of birth
- 4) Residence permit number
- 5) Residence permit validity period
- 6) Remarks
- 7) Serial number
- 8) Issuing authority