



# FACT SHEETS ON HUNGARY

Ministry of Foreign Affairs Budapest

1/2002

## Act on Hungarians living in neighbouring countries: interests and goals

**In drawing up Act LXII of 2001 on Hungarians Living in Neighbouring Countries the National Assembly of Hungary was guided by the aim of assisting Hungarians living in neighbouring countries to preserve their linguistic and cultural identity in the states where they reside.**

**It is the Hungarian government's goal to see that Hungarians living in neighbouring countries prosper in their homeland. However, according to authoritative public opinion surveys conducted recently, one quarter of all Hungarians living beyond the border have considered the idea of resettlement.**

**The creation and successful implementation of the law providing benefits and assistance can positively influence conditions for Hungarians remaining in their homelands, and it will serve to considerably reduce the intention to resettle. The law serves to preserve the national consciousness of identity of Hungarians beyond the border, and at the same time it supports their integration into the political and social systems of the states of which they are citizens.**

**At the same time, through the creation of this law Hungary wishes to contribute to the fundamental European system of values, as well as to preserve and develop multiculturalism.**

**The act entered into force on 1 January 2002.**

### BACKGROUND TO THE LAW

20th century history made the Hungarian nation one of the world's most "dispersed" peoples. As a consequence of the peace treaties which concluded both world wars, successive right- and left-wing dictatorships, and the 1956 Revolution, around 3.5 million Hungarians were forced to accept a role as minorities in the Carpathian Basin, the original land of their birth, while 1.5 million joined a diaspora. After losing in the First World War the Austro-Hungarian Monarchy disintegrated,

and under the terms of the Treaty of Trianon (1920) the thousand-year-old, historical Hungary lost two-thirds of its territory. Furthermore, one-third of its Hungarian nationality inhabitants found themselves under the authority of neighbouring states while continuing to live in their homeland. They had become a national minority.

The protection of all national minorities has always been an issue of outstanding importance for the Republic of Hungary. As a consequence of its geographical situation and over the course of its

turbulent history, Hungary has gained considerable experience in the handling of the problems of the minorities, irrespective of whether these minorities reside within the borders of the country or outside.

These communities have always had an important part to play in Hungarian history, contributing to the development of the country from the aspects of culture and civilization, as well as from economic perspectives. The preservation of this multiculturalism has always been important to the Hungarian society. Over the course of its thousand years of history, Hungary has always been a nation receptive to arrivals from the region, a country where peoples have found a new home.

In 1993 Hungary promulgated the modern and progressive minority act which opened the way to the establishment within the country of minority self-governments and cultural autonomy, and which acknowledges the state-forming character of the minorities and their right to freely choose their identity. Hungary considers as only natural that the different minorities living within the country receive support from their respective kin-states.

In 2001 the National Assembly passed, with an overwhelming majority, the law which opened the way to supporting the Hungarian minority living beyond the border, a law which is fully in line with international norms and European practice.

Hungary, as it has repeatedly emphasized, does not wish to assume responsibility of the state according to

citizenship in the area of minority protection.

Furthermore, the new law will have a stabilizing effect in that it will contribute to the preservation of the identities of minorities living beyond the border and their prosperity in their homelands, stemming a considerable wave of migration.

## CONSULTATION

The drafting of the law was accompanied by the widest possible domestic and international transparency. Prior to receiving parliamentary approval the Hungarian government continually and regularly informed the states involved about the concept of the draft law, its content and aims, and took into account the views that were put forward. Thus, for instance, supports made available to economic organizations were withdrawn from the scope of the law after the Romanians raised the issue. The Hungarian government conducted regular consultations and jointly evaluated the experiences on the application of the law with the respective countries. Thanks to this preparatory work, the act entered into force smoothly and with the consent of the neighbouring states concerned. Of particularly significant is the fact that Romania, as the country with the largest Hungarian community, noted its agreement also in a separate statement issued by the prime minister. The statement set out the important elements for the implementation of the law, for instance the operational conditions of the information offices, the identical assessment of Romanian employees and the limitation on the Romanian issuance of the "Certificate of Dependants of Persons of Hungarian Nationality". Of equal importance is the fact that the Hungarian government regularly consults with Slovakia too on the details of the application of the law.

## KEY ELEMENTS OF THE LAW

The scope of the law extends to those persons who declare themselves to be of Hungarian nationality but who do not have Hungarian citizenship and who reside in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the

Republic of Slovenia, the Republic of Slovakia, or the Ukraine, and who involuntarily lost Hungarian citizenship, and who do not hold a certificate entitling them to permanent residence in Hungary.

Those individuals who come under the provisions of this law are afforded in Hungary rights identical to Hungarian citizens in the area of culture.

These persons are entitled to travel concessions on domestic local and interurban public transport in Hungary

An annually set quota of young Hungarians living beyond the border may take part in university and college studies in the Republic of Hungary.

Hungarian teachers living beyond the border and teaching in the Hungarian language may participate in regular extension training in Hungary.

Parents bringing up at least two children of minor age in their own household may receive instructional-educational support provided these children are being instructed-taught in the Hungarian language in the country where they live.

Any person falling under the scope of the law may – on the basis of the appropriate work permit – continue to be employed in the territory of the Republic of Hungary, but for such person the permission may be issued for three months per calendar year without the requirement to assess the labour market situation.

The Republic of Hungary supports local civil organizations which promote the aims of Hungarian national communities residing in neighbouring states.

A "Certificate of Hungarian Nationality" or "Certificate of Dependants of Persons of Hungarian Nationality" entitles the authorized holder to the concessions and supports.

## EXCEPTIONS

In the course of parliamentary debate of the draft law the Hungarian government excluded Austria from the geographical scope of the law because the concessions would have concerned only the Hungarian minorities living in Burgenland, representing around 10% of all Hungarians living in Austria.

As émigrés, a part of the remaining 90% of Hungarians living in Austria have not lost their Hungarian citizenship, and

Hungarian citizens may not enjoy the benefits provided by the law. Another part renounced their Hungarian citizenship of their own free will, and as such they could not take up any of the concessions provided by the law. A considerable number of Hungarians resettled in Austria from other countries in the region. As a result of this unique situation it would not have been desirable to differentiate between the different groups of people who profess a Hungarian identity in Austria.

## THE LAW AND EUROPEAN MINORITY PROTECTION LAW AND PRACTICE

The law is in all its respects fully in harmony with the agreement on association concluded between Hungary and the European Union. Hungary is complying with its future European integration obligations, and it is applying the law in accordance with the accession agreement and European Union regulations.

The law is in line with trends in European legislation. These guarantee the protection and nurturing of identity through the application of preferential treatment provided for members of cultural communities and linguistic or national minorities living beyond the borders of the kin-state.

The legislation takes into consideration Union regulations related to support for the identities of minorities, as well as existing regional and Union examples:

In Greece, Decree 4000/3/10 opens the way to the issuing of "Special identity cards" for Greek-origin Albanian citizens, the holders of which are then entitled to permanent residence in Greece and employment in Greece.

In Slovakia, Act 70 of 1997 on expatriate Slovaks allows persons of Slovak nationality but non-Slovak citizens to receive a "Slovak expatriate certificate". The certificate entitles the holder to, among others, entry permit, work permit, naturalization and educational benefits in the territory of Slovakia.

In Bulgaria, according to Act 30 of 2000 on Bulgarians living beyond the borders of the Republic of Bulgaria, the Bulgarian state despatches to "Bulgarians living abroad" beyond its border textbooks, teaching aids and cultural publications, and

it assists their organizations where the activities of these bodies are directed towards Bulgarian native language culture and the preservation of religious traditions. In addition, various benefits - for example, educational, employment - are guaranteed to "Bulgarians living abroad" within the territory of Bulgaria.

In Romania, Act 150 of 1998 on Support granted to the Romanian communities from all over the world establishes a separate budgetary chapter to finance educational, cultural, youth and social programmes for Romanians living in the territories of other states. Supports provided by the law can also be taken advantage of in the territories of foreign states.

**THE LAW HAS NO EXTRATERRITORIAL FORCE**

The benefits made available to Hungarians living beyond the border as an inalienable right are provided explicitly and exclusively in the territory of the Republic of Hungary. Thus the law on the Hungarians living in neighbouring countries has no extraterritorial force. In implementing the law the Hungarian

authorities do not carry out any state administrative activities in the territories of neighbouring states.

It is the intention of both the Hungarian government and the governments of neighbouring states that the law shall have no extraterritorial force. A solution to any reservations that any party may hold can be worked out on the basis of mutual political will.

The application of the law is fully in line with the legislation of the neighbouring countries, and it neither conflicts with nor has negative consequences on this legislation.

**REPORT BY THE VENICE COMMISSION OF THE COUNCIL OF EUROPE**

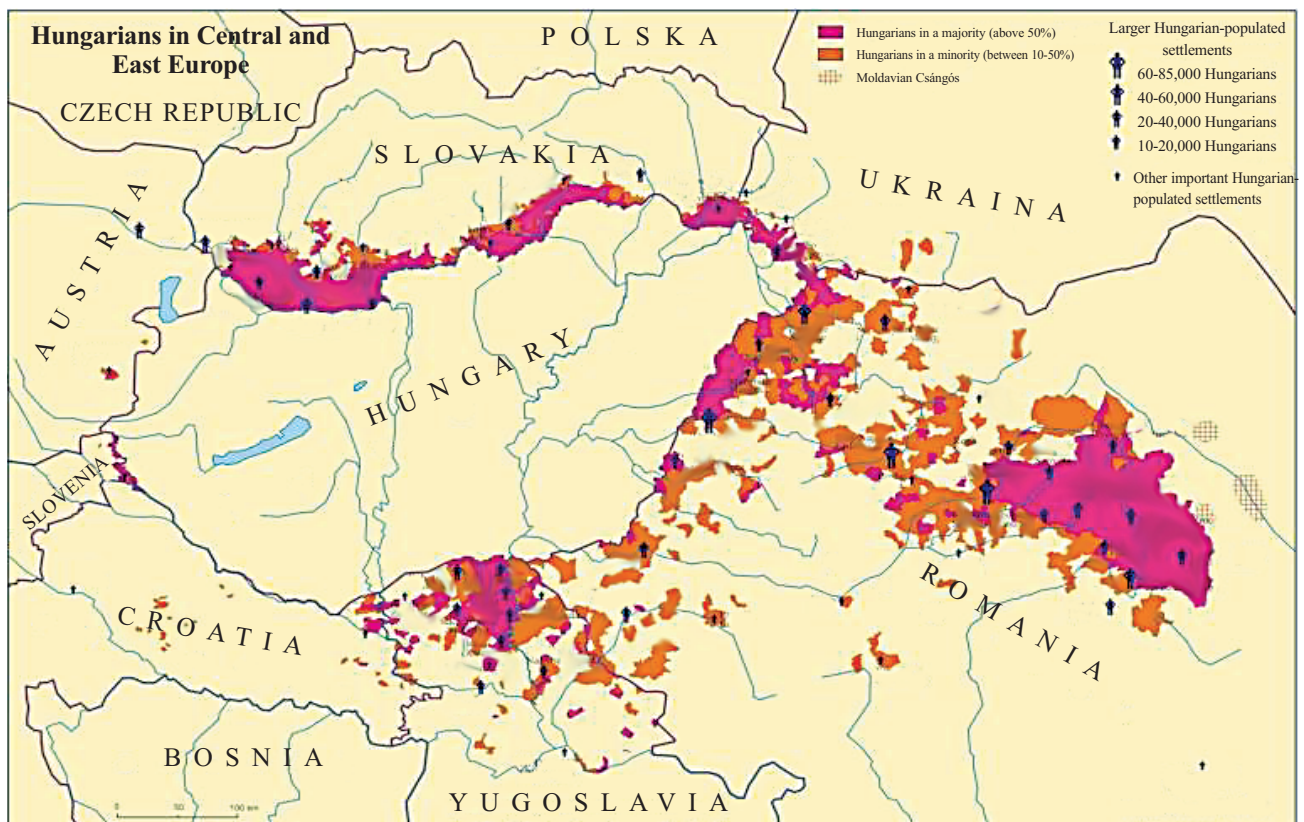
The 19 October 2001 Report of the Venice Commission of the Council of Europe reinforces the legitimacy of the Hungarian law. "A State may issue acts concerning foreign citizens inasmuch as the effects of these acts are to take place within its borders."

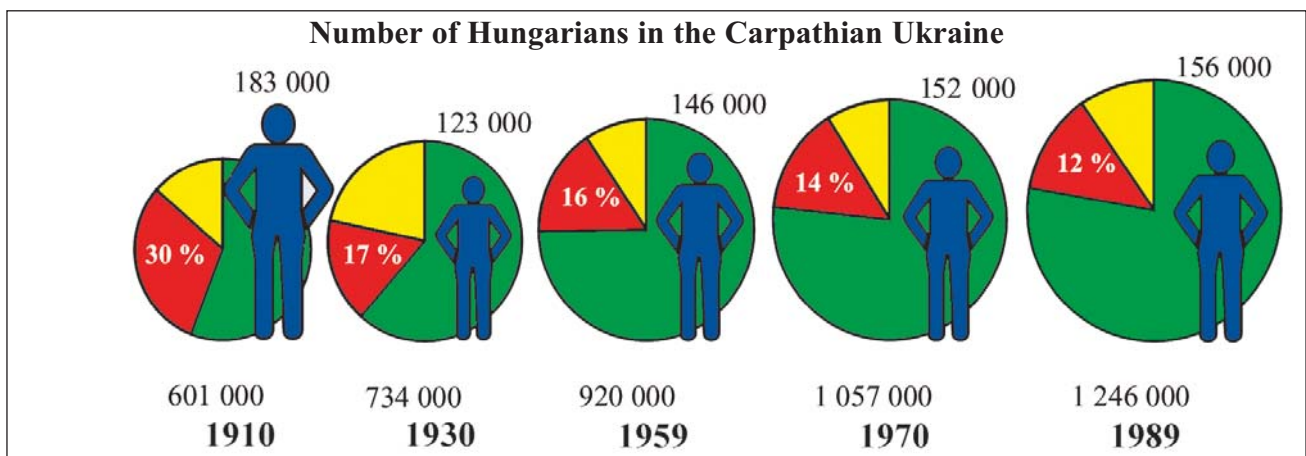
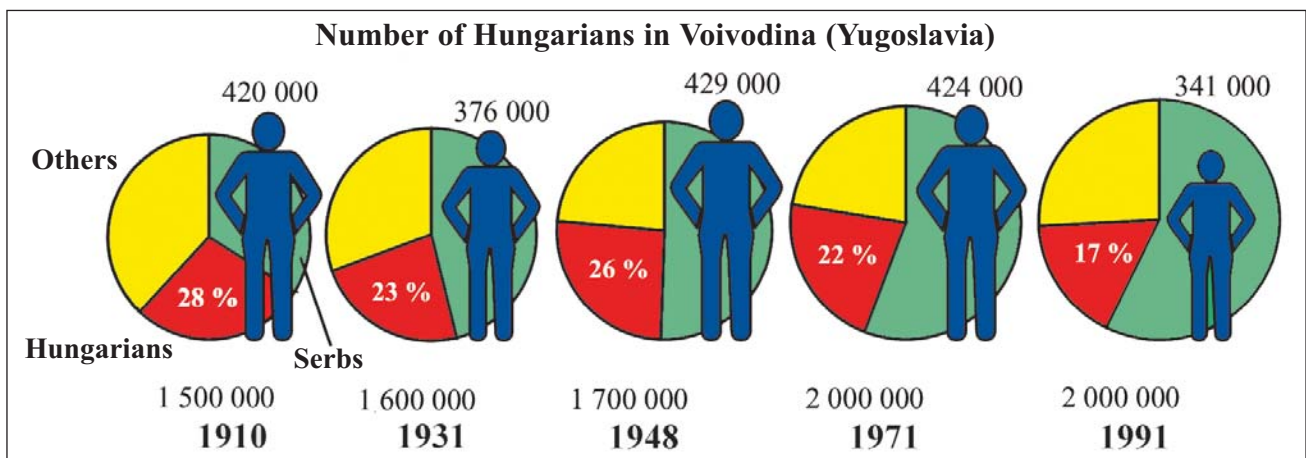
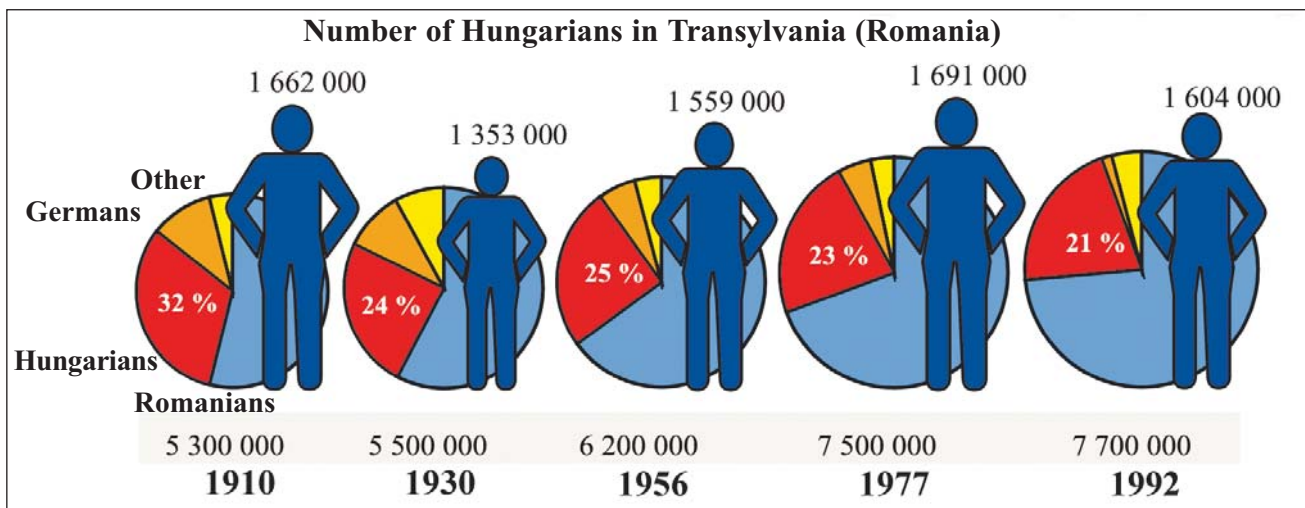
The international legal analysis reviewed similar legislation in nine countries - including three EU member

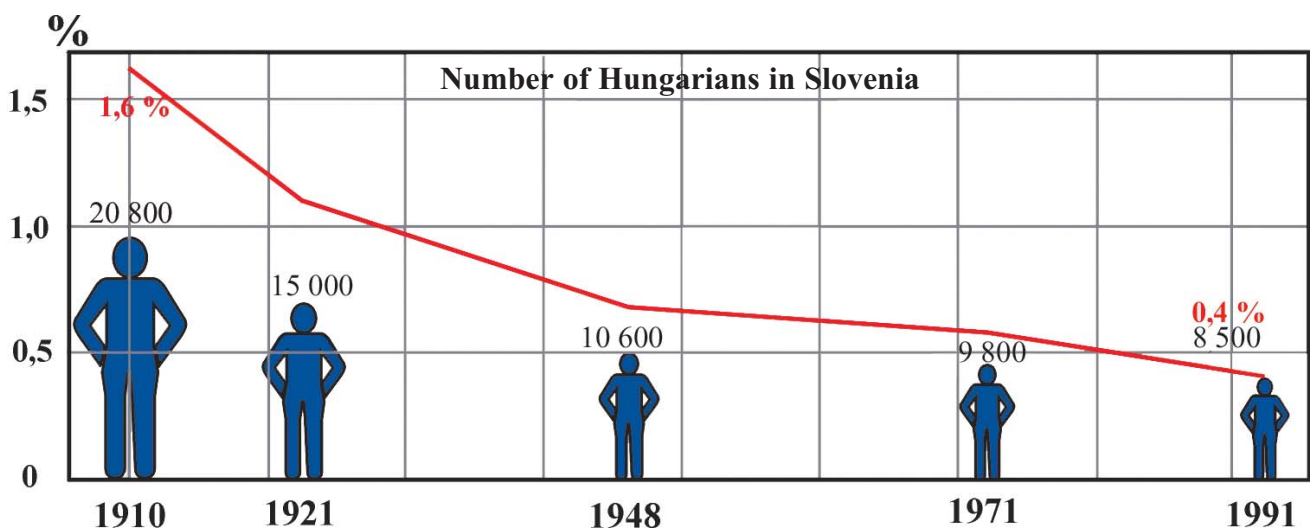
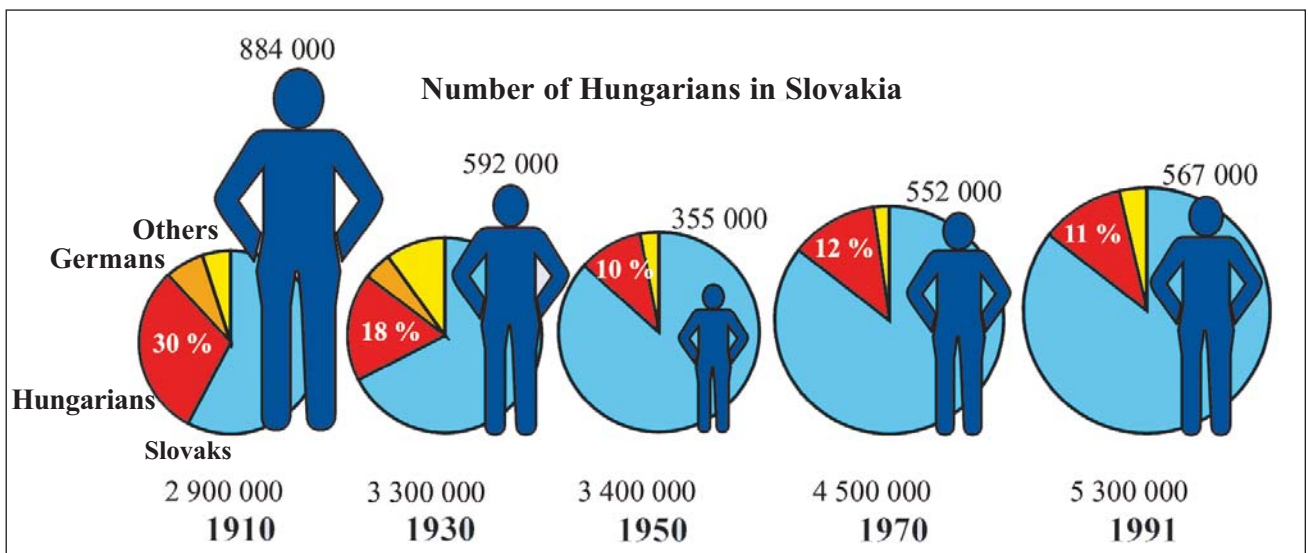
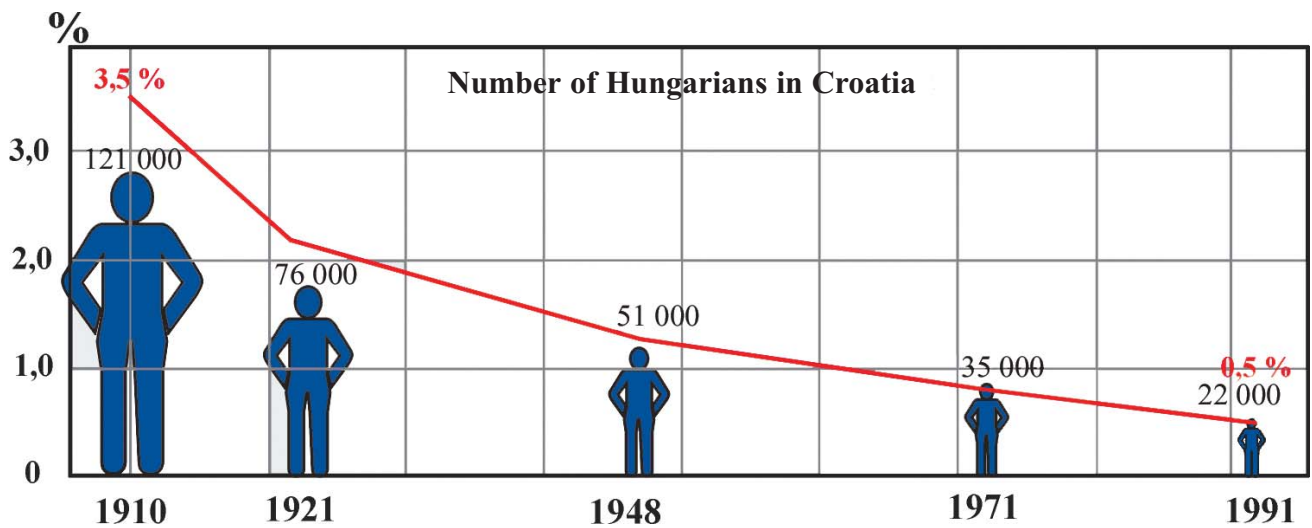
states - and drew general conclusions from the laws of Italy, Austria, Greece, Romania, Slovakia, Bulgaria, Slovenia, Russia and Hungary related to their own nationalities living beyond their borders. The document establishes that: "Responsibility for minority protection lies primarily with the home-States. The Commission notes that kin-States also play a role in the protection and preservation of their kin-minorities, aiming at ensuring that their genuine linguistic and cultural links remain strong. Europe has developed as a cultural unity based on a diversity of interconnected languages and cultural traditions; cultural diversity constitutes a richness, and acceptance of this diversity is a precondition to peace and stability in Europe."

During the practical implementation of Act LXII of 2001 on Hungarians Living in Neighbouring Countries Hungary takes into consideration and, in all good faith, abides by the recommendations detailed in the report of the Venice Commission of 19 October 2001.

*(The entire text of the document is available on the homepage of the Ministry of Foreign Affairs of the Republic of Hungary at <<http://www.mfa.gov.hu>>)*







Tablets drafted on the basis of official census data by Dr. László Sebők (Teleki Institute).

# ACT LXII OF 2001

## ON HUNGARIANS LIVING IN NEIGHBOURING COUNTRIES

Parliament

- In order to comply with its responsibilities for Hungarians living abroad and to promote the preservation and development of their manifold relations with Hungary prescribed in paragraph (3) of Article 6 of the Constitution of the Republic of Hungary,
- Considering the European integration endeavours of the Republic of Hungary and in keeping with the basic principles espoused by international organisations, and in particular by the Council of Europe and by the European Union, regarding the respect of human rights and the protection of minority rights;
- Having regard to the generally recognised rules of international law, as well as to the obligations of the Republic of Hungary assumed under international law;
- Having regard to the development of bilateral and multilateral relations of good neighbourly and regional co-operation in the Central European area and to the strengthening of the stabilising role of Hungary;
- In order to ensure that Hungarians living in neighbouring countries form part of the Hungarian nation as a whole and to promote and preserve their well-being and awareness of national identity within their home country;
- Based on the initiative and proposals of the Hungarian Standing Conference, a co-ordinating body functioning in order to preserve and reinforce the awareness of national self-identity of Hungarian communities living in neighbouring countries;
- Without prejudice to the benefits and assistance provided by law for persons of Hungarian nationality living outside the Hungarian borders in other parts of the world;

Herewith adopts the following Act:

### CHAPTER I GENERAL PROVISIONS

#### Scope of the Act Article 1

- (1) This Act shall apply to persons declaring themselves to be of Hungarian nationality who are not Hungarian citizens and who have their residence in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine, and who
- a. have lost their Hungarian citizenship for reasons other than voluntary renunciation, and
  - b. are not in possession of a permit for permanent stay in Hungary.
- (2) This Act shall also apply to the spouse living together with the person identified in paragraph (1) and to the children of minor age being raised in their common

household even if these persons are not of Hungarian nationality.

(3) This Act shall also apply to co-operation with, and assistance to organisations specified in Articles 13, 17, 18 and 25.

#### Article 2

- (1) Persons falling within the scope of this Act shall be entitled, under the conditions laid down in this Act, to benefits and assistance on the territory of the Republic of Hungary, as well as in their place of residence in the neighbouring countries on the basis of the Certificate specified in Article 19.
- (2) The provisions of this Act shall be applied without prejudice to the obligations of the Republic of Hungary undertaken in international agreements.
- (3) The benefits and assistance claimable under this Act shall not affect other existing benefits and assistance ensured by legislation in force for non-Hungarian citizens of Hungarian nationality living in other parts of the world.

#### Article 3

The Republic of Hungary, in order to

- a. ensure the maintenance of permanent contacts,
- b. provide for the accessibility of benefits and assistance contained in this Act,
- c. ensure undisturbed cultural, economic and family relations,
- d. ensure the free movement of persons and the free flow of ideas,

and taking into account its international legal obligations, shall provide for the most favoured treatment possible with regard to the entry and stay on its territory for the persons falling within the scope of this Act.

### CHAPTER II BENEFITS AND ASSISTANCE AVAILABLE FOR PERSONS FALLING WITHIN THE SCOPE OF THIS ACT

#### Education, Culture, Science Article 4

- (1) In the field of culture, persons falling within the scope of this Act shall be entitled in Hungary to rights identical to those of Hungarian citizens. Accordingly, the Republic of Hungary shall ensure for them in particular:
- a. the right to use public cultural institutions and the opportunity to use the services they offer,
  - b. access to cultural goods for the public and for research,
  - c. access to monuments of historic value and the related documentation,

d. the research for scientific purposes of archive materials containing protected personal data, if the neighbouring state where the Hungarian individual living outside the borders has a permanent residence is a party to the international convention on the protection of personal data.\*

(2) Persons falling within the scope of this Act shall be entitled to use the services of any state-run public library, and to the free of charge use of the following basic services:

- a. visit of the library,
- b. on-the-spot use of certain collections determined by the library,
- c. use of stock-exploring instruments,
- d. information on the services of the library and of the library system,
- e. in the case of registration, borrowing of printed library material in accordance with the regulations of the library.

(3) Further benefits with respect to the availability of services offered by state-run museums and public cultural institutions to persons falling within the scope of this Act shall be laid down in a separate legal rule.

#### **Article 5**

Hungarian scientists falling within the scope of this Act may become external or regular members of the Hungarian Academy of Sciences.

#### **Distinctions and Scholarships**

##### **Article 6**

(1) The Republic of Hungary shall ensure that persons falling within the scope of this Act, in recognition of their outstanding activities in the service of the Hungarian nation as a whole and in enriching Hungarian and universal human values, may be awarded distinctions of the Republic of Hungary and may receive titles, prizes or honorary diplomas founded by its Ministers.

(2) In the process of determining conditions for state scholarships, the possibility to receive such scholarships shall be ensured for persons falling within the scope of this Act.

#### **Social Security Provisions and Health Services**

##### **Article 7**

(1) Persons falling within the scope of this Act who, under Article 15, work on the basis of any type of contract for employment in the territory of the Republic of Hungary shall pay, unless otherwise provided for by international agreements, health insurance and pension contribution of an amount equal to that laid down in the relevant Hungarian social security legislation to the authority designated for this purpose in a separate legal rule. Those contributions shall entitle such persons to health and pension provision specified by a separate legal rule.

\* Act VI of 1998 on the promulgation of the Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, signed on 28 January 1981 in Strasbourg

(2) Persons falling within the scope of this Act who are not obliged to pay health insurance and pension contributions as stipulated in paragraph (1) shall have the right to apply for reimbursement of the costs of self-pay health care services in advance. Applications shall be submitted to the public benefit organisation established for this purpose.

(3) In cases requiring immediate medical assistance, persons falling within the scope of this Act shall be entitled to such assistance in Hungary according to the provisions of bilateral social security (social policy) agreements.

#### **Travel benefits**

##### **Article 8**

(1) Persons falling within the scope of this Act shall be entitled to travel benefits in Hungary on scheduled internal local and long-distance lines of public transport. With regard to railways, such benefits shall apply to 2nd class fares.

(2) An unlimited number of journeys shall be provided free of charge for:

- a. children up to six years of age,
  - b. persons over sixty-five years of age.
- (3) A 90% travel discount shall be provided on means of internal long-distance public transport for:
- a. persons identified in paragraph (1) four times a year,
  - b. a group of at least ten persons under eighteen years of age travelling as a group and falling within the scope of this Act, and two accompanying adults once a year.

(4) The detailed rules of travel benefits shall be laid down in a separate legal rule.

#### **Education**

##### **Article 9**

(1) Persons falling within the scope of this Act, in accordance with the relevant provisions of Act LXXX of 1993 on Higher Education applicable to Hungarian citizens, shall be entitled to participate, according to the conditions specified in this Article, in the following programmes of higher education institutions in the Republic of Hungary:

- a. undergraduate level college or university education,
- b. supplementary undergraduate education,
- c. non-degree programmes,
- d. Doctor of Philosophy (PhD) or DLA programmes,
- e. general and specialised further training,
- f. accredited higher education level vocational training in a school-type system.

(2) Students participating in state-financed full-time training programmes specified in paragraph (1), shall be entitled to formula funding on the one hand, and financial and other benefits in kind on the other, both being part of the appropriations of budgetary expenditure for students, as well as to the reimbursement of detailed health insurance contributions provided by Act LXXX of 1993 on Higher Education. The detailed conditions of these forms of assistance and further benefits shall be regulated by the Minister of Education in a separate legal rule.

(3) Persons falling within the scope of this Act may pursue studies in the higher education institutions of the Republic of Hungary in the framework of state-financed training in a fixed number to be determined annually by the Minister of Education.

(4) Students from neighbouring countries participating in education programmes not financed by the state may apply for the partial or full reimbursement of their costs of stay and education in Hungary to the public benefit organisation established to this end.

#### **Student Benefits Article 10**

(1) Registered students of a public education institution in a neighbouring country who are pursuing their studies in Hungarian language, or students of any higher education institution who are subject to this Act are entitled to benefits available under the relevant regulations to Hungarian citizens with student identification documents.

(2) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the Certificate (Article 19) serving for this purpose. The detailed rules of access to these benefits shall be laid down in a separate legal rule.

#### **Further Training for Hungarian Teachers Living Abroad Article 11**

(1) Hungarian teachers living abroad, teaching in Hungarian in neighbouring countries and falling within the scope of this Act (hereinafter referred to as "Hungarian teachers living abroad") shall be entitled to participate in regular further training in Hungary, as well as to receive the benefits specified in paragraph (2). Further training and the benefits shall be applicable to a fixed number of teachers determined annually by the Minister of Education.

(2) For the duration of further training and to the extent stipulated by a separate legal rule, persons identified in paragraph (1) shall be entitled to request the Hungarian educational institution providing further training to

- a. reimburse accommodation costs,
- b. reimburse travel expenses, and
- c. contribute to the costs of registration.

(3) The detailed rules of further training for Hungarian teachers living abroad shall be regulated by a separate legal rule.

#### **Article 12**

(1) Hungarian teachers living abroad, falling within the scope of this Act and those teaching in higher education institutions in neighbouring countries (hereinafter referred to as "Hungarian instructors living abroad") shall be entitled to special benefits.

(2) Benefits available to Hungarian teachers and instructors living abroad shall be identical with the benefits related to Teacher Identity Cards issued to teachers of Hungarian citizenship on the basis of legislation in force.

(3) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the "Certificate of Hungarian Nationality" serving for this purpose. The detailed rules of access to these benefits shall be regulated in a separate legal rule.

#### **Education Abroad in Affiliated Departments Article 13**

(1) The Republic of Hungary shall promote the preservation of the mother tongue, culture and national identity of Hungarians living abroad also by supporting the establishment, organisation and operation of affiliated Departments of accredited Hungarian higher education institutions in neighbouring countries.

The financial resources necessary for the realisation of these goals shall be set out as targeted appropriations in the budget of the Republic of Hungary. The Minister of Education shall decide on the allocation of the available resources according to a separate legal rule.

(2) The Republic of Hungary supports the establishment, operation and development of higher education institutions (faculties, study programmes, etc.) teaching in Hungarian and seeking accreditation in neighbouring countries. Financial resources required for the realisation of these goals may be applied for at the public benefit organisation established for this purpose.

#### **Educational Assistance Available in the Native Country Article 14**

(1) Parents falling within the scope of this Act and bringing up at least two children of minor age in their own household may apply for educational assistance for each of their children if:

- a. the child attends an education institution according to his/her age and receives training or education in Hungarian, and
- b. the education institution specified in point a) is in the neighbouring country of residence of the parents.

(2) Parents falling within the scope of this Act may receive assistance for books and learning materials (hereinafter referred to as "assistance for learning materials") if the child of minor age living in their own household attends an educational institution in the neighbouring country of residence of the parents and receives education in Hungarian.

(3) Applications for assistance for education and learning materials may be submitted to the public benefit organisation established for this purpose. In the process of evaluating the applications, the public benefit organisation shall request the position, formulated with the consent of the Hungarian Minister of Education, of the recommending body (Article 20) in the neighbouring country concerned whether instruction and education in Hungarian are ensured in the education institution in question.

(4) Persons falling within the scope of this Act may apply for assistance for their studies at the higher education institutions

of neighbouring countries from the public benefit organisation established for this purpose.

### **Employment**

#### **Article 15**

(1) Persons falling within the scope of this Act may be employed in the territory of the Republic of Hungary on the basis of a permit. Work permits shall be issued under the general provisions on the authorisation of employment of foreign nationals in Hungary, with the exception that the work permit can be issued for a maximum of three months per calendar year without the prior assessment of the situation in the labour market. A separate legal rule may allow for the issuing of work permits for longer periods of time under the same conditions.

#### **Article 16**

(1) The persons concerned may apply to the public benefit organisation established for this purpose for the reimbursement of expenses related to the fulfilment of the legal conditions for employment. These expenses include, in particular, the costs of proceedings for the prior certification of the necessary level of education, of specialised training and of compliance with occupational health requirements.

(2) The detailed rules of the proceedings for the issuing of work permits and the registration shall be regulated by a separate legal rule.

### **Duties of the Public Service Media**

#### **Article 17**

(1) Public service media in Hungary shall provide, on a regular basis, for the gathering and transmission of information on Hungarians living abroad and shall transmit information on Hungary and the Hungarian nation to Hungarians living abroad. The purpose of this information shall be:

- a. the transmission of Hungarian and universal spiritual and cultural values,
- b. the forming of an unbiased picture of the world, of Hungary and of the Hungarian nation,
- c. the preservation of the awareness of national identity, of the mother tongue and culture of the Hungarian minority communities.

(2) The Republic of Hungary shall provide for the production and broadcasting of public service television programmes for the Hungarian communities living abroad through the establishment and operation of an organisation devoted to such purposes. The financial resources necessary for such programmes shall be provided by the state budget.

### **Assistance to Organisations Operating Abroad**

#### **Article 18**

(1) The Republic of Hungary shall support organisations operating in neighbouring countries and promoting the goals

of the Hungarian national communities living in neighbouring countries.

(2) The organisations specified in paragraph (1) may apply to the public benefit organisation established for this purpose and operating in a lawful manner if their goals include, in particular, the following:

- a. the preservation, furtherance and research of Hungarian national traditions,
- b. the preservation and fostering of the Hungarian language, literature, culture and folk arts,
- c. the promotion of higher education of Hungarians living abroad by facilitating the work of instructors from Hungary as visiting lecturers,
- d. the restoration and maintenance of monuments belonging to the Hungarian cultural heritage,
- e. the enhancement of the capacity of disadvantaged settlements in areas inhabited by Hungarian national communities living abroad to improve their ability to preserve their population and to develop rural tourism,
- f. the establishment and improvement of conditions of infrastructure for maintaining contacts with the Republic of Hungary,
- g. the pursuance of other activities promoting the goals specified in paragraph (1).

## **CHAPTER III**

### **RULES OF PROCEDURE OF APPLICATION FOR BENEFITS AND ASSISTANCE**

#### **"Certificate of Hungarian Nationality" and "Certificate for Dependants of Persons of Hungarian Nationality"**

#### **Article 19**

(1) Benefits and assistance specified in this Act may be received by presenting either the "Certificate of Hungarian Nationality" or the "Certificate for Dependants of Persons of Hungarian Nationality", both of which may be issued under the conditions specified in Article 20 at the request of persons of both Hungarian and non-Hungarian nationality.

(2) From the Hungarian central public administration body (hereinafter referred to as "the evaluating authority") designated by the Government of the Republic of Hungary for this purpose:

- a. persons of Hungarian nationality falling within the scope of this Act may request a "Certificate of Hungarian Nationality" with a photo,
- b. a "Certificate for Dependants of Persons of Hungarian Nationality" with a photo may be requested by spouses of non-Hungarian nationality living together with persons specified in point a) and children of minor age being brought up in the same household, provided that:

the applicant meets the requirements set out in points a) and b) of paragraph (1) of Article 1 and the recommending authority specified in Article 20 has issued the recommendation; and neither an expulsion order nor a prohibition of entry or stay, issued by the competent Hungarian authorities on the basis of grounds determined in

a separate Act, is in effect against the applicant in Hungary; and no criminal proceedings have been instituted against the applicant in Hungary for intentional criminal offence.

(3) In addition to the requirements specified in paragraph (2), the "Certificate for Dependants of Persons of Hungarian Nationality" shall also be conditional upon whether the person of Hungarian nationality entitling the dependants in question to submit an application for the "Certificate for Dependants of Persons of Hungarian Nationality" is already in the possession of, or entitled to, a "Certificate of Hungarian Nationality". The withdrawal of the "Certificate of Hungarian Nationality" shall entail the withdrawal of the "Certificate for Dependants of Persons of Hungarian Nationality".

#### Article 20

(1) The evaluating authority shall issue the "Certificate of Hungarian Nationality" if the applicant is in possession of a recommendation which has been issued by a recommending organisation representing the Hungarian national community in the neighbouring country concerned, and being recognised by the Government of the Republic of Hungary as a recommending organisation, and which:

- a. certifies, on the basis of a declaration made by the applicant (or in the case of a minor by his/her statutory agent), that the applicant is of Hungarian nationality,
- b. certifies the authenticity of the signature of the applicant and
- c. includes the following:
  - ca) the application, photo and address of the applicant,
  - cb) the personal data to be recorded in the Certificate (Article 21),
  - cc) the name and the print of the official seal of the recommending organisation, the name and signature of the person acting on behalf of the recommending organisation,
  - cd) place and date of issue of the recommendation.

(2) The recommendation required for the issuing of the "Certificate for Dependants of Persons of Hungarian Nationality" shall certify, instead of the information specified in paragraph (1) point a), the family relationship between the applicant and the person of Hungarian nationality falling within the scope of this Act.

(3) The Government of the Republic of Hungary shall recognise an organisation representing the Hungarian community in the given neighbouring country as a recommending organisation if it is capable of:

- a. representing the Hungarian community living in the given country in its entirety,
- b. providing for the organisational and personnel conditions for receiving and evaluating applications for recommendation.

#### Article 21

(1) The period of validity of the Certificate

- a. shall expire on the day of the eighteenth birthday in the case of minors,

- b. shall be five years in the case of persons between 18 and 60 years of age,

- c. shall be indefinite in the case of persons over 60 years of age.

(2) If the period of validity of the Certificate expires, the proceedings specified in Articles 19-20 shall be repeated upon request.

(3) The Certificate shall be withdrawn by the evaluating authority if

- a. the recommending organisation has withdrawn its recommendation due to the submission of false data by the bearer of the Certificate in the application process,
- b. its bearer has been granted an immigration or permanent residence permit,
- c. its bearer has acquired Hungarian citizenship,
- d. its bearer has been recognised as a refugee or temporarily protected person by the authorities responsible for refugee matters,
- e. its bearer has been expelled from the territory of the Republic of Hungary, or a prohibition of entry or stay has been issued against him/her,
- f. criminal proceedings have been instituted against the bearer in Hungary,
- g. the Certificate has been used in an unauthorised way or has been forged,
- h. the family relationship entitling the bearer to use the Certificate for Dependants has ceased to exist,
- i. upon request by the bearer of the Certificate.

(4) The recommending organisation shall also be notified of the final decision on the withdrawal of the Certificate.

(5) The Certificate shall contain the following data of the entitled person:

- a. family and given name (also the maiden family and given name in the case of women) as it is used officially in the neighbouring country of residence (in Latin script), and in the case of persons of Hungarian nationality in Hungarian as well,
- b. name of the place of birth as it is used officially in the neighbouring country and in Hungarian,
- c. date of birth and gender,
- d. mother's name as it is officially used in the neighbouring country of residence (in Latin script) and in the case of persons of Hungarian nationality in Hungarian as well,
- e. passport photo, citizenship or reference to stateless status,
- f. signature in the entitled person's own hand, and
- g. date of issue, period of validity and number of the document.

(6) Notes and certifications required for access to benefits and assistance available under this Act shall be recorded in the Appendix to the Certificate.

(7) In order to ensure the authenticity of the Certificate and to supervise the granting of benefits, the evaluating authority (for the purpose of the application of these provisions: the data handling organ) shall keep records of the data of the Certificates, the identification marks in the Appendices, the foreign address of the bearers, the family relationship entitling the bearer to the document, the number and period of validity

of the permit entitling to stay as well as the data specified in paragraph (3). The data contained in the records may be handled by the data handling organ until the withdrawal or the expiry of the period of validity of the Certificate. The data contained in the records may be forwarded to the Hungarian Central Statistical Office (KSH) for statistical purposes. Bodies responsible for providing and keeping records of benefits and assistance may also receive those data for the purpose of verifying entitlement and preventing abuse, and so may Courts in charge of criminal proceedings, law enforcement bodies, national security services and the alien policing authority.

(8) For the purpose of evaluating applications and examining the existence of reasons for the withdrawal of the Certificate, the evaluating authority may request information from the following organs:

- a. the Central Registry of Aliens on whether the applicant is subject to proceedings under the law on aliens, or on any order of expulsion or prohibition on entry to and stay in Hungary against the applicant, as well as on the details of the residence permit entitling the applicant to stay in Hungary,
- b. organs responsible for naturalisation on issues related to the acquisition Hungarian citizenship,
- c. the Central Registry of Refugees on recognition as a refugee or temporarily protected person,
- d. the Criminal Records Office on criminal proceedings in process.

#### **Article 22**

(1) Proceedings of the evaluating authority shall be governed by the provisions of Act IV of 1957 on the General Rules of Public Administration Procedures. The costs of public administration procedures shall be covered by the State.

(2) The applicant may institute proceedings in Court against a final administrative decision on the appeal against the first instance decision regarding the issue or withdrawal of a Certificate by the evaluating authority. The Court may alter the administrative decision and its proceedings shall be governed by the provisions of the Code of Civil Procedure.

(3) The detailed rules of procedure of the evaluating authority and the order of registration of the issued Certificates, as well as the data content and form of the Certificates, shall be regulated by a separate legal rule.

#### **Use of Benefits on the Territory of the Republic of Hungary Article 23**

(1) Hungarian persons living abroad shall be entitled to use the benefits set out in Article 4, paragraph (1) of Article 7, Article 8, Article 10, paragraph (2) of Article 11 and Article 12 – under the conditions determined in the aforementioned Articles – by presenting their Certificates (Article 19) during their lawful stay in the Republic of Hungary.

(2) The state-run organisations and institutions granting the benefits specified in paragraph (1) and economic organisations providing travel benefits shall receive the financial resources necessary for granting these benefits out of the central state budget.

#### **Application Procedures for Assistance Available in the Republic of Hungary Article 24**

(1) The Government shall establish public benefit organisation(s) in order to evaluate the applications of and distribute assistance for persons (organisations) falling within the scope of this Act.

(2) The founding document of the public benefit organisation, taking into account the provisions of Act CLVI of 1997 on Public Benefit Organisations, shall contain the goals of the activities and the range of applications to be evaluated by it and shall determine its main decision-making body as well.

(3) Applications for publicly advertised assistance under this Act may be submitted to the respective public benefit organisation competent according to their subject matter.

(4) Data and documents required in the advertisement by the respective public benefit organisation shall be attached to the applications.

(5) In the case of a favourable decision, the applicant and the public benefit organisation shall conclude a civil law contract containing the conditions of assistance and the amount thereof, as well as determining the purpose of the use of assistance and the rules of rendering accounts thereof.

(6) The financial resources required for the activities of such public benefit organisation(s) shall be provided, on an annual basis, in a separate group of appropriations of the central state budget.

#### **Application Procedures for Assistance Available in Neighbouring Countries Article 25**

(1) Requests (applications) for assistance regulated in this Act may be submitted by persons (organisations) falling within the scope of this Act to lawfully operating non-profit organisations established in the neighbouring country of their permanent residence (registered office) for this purpose (hereinafter referred to as "foreign public benefit organisations")

(2) The civil law contract concluded between the public benefit organisation established in Hungary and the foreign public benefit organisation established for the evaluation of applications and the granting of assistance shall contain the required range of data, which are to be supported by documents, declarations, planning or documentation, etc.

(3) The public benefit organisations operating in Hungary shall evaluate the application based on the data specified in the civil law contract as laid down in paragraph (2) and on the opinion of the foreign public benefit organisation.

(4) Assistance shall be granted to applicants by the Hungarian public benefit organisation on the basis of a civil law contract. This contract shall determine the conditions of the assistance and the amount thereof as well as the purpose of the use of such assistance and the rules of rendering accounts thereof.

#### **Central Registration of Assistance** **Article 26**

(1) For the purpose of co-ordinating the entire system of assistance, a central registry of applications for assistance and the relevant decisions made by public benefit organisations established for their evaluation shall be set up.

(2) The Government shall designate the central public administration organ responsible for managing the records.

(3) The organ managing the records shall handle the following data:

- a. name, permanent address (registered office) and document number of those submitting applications for assistance,
- b. the type of assistance sought,
- c. the amount of assistance granted.

(4) Data specified in paragraph (3) may be handled by the organ managing the records for ten years from the date of the granting of assistance.

(5) Data from the records shall be made available to public benefit organisations established in Hungary and in the neighbouring countries for the purpose of evaluating applications for assistance, as well as to the central public administration organs of Hungary responsible for providing the financial resources for assistance.

### **CHAPTER IV** **FINAL PROVISIONS**

#### **Article 27**

(1) This Act shall enter into force on 1 January 2002.

(2) From the date of accession of the Republic of Hungary to the European Union, the provisions of this Act shall be applied in accordance with the treaty of accession of the Republic of Hungary and with the law of the European Communities.

#### **Article 28**

(1) The Government shall be empowered to regulate by decree:

- a) the provisions on the assignment of the national public administration organ entitled to issue, withdraw and register the Certificates, as well as on the assignment of its superior organ, on the definition of their competencies and on the rules of procedure of the issuing, replacement, withdrawal and registration of such Certificates,

b) the detailed rules of travel benefits for persons falling within the scope of this Act,

c) the detailed rules related to the provision and use of student benefits for persons specified in paragraph (1) of Article 10 of this Act.

(2) The Government shall ensure the establishment of Hungarian public benefit organisation(s) evaluating applications and allocating assistance under this Act. The Government shall also ensure the co-ordination of the activities of public benefit organisations already operating for this purpose, the appropriate modification of their founding documents and the reallocation of resources in this framework.

#### **Article 29**

(1) The Minister of the Interior and the Minister of Foreign Affairs shall determine in a joint decree, with respect to educational assistance with the consent of the Minister of Education, the detailed rules on registering the Certificates, as well as the requirements of the content and form of the Certificates.

(2) The Minister of Economic Affairs shall:

a) determine, in a joint decree with the Minister for Foreign Affairs, the rules of procedure and registration related to work permits for Hungarians living abroad and designate the public administration organ responsible for carrying out these duties,

b) be empowered to regulate by decree the conditions for issuing work permits for a period longer than the one specified in Article 15 of this Act with regard to employees falling within the scope of this Act, or for a particular group of employees, in consensus with the Minister for Youth and Sports Affairs in cases involving professional sportspersons.

(3) The Minister of Foreign Affairs shall be empowered to substitute his own declaration for the recommendation specified in Article 20 of this Act in cases deserving exceptional treatment on grounds of equity in the course of proceedings of the evaluating authority designated in Article 19, and furthermore in cases where the proceedings specified in paragraph (1) of Article 20 are impeded, to ensure the smooth conduct of administrative proceedings.

(4) The Minister of National Cultural Heritage shall determine by decree the detailed rules of benefits available to Hungarians living abroad with respect to the use of the services provided by museums and public cultural institutions.

(5) The Minister of Education, with the consent of the Minister of Foreign Affairs, shall determine by decree the detailed rules on further training for Hungarian teachers living abroad, as well as detailed rules on the benefits set out in Article 9, Article 11 and 12, paragraph (1) of Article 13 and Article 14 of this Act, including the extent of such assistance.