

## Contents

Contents.....	1
<b>Country context</b> .....	2
<b>International and Regional Instruments</b> .....	3
1954 Convention .....	3
1961 Convention .....	3
Other conventions.....	3
<b>Stateless Population Data</b> .....	5
Availability and sources.....	5
Stateless in detention data.....	7
<b>Statelessness Determination and Status</b> .....	8
Definition of a stateless person.....	8
Training.....	8
Existence of a dedicated SDP .....	9
Access to the procedure (Group 1) .....	9
Assessment (Group 1) .....	11
Procedural safeguards (Group 1) .....	14
Protection during SDP (Group 1).....	15
Appeals (Group 1).....	15
Stateless status (Group 1) .....	16
<b>Detention</b> .....	18
Immigration detention .....	18
Identification of statelessness .....	20
Procedural safeguards.....	21
Protections on release.....	23
Return and readmission agreements .....	24
<b>Prevention and Reduction</b> .....	25
Naturalisation.....	25
Stateless born on territory .....	25
Foundlings .....	27
Adoption.....	28
<i>Ius sanguinis</i> .....	28
Birth registration .....	28
Reducing <i>in situ</i> statelessness .....	30
Deprivation of nationality .....	31
<b>Resources</b> .....	33
Published judgments .....	33
Pro Bono.....	33
Literature.....	33

## Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

## International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Yes, promulgated by Act II of 2002: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a>	Act II of 2002: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> (HU)
IOB.1.b		If yes, when was ratification/accession?		Entry into force: 19 February 2002	
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No reservations currently in force.	Act II of 2002: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> (HU)
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	No, as Hungary applies a dualist system of international and domestic law. The Convention, however, has the force of law in Hungary, through the promulgating act.	Act II of 2002: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://nit.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> (HU)
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	Yes, promulgated by Act XV of 2009	Act XV of 2009: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=123906.177515">http://nit.hu/cgi_bin/njt_doc.cgi?docid=123906.177515</a> (HU)
IOB.2.b		If yes, when was ratification/accession?		Entry into force: 4 April 2009	
IOB.2.c		Are there reservations in place? Please list them.	As above	Hungary did not make reservations.	Act XV of 2009: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=123906.177515">http://nit.hu/cgi_bin/njt_doc.cgi?docid=123906.177515</a> (HU)
IOB.2.d		Does the Convention have direct effect?	As above	No, as Hungary applies a dualist system of international and domestic law. The Convention, however, has the force of law in Hungary, through the promulgating act.	Act XV of 2009: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=123906.177515">http://nit.hu/cgi_bin/njt_doc.cgi?docid=123906.177515</a> (HU)
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	Yes, the Convention entered into force on 1 January 2007. Hungary made reservations to the following articles: <ul style="list-style-type: none"> <li>· 11) No written reasoning shall be provided to decisions on the acquisition of nationality;</li> <li>· 12) No administrative or judicial remedy shall be provided in cases regarding the acquisition of nationality</li> <li>· 21 (3) a) Only men living on the territory of Hungary shall be obliged to do military service. Those bearing more than one nationality and who do not live in Hungary cannot be obliged to serve in the military and they cannot do it on a voluntary basis either. Those bearing more than one nationality are not exempt from military service if they live in Hungary.</li> </ul>	Act III of 2002: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=64023.90506">http://nit.hu/cgi_bin/njt_doc.cgi?docid=64023.90506</a> (HU)
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	Yes, the Convention entered into force on 15 April 1993 through the promulgating act. There are no reservations in place.	Act XXXI of 1993: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=19100.29566">http://nit.hu/cgi_bin/njt_doc.cgi?docid=19100.29566</a> (HU)
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	Yes, the Convention entered into force on 1 May 2009 through the promulgating act. There are no reservations in place.	Act XCVIII of 2008: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=118719.170262">http://nit.hu/cgi_bin/njt_doc.cgi?docid=118719.170262</a> (HU)
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)</a>	Yes, no reservations.	
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child, 1989</a>	Yes, the Convention entered into force on 22 November 1991 through the promulgating act. There are no reservations in place.	Act LXIV of 1991: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=15579.284771">http://nit.hu/cgi_bin/njt_doc.cgi?docid=15579.284771</a> (HU)
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights, 1966</a>	Yes, the Convention entered into force on 22 April 1976 through the promulgating act. There are no reservations in place.	Law-Decree 8 of 1976: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=2483.4091">http://nit.hu/cgi_bin/njt_doc.cgi?docid=2483.4091</a> (HU)

IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights, 1966</a>	Yes, the Convention entered into force on 22 April 1976 through the promulgating act. There are no reservations in place.	Law-Decree 9 of 1976: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=2490.4101">http://njt.hu/cgi_bin/njt_doc.cgi?docid=2490.4101</a> (HU)
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women, 1979</a> <a href="#">CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness</a>	Yes, the Convention entered into force on 30 May 1982 through the promulgating act. There are no reservations in place. Having ratified the Convention and the Optional Protocol, Gen. Rec. 32 has the status of soft law.	Law-Decree 10 of 1982: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=5238.7805">http://njt.hu/cgi_bin/njt_doc.cgi?docid=5238.7805</a> (HU) Act LX of 2001: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=57038.272181">http://njt.hu/cgi_bin/njt_doc.cgi?docid=57038.272181</a> (HU)
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</a>	Yes, the Convention entered into force on 18 March 1988 through the promulgating act. There are no reservations in place.	Law-Decree 3 of 1988: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=9628.13105">http://njt.hu/cgi_bin/njt_doc.cgi?docid=9628.13105</a> (HU)
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination, 1965</a>	Yes, the Convention entered into force on 27 April 1969 through the promulgating act. There are no reservations in place.	Law-Decree 8 of 1969: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=1104.2006">http://njt.hu/cgi_bin/njt_doc.cgi?docid=1104.2006</a> (HU)
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990</a>	Hungary is not state party to this Convention.	
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities, 2006</a>	Yes, the Convention entered into force on 7 July 2007 through the promulgating act. There are no reservations in place.	Act XCII of 2007: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=110932.266681">http://njt.hu/cgi_bin/njt_doc.cgi?docid=110932.266681</a> (HU)

## Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p>	<p>Yes. Census data is merely based on self-identification as stateless, which raises doubts about the completeness/accuracy of the data collected. The last census: <a href="http://www.ksh.hu/nepszamlalas/tablak_demografia">http://www.ksh.hu/nepszamlalas/tablak_demografia</a> (2011) found 113 stateless persons, of which 53 men and 60 women. Other statistical data published by the Central Statistical Office of Hungary (KSH), such as the yearly updates on non-Hungarian-national population, do not include any specific stock of flow figure on the country's stateless population (only major countries of nationality are specified).</p> <p>The 'National Directorate-General for Alien Policing' (NDGAP, the authority competent for statelessness determination, formerly the 'Immigration and Asylum Office') does not publish any specific data on the country's stateless population. According to the official information received from the NDGAP, 5 persons applied for recognition as stateless in 2020. In the same year, 4 persons were recognised as stateless, while 8 such claims were rejected by the NDGAP. 5 of the 8 rejected applicants submitted a request for judicial review.</p> <p>Between 2008 (the entry into force of the legal framework for the Hungarian statelessness-specific protection regime) and 30 June 2020, 288 persons applied for stateless status in Hungary. The competent authority granted stateless status to 147 persons and rejected the application of 70 persons (data by courtesy of UNHCR).</p> <p>According to the official information received from the NDGAP, on 31 December 2020, stateless persons were residing in Hungary with the following statuses:</p> <ul style="list-style-type: none"> <li>• Holders of a humanitarian residence permit (also granted to those recognised as stateless): 16</li> <li>• Refugees and beneficiaries of subsidiary protection 12</li> <li>• Holders of a "national" permanent residence permit (which does not qualify the holder for free movement in the EU): 42</li> <li>• Holders of an "EC" permanent residence permit (which qualifies the holder for free movement in the EU): 5</li> </ul> <p>These figures add up to 75 persons, yet they do not include other forms of non-permanent residence permits, such as those based on employment, students, or family reunion.</p> <p>The NDGAP confirmed that between 2016 and 2020, 3 persons managed to obtain a permanent residence permit in Hungary.</p> <p>Research by the Hungarian Helsinki Committee revealed in 2016 (based on official data received from the Office of Immigration and Nationality, the then competent authority in nationality-related matters) that between 1 January 2011 and 31 October 2015, 38 stateless persons naturalised as Hungarian nationals.</p> <p>According to the information received from the Budapest Government Office (the authority in charge of naturalisation procedures), in 2020, 9 stateless persons applied for naturalisation in Hungary. In the same year, 5 stateless persons were naturalised in Hungary, while 2 stateless person's naturalisation claim was rejected.</p> <p>According to the information received from the National Police Headquarters, there was no immigration detention ordered against any stateless or Palestinian person in 2020.</p> <p>According to the information received from the NDGAP, 1 stateless person was issued with an expulsion order, but no stateless person was actually deported from Hungary in 2020.</p>	<p>2011 census data: <a href="http://www.ksh.hu/nepszamlalas/tablak_demografia">http://www.ksh.hu/nepszamlalas/tablak_demografia</a> (table 1.1.27), Central Statistical Office of Hungary (KSH) (HU)</p> <p>Data shared by the Regional Representation of UNHCR for Central Europe</p> <p>Gábor Gyulai, The Black Box of Nationality. The Naturalisation of Refugees and Stateless Persons in Hungary: <a href="https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf">https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf</a>, Hungarian Helsinki Committee, 2015, p. 21</p> <p>Response by the National Directorate-General for Alien Policing of 3 February 2021 to the HHC's freedom of information request.</p> <p>Response by the Budapest Government Office of 16 February 2021 to the HHC's freedom of information request.</p> <p>Response by the National Police Headquarters of 16 January 2021 to the HHC's freedom of information request.</p>

POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	Data from the last census: <a href="http://www.ksh.hu/nepszamlalas/tablak_demografia">http://www.ksh.hu/nepszamlalas/tablak_demografia</a> (2011) did not include any relevant category (unknown or undetermined nationality, etc.). No data could be retrieved from statistics published by the Central Statistical Office of Hungary (KSH) and the 'National Directorate-General for Alien Policing'. The 'National Directorate-General for Alien Policing' collects asylum data disaggregated by nationality, age and sex, but they only publish a simplified summary with no disaggregation. It is possible to receive this information through freedom of information requests.	Hungarian Helsinki Committee
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	The UNHCR Population Statistics website reports 147 persons under UNHCR's statelessness mandate in Hungary for 2020. According to this website, all these persons fall under UNHCR's refugee (and persons in refugee-like situations) mandate in Hungary for 2020.	UNHCR Population Statistics website: <a href="https://www.unhcr.org/refugee-statistics/download/?url=350tA3">https://www.unhcr.org/refugee-statistics/download/?url=350tA3</a>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	No	
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No	
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	Yes. Census data is based merely on self-identification as stateless, which raises doubts about the completeness/accuracy of the data collected. Summary flow data regarding the number of stateless persons who have received stateless, refugee or subsidiary protection status in past years is also a questionable indicator of the actual stateless population living in the country, due to the frequent secondary migration typically to Western Europe of those granted international protection in Hungary. Also, this data does not capture the stateless population outside the international protection context. An important population at risk of statelessness that has so far been out of the scope of targeted reporting is the children of refugees and stateless persons born in Hungary, most of whom are registered at birth and then permanently remain of 'unknown nationality', with no mechanism in place to determine the actual nationality or statelessness of these children. There is currently no sufficiently reliable comprehensive data about the stateless population of Hungary. Yet, no historical, social or demographic factor indicates that Hungary would have a significant non-reported stateless population and the existing figures (e.g. census) are not expected to differ massively from the actual size of the population. Improved focus and data collection methods at the following national census, or targeted demographic mapping (focusing also on persons at risk of statelessness) could fill the current information gap.	2014 research report: <a href="https://helsinki.hu/wp-content/uploads/Nationality-Unknown.pdf">https://helsinki.hu/wp-content/uploads/Nationality-Unknown.pdf</a> by the Hungarian Helsinki Committee



POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	The UNHCR Population Statistics website reports 147 persons under UNHCR's refugee (and persons in refugee-like situations) mandate in Hungary for 2020.	UNHCR Population Statistics website: <a href="https://www.unhcr.org/refugee-statistics/download/?url=350tA3">https://www.unhcr.org/refugee-statistics/download/?url=350tA3</a>
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	<p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: State parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p>	<p>The Police collect and hold data on immigration detention (including the nationality of those detained), but this information is not published in any format.</p> <p>According to the information received from the National Police Headquarters, immigration detention was not ordered against any stateless person in 2020.</p>	Response by the National Police Headquarters of 16 January 2021 to the HHC's freedom of information request.
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	No.	

## Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">1954 Convention</a> : Articles 1(1) & 1(2).	Yes. Article 1 (1): Both Act II of 2002: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> that promulgates the 1954 Convention and Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> include an erroneous translation of the 'stateless person' definition, similarly to numerous other language versions around the world. While the authentic definition includes '...under the operation of its law' ('...sous l'application de sa loi' in French), the Hungarian translations include only '...based on its law' ('...saját joga alapján' – Act II of 2002: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> ) and '...according to its law' ('...saját joga szerint' – Act II of 2007: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> ). Missing out the term 'operation' is a fundamental difference that alters the meaning of the definition in Hungarian, as compared to the authentic drafting languages of English and French. Article 1 (2) is properly translated and included in Act II of 2002: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> that promulgates the 1954 Convention. Section 78 (1) (b) of Act II of 2002: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> sets forth an additional exclusion ground (not included in the 1954 Convention), when stipulating that a claim for stateless status shall be rejected if '[...] the applicant renounced her/his nationality on purpose, with the intention to obtain stateless status'. According to the Act's official justification by the Minister of Justice and Law Enforcement, this provision was based on Recommendation No. R (99) 18 of the Committee of Ministers of the Council of Europe on the avoidance and reduction of statelessness. However, this reference can only be based on a misunderstanding or mistranslation, as the document in question does not set forth any recommendation that would support the problematic provision. There is no information about the actual use of this provision, and no such cases have become known to the Hungarian Helsinki Committee. An amendment that entered into force on 1 January 2019 introduced an additional exclusion clause from stateless status to Section 78 (1) of Act II of 2007. The new provision orders automatic exclusion from stateless status, if the applicant's 'stay violates or endangers the national security of Hungary'. This second additional exclusion provision is also at odds with the 1954 Convention, which includes an exhaustive list of exclusion clauses.	Act II of 2002: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681">http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681</a> (HU)  Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> (HU)
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	No.	
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : It is recommended that States provide specialised training on nationality laws and practices, international standards	There is no training for judges. Gábor Gyulai, Refugee Programme director at the Hungarian Helsinki Committee and president of the European Network on Statelessness has provided statelessness-specific training to lawyers and other employees of the HHC on several occasions, in addition to ad hoc training activities in past years to statelessness determination officers, UNHCR staff, other NGO staff and participants of	Hungarian Helsinki Committee  Menedék Association for Migrants: <a href="http://www.menedek.hu/en">http://www.menedek.hu/en</a>



			and statelessness to officials responsible for making statelessness determinations.	various training courses on social work with migrants organised by the Menedék Association for Migrants.	
SDS.3.a	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b></p> <p><b>1.</b> There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated stateless status (<b>proceed to Question 4a</b>).</p> <p><b>2.</b> There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (<b>proceed to Question 10a</b>).</p> <p><b>3.</b> There is a dedicated stateless status but no formal procedure for determining this (<b>proceed to Question 15a</b>).</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	#1 – There is a dedicated statelessness determination procedure (SDP) established in law.	
SDS.4.a	Access to the procedure (Group 1)	Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise.</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	The ‘National Directorate-General for Alien Policing’ (formerly the ‘Immigration and Asylum Office’) is the competent authority. Seven regional directorates are in charge (not the asylum branch of the same office). This lack of centralisation makes it difficult to accumulate significant practical experience, given the low number of cases.	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 76 (1) (HU)</p> <p>Hungarian Helsinki Committee</p>
SDS.4.b		Are there clear, accessible instructions on how to make a claim of statelessness?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	A claim for statelessness status may be lodged in the form of a written application as well as by a verbal statement. In the latter case, the authority has to prepare a written record of the statement. There are no further formal requirements concerning the form of the application and there is no specific guidance on how to ‘recognise’ claims for stateless status. This regulation is identical to that in force with regard to asylum applications in Hungary and is considered an important procedural guarantee.	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 76 (1)-(2) (HU)</p> <p>Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://nit.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a>, Section 159 (1) (HU)</p>
SDS.4.c		Can submissions be made orally and/or in writing in any language?	<p><a href="#">ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013)</a>: Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	A claim for statelessness status may be lodged in the form of a written application as well as by a verbal statement. Applicants are entitled to submit their claim orally, and Section 159 (3) of Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals stipulates that ‘If the claim is	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 76 (1)-(2) (HU)</p> <p>Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on</p>

				submitted orally and the applicant does not speak Hungarian, the regional directorate [of the immigration authority] provides an interpreter who speaks the mother tongue of the applicant or another language understood by her/him. The authority may refrain from providing an interpreter, if the proceeding officer speaks the applicant's mother tongue or another language understood by her/him, and if the applicant gives her/his consent to this in writing.' There is no information about the actual use in practice of this important legal safeguard.	the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a> , Section 159 (1)& (3) (HU)
SDS.4.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	<a href="#">ENS (2013)</a> : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	No. A claim for statelessness status may be lodged in the form of a written application as well as by a verbal statement. In the latter case, the authority has to prepare a written record of the statement. There are no further formal requirements concerning the form of the application.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 76 (1)-(2) (HU)  Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a> , Section 159 (1) (HU)
SDS.4.e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . <a href="#">UNHCR, Handbook on Protection (2014)</a> : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	No. However, Government Decree 114/2007. (V. 24.) stipulates that 'If the possibility that a third-country national is stateless arises in any of the procedures under the scope of this Act, the immigration policing authority shall inform the person concerned about the possibility of submitting a request for stateless status, the related proceedings, as well as the rights and obligations attached to stateless status. The foreigner shall be asked to sign a record that she/he has received this information.' This provision constitutes an important procedural guarantee, as it foresees an active role for immigration authorities in promoting access to protection for stateless persons. However, there is hardly any information about the practical use of this rule. It is difficult to imagine a widespread use of this procedural guarantee without concentrated efforts to furnish immigration and asylum officers with relevant training on statelessness.	Section 160 (1) of Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a> (HU)
SDS.4.f		Are there obligations in law on authorities to consider the application?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	Yes. Since Constitutional Court Resolution 6/2015 (II.25.) the 'National Directorate-General for Alien Policing' can no longer refuse to admit statelessness claims submitted by persons without lawful residence status.	Constitutional Court Resolution 6/2015 (II.25.) of the Constitutional Court on the determination whether the term 'lawfully' in Section 76(1) of Act II of 2007 on the conditions of Entry and Stay of Third-Country Nationals is contrary to the Fundamental Act and the annulment thereof: <a href="http://www.refworld.org/cases,HUN_CC,5542301a4.html">http://www.refworld.org/cases,HUN_CC,5542301a4.html</a>
SDS.4.g		Is there an application fee?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	No. The submission of a claim for statelessness status is free of charge.	Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a> , Section 159 (1) (HU)
SDS.4.h		Is there a lawful stay requirement to access the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention for requiring lawful stay.	No. Since Constitutional Court Resolution 6/2015 (II.25.), the 'National Directorate-General for Alien Policing' can no longer refuse to admit statelessness claims submitted by persons without lawful residence status. The judgment concluded that the previous lawful stay requirement was not merely a procedural rule (as argued by the immigration authority), but a material one that modifies the definition of a stateless person in Article 1(1) of the 1954 Convention, to which no reservations or modifications are allowed, and thus it unduly narrowed the personal scope of the Convention. In the Court's view, this conclusion is further supported by the fact that under the Convention certain rights are to be accorded only to stateless persons with lawful residence status, while other rights to all of them, and this distinction indicates that the drafters did not see a general need for a lawful stay condition. The Court therefore	Constitutional Court Resolution 6/2015 (II.25.) of the Constitutional Court on the determination whether the term 'lawfully' in Section 76(1) of Act II of 2007 on the conditions of Entry and Stay of Third-Country Nationals is contrary to the Fundamental Act and the annulment thereof: <a href="http://www.refworld.org/cases,HUN_CC,5542301a4.html">http://www.refworld.org/cases,HUN_CC,5542301a4.html</a> , para. 23 & 27  See more analysis of this judgment on the blog: <a href="https://www.statelessness.eu/blog/hungarian-constitutional-court-declares-lawful-stay-requirement-statelessness-determination">https://www.statelessness.eu/blog/hungarian-constitutional-court-declares-lawful-stay-requirement-statelessness-determination</a> of the European Network on Statelessness.

				agreed with the petitioner first-instance court and the third-party interveners (the Hungarian Helsinki Committee and the UNHCR) and quashed the lawful stay requirement.	
SDS.4.i		Is there a time limit on access to the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed and not subject to time limits. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention to set time limits for individuals to claim stateless status.	No.	
SDS.4.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	No information available. Hungarian law does not regulate such cross-referrals or forms of cooperation, not even between the asylum and immigration policing branch of the ‘National Directorate-General for Alien Policing’. Yet, the fact that the statelessness determination and the asylum authority are parts (even if distinct parts) of the same authority may allow for better communication between them, as compared to separate authorities. Birth registration and statelessness determination are completely separate processes (conducted by different authorities), with no reported connections or cross-referrals.	Hungarian Helsinki Committee
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : SDPs must take into consideration the difficulties inherent in proving statelessness. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	In principle, the burden of proof lies with the applicant (the applicant has the duty to ‘prove or substantiate’ her/his statelessness). Government Decree 114/2007 (V. 24) obliges the applicant to attach to the application all documents that may facilitate the stateless status determination process. At the same time, Act II of 2007 stipulates that the immigration policing authority provides administrative assistance in the establishment of facts through Hungarian diplomatic representations, if the applicant so requests. In addition, general rules regulating administrative procedures state that the immigration authority has in the statelessness determination process the obligation to conduct an ‘evidentiary procedure’, if the information at its disposal is insufficient for decision-making. In this process, it can consider any evidence that is suitable to establish the facts and circumstances of the case. Considering all these rules, it can be summarised that the burden of proof principally lies on the applicant, but in practice, the authority shall also actively contribute to the establishment of facts. The experience of the Hungarian Helsinki Committee confirms the de facto sharing of the duty to obtain evidence in practice.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 79 (1)-(2) (HU)  Act CL of 2016 on the Code of General Administrative Procedure: <a href="http://njt.hu/translated/doc/J2016T01_50P_20200722_FIN.pdf">http://njt.hu/translated/doc/J2016T01_50P_20200722_FIN.pdf</a> , Section 62 (1)-(2)  Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a> , Section 160 (3) (HU)
SDS.5.b		What is the standard of proof? Is it the same as in refugee status determination procedures?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are advised to adopt the same standard of proof as in refugee status determination (‘reasonable degree’). <a href="#">UNHCR, Good practices in nationality laws (2018)</a> : The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	Act II of 2007 on the entry and stay of third-country nationals sets a lower standard of proof in statelessness determination, by stipulating that ‘In the statelessness determination procedure, the applicant shall prove or substantiate her/his statelessness [...]’. The term ‘substantiate’ (valószínűsít) was copied from the similar Hungarian provision referring to asylum procedures, and it reflects the UNHCR terminology describing the applicable standard in refugee status determination. By doing so, the law-maker explicitly acknowledged the practical difficulty of establishing statelessness and the protection-oriented objective of the procedure.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 79 (1) (HU)
SDS.5.c		What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the	The law allows for the oral submission of statelessness claims, which constitutes a safeguard for illiterate persons. In such cases, the authority has to prepare a written record of the claim, which needs to be signed by the applicant. Government Decree 114/2007 explicitly exempts illiterate applicants from this obligation; in these cases, the authority shall prepare an official record of the fact that the applicant is unable to sign the claim. It also stipulates that appointed case guardians	Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a> , Sections 159 (2), 163 (1) and 163 (2) (HU)  Act 31 of 1997 on child protection and guardianship:



		In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?	child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women. <a href="#">CRC</a> : Articles 2, 3, 7 and 8 <a href="#">CRPD</a> : Article 18	shall proceed instead of unaccompanied minor applicants and that persons of limited legal capacity (such as children) may participate independently in the statelessness determination procedure. The Hungarian Helsinki Committee has no information about the practical implementation of these safeguards and has not received any complaint related thereto. Worth noting, however, that according to the Hungarian Act 31 of 1997 on child protection and guardianship, unaccompanied minors are represented by 'child protection guardians' and not by 'case guardians' in all of their official matters. This provision thereby contradicts to the provision of Government Decree 114/2007 referring to a 'case guardian' in SDPs. This contradiction has not had any practical relevancy as of as there is no record of an unaccompanied minor applicant in SDPs.. Interestingly, there are no additional safeguards in place, although in other administrative legal proceedings further preferential legal provisions are applicable to minors.	<a href="https://njt.hu/jogszabaly/1997-31-00-00.87">https://njt.hu/jogszabaly/1997-31-00-00.87</a> , Section 81 (1) (HU)  Hungarian Helsinki Committee
SDS.5.d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	<a href="#">ENS (2013)</a> : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	Yes, Hungarian legislation offers a positive model of setting detailed procedural and evidentiary rules regarding statelessness determination in legislation. Act II of 2007 stipulates that: 'In the statelessness determination procedure, the applicant shall prove or substantiate her/his statelessness in particular with regard to · the country where she/he was born; · the country of her/his former place of stay or residence; · the country of nationality of her/his family members and parents.' Based on the experience of the Hungarian Helsinki Committee, this provision constitutes useful guidance for decision-makers and it is generally applied. In all cases known to the HHC, the states of interest were determined according to the above rule and thus limited to two or three countries. Government Decree 114/2007 specifies that the proceeding authority shall take its decision with regard to the information concerning the nationality regulation and registers of the states in question (see above), considering in particular: · the opinion of the UNHCR; · the information provided by Hungarian diplomatic representations abroad (that the authority shall contact upon request of the applicant); · the information provided by foreign state authorities; and · the evidence submitted by the applicant.	Section 79 (1) of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> (HU)  Hungarian Helsinki Committee  Section 164 (1) of Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a> (HU)
SDS.5.e		Is there any evidence of significant errors in decision-making?		The main shortcoming of the Hungarian statelessness-specific protection regime, namely the requirement of lawful stay, was eliminated by the Constitutional Court in 2015. To prevent and later challenge occasional errors, the HHC provides legal representation to applicants for stateless status. For example, between 1 January 2017 and 30 September 2021, the HHC provided free-of-charge legal assistance in 19 cases in SDPs. Crucial debates in such cases are centred on evidence assessment and the interpretation of the stateless person definition. The NDGAP rejected claims of stateless Palestinians, with a reference to the recognition of the State of Palestine by the United Nations. This policy has been successfully challenged by the HHC through litigation by securing a Supreme Court judgment stating that the question, whether or not Palestine is recognised as a state, does not belong to the competency of any authority or court, but is exclusively the competency of the Minister of Foreign Affairs and Trade. Thereby, the acting authority in SDPs is obliged to make an inquiry towards the Ministry of Foreign Affairs and Trade to decide whether or not Palestine can be	Constitutional Court Resolution 6/2015 (II.25.) of the Constitutional Court on the determination whether the term 'lawfully' in Section 76(1) of Act II of 2007 on the conditions of Entry and Stay of Third-Country Nationals is contrary to the Fundamental Act and the annulment thereof: <a href="http://www.refworld.org/cases_HUN_CC_5542301a4.html">http://www.refworld.org/cases_HUN_CC_5542301a4.html</a>  Hungarian Helsinki Committee  Supreme Court judgment Kfv.II.38.067/2018/6 of 13 November 2019  NDGAP decision 106-1-4229/19/2020-Ho. of 27 May 2020  Constitutional Court, Resolution 14/2021 (IV.23.) of the Constitutional Court on determining the constitutional compliance of Section 78. § (1) c) of Act II of 2007 on the conditions of Entry and Stay of Third-Country Nationals: <a href="http://public.mkab.hu/dev/dontesek.nsf/0/0226157562fa1110c12586570061">http://public.mkab.hu/dev/dontesek.nsf/0/0226157562fa1110c12586570061</a>

				<p>recognized as a state. As a result of this Supreme Court judgment, the NDGAP turned to the Ministry of Foreign Affairs and Trade, which, in its statement nr. KKM/12827-3-2020Adm. of 25 March 2020, declared that, although Hungary recognized the right of self-determination of Palestinian people in 1998, it did not mean that it recognised Palestine as a subject of international law, and hence, as a State too. The main reason for that, according to the Ministry, is that the Palestinian Authority's sovereignty over the territories under its control is questionable. The Ministry also points out that despite the Palestinian passport having been recognized as a valid passport in the EU, the issuance of that is dependent on Israel. The same applies to Palestinian ID cards. The statement highlights that although in some cases these documents are issued without the control of Israel, they cannot then grant the right to entry to Palestine. The NDGAP therefore suggests that those in possession of a Palestinian passport issued under Israeli control can be regarded as Palestinian nationals, those, however, not possessing this type of travel document can be recognised as stateless persons, since they cannot exercise their right to return to and enter Palestine. The relevancy of this new-fangled practice is questionable at the time of writing, since the HHC only knows of one case in which these rules were applied.</p> <p>The NDGAP rejects statelessness applications, if the applicant is considered to be a threat to national security based on the preliminary opinion of Constitution Protection Office or Counter-Terrorism Centre. The NGPAD bases this practice on Section 78 (1) c.) of Act II of 2007 on the entry and stay of third-country nationals providing that the statelessness claim shall be rejected if the applicant violates or poses a threat to national security. The HHC challenged this practice through strategic litigation and subsequently suggested the initiation of the Constitutional Court's review procedure. The HHC argued that Article 1 (2) of the 1954 Convention exhaustively lists those cases in which a person might be excluded from being recognised as a stateless person and the national security ground is not listed as such. Therefore, Section 78 (1) c.) of Act II of 2007 is contrary to Articles Q (2) and B (1) of the Fundamental Act of Hungary (Constitution) setting forth the requirements of international law and rule of law compliance. The Constitutional Court in its resolution V/8/2021 found, however, that the provision in question neither violates the Constitution nor the 1954 Convention, as it was to be regarded as a ground of inadmissibility of the application. This means that the provision does not prevent anyone from being recognised as a stateless person in a substantive sense, but only in a procedural sense, as the application is rejected without being examined on the merits. The resolution also refers to the fact that the preliminary national security control is in line with the 1954 Convention, as the right to stay on the territory of the country in question, as provided by Article 31 of the Convention, might also be exercised exclusively by those stateless persons who are not to be regarded as national security concerns.</p>	<p><a href="#">32ab/\$FILE/14_2021%20AB%20hat%3%A1rozat.pdf</a> (HU)</p>
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SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p><a href="#">ENS (2013)</a>: If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>Yes. The authority has the duty to ensure the applicant's access to legal assistance. Applicants for stateless status are entitled to state-funded legal aid, without the examination of their financial situation (based on the simple declaration of the person concerned that she/he is in need of this form of support). There is no information about whether applicants for stateless status use this opportunity in practice. At the same time, the specifically trained lawyers of the Hungarian Helsinki Committee offer professional free-of-charge legal assistance and representation in statelessness determination procedures, with the financial support of UNHCR. The applicant's authorised representative is entitled to be present at the interviews and shall be informed about the time of the interview five days in advance. According to the experience of the Hungarian Helsinki Committee, the representative is permitted to make comments or ask questions during the interviews.</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 77 (3) (HU)</p> <p>Act LXXX of 2003 on Legal Aid: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=75608.386547">http://njt.hu/cgi_bin/njt_doc.cgi?docid=75608.386547</a>, Section 5 (2) (d) (HU)</p> <p>Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a>, Section 163 (3) (HU)</p> <p>Hungarian Helsinki Committee</p>
SDS.6.b		Is an interview always offered (unless granting without interview)?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to an individual interview [is] essential.</p>	<p>Yes, the interview is mandatory in all cases.</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 77 (1) (HU)</p>
SDS.6.c		Is free interpreting offered for statelessness determination interviews?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to assistance with interpretation/translation [is] essential.</p> <p><a href="#">ENS (2013)</a>: Assistance should be available for translation and interpretation.</p>	<p>Yes, the applicant has the right to use their mother tongue or another language they understand in the procedure, and the proceeding authority provides the interpreter. In addition, the proceeding authorities can accept foreign-language documents submitted by the applicant in support of their claim without a certified translation and an apostil.</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 77 (2) (HU)</p> <p>Government Decree 114/2007. (V. 24.) on the execution of Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075">http://njt.hu/cgi_bin/njt_doc.cgi?docid=111296.376075</a>, Section 164 (2) (HU)</p>
SDS.6.d		Are there quality assurance audits of the SDP?	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Quality assurance audits of SDPs are considered good practice.</p>	<p>Yes. Hungary was the first country in the world to introduce a quality monitoring mechanism for statelessness determination procedures, in cooperation with (and upon the incentive of) UNHCR. Annual activities include joint quality audit of a sample of decisions by a UNHCR expert and a senior focal point by the immigration authority, as well as a yearly information provision day with the participation of immigration policing officers involved in deciding statelessness claims.</p>	<p>Hungarian Helsinki Committee</p>
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.</p>	<p>Annual activities include joint quality audit of a sample of decisions by a UNHCR expert and a senior focal point by the immigration authority, as well as a yearly information provision day with the participation of immigration policing officers involved in deciding statelessness claims.</p>	<p>Hungarian Helsinki Committee</p>
SDS.6.f		Are decisions (refusals and grants) given in writing with reasons?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.</p>	<p>Yes, based on the general rules of administrative procedures.</p>	<p>Act CL of 2016 on the general rules of administrative procedures: <a href="http://njt.hu/translated/doc/J2016T01_50P_20200722_FIN.pdf">http://njt.hu/translated/doc/J2016T01_50P_20200722_FIN.pdf</a>, Section 81 (1) (HU)</p>
SDS.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.</p>	<p>The authority shall take a decision within 45 days (Section 78 (3) of Act II of 2007 on the entry and stay of third-country nationals). The immigration authority can suspend the procedure if it needs to contact a foreign authority (Section 48 (1) (b)) of Act CL of 2016 on the general rules of administrative procedures, and the time during which the procedure is suspended is not included in the calculation of the time limit (Section 50 (5) (a)). This means that, in principle, the statelessness determination procedure can be prolonged legally for several months or even years, if the 'National Directorate-General for Alien Policing' is waiting for responses by foreign authorities.</p>	<p>Act CL of 2016 on the general rules of administrative procedures: <a href="http://njt.hu/translated/doc/J2016T01_50P_20200722_FIN.pdf">http://njt.hu/translated/doc/J2016T01_50P_20200722_FIN.pdf</a>, Sections 48 (1) (b), 50 (2) (c) and 50 (5) (a) (HU)</p>

SDS.6.h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. <a href="#">ENS (2013)</a> : Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.	No.	
SDS.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for stateless status is assessed or is there a risk of expulsion?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being 'lawfully in' the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for stateless status receive the same treatment as asylum-seekers. <a href="#">ENS (2013)</a> : States should refrain from expelling or removing an individual pending the outcome of the determination process.	Act II of 2007 explicitly stipulates that the immigration authority shall issue the applicant for stateless status a temporary residence certificate ( <i>ideiglenes tartózkodásra jogosító igazolás</i> ) for the duration of the statelessness determination procedure, unless the applicant already has any other type of valid residence entitlement. The maximum validity is 6 months and can be renewed for maximum 6-month periods (Section 30 (2) (d)). In practice, the immigration authority does not issue this permit to those in an expulsion procedure and immigration detention. The HHC in 2017 assisted the case of a stateless man who applied for stateless status while in immigration detention and who was kept in immigration detention while his case was processed, and later, he was even deported to Lebanon before a final decision was reached in his statelessness determination procedure.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Sections 30 (1) (i) and 30 (2) (d) (HU)  Hungarian Helsinki Committee
SDS.7.b		Do applicants for stateless status have permission to work and access to assistance to meet their basic needs?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.	No. The temporary residence certificate ( <i>ideiglenes tartózkodásra jogosító igazolás</i> ) does not entitle its holder to engage in gainful employment in Hungary. There are no specific provisions in place for applicants for statelessness status regarding assistance to meet their basic needs.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 20 (4) (HU)
SDS.7.c		Do applicants for stateless status face a risk of detention?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.	Yes. While the law explicitly stipulates that the immigration authority shall issue the applicant for stateless status a temporary residence certificate ( <i>ideiglenes tartózkodásra jogosító igazolás</i> ) for the duration of the statelessness determination procedure, the submission of a claim for statelessness status is not perceived as an automatic ground for release from immigration detention. For instance, the HHC in 2017 assisted the case of a stateless man who applied for statelessness status while in immigration detention and who was kept in immigration detention while his case was processed (and later even deported to Lebanon).	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 30 (1) (i) (HU)  Hungarian Helsinki Committee
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	Yes. The applicant has 15 days to submit a motion for judicial review. The Budapest Regional Court (Fővárosi Törvényszék) has exclusive competence in these cases and has 90 days to decide. The Court can (but is not obliged to) order the personal hearing of the applicant. The Court can grant statelessness status itself, as well as it can quash the administrative decision and return the case to the administrative authority and can reject the motion and confirm the administrative rejection. Further appeal is possible (unlike in asylum cases), before the Supreme Court ( <i>Kúria</i> ).	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 80 (2)-(3) (HU)  Act I of 2017 on the Code of Administrative Court Procedure, Section 7  Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 88/R (2) (HU)
SDS.8.b		Is legal aid available for appeals?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. <a href="#">ENS (2013)</a> : Applicants should have access to legal counsel both at first instance and on appeal.	Yes. The applicant has the right to legal assistance during the entire procedure.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 77 (3) (HU)
SDS.8.c		Is there a fee for the appeal application?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : An effective right to appeal against a negative first instance decision is an essential safeguard.	The law explicitly stipulates that the statelessness determination procedure, including its judicial review phase, is free of charge for the applicant.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 80 (4) (HU)

SDS.9.a	Stateless status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	Yes. Stateless persons recognised as such receive a humanitarian residence permit ( <i>humanitárius tartózkodási engedély</i> ). There are no additional requirements.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 29 (2) (a)-(b) (HU)
SDS.9.b		How long is initial status granted for and is it renewable?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	Upon first issuance, the residence permit has a maximum validity of three years. After expiry, it can only be renewed for one-year periods. There is no reasonable explanation for this restrictive rule.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 29 (2) (a)-(b) (HU)
SDS.9.c		Is a travel document issued to people recognised as stateless?	<a href="#">1954 Convention</a> : Article 28.	Yes.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Sections 83-86 (HU)
SDS.9.d		Do people recognised as stateless have a right to family reunification?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised stateless status in their territory with their spouses and dependents.	Recognised stateless persons, as holders of a humanitarian residence permit, are entitled to family reunification under the general rules stipulated by Act II of 2007. These strict rules require the family to demonstrate sufficient livelihood, accommodation and health insurance in Hungary, as well as proof of the family link. Family members are also required to lawfully reside in the country where they submit their claim for family reunification (a condition the HHC considers in breach of relevant EU rules). No preferential rules are in place for recognised stateless persons.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 19 (HU)
SDS.9.e		On what grounds (if any) may residence status granted to stateless people be revoked?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.	According to the law, statelessness status shall be revoked if: a) the stateless person re-acquired their previously lost nationality; b) the stateless person acquired a new nationality; c) the stateless person was granted statelessness status despite exclusion grounds being applicable that time or if exclusion grounds are applicable against them [at the moment]; d) the conditions for recognising the person's statelessness were not met at the time of recognition; e) the stateless person, during the statelessness determination procedure, omitted a material fact or facts, or made false declarations regarding a material fact or facts, or used forged documents, provided that this influenced the merits of statelessness determination. The same general evidentiary and procedural rules apply to the revocation procedure as to statelessness determination and the procedural deadline for the 'National Directorate-General for Alien Policing' is 45 days.	Act II of 2007: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Sections 76-81 (HU)
SDS.9.f		Do people granted stateless status have permission to work?	<a href="#">1954 Convention</a> : Article 17 <a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to work must accompany a residence permit.	Yes. However, statelessness status ensures only limited access to the labour market, as stateless persons need to obtain a work permit ( <i>munkavállalási engedély</i> ) prior to their employment. A work permit can only be issued for stateless persons, if the employer had already announced her/his need for workers and if no suitable, already registered job-seeker (Hungarian or EEA-national, refugee, beneficiary of subsidiary protection, permanent resident third-country national or other third-country national previously in employment for over six months in Hungary) has applied for the same post. Far from being a mere technical formality, this limitation may render access to employment particularly burdensome, considering the limited validity of the humanitarian residence permit and the usual procedural delays and difficulties in obtaining a work permit. The HHC has been advocating for a decade for the elimination of this limitation, which – considering the minuscule number of persons granted	Government Decree 445/2013. (XI. 28.): <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=165186.378149">http://njt.hu/cgi_bin/njt_doc.cgi?docid=165186.378149</a> , Section 3 (1)-(3) (HU)  Act IV of 1991 on the promotion of employment and unemployment benefits: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=14929.376976">http://njt.hu/cgi_bin/njt_doc.cgi?docid=14929.376976</a> (HU)



				stateless status per year – would not have any measurable impact on the labour market.	
SDS.9.g		Do people granted stateless status have access to primary, secondary, and higher education?	<a href="#">1954 Convention</a> : Article 22	Yes. Children holding a residence permit in Hungary are entitled to state-funded pre-school care (kindergarten) and public primary and secondary education similarly to Hungarian nationals. Recognised stateless persons have a right to enrol in state-funded, partly state-funded or self-financed higher education studies, similarly to Hungarian nationals.	Act CXC of 2011 on national public education: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=139880.370725">http://nit.hu/cgi_bin/njt_doc.cgi?docid=139880.370725</a> , Section 92 (1) (c) (HU) Act CCIV of 2011 on national higher education: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=142941.386026">http://nit.hu/cgi_bin/njt_doc.cgi?docid=142941.386026</a> , Section 39 (1) (b) (HU)
SDS.9.h		Do people granted stateless status have access to social security and healthcare?	<a href="#">1954 Convention</a> : Articles 23 & 24 <a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	Entitlement to social security services (including healthcare) is usually linked to gainful employment or other lucrative or productive activities (employees, private entrepreneurs, corporate entrepreneurs, members of cooperatives, persons following professional education based on an 'education contract', church personnel, etc.). Acquiring stateless status does not, therefore, create an entitlement to social security, unless the stateless person can also fulfil one of these conditions (e.g. is employed). A stateless person staying in Hungary without any such entitlement can benefit from basic public healthcare services (similarly to any person residing on Hungarian territory). However, the scope of these services is limited and covers only: <ul style="list-style-type: none"> <li>· Vaccinations, epidemic examinations, mandatory medical examinations, quarantine, transportation of persons suffering from a contagious disease;</li> <li>· Ambulance services if the person needs immediate help;</li> <li>· Healthcare services in emergency cases and afterwards until the stabilisation of the patient's conditions;</li> <li>· Healthcare services in case of a disaster.</li> </ul> Some other public healthcare services (such as pre-natal and maternity care) are only available to those who already have a domicile ( <i>lakóhely</i> ) in Hungary. However, persons with stateless status are not allowed to establish a domicile (only several – minimum three – years after the recognition of their status, when and if they acquire a permanent residence permit).	Act CXXII of 2019 on the Entitlement to Social Security of the Funding of These Services: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=217265.386598">http://nit.hu/cgi_bin/njt_doc.cgi?docid=217265.386598</a> , Section 6 (HU)  Act CLIV of 1997 on Health: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=30903.390588">http://nit.hu/cgi_bin/njt_doc.cgi?docid=30903.390588</a> , Section 142 (2)-(3) (HU)
SDS.9.i		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)? <b>[Section complete, proceed to DET]</b>	<a href="#">1954 Convention</a> : Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.	Only Hungarian nationals may vote in national elections. Stateless persons, as such, are not allowed to vote in local (municipal) elections. However, if a stateless person is granted refugee status or subsidiary protection, or if they obtain a permanent residence permit, they become entitled to vote in local (municipal) elections. Note that the humanitarian residence permit that is granted to stateless persons recognised in the framework of a statelessness determination procedure does not ensure this right to its holder.	The Fundamental Law of Hungary: <a href="http://nit.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf">http://nit.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf</a> , Article XXIII (3)

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p><a href="#">ICCPR</a>: Article 9  <a href="#">ECHR</a>: Article 5  <a href="#">EU Return Directive</a>: Article 15  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient.  <a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">HRC, Report of the Special Rapporteur (2012)</a>: The obligation to always consider alternatives before resorting to detention should be established by law.  <a href="#">International Detention Coalition (2015)</a>: Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>The Fundamental Law of Hungary (Constitution) stipulates that 'Everyone shall have the right to liberty and security of the person' and 'No one shall be deprived of liberty except for reasons specified in an Act and in accordance with the procedure laid down in an Act'.</p> <p>Act II of 2007 includes two types of 'immigration detention':</p> <p>1) Detention in order to conduct an immigration policing procedure ('detention in preparation of expulsion'), Section 55 (1): 'The immigration authority may order the detention in preparation of expulsion (return) of the third-country national in order to secure the conclusion of the immigration proceedings pending, if their identity or the legal grounds of their residence is not clarified, or if the return of the third-country national under the bilateral readmission agreement to another Member State of the European Union is pending.</p> <p>(2) Detention in preparation of expulsion shall be ordered by way of a formal resolution, and shall be carried out when communicated.</p> <p>(3) Detention in preparation of expulsion may be ordered for a maximum duration of seventy-two hours, and it may be extended by the district court of jurisdiction by reference to the place of detention until the third-country national's identity or the legal grounds of their residence is clarified, or for maximum thirty days.</p> <p>2) Detention in order to enable the implementation of a return (expulsion) decision by way of removal, Section 54 (1): 'In order to secure the removal of a third-country national the immigration authority may take into detention under immigration law the person in question if:</p> <p>a) they are hiding from the authorities or is obstructing the enforcement of removal in some other way;</p> <p>b) they have refused to leave the country, or it may be assumed on other substantiated reasons, that the person delays or frustrates the implementation of removal, or there is a risk of absconding of the third-country national;</p> <p>c) they have seriously or repeatedly violated the code of conduct of the assigned place of stay;</p> <p>d) they have failed to appear before the authority as ordered despite of a call to do so, and so hinders the immigration proceeding;</p> <p>or</p> <p>e) they are released from imprisonment as sentenced for a deliberate crime.'</p> <p>The law stipulates that before ordering immigration detention, the authority shall consider if less coercive measures (confiscating the passport or designating a compulsory place of residence) may also secure removal and provides that families with minors shall only be detained as a measure of last resort and for not more than 30 days, where the best interests of the child shall be a primary consideration.</p> <p>Alternatives to immigration detention are provided for in law: seizing the travel document, the return ticket or financial resources of the person and ordering a designated place of stay. The immigration authority shall have powers to order the stay in a designated place (as an alternative to immigration detention), if the third-country national in question should be placed under immigration detention, but detention would result in a disproportionate detriment taking</p>	<p>The Fundamental Law of Hungary: <a href="http://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf">http://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf</a>, Article IV (1)-(2)</p> <p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Sections 55(1) &amp; 54 (1) (HU)</p> <p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Sections 54(2) &amp; 56(3) (HU)</p> <p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Sections 48(2), 50(2), 62 &amp; 63 (HU)</p> <p>Hungarian Helsinki Committee</p>



				<p>into account the state of health and age of the person concerned. Note that the ‘disproportionate detriment’ test seems a stricter (less favourable) standard than the ‘least invasive/coercive measure’ standard in international guidance.</p> <p>Statistics published by the immigration authority demonstrate that ordering a designated stay is applied in practice as an alternative; in 2017, for instance, in 388 cases.</p> <p>The law does not foresee any proportionality test while applying the alternatives and no time limit is defined by law.</p> <p>According to the HHC’s experience, most detention orders only cite the relevant provision from the law, i.e. the grounds for detention in detention orders, but does not provide any concrete justification of why the detention of a particular person meets the legal grounds for detention. Detention orders are generic in nature and never consider alternatives to detention or take into account individual special circumstances.</p>	
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p><a href="#">ICCPR</a>: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).  <a href="#">ECtHR, Auad v. Bulgaria (2011)</a>: In cases detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities’ diligence in handling the deportation.  <a href="#">EU Return Directive</a>: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	No, under ‘detention in preparation of expulsion’ the expulsion decision is not yet issued; therefore the proposed country of removal does not yet have to be clearly established.	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> , Section 55(1) (HU)
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<p><a href="#">EU Return Directive</a>: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.  <a href="#">UN Working Group on Arbitrary Detention (2018)</a>: When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.  <a href="#">ECtHR, Auad v. Bulgaria (2011)</a>  <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a></p>	<p>Yes, there is. Section 54 (6) of Act II of 2007 on the entry and stay of third-country nationals provides that detention shall be terminated when it becomes evident that the expulsion cannot be executed.</p> <p>Detention under immigration laws otherwise may be ordered for a maximum duration of seventy-two hours, and it may be extended by the district court of jurisdiction until deportation, not exceeding sixty days at a time. This may be extended by the district court by up to six additional months on the expiry of a period of six months, if carrying out the expulsion order takes more than six months, in spite of having taken all necessary measures, due to: a) the failure of the third-country national affected to cooperate with the competent authority, or b) delays in obtaining the documents required for deportation attributable to the authorities of the third-country national’s country of origin, or another state liable for readmission under readmission agreement or which is otherwise liable to accept him/her. This means that immigration detention might take up to 12 month as a maximum. After 6 months, or, in case of extension as referred herein, after 12 months, immigration detention must be terminated.</p> <p>Worth noting, however, that these safeguards in practice are frequently dysfunctional. The HHC has encountered cases in which after release the person in question was then immediately arrested and detained, with reference to another legal basis (e.g someone’s mandatory immigration detention is ordered after his/her release from criminal detention, but once the immigration detention is over and the person is released, immigration detention is immediately ordered again for illegal stay).</p>	Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a> Section 54 (HU)

DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a>  <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a>: Detention may only be justified as long as deportation proceedings are being conducted with due diligence.  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.  <a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.  <a href="#">ICJ, Migration and International Human Rights Law (2014)</a>: The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	No explicit domestic legal norm stipulates that statelessness is a juridically relevant fact in decisions related to immigration detention. The HHC is not aware of any case where this principle would have been raised in immigration detention-related decisions of the immigration authority or a court in charge of the judicial review of immigration detention.	Hungarian Helsinki Committee
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p><a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a>: Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	<p>Hungarian legislation does not provide a definition of vulnerability specifically in constitutional, immigration or in asylum law. There is no reference to statelessness as a factor increasing vulnerability in any domain of Hungarian law.</p> <p>The Hungarian Act on Asylum provides a definition of 'persons eligible for preferential treatment'. Unaccompanied minors, or other vulnerable persons such as minors, elderly people, disabled people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, if they are found to have special needs after an individual evaluation of their situation belong to this group. These groups are excluded from certain types of asylum procedures (airport and border procedure) and their needs have to be taken into consideration regarding their reception. Stateless persons are not considered eligible for preferential treatment. There is also a definition of 'sensitive risk groups' in labour law to protect workers with special physical or mental characteristics.</p>	<p>Act LXXX of 2007 on Asylum <a href="https://njt.hu/jogszabaly/2007-80-00-00">https://njt.hu/jogszabaly/2007-80-00-00</a> Section 2 k.) (HU)</p> <p>Act XCIII of 1993 on Labour Safety: <a href="https://www.njt.hu/jogszabaly/1993-93-00-00">https://www.njt.hu/jogszabaly/1993-93-00-00</a> Section 87 (8/A.) (HU)</p>
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.  <a href="#">EU Return Directive</a>: Article 16(3)  <a href="#">EU Return Handbook (2017)</a>: Attention should be paid to the specific situation of stateless persons.  <a href="#">Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013)</a>: European entities should assess the situation of LGBTI persons in detention.  <a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a>: There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	<p>Act II of 2007 does not explicitly provide an obligation to assess vulnerabilities before ordering detention. However, it stipulates that the Immigration authority shall have powers to order the stay in a designated place (as an alternative to immigration detention), if the third-country national should be placed under immigration detention, but detention would result in a disproportionate detriment taking into account the state of health and age of the person concerned.</p> <p>UNHCR in its 2012 country report wrote: 'Hungary imposes prolonged periods of administrative detention upon asylum-seekers without providing avenues to effectively challenge the detention once ordered or considering alternatives to detention. Judicial review of administrative detention of asylum-seekers is ineffective in Hungary in many instances, as courts fail to address the lawfulness of detention in individual cases, or to provide individualized reasoning based upon the specific facts and circumstances of the applicant.'</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 62(g) (HU)</p> <p>UNHCR, Hungary as a Country of Asylum: <a href="http://www.refworld.org/pdfid/4f9167db2.pdf">http://www.refworld.org/pdfid/4f9167db2.pdf</a>, April 2012</p>

				<p>Administrative decisions imposing detention on foreigners for unlawful entry or stay are subject to review conducted by first instance courts. Such reviews are conducted mostly by criminal law judges in a manner normally applied in criminal cases. It is common practice for the court to issue decisions for a group of five, 10, or 15 detainees within 30 minutes, thus significantly decreasing the likelihood of a fair and individualized review.'</p> <p>Until July 2013 immigration detention was massively applied against asylum-seekers. In July 2013, a specific detention regime was introduced for asylum-seekers ('asylum detention'), hence the scarcity of up-to-date reports focusing specifically on immigration (and not asylum) detention since then.</p> <p>An expert group of the Hungarian Supreme Court (<i>Kúria</i>) carried out an in-depth analysis of the judicial review of immigration detention. In its summary report, it formulated severe criticism, concluding that the judicial review was ineffective, for a number of reasons, including the ineffectiveness/mere formality of the case guardian's role (who should represent the detainee), the overburdening of proceeding judges and a misinterpretation of the grounds for detention resulting in an automatic approval of the immigration authority's motion for continued detention. The summary report mentions that out of 5325 decisions in 2011, the court decided to discontinue immigration detention (and reject the motion of the immigration authority) in no more than 3 (!) cases. The judicial expert group formulated numerous concrete recommendations to remedy these systemic deficiencies, most of which have not been implemented to date.</p> <p>Despite all this criticism, no steps have been made to remedy the situation to date. According to the HHC's experience, most decisions ordering or prolonging immigration detention only cite the relevant provision from the law, i.e. the grounds for detention, but do not provide any concrete justification of why the detention of a particular person meets the legal grounds for detention. Detention orders are generic in nature and fail to properly consider alternatives to detention or take into account individual special circumstances. Statelessness is not defined as a vulnerability, neither by law, nor by practice.</p>	<p>Briefing paper: <a href="http://helsinki.hu/wp-content/uploads/HHC_briefing-paper_UNWGAD_8_Oct_2013.pdf">http://helsinki.hu/wp-content/uploads/HHC_briefing-paper_UNWGAD_8_Oct_2013.pdf</a> of the Hungarian Helsinki Committee for the Working Group on Arbitrary Detention UN Commission of Human Rights, 8 October 2013</p> <p>Summary Opinion: <a href="http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_osszefoglalo_velemenye_kuria.pdf">http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_osszefoglalo_velemenye_kuria.pdf</a> by the Immigration Policing Expert Working Group of the Kúria (Supreme Court), 23 September 2013, p.36 &amp; p.39 (HU)</p> <p>Hungarian Helsinki Committee</p>
DET.2.d		Are stateless people detained in practice?		<p>There are no publicly available statistics about the immigration detention of stateless persons. Hungary resorts to immigration detention as a frequent and regular practice. For example, according to the official statistics published by the immigration authority, immigration detention was ordered in the cases of 1280 foreigners in 2014; 1545 in 2015; 1073 in 2016; and 455 in 2017. Yet the number of stateless persons in immigration detention is low. According to the information received from the National Police Headquarters, immigration detention was not ordered against any stateless person in 2020. The National Police Headquarters could not provide information regarding the length of detention.</p>	<p>Statistics available on the website: <a href="http://bevandorlas.hu/index.php?option=com_k2&amp;view=item&amp;layout=item&amp;id=177&amp;Itemid=1232&amp;lang=hu">http://bevandorlas.hu/index.php?option=com_k2&amp;view=item&amp;layout=item&amp;id=177&amp;Itemid=1232&amp;lang=hu</a> of the 'National Directorate-General for Alien Policing'</p> <p>Response by the National Police Headquarters of 16 January 2021 to the HHC's freedom of information request.</p>
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p><a href="#">ICCPR</a>: Article 9(4)  <a href="#">ECHR</a>: Article 5(4)  <a href="#">EU Return Directive</a>: Articles 12, 13 and 15(5)  <a href="#">HRC, Report of the Working Group on Arbitrary Detention (2010)</a>: A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p>	<p>Detention in preparation for expulsion: maximum 30 days (S.55(3)). Detention to enable implementation of a return (expulsion) decision: 30 days for families with children (S.56(3)) and 12 months in other cases (S.54 (6)).</p> <p>In practice, detainees receive the detention order in Hungarian. Note that since the unilateral cessation by the police of its cooperation agreement with HHC in 2017, it</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Sections 55(3), 54(6) &amp; 56(3) (HU)</p> <p>Hungarian Helsinki Committee</p>



			<p><a href="#">UNHCR, Detention Guidelines (2012)</a>: To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p><a href="#">UNGA, Body of Principles (1988)</a>: Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.</p> <p><a href="#">ECtHR, Kim v. Russia (2014)</a>: The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>has become impossible to conduct human rights-focused monitoring visits to immigration detention, resulting in lack of up-to-date information about daily practices.</p> <p>There is an automatic court review procedure, performed at 60-day intervals in case the immigration authority requests prolongation of detention. Within 24 hours of ordering detention the immigration authority shall request the court for an extension, which decision shall be taken by the court within 72 hours from the start of the detention. After that, the court may extend the detention for a maximum duration of 60 days.</p> <p>Section 54 (6) of Act II of 2007 on the entry and stay of third-country nationals provides that detention shall be terminated when it becomes evident that the expulsion cannot be executed.</p> <p>Detention under immigration laws otherwise may be ordered for a maximum duration of seventy-two hours, and it may be extended by the district court of jurisdiction until deportation, not exceeding sixty days at a time. This may be extended by the district court by up to six additional months on the expiry of a period of six months, if carrying out the expulsion order takes more than six months, in spite of having taken all necessary measures, due to: a) the failure of the third-country national affected to cooperate with the competent authority, or b) delays in obtaining the documents required for deportation attributable to the authorities of the third-country national's country of origin, or another state liable for readmission under readmission agreement or which is otherwise liable to accept him/her. This means that immigration detention might take up to 12 month as a maximum. After 6 months, or, in case of extension as referred herein, after 12 months, immigration detention must be terminated.</p> <p>Worth noting, however, that these safeguards in practice are frequently dysfunctional. The HHC has encountered cases in which after release the person in question was immediately arrested and detained again, with reference to another legal basis (e.g. someone's mandatory immigration detention is ordered after his/her release from criminal detention, but once the immigration detention is over and the person is released, immigration detention is immediately ordered again for illegal stay).</p> <p>Hungarian law does not foresee any appeal against the ordering or prolongation of immigration detention – in fact appeal against the ordering of detention is explicitly excluded by (S.57(2)). The detainee may submit a so-called 'complaint' (<i>kifogás</i>) but only with regard to certain rights related to immigration detention in S.60-61 Act II 2007 (access to information, right to practice one's religion, treatment of minors, detention conditions, etc.), not the detention itself.</p> <p>According to the law, the court shall appoint a representative ad litem ('case guardian') for any third-country national or his/her family member who does not understand the Hungarian language and is unable to contract the services of a legal representative. The representative ad litem is payed for by the court, but the activity of such representatives has been subject to serious criticism. The Summary Opinion of the Immigration Policing Expert Working Group of the Kúria (Supreme Court) concluded in 2013 that one court failed to appoint representatives ad litem and others regularly failed to note</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 58 (HU)</p> <p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 57(2) &amp; Sections 60-61 (HU)</p> <p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://nit.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Section 59 (4) (HU)</p> <p>Summary Opinion: <a href="http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_osszefoglalo_velemenye_kuria.pdf">http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_osszefoglalo_velemenye_kuria.pdf</a> by the Immigration Policing Expert Working Group of the Kúria (Supreme Court), 23 September 2013 (in particular pp. 41-45) (HU)</p> <p>Report: <a href="https://helsinki.hu/wp-content/uploads/Kiskunhalasi-latogatas-2011december13_FINAL_nonlapra.pdf">https://helsinki.hu/wp-content/uploads/Kiskunhalasi-latogatas-2011december13_FINAL_nonlapra.pdf</a> on HHC's monitoring visit to the Kiskunhalas immigration detention centre on 13 December 2011 (HU)</p> <p>Report: <a href="https://www.helsinki.hu/wp-content/uploads/termination-of-agreements-summary.pdf">https://www.helsinki.hu/wp-content/uploads/termination-of-agreements-summary.pdf</a> on the termination of cooperation agreements with the Hungarian Helsinki Committee</p>
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				<p>representatives' contact and share case documentation (including motions requesting prolongation of detention to which the representative should react before the court). Rules on representatives' fee and obligation to be present at court hearings were not clear, and very often representatives were not present when detention was prolonged. The HHC reported in 2011, based on a monitoring visit to the Kiskunhalas District Court, detention prolongation court 'hearings' were conducted in groups of 5-10 (detainees were grouped according to nationality), without any individualisation. Representatives ad litem present at the 'hearings' did not even know their clients' names. According to the HHC's long-standing experience, state-appointed representatives ad litem usually do not object to the prolongation of detention, do not provide individualised arguments to challenge detention and thus fail to fulfil the role of a legal representative responsible for representing the rights and interests of their client. Their role is usually symbolic, lacking any actual impact on the outcome of the process. The Hungarian Helsinki Committee has been providing free-of-charge, high-quality legal assistance for immigration detainees for decades, with the support of UNHCR. Until the summer of 2017, a specific cooperation agreement with the police allowed HHC attorneys to pay regular visits to detention, ensuring direct and proactive outreach to the target group. Since the unilateral termination of this cooperation agreement, the HHC has more limited access to immigration detainees, who now explicitly need to request a specific HHC attorney as their legal representative for them to gain access to a detained client.</p>	
DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>While not regulated by clear legal provisions, the HHC's experience from the field indicates that immigration detainees receive written information about their rights and obligations, which is translated to them, but the exact modalities of this process, or whether the information is sufficiently complete or accessible for the detainees is unknown. No specific information is provided to detainees about the possibility of requesting stateless status.</p>	Hungarian Helsinki Committee
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	<p>There are no specific rules in Hungarian law. The HHC has no information about specific state policy or practice in this respect.</p>	
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	<p><a href="#">1954 Convention</a>: Article 27</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Being undocumented cannot be used as a general justification for detention.</p> <p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>By law, persons released from immigration detention are issued a so-called temporary residence certificate (<i>ideiglenes tartózkodásra jogosító igazolás</i>) for a maximum of three months (six months if the authority also ordered a compulsory place of stay). The immigration authority may order a compulsory place of stay if the maximum time limit for immigration detention is over, but the grounds for ordering detention are still valid. Private accommodation (if conditions are met) can be ordered as well as state-run community shelters, reception centres and transit zones. There are no specific rules concerning statelessness determination or referral to such procedures upon release from immigration detention.</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Sections 30(1)(h) &amp; (j), 30(2)(a) &amp; (d) and 62(1)(d) (HU)</p>
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal	<p><a href="#">CJEU, Kadzoev, C-357/09 PPU (2009)</a>: After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to</p>	<p>By law, the immigration authority may revoke an expulsion order and ban on entry ex officio, if the expulsion could not be carried out for 12 months, 'by no fault' of the person concerned. In such cases, the person is</p>	<p>Act II of 2007 on the entry and stay of third-country nationals: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place">http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707#foot_443_place</a>, Sections 29(1)(a) &amp; (2)(f) &amp; 47(10) (HU)</p>



		status and rights are provided to them in law?	support themselves should not be a deterrent to release. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	provided with a renewable humanitarian residence permit valid for one year, provided that they: <ul style="list-style-type: none"> <li>· Cooperated with the immigration authority in the execution of the detention order;</li> <li>· Kept the 'rules of behaviour' (e.g. while detained) and fulfilled their obligations to periodically report to the immigration authority (if relevant); and</li> <li>· Has a clear criminal record and is not under any criminal procedure.</li> </ul> The HHC has no information about the actual application of this provision in practice. If the immigration authority does not revoke the expulsion order, the person will receive a temporary residence certificate upon release from immigration detention (see previous question for details).	
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	No information available. Note that Hungary is party to and applies EU joint readmission agreements.	EU joint readmission agreements: <a href="https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en">https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en</a>
DET.5.b		Are you aware of cases of cases of stateless people being returned under such agreements?		Yes, in 2017, the HHC provided legal assistance to a stateless man of Lebanese descent, who was born and had lived in another EU country, who was officially admitted to Lebanon despite his unquestioned lack of Lebanese nationality and despite the fact that his statelessness determination procedure was still pending in Hungary.	Hungarian Helsinki Committee

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<a href="#">1954 Convention</a> : Article 32 <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. <a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a> : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. <a href="#">ENS (2013)</a> : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	The 1993 Nationality Act sets forth a variety of conditions for naturalisation, as well as different categories entitled to preferential treatment. For several years, three categories existed, which all required the applicant to have a domicile, livelihood, accommodation and no criminal record in Hungary, as well as to successfully pass a 'basic constitutional studies' examination in Hungarian. The difference between the standard and the two types of preferential naturalisation was the mandatory waiting time before an application could be lodged: 8, 5 and 3 years, respectively. Preferential treatment was motivated both by international obligations (e.g. vis-à-vis refugees) or ethno-cultural preferences. Stateless persons are integrated into the most preferential category with regard to the mandatory minimum domiciled residence requirement before naturalisation (3 years). However, persons with statelessness status are not allowed to establish a domicile (only several – minimum 3 – years after the recognition of their status, when and if they acquire a permanent residence permit); therefore, this favourable condition has limited impact in their case.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 4 (2) (e) and 23 (1) (HU)  Gábor Gyulai, The Black Box of Nationality. The Naturalisation of Refugees and Stateless Persons in Hungary: <a href="https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf">https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf</a> , Hungarian Helsinki Committee, 2015  Act LXVI of 1992 on the registration of nationals' personal data and residence: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=17345.376682">http://njt.hu/cgi_bin/njt_doc.cgi?docid=17345.376682</a> , Section 4 (1) (HU)
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a> : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	An applicant for naturalisation must have no criminal record according to Hungarian law, and there shall be no pending criminal proceedings against her/him before a Hungarian court. In addition, naturalisation of the applicant shall not violate Hungary's national or public security.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 4 (b) and (d) (HU)
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children.	<a href="#">1954 Convention</a> : Article 32 <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. <a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a> : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.	Aside from the timeframe to become eligible for naturalisation, in all other aspects, recognised stateless persons are required to fulfil similar conditions than any other applicant for standard naturalisation. As exemplified by the HHC's 2015 research, Hungary does not effectively fulfil its international obligation to reduce as far as possible the charges and costs associated with the naturalisation of refugees and stateless persons, who are required to pay high fees for passing a mandatory 'basic constitutional studies' examination and for presenting an official certified translation of various documents. Exemptions from the constitutional exam are available for those who have fully or partially limited legal capacity; have graduated from a school or university where the language of education is Hungarian; are over 60 years old; or prove that due to a permanent and irreversible deterioration of their health conditions they are unable to pass the examination. The examination encompasses various fields of knowledge, from political-administrative structure to history and literature. The basic constitutional studies examination has a mandatory fee of 50% of the gross monthly minimum salary, the exact sum of which is determined by a government decree on a yearly basis. This may represent a significant financial burden for many, as exemplified by the HHC's research in 2015 (in which year the fee amounted to nearly one third of the average monthly net salary in Hungary).	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Sections 4 (1) (e) and 4/A (HU)  Government decree 125/1993. (IX. 22.) on the implementation of Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19653.385547">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19653.385547</a> , Section 13 (6) (HU)  Gábor Gyulai, The Black Box of Nationality. The Naturalisation of Refugees and Stateless Persons in Hungary: <a href="https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf">https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf</a> , Hungarian Helsinki Committee, 2015, pp. 15-18
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? <b>[If yes, continue to PRS2b. If no, proceed to PRS2i]</b>	<a href="#">1961 Convention</a> : Article 1 <a href="#">ECN</a> : Article 2 <a href="#">CRC</a> : Article 7 <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. <a href="#">HRC, CCPR General comment No. 17 (1989)</a> : States are required to adopt every appropriate measure, both	Yes, but with incomplete safeguards. <b>OPTION A</b> – Automatic (ex lege), at birth, limited scope. Under S.3(3) Act LV 1993 on Hungarian nationality, until the contrary is proven, children born in Hungary, whose both parents are stateless and have a domicile in Hungary; and the children of unknown parents found in Hungary ('foundlings') are considered Hungarian nationals. <b>OPTION B</b> – Non-automatic (upon application), non-discretionary, later, general scope. Under S.5/A (1)(b) & (1a) Act LV 1993	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Sections 3(3), 5/A(1)(a) & (b)  Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310">https://www.refworld.org/docid/5310</a>

			internally and in cooperation with other States, to ensure that every child has a nationality when he is born. <a href="#">European Parliament resolution (2018)</a> : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	on Hungarian nationality, a child born in Hungary who does not obtain the nationality of either parent at birth is entitled to later become a Hungarian national by declaration ( <i>nyilatkozat</i> ). The recognition of Hungarian nationality is non-discretionary, provided the child's parents had a domicile in Hungary at the time of birth and the child has been residing in Hungary (with a domicile) for at least 5 years. This option is open until the child's 19 <sup>th</sup> birthday.  Hungary received a recommendation from the UN Child Rights Committee in 2020 to amend the law to strengthen safeguards to prevent statelessness at birth and ensure clear process and rules are applied uniformly throughout the country.	<a href="#">640b4.html</a> , Hungarian Helsinki Committee, January 2014  UN Committee on the Rights of the Child, Concluding observations on the sixth periodic report of Hungary, 3 March 2020, <a href="https://undocs.org/CRC/C/HUN/CO/6">https://undocs.org/CRC/C/HUN/CO/6</a>
PRS.2.b	Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	OPTION A above is automatic, OPTION B is non-automatic.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Sections 3(3), 5/A (1a) & (1)(b) (HU)  Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014	
PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	There are no specific rules in Hungarian law. The HHC has no information about specific State policy or practice in this respect.	Hungarian Helsinki Committee	
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The test is not an inquiry into whether a child's parents are stateless. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	OPTION A – Yes. For a stateless child born in Hungary (who is not a foundling), to be automatically considered a Hungarian national, both parents shall be stateless and both of them shall have a domicile in Hungary. Note that domicile is a specific and privileged legal status in Hungary (and not a matter of fact), and recognised stateless persons, beneficiaries of a tolerated ( <i>befogadott</i> ) status, as well as all third-country nationals without a permanent (long-term) resident status cannot establish a domicile in Hungary.  OPTION B – No.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Sections 3(3), 5/A (1a) & (1)(b) (HU)  Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014	
PRS.2.e	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	There is no such condition specifically mentioned in Hungarian law.		



PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p><a href="#">1961 Convention</a>: Article 1(2)  <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all.  <a href="#">CRC</a>: Articles 3 &amp; 7  <a href="#">Committee on the Rights of the Child, Concluding observations on the Netherlands (2015)</a>: Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.  <a href="#">ECN</a>: Article 6(2)(b)</p>	<p>OPTION A – No (automatic acquisition at birth, subject to different restrictive conditions).</p> <p>OPTION B – Yes. Minimum 5 years of lawful residence with a domicile. Note that domicile is a specific and privileged legal status in Hungary (and not a matter of fact), and recognised stateless persons, beneficiaries of a tolerated (<i>befogadott</i>) status, as well as all third-country nationals without a permanent (long-term) resident status cannot establish a domicile in Hungary.</p>	<p>Act LV of 1993 on Hungarian nationality:  <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a>, Sections 3(3), 5/A (1a) &amp; (1)(b) (HU)</p> <p>Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a>, Hungarian Helsinki Committee, January 2014</p>
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<p><a href="#">Committee on the Rights of the Child, Concluding observations on Czech Republic (2011)</a>: The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State.  <a href="#">ENS, No Child Should Be Stateless (2015)</a>: Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	<p>OPTION A – Yes. For a stateless child born in Hungary (who is not a foundling), to be automatically considered a Hungarian national, both parents shall be stateless and both shall have a domicile in Hungary. Domicile is a specific and privileged legal status in Hungary (and not a matter of fact), and recognised stateless persons, beneficiaries of a tolerated (<i>befogadott</i>) status, as well as all third-country nationals without a permanent (long-term) resident status cannot establish a domicile in Hungary. Refugees, beneficiaries of subsidiary protection, EU nationals and third-country nationals holding a permanent (long-term) residence permit do establish a domicile. In both cases, the parents shall be lawfully residing in Hungary for the safeguard to apply. If the stateless child's parents hold a status that includes domicile (e.g. they are refugees), there will be no minimum residence time requirement for the parents for the safeguard to apply. If the stateless child's parents hold a status that excludes establishing a domicile (e.g. they are recognised stateless persons), the safeguard will only apply if the parents have already obtained permanent residence permit (which they can apply for after 3 years of residence in a discretionary procedure), and thus the right to establish a domicile.</p> <p>OPTION B – Yes. In this case, the minimum 5 years of lawful residence with a domicile applies to the child, not the parents.</p>	<p>Act LV of 1993 on Hungarian nationality:  <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a>, Sections 3(3), 5/A (1a) &amp; (1)(b) (HU)</p> <p>Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a>, Hungarian Helsinki Committee, January 2014</p>
PRS.2.h		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	<p><a href="#">1961 Convention</a>: Article 1(2)  <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21.  <a href="#">ENS, No Child Should Be Stateless (2015)</a>: Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.</p>	<p>OPTION A – not relevant.</p> <p>OPTION B – The (restrictive) option of acquiring Hungarian nationality through declaration is open until the child's 19<sup>th</sup> birthday which only allows one year for this option after reaching the age of majority.</p>	<p>Act LV of 1993 on Hungarian nationality:  <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a>, Section 5/A (1a) &amp; (1)(b) (HU)</p> <p>Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a>, Hungarian Helsinki Committee, January 2014</p>
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.</p>	No.	
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<p><a href="#">1961 Convention</a>: Article 2  <a href="#">ECN</a>: Article 6(1)(b)</p>	<p>Under S.3(3) of the Act on Hungarian Nationality, until the contrary is proven, children of unknown parents found in Hungary ('foundlings') are automatically considered Hungarian nationals (OPTION A). Since 2011, children born to an unknown father and a known mother – whose identity is not proven and who abandons the child in the hospital after birth – are also treated as</p>	<p>Act LV of 1993 on Hungarian nationality:  <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a>, Section 3(3)(b) (HU)</p> <p>Act I of 2010 on Civil Registration Procedures:</p>

				foundlings and thus automatically acquire Hungarian nationality.	<a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726">http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726</a> , Section 61(5) (HU)  Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	The term 'foundling' reads as 'found child born to unknown parents' ( <i>ismeretlen szülőktől származó talált gyermek</i> ) in Hungarian law. Since the word 'child' is part of this term, and in the absence of any other restriction, there are no legal grounds for this to apply to any age sub-group among children (defined in law as under 18). This interpretation was confirmed by an official letter sent by the competent ministry to UNHCR. At the same time, there is no information about the practical application of this provision.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 3 (3) (b) (HU)  Letter No. 437-3068/2/2013 of 7 December 2013, Ministry of Public Administration & Justice to UNHCR Regional Representation for Central Europe  Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Yes. The law specifies 'until the contrary is proven'. There are no particular rules regulating such a situation, nor is there any information about actual cases.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 3(3)(b) (HU)
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">1961 Convention</a> : Article 5 <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No.	
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">ECN: Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Foreign or stateless children adopted by a Hungarian national do not automatically obtain Hungarian nationality but can apply after 3 years of residence. There are no specific age limits (but adoption is only possible before reaching the age of majority).	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 4(2)© (HU)
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">1961 Convention</a> : Article 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Children born to at least one Hungarian parent (regardless of the place of birth, the sex of the parent and whether the child was born in or out of wedlock) become Hungarian nationals automatically at birth.	The Fundamental Law of Hungary: <a href="http://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf">http://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf</a> , 25 April 2011, Section G(1)
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">ECtHR, Genovese v. Malta (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4	No.	The Fundamental Law of Hungary: <a href="http://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf">http://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf</a> , 25 April 2011, Section G(1)
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<a href="#">CRC</a> : Article 7 <a href="#">ICCPR</a> : Article 24(2) <a href="#">CoE, Recommendation CM/Rec(2009)13 (2009)</a> : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Article 7 CRC applies irrespective of the nationality,	Yes. All children born in Hungary shall be registered at birth (the law does not include any additional condition related to the parents' legal status). The fact of birth shall be announced within one day of the delivery to the civil registry authority by the head of the hospital where the birth took place; or the specifically trained medical person assisting the birth, if it took place outside a hospital.	Act I of 2010 on Civil Registration Procedures: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726">http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726</a> , Section 1(3)(a) (HU)  Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014



			statelessness or residence status of the parents. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7 <a href="#">UN Sustainable Development Goal 16.9</a>		
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a> : Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.	Yes.	
PRS.6.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<a href="#">CRC</a> : Articles 3 & 7	The civil registration authority shall examine the child's nationality at birth. If the child's nationality or statelessness is not proven, 'unknown nationality' shall be noted in the civil registry (and on the birth certificate). In Hungary, birth registration is linked and performed together with the establishment of nationality.	Act I of 2010 on Civil Registration Procedures: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726">http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726</a> , Section 16 (HU)
PRS.6.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	<a href="#">CRC</a> : Articles 3 & 7 <a href="#">1961 Convention</a> : Articles 1 & 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. <a href="#">HRC, CCPR General comment No. 17 (1989)</a> : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. <a href="#">HRC, D.Z. v. Netherlands (2021)</a>	No. Hungarian law does not appoint any authority to determine ex officio the nationality of children registered as of unknown nationality at birth. This results in a worrying gap when parents are not able to obtain an official proof of nationality for the child by contacting the competent consular authorities (as in the case of refugees). The Hungarian Helsinki Committee has observed several cases in which children born in Hungary to refugee parents and registered as of unknown nationality, remained registered as of unknown nationality for several years, or even permanently. This practice disregards the child's best interest and is at odds with all children's right to acquire a nationality.	Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014
PRS.6.e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' migration or residence status, sexual orientation or gender identity, or other reasons (please specify)?	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. <a href="#">Global Compact for Safe, Orderly and Regular Migration</a> : States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. <a href="#">Global Compact on Refugees</a> : States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. <a href="#">European Parliament Resolution (2018)</a> : Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.	No. Note that the latest available UNICEF and World Bank data reports 100% birth registration rate for Hungary.	United Nations Children's Fund, Every Child's Birth Right: Inequities and trends in birth registration, UNICEF, New York, 2013 <a href="https://data.unicef.org/resources/every-childs-birth-right-inequities-and-trends-in-birth-registration/">https://data.unicef.org/resources/every-childs-birth-right-inequities-and-trends-in-birth-registration/</a>  World Bank data on completeness of birth registration: <a href="https://data.worldbank.org/indicator/SP.REG.BRTH.ZS?end=2016&amp;name_desc=false&amp;start=2016&amp;view=map">https://data.worldbank.org/indicator/SP.REG.BRTH.ZS?end=2016&amp;name_desc=false&amp;start=2016&amp;view=map</a>

PRS.6.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> and <a href="#">Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC</a> : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. <a href="#">CoE, ECRI General Policy Recommendation No. 16(2016)</a> : States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	There are no specific rules in law.	
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. <a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a> : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	The law does not contain statutory deadlines. The birth shall be announced within one day of the delivery to the civil registry authority by the head of the hospital where the birth took place; or the specifically trained medical person assisting the birth, if it took place outside a hospital. The overwhelming majority of children are born in hospital and Hungary has a 100% birth registration rate, therefore the issue of late birth registration has never been raised as a challenge in public discourse and no research has been conducted on this issue.	World Bank data on completeness of birth registration: <a href="https://data.worldbank.org/indicator/SP.REG.BRTH.ZS?end=2016&amp;name_desc=false&amp;start=2016&amp;view=map">https://data.worldbank.org/indicator/SP.REG.BRTH.ZS?end=2016&amp;name_desc=false&amp;start=2016&amp;view=map</a>  United Nations Children's Fund, Every Child's Birth Right: Inequities and trends in birth registration, UNICEF, New York, 2013 <a href="https://data.unicef.org/resources/every-childs-birth-right-inequities-and-trends-in-birth-registration/">https://data.unicef.org/resources/every-childs-birth-right-inequities-and-trends-in-birth-registration/</a>
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	No information available.	
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7	No information available.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<a href="#">1961 Convention</a> : Article 9 <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4 <a href="#">HRC, Recommendations of the Forum on Minority Issues (2019)</a> : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	No specific ethnic, religious, etc. minorities have ever been reported to be at a specific risk of statelessness in Hungary. Research by the Hungarian Helsinki Committee in 2014 identified three particular groups of concern: Children born in Hungary to stateless persons with no domicile; children born to parents who are unable to pass on their nationality to their children (e.g. because of jus soli or sex discrimination); children born to beneficiaries of international protection who are unable to pass on their nationality to their children because this would require contact with the authorities of the country of origin. Such children are either born stateless or at risk of statelessness in Hungary.	Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<a href="#">1961 Convention</a> <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Actions 1 & 8 <a href="#">UNHCR, Good Practices Paper - Action 1 (2015)</a> : States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	In 2010, the Parliamentary Commissioner for Civil Rights and the Hungarian Helsinki Committee criticised practice relating to children born in a hospital to an unknown father and known foreign mother whose identity and nationality are not officially established, and who abandons the child shortly after birth. Previously, these children were not considered foundlings and did not obtain Hungarian nationality at birth. The mother's identity and nationality were often registered in the hospital registry without verification. The children were often treated as being of unknown nationality and so faced exclusion from services and risked being adopted or 'repatriated' to the mother's	Act I of 2010 on Civil Registration Procedures: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726">http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726</a> , Section 61(5) (HU)  Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: <a href="https://www.refworld.org/docid/5310640b4.html">https://www.refworld.org/docid/5310640b4.html</a> , Hungarian Helsinki Committee, January 2014

				country of nationality when established, sometimes only years later. Following strong criticism and several mediated cases, a new provision was introduced in law in 2011 to consider the child in such cases a foundling if the mother abandons the child and does not prove her identity within 30 days of birth.	
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p><a href="#">1961 Convention</a>: Article 8 &amp; 9  <a href="#">ECN</a>: Article 7(3)  <a href="#">UDHR</a>: Article 15(2)  <a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary</a>: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 &amp; 6  <a href="#">HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a>: para. 23  <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).  <a href="#">ILEC Guidelines (2015)</a>: Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	Yes. Although, the only legal ground for depriving a Hungarian national of their nationality is if it was acquired based on fraud, 'in particular by misleading the authority by communicating false data or omitting data or facts', there is no specific safeguard to prevent statelessness in such cases. Hungarian nationality cannot be withdrawn after 20 years from the date it was awarded.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 9 (HU)
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p><a href="#">1961 Convention</a>: Article 8(4)  <a href="#">ECN</a>: Articles 10 to 13  <a href="#">Principles on Deprivation of Nationality</a>: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.  <a href="#">ILEC Guidelines (2015)</a>: The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	On 1 January 2017, the Budapest Government Office became the competent authority on nationality-related matters (replacing the Office of Immigration and Nationality). Formally, decisions are made by the President, however, as demonstrated by the HHC in 2015, this is a mere formality (at least in naturalisation cases). The law stipulates the right to judicial review in case of deprivation. No other specific safeguards are set by law.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 9 (HU)  Gábor Gyulai, The Black Box of Nationality. The Naturalisation of Refugees and Stateless Persons in Hungary: <a href="https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf">https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf</a> , Hungarian Helsinki Committee, 2015, p. 20
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		No information is available on the application of these provisions.	
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p><a href="#">1961 Convention</a>: Article 7  <a href="#">ECN</a>: Articles 7 and 8</p>	Yes. The Nationality Act only allows for the renunciation of Hungarian nationality if the person concerned already holds, or 'substantiates the acquisition of' another nationality.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 8 (1) (HU)
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions	<p><a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p>	No. The only legal ground for depriving a Hungarian national of their nationality is if it was acquired based on fraud, 'in particular by misleading the authority by communicating false data or omitting data or facts'. Hungarian nationality cannot be withdrawn after 20 years from the date it was awarded.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 9 (HU)

		and if/how they are applied in practice.	<a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a> : Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.		
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<a href="#">ICCPR</a> : Article 26 <a href="#">1961 Convention</a> : Article 9 <a href="#">ECN</a> : Article 5 <a href="#">Principles on Deprivation of Nationality</a> : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.	No. The only legal ground for depriving a Hungarian national of their nationality is if it was acquired based on fraud, 'in particular by misleading the authority by communicating false data or omitting data or facts'. Hungarian nationality cannot be withdrawn after 20 years from the date it was awarded.	Act LV of 1993 on Hungarian nationality: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004">http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004</a> , Section 9 (HU)
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<a href="#">CRC</a> : Articles 2(2), 7 and 8 <a href="#">CEDAW</a> : Article 9(1) <a href="#">Principles on Deprivation of Nationality</a> : States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).	No. There are no specific provisions in Hungarian law.	



## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		There are two published Constitutional Court judgments referring to statelessness in Hungary.	Constitutional Court, Resolution 6/2015 (II.25.) of the Constitutional Court on the determination whether the term 'lawfully' in Section 76(1) of Act II of 2007 on the conditions of Entry and Stay of Third-Country Nationals is contrary to the Fundamental Act and the annulment thereof: <a href="http://www.refworld.org/cases,HUN_CC,5542301a4.html">http://www.refworld.org/cases,HUN_CC,5542301a4.html</a>  Constitutional Court, Resolution 14/2021 (IV.23.) of the Constitutional Court on determining the constitutional compliance of Section 78. § (1) c) of Act II of 2007 on the conditions of Entry and Stay of Third-Country Nationals: <a href="http://public.mkab.hu/dev/dontesek.nsf/0/0226157562fa1110c1258657006132ab/\$FILE/14_2021%20AB%20hat%C3%A1rozat.pdf">http://public.mkab.hu/dev/dontesek.nsf/0/0226157562fa1110c1258657006132ab/\$FILE/14_2021%20AB%20hat%C3%A1rozat.pdf</a> (HU)
RES.2.a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants must have access to legal counsel.	The Hungarian Helsinki Committee (HHC), as the sole legally focused UNHCR implementing partner in the country since 1998, is the only entity providing professional free-of-charge legal assistance and representation to applicants for stateless status, and stateless persons applying for naturalisation. Besides the HHC, no law firms or lawyers offer specialised and/or free-of-charge services. The Menedék Association for Migrants is the expert NGO specialised in offering social assistance and integration support to refugees and migrants in Hungary, including applicants for stateless status and recognised stateless persons	Hungarian Helsinki Committee: <a href="http://www.helsinki.hu/en">http://www.helsinki.hu/en</a>  Menedék Association for Migrants: <a href="http://www.menedek.hu/en">http://www.menedek.hu/en</a>
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Yes.	Gábor Gyulai, The Black Box of Nationality – The Naturalisation of Refugees and Stateless Persons in Hungary: <a href="http://www.refworld.org/docid/5792070a4.html">http://www.refworld.org/docid/5792070a4.html</a> , Hungarian Helsinki Committee, 2016  Gábor Gyulai, Nationality Unknown – An overview of the safeguards and gaps related to the prevention of statelessness at birth in Hungary: <a href="https://helsinki.hu/wp-content/uploads/Nationality-Unknown.pdf">https://helsinki.hu/wp-content/uploads/Nationality-Unknown.pdf</a> , Hungarian Helsinki Committee, 2014  Gábor Gyulai, Statelessness in Hungary – The Protection of Stateless Persons and the Prevention and Reduction of Statelessness: <a href="https://helsinki.hu/wp-content/uploads/Statelessness_in_Hungary_2010.pdf">https://helsinki.hu/wp-content/uploads/Statelessness_in_Hungary_2010.pdf</a> , Hungarian Helsinki Committee, December 2010  Gábor Gyulai, Practices in Hungary Concerning the Granting of Non-EU-Harmonised Protection Statuses: <a href="https://helsinki.hu/wp-content/uploads/Non-EU-Harmonised-Protection-Statuses-Hungary-final_1.pdf">https://helsinki.hu/wp-content/uploads/Non-EU-Harmonised-Protection-Statuses-Hungary-final_1.pdf</a> , European Migration Network, August 2009  Gábor Gyulai, Forgotten without Reason – Protection of Non-Refugee Stateless Persons in Central Europe: <a href="http://helsinki.webdialog.hu/dokumentum/Statelessness_CentralEu.pdf">http://helsinki.webdialog.hu/dokumentum/Statelessness_CentralEu.pdf</a> , Hungarian Helsinki Committee, 2007

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