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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?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes, promulgated by Act II of 2002: http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681	Act II of 2002: http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681 (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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681 (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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681 (HU)
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes, promulgated by Act XV of 2009	Act XV of 2009: http://njt.hu/cgi_bin/njt_doc.cgi?docid=123906.177515 (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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=123906.177515 (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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=123906.177515 (HU)
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes, the Convention entered into force on 1 January 2007. Hungary made reservations to the following articles: · 11) No written reasoning shall be provided to decisions on the acquisition of nationality; · 12) No administrative or judicial remedy shall be provided in cases regarding the acquisition of nationality · 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.	Act III of 2002: http://njt.hu/cgi_bin/njt_doc.cgi?docid=64023.90506 (HU)
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes, the Convention entered into force on 15 April 1993 through the promulgating act. There are no reservations in place.	Act XXXI of 1993: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19100.29566 (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.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	Yes, the Convention entered into force on 1 May 2009 through the promulgating act. There are no reservations in place.	Act XCVIII of 2008: http://njt.hu/cgi_bin/njt_doc.cgi?docid=118719.170262 (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.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	Yes, no reservations.	

IOB.3.e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes, the Convention entered into force on 22 November 1991 through the promulgating act. There are no reservations in place.	Act LXIV of 1991: https://njt.hu/jogszabaly/1991-64-00-00 (HU)
IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=2483.4091 (HU)
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=2490.4101 (HU)
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=5238.7805 (HU) Act LX of 2001: http://njt.hu/cgi_bin/njt_doc.cgi?docid=57038.272181 (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.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=9628.13105 (HU)
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=1104.2006 (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.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	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.	Convention on the Rights of Persons with Disabilities, 2006	Yes, the Convention entered into force on 7 July 2007 through the promulgating act. There are no reservations in place.	Act XCII of 2007: http://njt.hu/cgi_bin/njt_doc.cgi?docid=110932.266681 (HU)

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	<p>Does the State have a standardised ‘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>	<p>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): 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>UNHCR, Global Action Plan to End Statelessness 2.0 (2024): Improve quantitative and qualitative data on stateless populations.</p> <p>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p> <p>ISI, The World’s Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States and relevant actors should collect rigorous and comparable data on stateless populations, including data disaggregated by sex, gender, age, and disability status, in accordance with the international recommendations on statelessness statistics and in consultation with relevant stakeholders.</p> <p>Regulation 763/2008 of the EP and the Council on population and housing censuses, and its implementing Regulation 1201/2009 Recommendations of the Conference of European Statisticians for population and housing censuses in 2010: States should disaggregate census data for stateless people.</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 2011 census recorded 113 stateless persons, of which 53 men and 60 women.</p> <p>The 2022 census recorded 116 stateless persons.</p> <p>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, 9 persons applied for recognition as stateless in 2023 and 17 in 2024. The NDGAP did not provide information on these applicants’ sex or countries of origin. The NDGAP recognised 8 applicants as stateless in 2023 and 5 in 2024, while it rejected the claim of 4 applicants in 2023 and 3 in 2024.</p> <p>Between 2008 (the entry into force of the legal framework for the Hungarian statelessness-specific protection regime) and 31 December 2024, 333 persons applied for statelessness status in Hungary. The competent authority granted statelessness status to 169 persons and rejected the application of 85 persons.</p> <p>According to the official information received from the NDGAP, on 31 December 2024, stateless persons were residing in Hungary with the following statuses:</p> <ul style="list-style-type: none"> • Holders of a humanitarian residence permit (also granted to those recognised as stateless): 2 • Holders of any other non-permanent residence permit (employment, studies, entrepreneur, family unity, etc.): 7 • Refugees and beneficiaries of subsidiary protection: 17 • Holders of a "national" permanent residence permit or card (which does not qualify the holder for free movement in the EU): 16 • Holders of an "EC" permanent residence permit or EU permanent residence card (which qualifies the holder for free movement in the EU): 1 <p>These figures add up to 43 persons.</p> <p>According to the official information received from the NDGAP, on 31 December 2024, persons of unknown nationality were residing in Hungary with the following statuses:</p> <ul style="list-style-type: none"> • Holders of a humanitarian residence permit (also granted to those recognised as stateless): 2 • Holders of any other non-permanent residence permit (employment, studies, entrepreneur, family unity, etc.): 0 • Refugees and beneficiaries of subsidiary protection: 147 	<p>2011 census data: http://www.ksh.hu/nepszamlalas/tablak_demografia (table 1.1.27), Central Statistical Office of Hungary (KSH) (HU)</p> <p>Data shared by the Central Statistical Office of Hungary (KSH)</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: https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf, Hungarian Helsinki Committee, 2015, p. 21</p> <p>Response by the National Directorate-General for Alien Policing of 20 February 2025 to the HHC’s freedom of information request.</p> <p>Response by the Budapest Government Office of 4 February 2025 to the HHC’s freedom of information request.</p>

				<ul style="list-style-type: none"> • Holders of a "national" permanent residence permit or card (which does not qualify the holder for free movement in the EU): 4 • Holders of an "EC" permanent residence permit or EU permanent residence card (which qualifies the holder for free movement in the EU): 0 <p>These figures add up to 153 persons.</p> <p>The NDGAP confirmed that in 2024, 2 stateless persons and 1 person of unknown nationality managed to obtain a "national" permanent residence card in Hungary, while no stateless person or person of unknown nationality could obtain an EU permanent residence card.</p> <p>According to the information received from the Budapest Government Office (the authority in charge of naturalisation procedures), in 2024, 1 stateless person, 9 "Palestinian/stateless" refugees and 30 persons of unknown nationality applied for naturalisation in Hungary. In the same year, 2 stateless persons and 2 "Palestinian/stateless" refugees were naturalised in Hungary (it is unclear whether these two data overlap), while no naturalisation claim submitted by a stateless applicant was rejected. 12 persons of unknown nationality acquired Hungarian nationality through naturalisation in 2024, while 9 such applications were rejected.</p> <p>According to the information received from the NDGAP, no stateless person or person of unknown nationality was expelled or deported from Hungary or held in detention for this purpose in 2024.</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	Immigration, asylum and naturalisation statistics use the category 'unknown nationality'. The 2022 census did not report any persons of unknown nationality, while reporting 295 'Palestinian nationals'. The Central Statistical Office reported 194 persons of unknown nationality and 353 'Palestinian nationals' living in the country on 1 January 2023. The reason for the discrepancy between the two statistics regarding persons of unknown nationality is unclear.	Hungarian Helsinki Committee Data shared by the Central Statistical Office of Hungary (KSH)
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population or population with undetermined nationality and what is the source for this estimate?	As above	The UNHCR Population Statistics website reports 101 stateless persons, as well as 62 stateless persons under its refugee mandate and 24 stateless people as "others of concern" as data for Hungary for 2024.	UNHCR Population Statistics website: https://www.unhcr.org/refugee-statistics/download/?v2url=67fb3f
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 may raise some 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, as	2014 research report: https://helsinki.hu/wp-content/uploads/Nationality-Unknown.pdf by the Hungarian Helsinki Committee

				well as due to complete dismantling of the Hungarian asylum system since 2015. Also, such data fails to 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.	
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. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	The UNHCR Population Statistics website reports 62 stateless persons under UNHCR’s refugee mandate in Hungary as data for 2024.	UNHCR Population Statistics website: https://www.unhcr.org/refugee-statistics/download/?url=111Tgy
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.	UNHCR, Global Action Plan to End Statelessness 2.0 (2024) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World’s Stateless (2014) : States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012) : 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. Council of the European Union, Conclusions on Statelessness (2015) : 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.	According to the information received from the NDGAP, no stateless person or person of unknown nationality was expelled or deported from Hungary or held in detention for this purpose in 2024.	Response by the National Directorate-General for Alien Policing of 20 February 2025 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.	1954 Convention : Articles 1(1) & 1(2).	<p>Yes. Article 1 (1): Both Act II of 2002 that promulgates the 1954 Convention and Act XC of 2023 on the entry and stay of third-country nationals 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’ (<i>‘...sous l’application de sa loi’</i> in French), the Hungarian translations include only ‘...based on its law’ (<i>‘...saját joga alapján’</i> – Act II of 2002 and ‘...according to its law’ (<i>‘...saját joga szerint’</i> – Act XC of 2023). 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 that promulgates the 1954 Convention.</p> <p>Section 78 (1) (b) of Act II of 2002 sets forth an additional exclusion ground (not included in the 1954 Convention), when stipulating that a claim for statelessness status shall be rejected if ‘[...] the applicant renounced their nationality on purpose, with the intention to obtain statelessness 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 statelessness status, which also appeared in the new law that substituted the previous one in 2023 in Section 245 (1) (c) of Act XC of 2023. The new provision orders automatic exclusion from statelessness 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.</p> <p>The Hungarian Supreme Court (<i>Kúria</i>) ruled in its judgment no. Kfv.II.37.715/2021/6 of 25 May 2022 that ‘statelessness that is rooted in practice also corresponds to the definition of statelessness’ as in Hungarian law and the 1954 Convention. The judgment confirmed that it is not required that statelessness always be a consequence of explicit gaps or anomalies in legislation, as a person equally qualifies as stateless if their lack of nationality is reflected in the practice of the State concerned, rather than its law.</p>	<p>Act II of 2002: http://njt.hu/cgi_bin/njt_doc.cgi?docid=63950.227681 (HU)</p> <p>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 (HU)</p> <p>Judgment no. Kfv.II.37.715/2021/6 of 25 May 2022 of the Hungarian Supreme Court (<i>Kúria</i>), para 37</p>
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?)	<p>UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006): 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.</p> <p>Human Rights Council Resolution on the right to a nationality (2023): States should ensure the effective</p>	The UNHCR Representation for Central Europe holds annual information provision days for NDGAP officers involved in statelessness determination, but this does not constitute formalised training.	

			implementation of nationality laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society.		
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR, Good Practices Papers – Action 6 (2020): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p> <p>UNHCR, Geneva Conclusions (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p> <p>Human Rights Council Resolution on the right to a nationality (2023): as above</p>	There is no training for judges. Gábor Gyulai, Organisational Development Director (previously Refugee Programme Director) at the Hungarian Helsinki Committee and co-founder and trustee 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 to statelessness determination officers, UNHCR staff, other NGO staff and participants of various training courses on social work with migrants organised by the Menedék Association for Migrants. Such trainings have not taken place since the mid-2010s, though.	Hungarian Helsinki Committee Menedék Association for Migrants: http://www.menedek.hu/en
SDS.3.a	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (proceed to Question 4a).</p> <p>2. There is no dedicated SDP leading to a dedicated statelessness 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 (proceed to Question 11a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (proceed to Question 17a).</p>	<p>UNHCR, Handbook on Protection (2014): 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>UNHCR, Good Practices Papers – Action 6 (2020): 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>UNHCR, Handbook on Protection (2014): 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>UNHCR, Good Practices Papers – Action 6 (2020): 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 extremely low number of cases.	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 159 (1) cc (HU) Hungarian Helsinki Committee

SDS.4.b	Are there clear, accessible instructions on how to make a claim of statelessness?	UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	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 statelessness status.	Act XC of 2023 on the entry and stay of third-country nationals: https://nit.hu/jogszabaly/2023-90-00-00 , Section 243 (1)-(2) (HU) Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://nit.hu/jogszabaly/2024-35-20-22 , Section 236 (1)-(3) (HU)
SDS.4.c	Can submissions be made orally and/or in writing in any language?	ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	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 236 (3) of Government Decree 35/2024. (II. 29.) on the execution of Act II of 2007 on the entry and stay of third-country nationals stipulates that ‘If the claim is 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 them. The authority may refrain from providing an interpreter, if the proceeding officer speaks the applicant’s mother tongue or another language understood by them, and if the applicant gives their consent to this in writing.’ There is no information about the actual use in practice of this important legal safeguard.	Act XC of 2023 on the entry and stay of third-country nationals: https://nit.hu/jogszabaly/2023-90-00-00 , Section 243 (1)-(2) (HU) Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: : https://nit.hu/jogszabaly/2024-35-20-22 , Section 236 (1)-(3) (HU)
SDS.4.d	Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	ENS (2013) : 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 XC of 2023 on the entry and stay of third-country nationals: https://nit.hu/jogszabaly/2023-90-00-00 , Section 243 (1)-(2) (HU) Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://nit.hu/jogszabaly/2024-35-20-22 , Section 236 (1)-(3) (HU)
SDS.4.e	Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . UNHCR, Handbook on Protection (2014) : 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 35/2024. (II.29.) 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 authority shall inform the person concerned about the possibility of submitting a request for statelessness status, the related proceedings, as well as the rights and obligations attached to statelessness status. The foreigner shall be asked to sign a record that they have 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 237 (1) of Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://nit.hu/jogszabaly/2024-35-20-22 (HU)
SDS.4.f	Are there obligations in law on authorities to consider the application?	UNHCR, Good Practices Papers – Action 6 (2020) : 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: http://www.refworld.org/cases,HUN_CC,5542301a4.html
SDS.4.g	Is there an application fee?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed.	No. The submission of a claim for statelessness status is free of charge.	Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://nit.hu/jogszabaly/2024-35-20-22 , Section 236 (1) (HU)

SDS.4.h		Is there a lawful stay requirement to access the SDP?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Access to the procedure needs to be open to anyone regardless of lawful stay or residence.</p> <p>ENS (2013): There is no basis in the 1954 Convention for requiring lawful stay.</p>	<p>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 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.</p>	<p>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: http://www.refworld.org/cases/HUN_CC_5542301a4.html, para. 23 & 27</p> <p>See more analysis of this judgment on the blog: https://www.statelessness.eu/blog/hungarian-constitutional-court-declares-lawful-stay-requirement-statelessness-determination of the European Network on Statelessness.</p>
SDS.4.i		Is there a time limit on access to the SDP?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Access to the SDP must be guaranteed and not subject to time limits.</p> <p>ENS (2013): There is no basis in the 1954 Convention to set time limits for individuals to claim statelessness status.</p>	No.	
SDS.4.k		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	<p>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.</p>	Hungarian Helsinki Committee
SDS.4.l		<p>Does the State identify and record indications of statelessness during border screenings, pending the determination of whether the individual is stateless? If so, is the person referred from the border to the SDP?</p> <p>Please describe any barriers to accessing the SDP following a previous application for international protection, or due to the inappropriate application of responsibility-sharing mechanisms (e.g. Dublin III).</p>	<p>UNHCR, Good Practices Papers – Action 6 (2020): Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p>EU Screening Regulation and EU Asylum Procedure Regulation: EU Member States must identify indications of statelessness during screening processes, pending the determination of whether the individual is stateless.</p> <p>EUAA Practical Guide on Nationality (2025): The interplay between the asylum procedure and the statelessness determination procedure should be organised to avoid delays. Indications of statelessness should be recorded following screening and where an applicant claims to be stateless, this should be registered pending determination. Statelessness status should be adequately reflected in the application and recorded in relevant decisions, databases and documentation.</p>	<p>Police are authorised to push back across the border fence, without any assessment of individual circumstances, irregularly staying migrants who wish to seek asylum in Hungary from any part of the country, outside any legal procedure or opportunity to challenge this measure.</p> <p>Legal amendments that entered into force on 5 July 2016 allowed the Hungarian police to automatically push back asylum seekers who were apprehended within 8 km of the Serbian-Hungarian or Croatian-Hungarian border to the external side of the border fence, without registering their data or allowing them to submit an asylum claim, in a summary procedure lacking the most basic procedural safeguards (e.g. access to an interpreter or legal assistance). Legalising pushbacks from within Hungarian territory denies asylum seekers the right to seek international protection, in breach of international and EU law, and constitutes a violation of Article 4 of Protocol 4 of the European Convention on Human Rights and Fundamental Freedoms (ECHR). Those pushed back have no practical opportunities to file a complaint, are denied the right to apply for international protection, despite most of them coming from war zones such as Syria, Iraq or Afghanistan, and many of them are also physically abused by personnel in uniforms and injured as a consequence.</p> <p>Amendments that entered into force on 28 March 2017 state that when the state of crisis due to mass migration is in effect,</p>	Hungarian Helsinki Committee/ECRE, Country Report - Hungary , Asylum Information Database, 2024

				<p>irregularly staying migrants found anywhere in Hungary are to be escorted to the external side of the border fence with Serbia, extending the 8-km zone to the entire territory of Hungary. This includes migrants who have never even been to Serbia before and have entered Hungary through Ukraine or Romania. Migrants who arrive at the airport and ask for asylum there are also pushed back to Serbia, although they have never even been there, since they arrived by plane from another country.</p> <p>In this context, it is obviously not possible to apply for statelessness status at the border for stateless persons not fulfilling the standard conditions for entering the country (travel document, visa, etc.), nor does any state authority identify indications of statelessness.</p> <p>Statelessness determination and asylum procedures are otherwise procedurally separate (see the previous and the following questions).</p>	
SDS.4.m		Is statelessness identified and recorded in asylum procedures, as well as the applicant’s country(ies) of former habitual residence? Is there any guidance for officials relating to identification or determination of statelessness within asylum procedures?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p>EASO/EUAA, Practical guide on registration (2021): The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p> <p>EUAA Practical Guide on Nationality 2025: As above.</p>	No. Note that Hungary has dismantled its asylum system in previous years and, at the time of writing, the country lacks a functional asylum procedure.	Hungarian Helsinki Committee/ECRE, Country Report - Hungary , Asylum Information Database, 2024
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR, Geneva Conclusions (2010): 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.</p> <p>ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	In principle, the burden of proof lies with the applicant (the applicant has the duty to ‘prove or substantiate’ their statelessness). Government Decree 35/2024 (II. 29.) obliges the applicant to attach to the application all documents that may facilitate the statelessness status determination process. At the same time, Act XC of 2023 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 Hungarian Supreme Court (<i>Kúria</i>) re-confirmed in its judgment no. Kfv.II.37.715/2021/6 of 25 May 2022 that the burden of proof is shared in the statelessness determination procedure (para 41), and clarified that it cannot be automatically considered a violation of the applicants’ duty to cooperate if they do not have identity documents and if they cannot acquire such documents due to reasonable circumstances (para 43). The experience of the Hungarian Helsinki Committee confirms the de facto sharing of the duty to obtain evidence in practice.	<p>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00, Section 246 (1)- (2) (HU)</p> <p>Act CL of 2016 on the Code of General Administrative Procedure: http://njt.hu/translated/doc/J2016T0150P_20200722_FIN.pdf, Section 62 (1)-(2)</p> <p>Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2024-35-20-22, Section 237 (3) (HU)</p> <p>Judgment no. Kfv.II.37.715/2021/6 of 25 May 2022 of the Hungarian Supreme Court (<i>Kúria</i>): https://caselaw.statelessness.eu/caselaw/hungary-applicant-v-national-directorate-general-alien-police-budapest-and-pest-county, paras 41 and 43</p>

<p>SDS.5.b</p>		<p>What is the standard of proof, in law and in practice? Is it the same as in refugee status determination procedures?</p>	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). UNHCR, Good practices in nationality laws (2018): 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. ECtHR, Hoti v. Croatia (2018): 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.</p>	<p>Act XC of 2023 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 their statelessness [...]'. The term 'substantiate' (<i>valószínűsít</i>) was copied from the similar Hungarian provision referring to asylum procedures, and it reflects the UNHCR recommendation 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.</p>	<p>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2024-35-20-22, Section 246 (1) (HU)</p>
<p>SDS.5.c</p>		<p>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? 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.)?</p>	<p>UNHCR, Handbook on Protection (2014): 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 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. CEDAW, Gen. Rec. 32 (2014): 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. CRC: Articles 2, 3, 7 and 8 CRPD: Article 18 UNHCR, Best Interests Procedure Guidelines (2021): The best interests principle applies to all children within the territory of the State, irrespective of their status. UNHCR, Roundtable on Protection and Solutions for LGBTQI+ People in Forced Displacement (2021) Global Compact for Safe, Orderly and Regular Migration: Objective 7 UN Women, Policies and practice: A guide to gender-responsive implementation of the Global Compact for Migration (2021): States should put in place measures to regularise the status of migrants leading to permanent residence, with specific attention to migrant women and girls who are stateless. European Parliament, Resolution on LGBTQI rights in the EU (2021): Calls on Commission and Member States to overcome discrimination against rainbow persons and families. UNHCR, Discussion Paper: LGBTQI+ persons in forced displacement and statelessness (2021)</p>	<p>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 35/2024 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 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 35/2024 referring to a 'case guardian' in SDPs. This contradiction has not had any practical relevance in the lack of record of an unaccompanied minor applicant for statelessness status in Hungary. Interestingly, there are no additional safeguards in place, although in other administrative legal proceedings further preferential legal provisions are applicable to minors.</p>	<p>Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2024-35-20-22, Sections 236 (2), 240 (1) and (2) (HU)</p> <p>Act 31 of 1997 on child protection and guardianship: https://njt.hu/jogszabaly/1997-31-00-00, Section 84 (1) c) (HU)</p> <p>Hungarian Helsinki Committee</p>

<p>SDS.5.d</p>		<p>Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances. Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p>	<p>Yes, Hungarian legislation offers a positive model of setting detailed procedural and evidentiary rules regarding statelessness determination in legislation. Act XC of 2023 stipulates that: ‘In the statelessness determination procedure, the applicant shall prove or substantiate their statelessness in particular with regard to</p> <ul style="list-style-type: none"> · the country where they were born; · the country of their former place of stay or residence; · the country of nationality of their family members and parents.’ <p>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 35/2024 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:</p> <ul style="list-style-type: none"> · 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. <p>The Government Decree does not specifically mention COI. At the same time, COI is admissible evidence (either submitted by the applicant or acquired <i>motu proprio</i> by the authority) and is used in individual cases. Given the low number of decisions based on facts and COI, it is difficult to assess the quality of COI relating to statelessness.</p>	<p>Section 246 (1) of Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 (HU)</p> <p>Hungarian Helsinki Committee</p> <p>Section 241 (1) of Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2024-35-20-22 (HU)</p>
<p>SDS.5.e</p>		<p>Is there any evidence of significant errors in decision-making?</p>		<p>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 statelessness status. For example, between 1 January 2017 and 30 June 2023, the HHC provided free-of-charge legal assistance in 33 cases in SDPs. Crucial debates in such cases are centred on evidence assessment and the interpretation of the stateless person definition.</p> <p>In 2022-2025, major legal-conceptual errors could be witnessed in the practice of Hungarian authorities regarding the interpretation of Palestinian statelessness.</p> <p>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 competence of any authority or court, but is exclusively the competence of the Minister of Foreign Affairs and Trade. (Note that this position is incorrect under the leading theory on statehood in international law that links this condition to the fulfilment of conditions defined in 1933 Montevideo Convention on the Rights and Duties of States, instead of making it conditional on the recognition by other States.) 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 recognised as a state. As a result of this Supreme Court judgment, the NDGAP turned to the</p>	<p>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: http://www.refworld.org/cases,HUN_CC,5542301a4.html</p> <p>Hungarian Helsinki Committee</p> <p>Supreme Court judgment Kfv.II.38.067/2018/6 of 13 November 2019, https://caselaw.statelessness.eu/caselaw/hungary-supreme-court-kuria-judgment-no-kfvii3806720186-13-november-2019</p> <p>NDGAP decision 106-1-4229/19/2020-Ho. of 27 May 2020</p> <p>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: https://caselaw.statelessness.eu/caselaw/hungary-constitutional-court-decision-no-142021-iv-23-ab</p> <p>Section 245 (1) c) of Act XC of 2023 on the Conditions of Entry and Stay of Third-Country Nationals: https://njt.hu/jogszabaly/2023-90-00-00</p> <p>NDGAP decision 106-1-21862/27/2023-Ho. of 27 September 2023</p>

				<p>Ministry of Foreign Affairs and Trade, which, in its statement no. KKM/12827-3-2020Adm. of 25 March 2020, declared that, although Hungary recognised the right of self-determination of Palestinian people in 1998, this did not mean that it recognised Palestine as a subject of international law, and hence, as a State. 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 travel document having been recognised as a valid travel document 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 Ministry stated, consequently, that those in possession of a Palestinian travel document 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. A 2023 decision reflected this new policy: the NDGAP rejected the claim of a stateless Palestinian applicant from Gaza, with the argument that he holds a Palestinian travel document, he is 'domiciled' in Gaza, and the Palestinian Embassy in Hungary had confirmed that he could return to Gaza with this document through Egypt. In addition, the decision argues that the term 'nationality' is different from 'citizenship', and while the latter is a legal category acquired and lost through a procedural act, nationality (in English) 'covers a broader concept, i.e. the set of rights and obligations acquired based on ethnicity, origin and birth'. This argument is incorrect in light of a) the unquestioned ordinary meaning of the English term 'nationality' in international law, b) the official translation of the Convention into Hungarian which uses the term '<i>állampolgárság</i>' clearly referring to a legal bond of nationality (as opposed to '<i>nemzetiség</i>' which would cover an ethnic identity) and c) UNHCR guidelines on this matter. These recent developments testify to a fundamental misunderstanding of the legal concepts of statehood and statelessness, which raises serious concerns about the lack of statelessness-related expertise in the Hungarian public administration and judicial system.</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 NDGAP bases this practice on Section 245 (1) (c) of Act XC of 2023 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 245 (1) (c) of Act XC of 2023 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 14/2021 (IV.23.) 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</p>	
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SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	<p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p>ENS (2013): 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>	Yes. The authority has the duty to ensure the applicant's access to legal assistance. Applicants for statelessness 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 they are in need of this form of support). There is no information about whether applicants for statelessness 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>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00, Section 244 (3) (HU)</p> <p>Act LXXX of 2003 on Legal Aid: http://njt.hu/cgi_bin/njt_doc.cgi?docid=75608.386547, Section 5 (2) (d) (HU)</p> <p>Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2024-35-20-22, Section 240 (3) (HU)</p> <p>Hungarian Helsinki Committee</p>
SDS.6.b		Is an interview always offered (unless granting without interview)?	UNHCR, Handbook on Protection (2014) : The right to an individual interview [is] essential.	Yes, the interview is mandatory in all cases.	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 244 (1) (HU)
SDS.6.c		Is free interpreting offered for statelessness determination interviews?	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</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>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00, Section 244 (2) (HU)</p> <p>Government Decree 35/2024. (II. 29.) on the execution of Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2024-35-20-22, Section 241 (2) (HU)</p>
SDS.6.d		Are there quality assurance audits of the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Quality assurance audits of SDPs are considered good practice.	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.	Hungarian Helsinki Committee
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training, applicant's access to UNHCR as a safeguard in the procedure)?	UNHCR, Handbook on Protection (2014) : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	Hungarian law explicitly stipulates that the UNHCR has the right to	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 248 (HU)
SDS.6.f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR, Handbook on Protection (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Yes, based on the general rules of administrative procedures.	Act CL of 2016 on the general rules of administrative procedures: http://njt.hu/translated/doc/J2016T0150P_20200722_FIN.pdf , Section 81 (1) (HU)
SDS.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR, Handbook on Protection (2014) : 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	The authority shall take a decision within 45 days (Section 245 (3) of Act XC of 2023 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	Act CL of 2016 on the general rules of administrative procedures: http://njt.hu/translated/doc/J2016T0150P_20200722_FIN.pdf , Sections 48 (1) (b), 50 (2) (c) and 50 (5) (a) (HU)

			appropriate to allow the proceedings to last up to 12 months.	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.	
SDS.6.h		Is there a referral mechanism from asylum procedures to the SDP (either during or at the conclusion, if the applicant is refused asylum)?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p>EUAA, Practical Guide on Nationality (2025): The identification of the applicant’s statelessness is a key element of the assessment of the need for international protection and in determining which procedure is applied. Statelessness status should be adequately reflected in the application and recorded in relevant decisions, databases and documentation. Where the applicant has already been formally declared stateless, statelessness status should be considered established unless new elements arise.</p> <p>ENS (2013): Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.</p>	No. Note that Hungary has dismantled its asylum system in previous years and, at the time of writing, the country lacks a functional asylum procedure.	Hungarian Helsinki Committee/ECRE, Country Report - Hungary , Asylum Information Database, 2024
SDS.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for statelessness status is assessed or is there a risk of expulsion?	<p>UNHCR, Handbook on Protection (2014): 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 statelessness status receive the same treatment as asylum-seekers.</p> <p>ENS (2013): States should refrain from expelling or removing an individual pending the outcome of the determination process.</p>	Act XC of 2023 explicitly stipulates that the immigration authority shall issue the applicant for statelessness 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 six months and can be renewed for maximum 6-month periods (Section 20 (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 statelessness 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Sections 20 (1) (i) and 20 (2) (d) (HU) Hungarian Helsinki Committee
SDS.7.b		Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?	<p>UNHCR, Handbook on Protection (2014): 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.</p> <p>CERD, General comment No. 37 on racial discrimination in the enjoyment of the right to health (2024): Everyone has the right to public health, medical care, social security and social services, regardless of migration status or statelessness.</p>	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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 20 (3) (HU)
SDS.7.c		Do applicants for statelessness status face a risk of detention?	<p>UNHCR, Handbook on Protection (2014): 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</p>	Yes. While the law explicitly stipulates that the immigration authority shall issue the applicant for statelessness 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	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 20 (1) (i) (HU)

			the lawful governmental objective pursued by detention.	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).	Hungarian Helsinki Committee
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	UNHCR, Handbook on Protection (2014) : 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 (<i>Fővárosi Törvényszék</i>) 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, and 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 247 (2)-(3) (HU) Act I of 2017 on the Code of Administrative Court Procedure, Section 7 Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 212 (2) (HU)
SDS.8.b		Is legal aid available for appeals?	UNHCR, Handbook on Protection (2014) : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 244 (3) (HU)
SDS.8.c		Is there a fee for the appeal application?	UNHCR, Handbook on Protection (2014) : 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 247 (4) (HU)
SDS.9.a	Statelessness status (Group 1)	Does recognition of statelessness immediately result in automatic permission to stay or right to reside? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	UNHCR, Handbook on Protection (2014) : 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 70 (1) (a) (HU)
SDS.9.b		How long is initial status granted for and is it renewable?	UNHCR, Handbook on Protection (2014) : 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 70 (2) (a) (HU)
SDS.9.c		Is a travel document issued to people recognised as stateless and is it subject to any conditions? Please add a copy of an anonymised travel document to question RES.4.a. (last page).	1954 Convention : Article 28. UNHCR, Summary Conclusions of the Expert Roundtable on travel documents for persons in need of international protection and stateless persons (2024) : The optimal minimum characteristics for travel documents would mean a multi-journey machine-readable document that guarantees readmission, can be renewed from abroad, does not exceed the lowest cost for a national passport and has a minimum validity of five years. UNHCR and ICAO, Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons (2017)	Yes. An anonymised copy of a stateless travel document issued by Hungary is not available.	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Sections 157-158 (HU)
SDS.9.d		Is an identity document issued to people recognised as stateless and is it subject to any conditions? Please add a copy of an anonymised identity document to question RES.4.a. (last page).	1954 Convention : Article 27.	No. Recognition as stateless does not trigger an entitlement to a permanent Hungarian identity card. People recognised as stateless receive a humanitarian residence permit (see question SDS.9.a), which also serves as a proof of their identity, thus, de facto functioning also as an identity card. Section 200 (2) explicitly mentions documents proving an entitlement to residence (such as the humanitarian residence permit) among those suited to prove a	Act LXVI of 1992 on the registration of nationals' personal data and residence: https://net.jogtar.hu/jogszabaly?docid=99200066.tv , Section 4 (1) (HU) Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 200 (2) (HU)

				<p>non-national's identity in the case of an identity check by the immigration authority.</p> <p>Stateless persons can also prove their identity by using their stateless travel document. People recognised as stateless become eligible for a permanent Hungarian identity card if they acquire permanent residence in the country.</p> <p>An anonymised copy of a humanitarian residence permit issued for a stateless person by Hungary is not available.</p>	
SDS.9.e		Are stateless people habitually resident in the State able to access consular protection abroad?	<p>1954 Convention: Article 25(1)</p> <p>1967 European Convention on Consular Functions: Article 46.</p> <p>International Law Commission's 2006 Draft Articles on Diplomatic Protection: Article 8(1).</p>	No information available.	
SDS.9.f		Do people recognised as stateless have a right to family reunification?	<p>UNHCR, Handbook on Protection (2014): Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness status in their territory with their spouses and dependents.</p>	Recognised stateless persons, as holders of a humanitarian residence permit, are entitled to family reunification under the general rules stipulated by Act XC of 2023. 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 71 (1) a) (HU)
SDS.9.g		On what grounds (if any) may residence status granted to stateless people be revoked? Is a proportionality assessment undertaken prior to the revocation decision, e.g. to consider respect for the right to private and family life (if applicable)?	<p>UNHCR, Handbook on Protection (2014): 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.</p>	<p>According to the law, statelessness status shall be revoked if:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>No information is available about revocations cases and an eventual proportionality test performed therein.</p>	Act XC of 2023: https://njt.hu/jogszabaly/2023-90-00-00 , Sections 249 (HU)
SDS.9.h		Do people granted statelessness status have permission to work?	<p>1954 Convention: Article 17</p> <p>UNHCR, Handbook on Protection (2014): The right to work must accompany a residence permit.</p>	<p>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 their 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</p>	<p>Government Decree 445/2013. (XI. 28.): http://njt.hu/cgi_bin/njt_doc.cgi?docid=165186.378149, Section 3 (1)-(3) (HU)</p> <p>Act IV of 1991 on the promotion of employment and unemployment benefits: http://njt.hu/cgi_bin/njt_doc.cgi?docid=14929.376976 (HU)</p>

				obtaining a work permit. The HHC has been advocating for over a decade for the elimination of this limitation, which – considering the minuscule number of persons granted statelessness status per year – would not have any measurable impact on the labour market.	
SDS.9.i		Do people granted statelessness status have access to primary, secondary, and higher education?	1954 Convention : 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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=139880.370725 , Section 92 (1) (c) (HU) Act CCIV of 2011 on national higher education: http://njt.hu/cgi_bin/njt_doc.cgi?docid=142941.386026 , Section 39 (1) (b) (HU)
SDS.9.j		Do people granted statelessness status have access to social security and healthcare?	1954 Convention : Articles 23 & 24 UNHCR, Handbook on Protection (2014) : The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit. CERD, General comment No. 37 on racial discrimination in the enjoyment of the right to health (2024) : Everyone has the right to public health, medical care, social security and social services, regardless of migration status or statelessness.	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 statelessness 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: · Vaccinations, epidemic examinations, mandatory medical examinations, quarantine, transportation of persons suffering from a contagious disease; · Ambulance services if the person needs immediate help; · Healthcare services in emergency cases and afterwards until the stabilisation of the patient’s conditions; · Healthcare services in case of a disaster. 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 statelessness 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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=217265.386598 , Section 6 (HU) Act CLIV of 1997 on Health: http://njt.hu/cgi_bin/njt_doc.cgi?docid=30903.390588 , Section 142 (2)-(3) (HU)
SDS.9.k		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.)?	1954 Convention : 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: https://njt.hu/jogszabaly/2011-4301-02-00 , Article XXIII (3)
SDS.10.a	Temporary protection for people fleeing war (Group 1)	Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Please describe any barriers for stateless people, people with undetermined nationality, or undocumented people in accessing the territory.	EU Temporary Protection Directive (2001) EU Council Implementing Decision 2022/382 EU Council Implementing Decision 2024/1836 European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine : Everyone fleeing the war in Ukraine should be guaranteed access to the territory.	Throughout 2022, stateless persons, similarly to any other persons, were allowed to enter Hungary at the Ukrainian-Hungarian border section, even if not holding a travel document. Since January 2023, however, border-control measures have been strengthened and many NGOs (e.g. HHC, Terre des Hommes, IOM) received disturbing news on non-Ukrainian nationals, even with valid Ukrainian residence permit, who were not granted entry by the Hungarian border police. The HHC reached out to the Hungarian National Police Headquarters by sending them a freedom of information request in which the HHC inquired about the existence of an internal policy or law according to which entry at the border is decided. The National Police Headquarters in its answer received by the HHC on 27 March 2023 asserted that it would grant entry to:	See more on admission to Hungarian territory from Ukraine and on the barriers for stateless persons and third-country nationals in accessing protection: https://asylumineurope.org/wp-content/uploads/2025/05/AIDA-HU_Temporary-Protection_2024.pdf

				<ul style="list-style-type: none"> • Those who comply with Article 6 of the Schengen Border Code (SBC), in other words, who have the necessary and valid travel documents (e.g. visa, passport); • In the absence of fulfilling the requirements of Article 6 of SBC, those who are not under the effect of an entry ban issued for national security reasons, issued by any other Schengen member state, or with public order or public security reference. Those with an entry ban issued as defined here are denied entry and are returned. • In the absence of fulfilling the requirements of Article 6 of SBC, those third-country nationals who did not enter Ukraine after 24 February 2022. <p>The National Police Headquarters also stated in its answer that if need for asylum or temporary protection is indicated when crossing the border, <i>'when assessing refoulement, this need has to be indicated to the NDGAP'</i>. The Police furthermore stated that <i>'if non-refoulement applies, the person is to be transferred to the Nyirbátor collection point and further procedure is then to be conducted by the NDGAP'</i>. The outcome is uncertain as the NDGAP – and not the border police – decides if the status is granted or the person is returned to Ukraine. The letter furthermore asserted that <i>'if non-refoulement does not apply, then the person claiming must be directed to the Kyiv Embassy of Hungary'</i>.</p> <p>This means that in practice it is unlikely that any non-Ukrainian persons, including members of stateless population, are granted access to the territory of Hungary, unless they fulfil the above requirements.</p> <p>The HHC is challenging this practice by requesting the judicial review of refusal on entry decisions. The HHC knows of four judgments issued so far in these cases, all concerning third-country nationals with Ukrainian family members. All four judgments quashed the refusal of entry decisions due to inadequate <i>non-refoulement</i> assessment. The court, however, did not rule on whether or not the individuals in question would have been eligible for temporary protection, as it considered that there was no proof that temporary protection was requested. Even if people arrive with a filled temporary protection application, this is not accepted and not recorded anywhere by the border guards.</p>	
<p>SDS.10.b</p>		<p>Does the State offer a temporary form of protection to stateless people, people with undetermined nationality, or undocumented people from Ukraine (through the extended EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless people who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, or to people fleeing from another country other than Ukraine, please state so.</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision 2022/382 EU Council Implementing Decision 2024/1836 European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection. European countries and the European Commission should be vigilant and take action to address any segregation, discrimination, and antigypsyism, and ensure equal access to rights and protection for all those fleeing Ukraine.</p>	<p>Persons recognised as stateless in Ukraine prior to 24 February 2022 are eligible for temporary protection in Hungary as foreseen by Art. 1 b.) of Government Decree 86/2022. (III. 7.). Ukrainian nationals, who were residing in Ukraine prior to 24 February 2022, their family members, third-country nationals or stateless persons who benefitted from international or equivalent national protection in Ukraine prior to 24 February 2022, and their family members, are also eligible. However, the personal scope of the Government Decree was not broadened to cover additional categories of displaced persons.</p> <p>The Hungarian implementation of the EU Temporary Protection Directive and related Council Implementing Decision poses some compliance issues. Although Article 2(2) of the Council Implementing Decision requires Member States to provide temporary protection or adequate protection to stateless persons and third-country nationals who were legally residing in Ukraine</p>	<p>Act LXXX of 2007 on Asylum: https://njt.hu/jogszabaly/2007-80-00-00.53#PR, Section 19 (1) (a) (HU)</p> <p>Government Decree 86/2022. (III. 7.): https://njt.hu/jogszabaly/2022-86-20-22, Section 1 (HU)</p> <p>The Asylum Information Database (AIDA) 2024 update on Hungary: https://asylumineurope.org/reports/country/hungary/</p> <p>Hungarian Helsinki Committee</p> <p>See the HHC's specific information material for non-Ukrainians fleeing from Ukraine: https://helsinki.hu/en/information-for-nonukrainian-citizens-fleeing-from-ukraine/</p> <p>See more on the legal framework regarding asylum, its impact on practice and its clash with international standards here:</p>

		<p>Please describe any other barriers for stateless people, people with undetermined nationality, or undocumented people in receiving temporary protection, asylum, or other protection.</p>		<p>before 24 February 2022 on the basis of a valid permanent residence permit, and are unable to return to their country of origin in a safe and durable manner, the Hungarian Government Decree states that “it does not apply the Council Decision” with regard to that group of people. According to the Decree, the aliens policing authority (National Directorate-General for Alien Policing) shall proceed in line with the general rules in the cases of these individuals. This ‘general’ procedure, regulated by the Act XC of 2023 on the Entry and Stay of Third-Country Nationals - can either mean a residence permit procedure or an aliens policing procedure aiming at the person’s expulsion but may result in granting tolerated status. Neither the residence permit procedure, for which the applicant has to fulfil a long list of conditions (e.g. proven income, health-insurance etc.) nor tolerated stay may qualify as ‘adequate protection’ within the meaning of Council Implementing Decision.</p> <p>Those third-country nationals who were residing in Ukraine but would be able to return to their countries of origin in a safe and durable manner are likely expelled as a result of an alien policing procedure, should they not be able to obtain a residence permit for a specific purpose. However, they can apply for a residence permit within Hungary only if they hold a passport that allows visa-free travel to Hungary, and even then, only for certain types of residence permits. In principle, stateless persons fleeing from Ukraine are able to submit an application for statelessness status in Hungary, but no such case has yet been witnessed by the HHC. Also, persons recognised as stateless are not eligible to any of the support services that are available to beneficiaries of temporary protection.</p> <p>It is worth noting that these groups of displaced persons cannot apply for asylum either, given that since May 2020 it is not possible to apply for asylum from within Hungary. Anyone wishing to apply must first travel to a Hungarian embassy in Kyiv or Belgrade, submit a so-called statement of intent, and await approval from the Hungarian authorities to travel to Hungary to submit the application. This legal framework is not only contrary to EU law, the 1951 Refugee Convention and the standards established by the European Court of Human Rights, but it has also de facto closed any meaningful access to the asylum procedure in Hungary. While Hungary registered 3397 asylum claims in 2017 and 468 in 2019, this has been reduced to only 29 asylum-seekers in 2024.</p>	<p>https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/</p> <p>See more on the impact of the practice regarding asylum on asylum statistics here: https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/registration-asylum-application/</p> <p>European Network on Statelessness, Country Briefing, Hungary: Information for stateless people and those at risk of statelessness fleeing Ukraine, May 2022: https://www.statelessness.eu/statelessness-ukraine-crisis</p> <p>Debrecen Court Judgment 4.K.701.177/2023/6 of 6 July 2023</p> <p>Debrecen Court Judgment 4.K.702.273/2023/7 of 5 December 2023</p> <p>Debreceni Court Judgment 15.K.702.514/2023/5 of 9 January 2024</p>
<p>SDS.10.c</p>		<p>Are there longer-term solutions providing adequate protection for stateless people and/or others who were receiving temporary protection? If so, please describe such protection (is it equal to the protection received under the EU TPD; will people be able to apply for asylum; are there any other (dedicated) residence permits available, etc.). [Section complete, proceed to DET]</p>	<p>ENS, Briefings on access to protection for stateless people fleeing Ukraine: The EU and European countries should ensure that longer-term solutions, including after the expiry of the EU TPD, are found and designed, including to provide adequate protection for stateless people and people with undetermined nationality. ECRE, Transitioning out of the Temporary Protection Directive (2024): Exit strategies from the TPD regime should ensure that no one, including stateless persons, is left behind after the expiry of temporary protection.</p>	<p>Neither temporary protection holders, nor stateless people are able to apply for asylum. Note that Hungary has dismantled its asylum system in previous years and, at the time of writing, the country lacks a functioning asylum procedure.</p> <p>It is important to highlight that under national legislation implementing the EU temporary protection scheme, third-country nationals who had permanent residence in Ukraine are not eligible neither for temporary nor for any other adequate protection in Hungary. Due to the stricter border-control policy that was introduced at the beginning of 2023, third-country nationals without valid travel documents and those who were residing in Ukraine prior to 24 February 2022 and left Ukraine later but then returned, are not guaranteed to be granted entry to Hungary. These people, even if eligible, cannot access the temporary</p>	<p>The Asylum Information Database (AIDA) 2024 update on Hungary: https://asylumineurope.org/reports/country/hungary/</p>

				<p>protection procedure in Hungary. People (including Ukrainians) with an entry ban issued by an EU Member State are also refused entry. The asylum procedure is not accessible to those who cannot apply for temporary protection.</p> <p>There are no dedicated long-term solutions available for TP holders or stateless people.</p>	
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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.</p> <p>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>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): 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. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): 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 XC of 2023 includes two types of 'immigration detention':</p> <ol style="list-style-type: none"> 1) Detention in order to conduct an immigration policing procedure ('detention in preparation of expulsion'), Section 133 (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 <ol style="list-style-type: none"> a) their identity or b) the legal grounds of their residence is not clarified, c) or if the return of the third-country national under the bilateral readmission agreement to another Member State of the European Union is pending. (2) Detention in preparation of expulsion shall be ordered by way of a formal resolution, and shall be carried out when communicated. (3) Detention in preparation of expulsion may be ordered for a maximum duration of 72 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 30 days. <ol style="list-style-type: none"> 2) Detention in order to enable the implementation of a return (expulsion) decision by way of removal, Section 132 (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: <ol style="list-style-type: none"> a) they are hiding from the authorities or is obstructing the enforcement of removal in some other way; 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; c) they have seriously or repeatedly violated the code of conduct of the assigned place of stay; d) they have failed to appear before the authority as ordered despite of a call to do so, and so hinders the immigration proceeding; or e) they are released from imprisonment as sentenced for a deliberate crime.' <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 under 16 years 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>The Fundamental Law of Hungary: https://njt.hu/jogszabaly/2011-4301-02-00, Article IV (1)-(2)</p> <p>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Sections 115(2), 117(2), 132(1)-(2), 133(1), 131(3), 128 & 129 (HU)</p> <p>Hungarian Helsinki Committee</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 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>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>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p>ECtHR, Auad v. Bulgaria (2011): In cases of 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.</p> <p>EU Return Directive: 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 XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Section 133(1) (HU)
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please briefly describe the situation in law and in practice.	<p>EU Return Directive: 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.</p> <p>UN Working Group on Arbitrary Detention (2018): 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.</p> <p>ECtHR, Auad v. Bulgaria (2011), Mikolenko v. Estonia (2009), Mardonshoyev v. Russia (2019), Gashkov and Satirov v. Russia (2022)</p>	<p>Yes, there is. Section 132 (6) of Act XC of 2023 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>The immigration authority can only order immigration detention for a maximum duration of 72 hours, and it may be extended by the district court of jurisdiction until deportation, not exceeding 60 days at a time. After six months, this may be extended by the district court by up to six additional 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 them. This means that immigration detention might take up to 12 months as a maximum. After six months, or, in case of extension as referred herein, after 12 months, immigration detention must be terminated.</p>	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 Section 132 (HU) Hungarian Helsinki Committee

				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 their 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).	
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>ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Equal Rights Trust, Guidelines (2012): 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. ICJ, Migration and International Human Rights Law (2014): 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>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): 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 https://njt.hu/jogszabaly/2007-80-00-00 Section 2 (k) (HU)</p> <p>Act XCIII of 1993 on Labour Safety: https://www.njt.hu/jogszabaly/1993-93-00-00 Section 87 (8/A) (HU)</p>

DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Return Directive: Article 16(3)</p> <p>EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p> <p>Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention.</p> <p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): 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 XC of 2023 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>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'), but as there have hardly been any official "asylum-seekers" in Hungary in recent years, due to the complete dismantling of the asylum system, 'asylum detention' is not really used.</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 three 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>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00, Section 128(g) (HU)</p> <p>Briefing paper: http://helsinki.hu/wp-content/uploads/HHC_briefing-paper_UNWGAD_8_Oct_2013.pdf of the Hungarian Helsinki Committee for the Working Group on Arbitrary Detention UN Commission of Human Rights, 8 October 2013</p> <p>Summary Opinion: http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_oszefoglalo_velemen_y_kuria.pdf by the Immigration Policing Expert Working Group of the Kúria (Supreme Court), 23 September 2013, p.36 & p.39 (HU)</p> <p>Hungarian Helsinki Committee</p>
DET.2.d		Are stateless people detained in practice?	As above.	<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 shared by the National Police Headquarters, immigration detention was ordered in the case of 350 persons in total in 2024.</p> <p>According to the information received from the Police, eight persons of unknown nationality and five 'Palestinian nationals' were held in immigration detention in 2024. No stateless persons were recorded in this period.</p>	Response by the National Police Headquarters of 9 February 2025 to the HHC's freedom of information request.
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular	<p>ICCPR: Article 9(4)</p> <p>ECHR: Article 5(4)</p> <p>EU Return Directive: Articles 12, 13 and 15(5)</p> <p>HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention</p>	Summary: Detention in preparation for expulsion: maximum 30 days (Section 133(3), Act XC of 2023). Detention to enable implementation of a return (expulsion) decision: 30 days for families with children under 16 years (Section 131(4)) and 12	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Sections 115(2), 117(2), 132(1)-(2), 133(1), 131(4), 128 & 129 (HU)

		<p>periodic reviews, judicial oversight, legal aid, etc.)?</p>	<p>must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest. Equal Rights Trust, Guidelines (2012): 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. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it. ECtHR, Kim v. Russia (2014): 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. ECtHR, Mardonshoyev v. Russia (2019): The length of the detention should not exceed that reasonably required for the purpose pursued.</p>	<p>months in other cases (Section 132 (6)) - which includes the 30 days already spent in 'detention in preparation for expulsion'.</p> <p>The immigration authority can only order immigration detention for a maximum duration of 72 hours, and it may be extended by the district court of jurisdiction until deportation, not exceeding 60 days at a time. After six months, this may be extended by the district court by up to six additional 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 them. This means that immigration detention might take up to 12 months as a maximum. After six months, or, in case of extension as referred herein, after 12 months, immigration detention must be terminated.</p> <p>Detainees receive the detention order in Hungarian.</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 (Section 139(2), Act XC of 2023). The detainee may submit a so-called 'complaint' (<i>kifogás</i>) but only with regard to certain rights related to immigration detention in Sections 134-136 of Act XC of 2023 (access to information, right to practice one's religion, treatment of minors, detention conditions, etc.), not the detention itself.</p> <p>At the same time, there is an automatic court review procedure, performed at 60-day intervals in case the immigration authority requests prolongation of 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 132 (6) b) of Act XC of 2023 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>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 their 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>According to the law, the court shall appoint a representative <i>ad litem</i> ('case guardian') for any third-country national or their family member who does not understand the Hungarian language and is unable to contract the services of a legal representative. The representative <i>ad litem</i> is paid for by the court, but the activity of such representatives has been subject to serious criticism. The</p>	<p>Hungarian Helsinki Committee</p> <p>Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00, Sections 58, 138, 139(2) & 134-136, 140 (4) ((HU)</p> <p>Summary Opinion: http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_os_szfoglalo_velemen_y_kuria.pdf by the Immigration Policing Expert Working Group of the Kúria (Supreme Court), 23 September 2013 (in particular pp. 41-45) (HU)</p> <p>Report: https://helsinki.hu/wp-content/uploads/Kiskunhalasi-latogatas-2011december13_FINAL_honlapra.pdf on HHC's monitoring visit to the Kiskunhalas immigration detention centre on 13 December 2011 (HU)</p> <p>Report: https://www.helsinki.hu/wp-content/uploads/termination-of-agreements-summary.pdf on the termination of cooperation agreements with the Hungarian Helsinki Committee</p>
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				<p>Summary Opinion of the Immigration Policing Expert Working Group of the <i>Kúria</i> (Supreme Court) concluded in 2013 that one court failed to appoint representatives <i>ad litem</i> and others regularly failed to note 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 <i>ad litem</i> present at the 'hearings' did not even know their clients' names. According to the HHC's long-standing experience, state-appointed representatives <i>ad litem</i> 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> <p>Note that since the unilateral cessation by the police of its cooperation agreement with HHC in 2017, it 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>	
DET.3.b	Are stateless and/or undocumented detainees exempt from any obligations which they may be unable to fulfil due to their statelessness (i.e. providing proof of identity or nationality)?	<p>1954 Convention: Article 6.</p> <p>UNHCR, Detention Guidelines (2012): The inability to produce documentation should not automatically be interpreted as an unwillingness to cooperate.</p> <p>Equal Rights Trust, Guidelines to Protect Stateless Persons from Arbitrary Detention (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p>	No reference to such rules could be retrieved.		
DET.3.c	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>Equal Rights Trust, Guidelines (2012): 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>	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 statelessness status.	Hungarian Helsinki Committee	
DET.3.d	Are there guidelines in place governing the process of re-documentation and	<p>Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal</p>	There are no specific rules in Hungarian law. The HHC has no information about specific state policy or practice in this respect.		

		ascertaining entitlement to nationality for the purpose of removal?	proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.		
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021) : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	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.	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , Sections 20(1)(h) & (j), 20(2)(a) & (d) and 128(1)(d) (HU)
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	CJEU, Kadzoev (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	By law, the immigration authority may revoke an expulsion order and ban on entry <i>ex officio</i> , if the expulsion could not be carried out for 24 months, ‘by no fault’ of the person concerned. However, since the new law came into force in 2023, there is no option anymore for these people to receive a humanitarian residence permit, so in most cases there is no legal status they can acquire. 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).	Act XC of 2023 on the entry and stay of third-country nationals: https://njt.hu/jogszabaly/2023-90-00-00 , 126(2) a) (HU)
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements? Please also describe whether the child’s right to a nationality, best interests, right to family life, and their enjoyment of other fundamental rights in the country of return, are taken into consideration before a decision to return a child is made.	UNHCR, Handbook on Protection (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness. UNCRC, MKAH v. Switzerland (2021) : The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC). CJEU, SN and NL (2024) : Competent national authorities must give particular attention to the specific basic needs of stateless people in vulnerable situations, especially minors, for whom the best interests of the child must be a primary	No information available. Note that Hungary is party to and applies EU joint readmission agreements. Act XC of 2023 does not contain explicit rules to take into consideration the child's right to nationality, best interests, or right to family life before a decision to return is made.	EU joint readmission agreements: https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en

			consideration. This includes ensuring family integrity, promoting the minor’s welfare and social development, and safeguarding their safety and security.		
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		<p>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.</p> <p>According to the information received from the NDGAP, no stateless person or person of unknown nationality was expelled or deported from Hungary or held in detention for this purpose in 2024.</p>	<p>Hungarian Helsinki Committee</p> <p>Response by the National Directorate-General for Alien Policing of 20 February 2025 to the HHC's freedom of information request.</p>

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?	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>ENS (2013): 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.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should lower legal and practical hurdles to citizenship and establish pathways for naturalisation that are equally accessible to women and men, including by removing gender-discriminatory provisions in documentation and other administrative requirements.</p>	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: eight, five and three 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 three – 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.	<p>Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004, Section 4 (2) (e) and 23 (1) (HU)</p> <p>Gábor Gyulai, The Black Box of Nationality. The Naturalisation of Refugees and Stateless Persons in Hungary: https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf, Hungarian Helsinki Committee, 2015</p> <p>Act LXVI of 1992 on the registration of nationals’ personal data and residence: http://njt.hu/cgi_bin/njt_doc.cgi?docid=17345.376682, Section 4 (1) (HU)</p>
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.	<p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): 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.</p>	An applicant for naturalisation must have no criminal record according to Hungarian law, and there shall be no pending criminal proceedings against them 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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , 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. Are there any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices?	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021): States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.</p> <p>Human Rights Council Resolution on the right to a nationality (2023): States should adopt and implement nationality legislation with a view to preventing and reducing statelessness. States should refrain from enacting or maintaining discriminatory nationality legislations, policies and practices with a view to avoiding statelessness, and eliminating discrimination against all women and girls in the acquisition of nationality.</p>	<p>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).</p> <p>While there is no overt discrimination, research from the Hungarian Helsinki Committee in 2016 showed that stateless people and refugees are statistically less likely to acquire Hungarian nationality through naturalisation than foreigners with</p>	<p>Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004, Sections 4 (1) (e) and 4/A (HU)</p> <p>Government decree 125/1993. (IX. 22.) on the implementation of Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19653.385547, Section 13 (6) (HU)</p> <p>Gábor Gyulai, The Black Box of Nationality. The Naturalisation of Refugees and Stateless Persons in Hungary: https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf, Hungarian Helsinki Committee, 2015, pp. 15-18</p>

				no Hungarian origin in general. No more detailed or more recent empirical information is available on this. Moreover, the naturalisation procedure in Hungary lacks any procedural safeguard: the proceeding authority does not provide any justification for its decisions and no administrative or judicial appeal exists against first-instance rejections.	
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality, regardless of sex, gender, or residence status of their parents? [If yes, continue to PRS2b. If no, proceed to PRS2i]	<p>1961 Convention: Article 1</p> <p>CRC: Article 7</p> <p>ECN: Article 2</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p>Human Rights Committee, CCPR General comment No. 17 (1989): 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.</p> <p>UN Human Rights Council Resolution on the right to a nationality (2023): States should facilitate the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should implement the CEDAW and uphold their obligations under the CRC, to ensure the child's right to acquire their parents' nationality without discrimination on the basis of sex or residency status, and review and reform nationality laws and practices relating to nationality that discriminate on any prohibited grounds, including on the basis of sex or gender.</p> <p>European Parliament resolution (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p> <p>European Parliament resolution (2019): States should find a solution to the issue of stateless children within and outside the EU. The European Commission should promote the child's right to acquire a nationality.</p> <p>Human Rights Committee, D.Z. v. Netherlands (2021): States must adopt every appropriate measure to ensure that every child has a nationality when they are born.</p> <p>UNCRC, MKAH v. Switzerland (2021): Article 7 CRC requires States to take positive action to implement the right to acquire a nationality.</p>	<p>Yes, but with incomplete safeguards.</p> <p>OPTION A – Automatic (<i>ex lege</i>), at birth, limited scope. Under Section 3(3) of 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. According to the information received from the Budapest Government Office, no child acquired Hungarian nationality based on this provision in 2024.</p> <p>OPTION B – Non-automatic (upon application), non-discretionary, later, general scope. Under Section 5/A (1)(b) & (1a) of Act LV 1993 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 (<i>lakóhely</i>) in Hungary at the time of birth and the child has been residing in Hungary (with a domicile) for at least five years. This option is open until the child's 19th birthday. This option has been completely dysfunctional: the annual statistical information requests made by the Hungarian Helsinki Committee to the competent authority reveal that this safeguard is not known to have ever been applied in practice (as the annual case number has always been 0 since such information requests are made, including in 2024).</p> <p>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.</p>	<p>Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004, Sections 3(3), 5/A(1)(a) & (b)</p> <p>Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: https://www.refworld.org/docid/5310640b4.html, Hungarian Helsinki Committee, January 2014</p> <p>UN Committee on the Rights of the Child, Concluding observations on the sixth periodic report of Hungary, 3 March 2020, https://undocs.org/CRC/C/HUN/CO/6</p> <p>Response by the Budapest Government Office of 4 February 2025 to the HHC's freedom of information request.</p> <p>Hungarian Helsinki Committee</p>
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): 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.</p>	OPTION A above is automatic, OPTION B is non-automatic.	<p>Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004, Sections 3(3), 5/A (1a) & (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:</p>

			ENS, No Child Should Be Stateless (2015) : 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.		https://www.refworld.org/docid/5310640b4.html , 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?	UNHCR, Guidelines on Statelessness No. 4 (2012) : 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?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (2015) : 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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , 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: https://www.refworld.org/docid/5310640b4.html , 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.	UNHCR, Guidelines on Statelessness No. 4 (2012) : 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. Human Rights Committee, D.Z. v. Netherlands (2021) : The burden of proof must be shared between the claimant and the authorities of the contracting State to obtain evidence and to establish the facts as to whether an individual would otherwise be stateless.	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 lawful residence.	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : 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. CRC : Articles 3 & 7	OPTION A – No (automatic acquisition at birth, subject to different restrictive conditions). OPTION B – Yes. Minimum five 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.	Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , 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: https://www.refworld.org/docid/5310640b4.html , Hungarian Helsinki Committee, January 2014

			<p>Committee on the Rights of the Child, Concluding observations on the Netherlands (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. ECN: Article 6(2)(b)</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>Committee on the Rights of the Child, Concluding observations on Czech Republic (2011): 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. ENS, No Child Should Be Stateless (2015): 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 five years of lawful residence with a domicile applies to the child, not the parents.</p>	<p>Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004, Sections 3(3), 5/A (1a) & (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: https://www.refworld.org/docid/5310640b4.html, Hungarian Helsinki Committee, January 2014</p>	
PRS.2.h	What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): 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. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015): 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 19th birthday which only allows one year for this option after reaching the age of majority. The procedure is free of charge.</p>	<p>Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004, Section 5/A (1a) & (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: https://www.refworld.org/docid/5310640b4.html, 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>UNHCR, Guidelines on Statelessness No. 4 (2012): 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. UNHCR, Best Interests Procedure Guidelines (2021): The best interests principle applies to all children within the territory of the State, irrespective of their status.</p>	No.		

PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	1961 Convention : Article 2 ECN : Article 6(1)(b)	Under Section 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 under PRS.2.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 foundlings and thus automatically acquire Hungarian nationality.	Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , Section 3(3)(b) (HU) Act I of 2010 on Civil Registration Procedures: http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726 , 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: https://www.refworld.org/docid/5310640b4.html , 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?	UNHCR, Guidelines on Statelessness No. 4 (2012) : 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 szülőtől 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 in 2013. At the same time, there is no information about the practical application of this provision.	Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , 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: https://www.refworld.org/docid/5310640b4.html , Hungarian Helsinki Committee, January 2014
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (2012) : 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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , 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?	1961 Convention : Article 5 European Convention on the Adoption of Children (2008) : Article 12 ENS, No Child Should Be Stateless (2015) : 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.	ECN : Article 6(4)(d) European Convention on the Adoption of Children (2008) : Article 12 Committee on the Rights of the Child, Concluding Observations on Switzerland (2015) : 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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , 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?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : 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: https://njt.hu/jogszabaly/2011-4301-02-00 , 25 April 2011, Section G(1) (HU)

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.)?	<p>ECtHR, Genovese v. Malta (2011): The State must ensure that the right to nationality is secured without discrimination.</p> <p>CEDAW, Gen. Rec. 32 (2014): 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.</p> <p>UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness (2024): Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2.0 (2024): Actions 3 and 4.</p> <p>Human Rights Council Resolution on the right to a nationality (2023): States should eliminate discrimination against all women and girls in the conferral of nationality on their children.</p>	No.	The Fundamental Law of Hungary: https://njt.hu/jogszabaly/2011-4301-02-00 , 25 April 2011, Section G(1) (HU)
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of ethnicity, disability, illness, the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	<p>CRC: Article 7.</p> <p>ICCPR: Article 24(2).</p> <p>ECHR: Article 8.</p> <p>CoE, Recommendation CM/Rec(2009)13 (2009): 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.</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR, Global Action Plan to End Statelessness 2.0 (2024): Action 7.</p> <p>UN Sustainable Development Goal 16.9</p> <p>UNCRC, General comment No. 15 (2013): Universal free birth registration is a prerequisite for barriers to children's access to health services, including financial, institutional and cultural barriers, to be identified and eliminated.</p> <p>Joint general recommendation No. 31 CEDAW and No. 18 UNCRC (2019): A national system of compulsory, accessible and free birth registration should be established in order to effectively prevent harmful practices, including child marriage.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR, Best Interests Procedure Guidelines (2021): The best interests procedures involve the referral of children to multisectoral services, based on the specific needs of the child and their family, including birth registration.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	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.	<p>Act I of 2010 on Civil Registration Procedures: http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726, Section 1(3)(a) (HU)</p> <p>Gábor Gyulai, Nationality Unknown? An Overview of the Safeguards and Gaps Related to the Prevention of Statelessness at Birth in Hungary: https://www.refworld.org/docid/5310640b4.html, Hungarian Helsinki Committee, January 2014</p>

			<p>Human Rights Council Resolution on the right to a nationality (2023): States should remove physical, administrative, procedural and any other barriers that impede access to birth registration, establish or strengthen existing institutions responsible for birth registration, and remove barriers due to discrimination, including for internally displaced persons, refugees and asylum-seekers.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should uphold the equal right to register births and access birth certificates and other civil documents, without discrimination, including on the basis of sex, gender or marital status. States should pass comprehensive legislation on civil registration and vital statistics.</p> <p>Human Rights Committee, Rexha and Fasliu v. Albania (2025): States must prioritise adequate policies for birth registration, especially for children from marginalised communities.</p>		
PRS.6.b	Are all children issued with birth certificates upon registration, regardless of ethnicity, disability, illness, their or family members' residence status/documentation, or parents' sexual or gender identity? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): 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.</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC: 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.</p> <p>UNCRC, General Comment No. 7 (2005): States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p> <p>Human Rights Council Resolution on the right to a nationality (2023)</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</p> <p>ECtHR, G.T.B. v. Spain (2023): States have a positive obligation to assist the child in obtaining a birth certificate and identity documents.</p>	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.)	CRC : 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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726 , 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, competent authority, and whether the child's best interests are taken into consideration.	<p>CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012): 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. Human Rights Committee, CCPR General comment No. 17 (1989): 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. UNHCR, Best Interests Procedure Guidelines (2021) Human Rights Committee, D.Z. v. Netherlands (2021)</p>	No. Hungarian law does not appoint any authority to determine <i>ex officio</i> 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: https://www.refworld.org/docid/5310640b4.html , Hungarian Helsinki Committee, January 2014
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC: 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. Global Compact for Safe, Orderly and Regular Migration: 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. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed. Human Rights Committee, Rexha and Faslliu v. Albania (2025): States must prioritise adequate policies for birth registration, especially for children from marginalised communities. CJEU, V.M.A. (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex. ECtHR, Mennesson v. France (2014): States must grant legal recognition of parent-child relationship</p>	No. The HHC is not aware of any problem regarding access to birth registration. 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 https://data.unicef.org/resources/every-childs-birth-right-inequities-and-trends-in-birth-registration/ World Bank data on completeness of birth registration: https://data.worldbank.org/indicator/SP.REG.BRTH.ZS?end=2016&most_recent_value_desc=false&start=2016&view=map&year=2022

			legally established abroad for children born through surrogacy. ECtHR, D.B. and others v. Switzerland (2022) : Domestic law must provide a possibility of recognition of a legal parent-child relationship between the child born abroad through surrogacy to a same-sex couple and the intended parent.		
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?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) UNCRC : 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. CoE, ECRI General Policy Recommendation No. 16(2016) : 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.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution A/HRC/RES/20/4 (2012) : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. UNCRC, General Comment No. 7 (2005) : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services. UNCRC, General comment No. 20 (2016) : The lack of birth registration can result in significant additional complications during adolescence. Adolescents who have not been registered at birth or immediately after should be provided with free late birth certificates and civil registration. Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023) : States should reduce or remove administrative and financial barriers, such as late registration fees, that inhibit or delay registration.	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: https://data.worldbank.org/indicator/SP.REG.BRTH.ZS?end=2016&most_recent_value_desc=false&start=2016&view=map&year=2022 United Nations Children’s Fund, Every Child’s Birth Right: Inequities and trends in birth registration, UNICEF, New York, 2013 https://data.unicef.org/resources/every-childs-birth-right-inequities-and-trends-in-birth-registration/
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.6.i		Are children able to apply for their birth registration if this was not done by their parents or other representative? Please describe	EU Agency for Fundamental Rights (2017) : States should provide procedures to allow children to apply for their birth registration in case their parents fail to do so.	Act I of 2010 on Civil Registration Procedures does not regulate whether a child can apply for birth registration, therefore, in the case of minors, the birth certificate may be issued only to their parent or a person authorised by the parent, and not to the minors	Act I of 2010 on Civil Registration Procedures: http://nit.hu/cgi_bin/njt_doc.cgi?docid=129886.383726 , Section 15(4) (HU)

		whether this is regulated in the State, and if so, whether there is a minimum age for the child to apply for birth registration.		themselves. There is also a possibility for parents or authorised representatives to apply for a birth registration by electronic means.	
PRS.7.a	Reduction of statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2.0 (2024) : 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 or without their nationality confirmed/determined? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2.0 (2024) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : 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: https://www.refworld.org/docid/5310640b4.html , Hungarian Helsinki Committee, January 2014
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness, including for particular groups who may be affected? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, facilitated access to documentation or residence status for specific groups, etc.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2.0 (2024) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality. UN Guiding Principles on Internal Displacement (1998) : Principle 20 Human Rights Council Resolution on the right to a nationality (2023) : States should undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights, including the right of everyone to a nationality. Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023) : States should conduct public awareness-raising campaigns, establish accessible civil registration units, implement outreach programmes in remote and marginalised communities, and train health workers and civil registry officials with regard to statelessness and in a gender-sensitive manner. ENS, Statelessness and the prohibition on discrimination against Romani communities (2023) : States must protect against arbitrary differential treatment and implement non-discriminatory policies. States should adopt and implement effective policies and measures to combat intersecting forms of discrimination.	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 country of nationality when established, sometimes only years later. Following strong criticism and several media-covered 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. No such favourable measures can be reported since then.	Act I of 2010 on Civil Registration Procedures: http://njt.hu/cgi_bin/njt_doc.cgi?docid=129886.383726 , 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: https://www.refworld.org/docid/5310640b4.html , Hungarian Helsinki Committee, January 2014

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>1961 Convention: Article 8 & 9. ECN: Article 7(3). UDHR: Article 15(2). Principles on Deprivation of Nationality and the Draft Commentary: 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 & 6. HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23. UNHCR Guidelines on Statelessness No.5 (2020): 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). ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable. CoE, PACE Resolution 2263 (2019): States should review their legislation in the light of international standards prohibiting arbitrary deprivation of nationality, and repeal any laws that would allow it; provide for safeguards against statelessness in their national laws; abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving minors of their nationality. ECtHR, Usmanov v. Russia (2020): A decision on deprivation of nationality must assess the consequences for the person and whether the measure is arbitrary. CJEU, Rottmann (2010): Decisions withdrawing nationality must be afforded a reasonable period of time in order to try to recover the nationality of their Member State of origin. CJEU, JY (2022): Decisions to revoke an assurance that nationality will be granted must be proportionate and consistent with EU law. CJEU, Tjebbes (2019): The loss of nationality must respect the principle of proportionality and national authorities must perform an individual assessment of the consequences for the applicants.</p>	<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.</p> <p>In 2025, Hungary enacted legal amendments allowing for the 'suspension' (<i>felfüggesztés</i>) of Hungarian nationality for persons 'who also hold the citizenship of a third country' if they 'engage in conduct that poses a threat to public order, public safety, or national security in Hungary, and (...) in whose case the suspension of nationality is considered a proportionate measure in relation to the severity of the threat and the legal and social situation of the person concerned'. Both the Hungarian Helsinki Committee and legal scholars criticised this amendment, qualifying the 'suspension' of nationality a legal nonsense and alerting about the potential political abuse of this provision. At the same time, the problematic provision can only be applied to people who hold the nationality of another state outside the European Economic Area (EEA), excluding that the measure would result in statelessness. The eventual practical application of this unprecedented measure will have to be closely monitored, though.</p>	Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , Sections 9-9/E (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>1961 Convention: Article 8(4) ECN: Articles 10 to 13 ECHR: Article 8 Charter of Fundamental Rights: Article 7 Principles on Deprivation of Nationality: 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</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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , Section 9 (HU) Gábor Gyulai, The Black Box of Nationality. The Naturalisation of Refugees and Stateless Persons in Hungary: https://www.helsinki.hu/wp-content/uploads/The-Black-Box-of-Nationality-HHC-2016.pdf , Hungarian Helsinki Committee, 2015, p. 20

		Please briefly state if deprivation of nationality is only ever carried out in pursuance of a legitimate purpose, is provided for by law, is necessary, proportionate, in accordance with procedural safeguards, and in accordance with the right to respect for private and family life. Please also state if a reasonable period of time is afforded to allow recovery of the nationality of the State of origin in case of withdrawal of nationality.	has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015) : The consequences of a decision to deprive somebody of their 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. CoE, PACE Resolution 2263 (2019) : States should abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving nationals of their nationality. ECtHR, Usmanov v. Russia (2020) CJEU, Rottmann (2010) CJEU, JY (2022) CJEU, Tjebbes (2019)		
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?	1961 Convention : Article 7 ECN : Articles 7 and 8	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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , 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 and if/how they are applied in practice.	Principles on Deprivation of Nationality 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. UNHCR Guidelines on Statelessness No.5 (2020) : 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. CoE, PACE Resolution 2263 (2019) : States should review provisions allowing for deprivation of nationality on terrorism grounds in light of international human rights obligations, refrain from applying this measure and envisage and prioritise wider use of other counter-terrorism measures.	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. In 2025, Hungary enacted legal amendments allowing for the 'suspension' (<i>felfüggesztés</i>) of Hungarian nationality for persons 'who also holds the citizenship of a third country' if they 'engage in conduct that poses a threat to public order, public safety, or national security in Hungary, and (...) in whose case the suspension of nationality is considered a proportionate measure in relation to the severity of the threat and the legal and social situation of the person concerned'. Both the Hungarian Helsinki Committee and legal scholars criticised this amendment, qualifying the 'suspension' of nationality a legal nonsense and alerting about the potential political abuse of this provision. At the same time, the problematic provision can only be applied to people who hold the nationality of another state outside the European Economic Area (EEA), excluding that the measure would result in statelessness. The eventual practical application of this unprecedented measure will have to be closely monitored, though.	Act LV of 1993 on Hungarian nationality: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , Sections 9-9/E (HU)
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?	ICCPR : Article 26 1961 Convention : Article 9 ECN : Article 5 Principles on Deprivation of Nationality : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property,	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: http://njt.hu/cgi_bin/njt_doc.cgi?docid=19290.385004 , Section 9 (HU)

		Please describe these provisions and if/how they are applied in practice.	<p>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.</p> <p>CoE, PACE Resolution 2263 (2019): States should not discriminate between citizens on the basis of the way in which they have acquired nationality, in order to avoid indirect discrimination against minorities.</p>		
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.	<p>1961 Convention: Article 6</p> <p>CRC: Articles 2(2), 7 and 8</p> <p>CEDAW: Article 9(1)</p> <p>Principles on Deprivation of Nationality: 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).</p>	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 and one Supreme Court judgments referring to statelessness in Hungary. Lower-instance courts have adopted a series of judgments on statelessness determination, too, but these decisions are not published.	<p>Constitutional Court decision 6/2015. (III. 25.): https://caselaw.statelessness.eu/caselaw/hungary-constitutional-court-decision-62015-iii-25 The applicant, a stateless person residing in Hungary, faced protracted difficulties in regularising his legal situation, being eventually recognised as stateless after fifteen years' residence. During thirteen of those years, the applicant had no legal status in Hungary and was entitled to neither healthcare nor employment, nor was he able to marry. Constitutional Court proceedings were initiated by a judge, in which the judge proposed to declare that the term "lawful residence" in the territory of Hungary, as provided for in 76§ (1) of Act no. II of 2007 on Admission and Right of Residence of Third-Country Nationals (<i>Harmtv</i>), which requires a person to be lawfully staying in the country in order to be granted statelessness status, was contrary to the Fundamental Law of Hungary, and to order a general prohibition of its application in the given case. The Constitutional Court held that the term "lawful residence" was contrary to the Fundamental Law of Hungary, thus deleted it from the cited law. However, it refused to prohibit its application to the underlying procedure, as the applicant concerned was able to initiate a new procedure afterwards. This case reached the European Court of Human Rights (<i>Sudita Keita v. Hungary</i>).</p> <p>Constitutional Court Decision no. 14/2021 (IV. 23.): https://caselaw.statelessness.eu/caselaw/hungary-constitutional-court-decision-no-142021-iv-23-ab The Constitutional Court held that in a case where the acting authority finds, on the basis of the opinion of expert agencies, that the applicant's stay would violate or endanger the national security of Hungary, the application for statelessness status shall be rejected on procedural grounds without further examination of whether the applicant qualifies as a stateless person.</p> <p>Supreme Court (<i>Kúria</i>), Judgment no. Kfv.II.38.067/2018/6 of 13 November 2019: https://caselaw.statelessness.eu/caselaw/hungary-supreme-court-kuria-judgment-no-kfvii3806720186-13-november-2019 The case concerned the determination of a Palestinian applicant's statelessness, focusing on whether Palestine can be considered a State in this context and whether a travel document issued by the Palestinian National Authority represents proof of Palestinian nationality. The Hungarian Supreme Court (<i>Kúria</i>) ruled in 2019 that neither the administrative authority in charge of statelessness determination nor the courts involved in the appeal procedure are entitled to assess the statehood of an entity; this task corresponds uniquely to the Ministry of Foreign Affairs and Trade. It also confirmed that holding a travel document does not always prove nationality.</p> <p>Supreme Court (<i>Kúria</i>), Judgment no. Kfv.II.37.715/2021/6 of 25 May 2022: https://caselaw.statelessness.eu/caselaw/hungary-applicant-v-national-directorate-general-alien-police-budapest-and-pest-county</p>

					<p>The applicant (allegedly a former Cameroonian national who had lost his identity documents) applied for a declaration of statelessness to the Defendant authority who rejected the application on the ground that the applicant did not have any identity documents and failed to cooperate during the verification of his identity by not trying to obtain such documents. This decision was upheld by the court of first instance and was subsequently challenged by the applicant before the Hungarian Supreme Court (<i>Kúria</i>). The Supreme Court held that the application for review was well-founded and confirmed that the definition of statelessness also covers cases where the practice of the competent foreign authority shows that it has ceased to consider an individual as a national. The Court reconfirmed that the burden of proof is shared in the statelessness determination procedure and further clarified that an applicant cannot automatically be held to violate their duty to cooperate if they do not possess identity documents and cannot acquire such documents due to reasonable circumstances.</p> <p>Budapest Court (<i>Fővárosi Bíróság</i>), Judgment no. 17.K.33.488/2008/4. of 20 May 2009: https://caselaw.statelessness.eu/caselaw/hungary-budapest-court-fovarosi-birosag-judgment-no-17k3348820084-20-may-2009</p> <p>The case concerned the statelessness determination of a former Yugoslav national born in Kosovo, who had been living in Hungary since 1993, and whose Serbian nationality was officially recognised by Serbia in 2007. The 2009 judgment of the Budapest Court (<i>Fővárosi Bíróság</i>) in Hungary upheld that such an official confirmation disproves the applicant's statelessness, even if he had never lived in the Republic of Serbia. The Court emphasised that the only subject matter of statelessness determination is the applicability of the 1954 Convention's definition of a stateless person while examining the compatibility of the applicant's expulsion to the country of nationality with other human rights obligations (such as the right to family life or non-refoulement) does not correspond to this particular procedure.</p> <p>Budapest Administrative and Labour Court (<i>Fővárosi Közigazgatási és Munkügyi Bíróság</i>) Judgment no. 18.K.31.696/2018/23. of 18 October 2018: https://caselaw.statelessness.eu/caselaw/hungary-budapest-administrative-and-labour-court-fovarosi-kozigazgatasi-es-munkaugyi-0</p> <p>The case concerns a Sierra Leonean man, whose claim for statelessness status was rejected due to credibility concerns related to his various previous asylum and alien policing procedures. The Budapest Administrative and Labour Court (<i>Fővárosi Közigazgatási és Munkügyi Bíróság</i>) – whose judgment was later confirmed by the second-instance Budapest Regional Court (<i>Fővárosi Törvényszék</i>) – emphasised the importance of considering and contrasting with each other all pieces of available evidence, some of which the defendant unlawfully excluded from its assessment. It also pointed out that credibility concerns related to the applicant's previous asylum claims are not necessarily relevant for statelessness determination. In the subsequent procedure, following another rejection by the administrative authority, this time based on unspecified and incorrectly referenced national security concerns, the Budapest Administrative and Labour Court repeatedly quashed the decision</p>
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RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or people with undetermined nationality? If yes, please describe.	UNHCR, Handbook on Protection (2014) : 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 statelessness 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 statelessness status and recognised stateless persons	Hungarian Helsinki Committee: http://www.helsinki.hu/en Menedék Association for Migrants: http://www.menedek.hu/en
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Yes.	<p>Gábor Gyulai, <i>The Black Box of Nationality – The Naturalisation of Refugees and Stateless Persons in Hungary</i>: http://www.refworld.org/docid/5792070a4.html, Hungarian Helsinki Committee, 2016</p> <p>Gábor Gyulai, <i>Nationality Unknown – An overview of the safeguards and gaps related to the prevention of statelessness at birth in Hungary</i>: https://helsinki.hu/wp-content/uploads/Nationality-Unknown.pdf, Hungarian Helsinki Committee, 2014</p> <p>Gábor Gyulai, <i>Statelessness in Hungary – The Protection of Stateless Persons and the Prevention and Reduction of</i></p>

				<p>Statelessness: https://helsinki.hu/wp-content/uploads/Statelessness in Hungary 2010.pdf, Hungarian Helsinki Committee, December 2010</p> <p>Gábor Gyulai, Practices in Hungary Concerning the Granting of Non-EU-Harmonised Protection Statuses: https://helsinki.hu/wp-content/uploads/Non-EU-Harmonised-Protection-Statuses-Hungary-final 1.pdf, European Migration Network, August 2009</p> <p>Gábor Gyulai, Forgotten without Reason – Protection of Non-Refugee Stateless Persons in Central Europe: http://helsinki.webdialog.hu/dokumentum/Statelessness CentralE u.pdf, Hungarian Helsinki Committee, 2007</p> <p>Aranka Lőrincz, <i>A hontalan státusz megállapítása iránti eljárás nemzetközi és magyar aspektusai</i>, Közjogi Szemle, 2014/4.</p> <p>Tamás Molnár, <i>A hontalanok helyzete a nemzetközi jogban, illetve a magyar jogban</i>: http://www.uni-corvinus.hu/index.php?id=24294&no_cache=1&tx_efcointranet_pi1%5Bfomenu%5D=publikaciok&tx_efcointranet_pi1%5Bcushman%5D=mtamas1&tx_efcointranet_pi1%5Bprint%5D=1 in: Lékó Zoltán (ed.), <i>A migrációs jog kézikönyve</i>, CompLex, Budapest, 2009, pp. 329-358 (HU)</p> <p>Attila Szabó, Statelessness: Right or Possibility?, Constitutional Discourse, https://constitutionaldiscourse.com/attila-szabo-statelessness-right-or-possibility/, 6 May 2021</p> <p>Attila Szabó, <i>Hogy áll Magyarország a hontalanság felszámolásával? - Eljárásjogi akadályok a védelembe vétel előtt</i>, https://jog.tk.hu/blog/2022/06/hogy-all-magyarorszag-a-hontalansag-felszamolasaval, 29 June 2022</p> <p>Blanka Újvári, <i>Az állampolgársághoz való jog és a hontalanság kapcsolata Magyarországon</i>: https://szakcikkadatbazis.hu/doc/5866318, <i>Iustum Aequum Salutare</i>, 2021/1, 287-303</p> <p>Examples of other literature on statelessness by Hungarian authors:</p> <p>Katalin Berényi, : https://akk.uni-nke.hu/document/akk-uni-nke-hu/Statelessness PhD dissertation Katalin Berenyi 20180312.pdf, doctoral thesis, <i>Nemzeti Közszolgálati Egyetem</i> (National University of Public Service), Budapest, 2018</p> <p>Katalin Berényi, : http://www.institutesi.org/WP2016_05.pdf, Statelessness Working Paper Series No. 2016/05, Institute on Statelessness and Inclusion</p> <p>Katalin Berényi: <i>Non-citizenship in the EU: Irrelevant, a driving force for displacement or a pretext for intervention?</i>: http://culturalrelations.org/Review/CRQR_05_01/CRQR_05_01.pdf</p>
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RES.4.a.	Examples of identity and travel documents	Please insert pictures of anonymised identity and/or travel documents issued to stateless people in your country (if applicable). If the country issues several documents, please specify what each document is.	An anonymised copy of an identity or travel document for a stateless person issued by Hungary is not available.		