

Temporary Protection Hungary

2023 Update

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Hungary](#).

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Temporary Protection Procedure

A. General

The Hungarian Asylum Act regulates two forms of temporary protection which vary as to their geographical scope of application:¹

- ❖ The form under point a) Section 19(1) transposes the provisions of EU Directive 2001/55/EC² (Temporary Protection Directive, TPD) into Hungarian law. For its application, the Council of the EU should declare that, on grounds of a massive influx of third-country nationals, temporary protection must be granted to a predefined scope of eligible persons in EU Member States.
- ❖ Temporary protection under point b) of Section 19(1) of the Asylum Act is independent from the TPD and exists only under Hungarian law and as such, it is to be applied only in Hungary. This 'national' type of temporary protection is also invoked in case of mass influx of displaced persons, if they fled their country due to an armed conflict, civil war or other internal armed conflicts, or due to general, systematic and frequent violation of human rights – such as torture, cruel, inhuman and degrading treatment. The cases when this latter form of protection has to be applied and the scope of eligible persons are laid down by a government decree. The provisions of the TPD may not be invoked in this case, only the provisions of the national Asylum Act may be relied upon.

On 24 February 2022 at 10:00 PM in the evening, Government Decree 56/2022 (II.24.) came into effect, invoking point b) of Section 19(1) of the Asylum Act. The Hungarian Government, being the first in Europe, decided to grant temporary protection to everyone who had a legal basis to stay in Ukraine and fled the country to Hungary, regardless of their nationality. The national protection provided thereby was applicable until 7 March 2022. Since 8 March 2022, Government Decree No. 86/2022. (III. 7.) (TP Decree) is applicable. The TP Decree, transposing the provisions of the Council Implementing Decision,³ activated temporary protection under point a) of Section 19(1) of the Asylum Act, under which the TPD becomes applicable in Hungary. The former government decree based on national TP accorded a more extensive protection than the rules promulgated in the TP Decree, because it allowed non-Ukrainian third-country nationals fleeing from and legally residing in Ukraine to apply for temporary protection. However, that is no longer possible under the TP Decree currently in force (see [Qualification for Temporary Protection](#)). What is more, the latter TP Decree states that in those procedures which started under the former decree but had not yet concluded when the TP decree came into effect, the provisions of the current TP Decree are applicable. In practice this retroactive effect only concerned the determination of the applications lodged by third-country nationals.⁴

The rights and obligations of the applicant, beneficiary and asylum authority, relative to temporary protection, are set out in the Asylum Act and Asylum Decree in line with the TPD. After enacting the TP Decree, the Hungarian government issued a series of further decrees and set a more detailed framework for accommodation, employment, education, information and supply for people eligible for temporary protection in Hungary. The provisions of these laws either set out a more detailed 'executive' regulation to those promulgated in the Asylum Act and Decree or diverge from their provisions.

¹ Section 19 a.)-b.) of Act LXXX of 2007 on Asylum.

² Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L 212/12, available at: <http://bit.ly/409uJhu>.

³ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection [2022] OJ L 71/1, available at: <http://bit.ly/3UhQQja>.

⁴ Section 12 of TP Decree.

On the most essential applicable laws in force concerning temporary protection in Hungary, see the following table:

Title (EN)	Original Title (HU)	Web Link
Act LXXX of 2007 on Asylum (Asylum Act)	2007. évi LXXX. törvény a menedékjogról	https://bit.ly/3RgsYea (HU)
Government Decree No.301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on asylum (Asylum Decree)	301/2007. (XI. 9.) Korm. rendelet a menedékjogról szóló 2007. évi LXXX. törvény végrehajtásáról	https://bit.ly/3fUA0DK (HU)
Government Decree No. 86/2022. (III. 7.) on rules applicable in state of danger and related to persons recognized as eligible for temporary protection, and on derogations from the rules of: Act CVI of 2011 on public employment, on the amendment of acts related to public employment and of other acts (TP Decree)	86/2022. (III. 7.) Korm. rendelet az ideiglenes védelemre jogosultként elismert személyekkel kapcsolatos veszélyhelyzeti szabályokról, továbbá a közfoglalkoztatásról és a közfoglalkoztatáshoz kapcsolódó, valamint egyéb törvények módosításáról szóló 2011. évi CVI. törvény szabályainak eltérő alkalmazásáról	http://bit.ly/3JyzV8u (HU) Unofficial EN translation by the HHC: https://bit.ly/3XLoHSs
Government Decree No. 95/2022 (10.III.) on the performance of the humanitarian tasks of the Budapest and county defence committees	95/2022. (III, 10.) Korm. rendelet a megyei, fővárosi védelmi bizottságok humanitárius feladatai ellátásáról	http://bit.ly/3ReZD3Z (HU)
Government Decree No. 104/2022 (12.III.) on the support of providing accommodation to persons arriving with respect to a humanitarian disaster in a neighbouring country during the state of danger, and on other related (financial support for entities offering accommodation to Ukrainians)	104/2022. (III. 12.) Korm. rendelet a veszélyhelyzet ideje alatt a szomszédos országban fennálló humanitárius katasztrófára tekintettel érkező személyek elhelyezésének támogatásáról és az azzal kapcsolatos egyéb intézkedésekről	http://bit.ly/3Y9mpMY (HU)
Government Decree No. 106/2022 (12.III.) on certain rules related to the employment of and benefits to persons recognized as beneficiary of temporary protection and on the amendment of Government Decree 301/2007. (XI. 9.) on the implementation of act LXXX of 2007 on Asylum, with respect to a humanitarian disaster in a neighbouring country during the state of danger	106/2022 (III. 12.) Korm. rendelet a veszélyhelyzet ideje alatt szomszédos országban fennálló humanitárius katasztrófára tekintettel, az ideiglenes védelemre jogosultként elismert személyek foglalkoztatásával és juttatásaival kapcsolatos egyes szabályokról, valamint a menedékjogról szóló 2007. évi LXXX. törvény végrehajtásáról szóló 301/2007. (XI. 9.) Korm. rendelet módosításáról.	http://bit.ly/3HH9Anz (HU)
Government Decree No. 147/2022 (14.IV.) on the provision of childcare services to accompanied children who have arrived from the territory of Ukraine, with respect to the state of danger	147/2022 (IV. 14.) Korm. rendelet a veszélyhelyzetre tekintettel az Ukrajna területéről kísérővel érkezett gyermekek gyermekfelügyelettel történő ellátásáról	http://bit.ly/3RfICb0 (HU)

Government Decree No. 171/2022 (29.IV.) on certain issues of data processing relevant to health care services, related to the Ukrainian crisis	171/2022. (IV. 29.) Korm. rendelet az ukrajnai válsággal összefüggő egyes, az egészségügyi ellátást érintő adatkezelési kérdésekről	http://bit.ly/3Juqqr0 (HU)
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There are no official statistics available regarding the number of those who were displaced directly or indirectly by the conflict present in Ukraine but that do not come under the scope of TPD in Hungary, however two groups are worth mentioning in this context.

A possibly significant number of Hungarian-Ukrainian dual citizens residing in Ukraine fled to Hungary as a result of the war. For reasons of historical specificity, around 150,000 ethnic Hungarians live in the **Zakarpattia** Oblast region in Ukraine, close to the Hungarian border.⁵ Although there is no official data as to the number of those who hold both Hungarian and Ukrainian citizenship within the group of ethnic Hungarians, according to the 2015 data of the Hungarian Central Statistical Office, 88,339 persons were living in Ukraine with Hungarian citizenship,⁶ and it might be assumed that most of them belong to the Hungarian minority. Naturally, after 24 February 2022, dual citizens and Hungarian-speaking Ukrainians also started to flee to Hungary, primarily from the **Zakarpattia** region. These people, however, did not fall under the Asylum Act and temporary protection scheme due to their Hungarian citizenship. At the same time, most of them could not enjoy all the rights to which Hungarian citizens are entitled, since most of those rights are tied to Hungarian social security status and registered address. Therefore, the TP Decree activating the application of the TPD and Council Decision introduced a special provision concerning dual citizens by stating that all benefits and advantages that are granted to a temporary protection beneficiary are to be granted to Hungarian citizens who had a permanent residence in Ukraine and arrived from Ukraine on or after 24 February 2022, unless they are granted more favourable treatment by virtue of their Hungarian citizenship.⁷ This means in practice that dual citizens may access reception conditions and financial support (see Status and residence and Housing) in the same manner as temporary protection beneficiaries (see [Residence Permit](#)). Although there is no official data as to the numbers of Hungarian-Ukrainian dual citizens residing in Ukraine fled to Hungary as a result of the war, but based on the information the Hungarian Helsinki Committee (HHC) received from the Ministry of National Economic, 26.127 request for financial support were submitted by dual citizens to competent government authority between February 2022 and 31 December 2023, of which 25. 903 requests were granted.⁸ This figure is, of course, only indicative regarding the number of dual citizens who wished to claim financial assistance under the TP scheme, but there is no official information on the exact number of dual citizens who fled from Ukraine to Hungary for the war.

Although the number may be lower than that of dual citizens, a group of indirectly displaced people that fall outside of the scope of TPD but that must be highlighted is that of Russian nationals staying in Hungary without (more permanent) legal basis who, having strong anti-war sentiments or fearing military conscription and/or the negative consequences of the newly adopted anti-LGBTQ law, do not want to return to Russia, but have no permanent basis to stay In Hungary either. The HHC provided legal assistance to 4 such Russian nationals in 2022 and 9 such Russian nationals in 2023. These clients generally wish to claim asylum, but currently it is not possible to submit an asylum application directly in Hungary, only if it is preceded by the so-called embassy procedure initiated at the Hungarian embassy in Ukraine or Serbia (see [General Report – Embassy Procedure](#)). No such asylum procedures have been initiated with the help of HHC, however, 6 Russian asylum-seekers were transferred to Hungary under the Dublin Regulations - generally for having been issued with a Hungarian tourist visa earlier - and have

⁵ Krisztina Lajosi, 'Disinformation, Digital Nationalism and the Hungarian Minority in Ukraine', 25 April 2022, available at: <http://bit.ly/3YfJxcC>.

⁶ Hungarian Central Statistical Office, *New Hungarian Citizens. Changes following the introduction of simplified naturalisation procedure (Új magyar állampolgárok. Változások az egyszerűsített honosítási eljárás bevezetése után)*, 2017, available at: <https://bit.ly/3Yn6hHB>.

⁷ Section 8 of TP Decree.

⁸ Information received from the Ministry of National Economic on 19 February 2024 by the HHC.

been represented by the HHC. In these cases it was possible to submit the asylum applications. Two of these procedures are pending at the time of writing. In 3 cases, following a judicial review procedure, the asylum application was refused, notwithstanding the applicants strong anti-war sentiments⁹ In the other case, also following a judicial review procedure, the judge instructed the asylum authority to conduct a repeated procedure and grant refugee status for the applicant due to his well-established fear of persecution for being a member of LGBTQ community and facing real risk of conscription despite opposing the war.¹⁰The HHC expects the number of these cases to increase in 2024.

There is no data available as to how many individuals potentially entitled to temporary protection are present in Hungary. The only somewhat relevant data in that regard is the number of individuals entering from Ukraine to Hungary and the number of Ukrainian citizens entering from Romania to Hungary in 2022 and 2023.¹¹ See these figures below: ¹²

Border crossings		
	2022	2023
Individuals entering Hungary from Ukraine	2,302,366	2,116,877
Ukrainian nationals entering Hungary from Romania	592,373	379,003

Source: Data from the Hungarian Central Statistical Office, available at: <http://bit.ly/3K1PTbd>

As regards applicants and beneficiaries, there were:

- ❖ 33,882 temporary protection beneficiaries on 31 December 2023.
- ❖ 460 pending temporary protection applications on 31 December 2023.
- ❖ 33,273 individuals registered for temporary protection between 25 February and 31 December 2022¹³ ; in 2023, 7,776 applications were registered.¹⁴
- ❖ Between 24 February 2022 and 31 December 2023, 1,597 individuals who registered for temporary protection but because of the procedure and for the applicability of non-refoulement received tolerated status instead of temporary protection status.¹⁵

Applicants and beneficiaries		
	As of 31 December 2022	As of 31 December 2023
Individuals registered for TP	33,273	41,049
Pending TP applications	1,083	460
TP beneficiaries	28,908	33,882
Tolerated status beneficiaries	923	1,597

Source: regarding 2022, data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023; regarding 2023, data received from the National General Directorate of Aliens Policing by the HHC on 19 February 2024.

⁹ Case numbers 106-M-886/2023, before the asylum authority, Judgments of Budapest Court nr. 14.K.704.358/2023. and 14.K.704.364/2023.

¹⁰ Judgment nr 106.K.700.709/2023 of Court of Metropolitan Area of Budapest of 12 September 2023.

¹¹ Data from the Hungarian Central Statistical Office: <http://bit.ly/3K1PTbd>.

¹² *Ibid.*

¹³ Data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023.

¹⁴ Data received from the National General Directorate of Aliens Policing by the HHC on 19 February 2024.

¹⁵ *Ibid.*

B. Qualification for temporary protection

Currently, in line with the Council Implementing Decision, the TP Decree provides that the following persons may apply for temporary protection:

- a. Ukrainian nationals residing in the territory of Ukraine before 24 February 2022;
- b. stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection (for example, having a refugee status) or equivalent national protection in Ukraine before 24 February 2022; and
- c. family members of persons referred to in points a) and b).

The following persons shall be considered as family members: spouses, minor children, and other close relatives who lived together as part of the family before 24 February, and who were wholly or mainly dependent on a person referred to in point a) or b) at the time.

In practice, the Hungarian asylum authority also grants temporary protection to the unmarried partner living in a stable relationship with a person referred to in point a) or b), and to third-country nationals who are the parents of minors referred to in point a) or b).¹⁶

When it comes to the interpretation of “dependency”, in the practice of both the National Directorate-General of Aliens Policing¹⁷ and the courts, a permissive and a restrictive approach may be highlighted. The notion was interpreted in a restrictive manner in a case where the court upheld the decision of the NDGAP refusing the temporary protection applications of a Russian mother and her daughter, who had lived together in the same household with the mother’s Ukrainian mother for 27 years before fleeing to Hungary, in a property owned by the Ukrainian mother. The court held that “dependency can only be understood as a relationship of responsibility and burden which is complete or close to it, or close to financial dependence, or personal care or nursing which is equivalent in its closeness to full or near-full financial dependence. If merely the emotional attachment, living together and running a household together would suffice as a status for a family member, the EU and national legislator would have provided for this, rather than much stricter dependency-dependency relationship. Neither the Guidelines nor the Charter, it is not possible to conclude to the contrary.”¹⁸ Conversely, the NDGAP applied a permissive approach concerning a Belarusian citizen temporary protection applicant, also represented by the HHC.¹⁹ The applicant’s mother is a Belarusian citizen, her half-sibling sister, however, is Ukrainian as she was born from a Ukrainian father. The mother and the applicant lived in Ukraine for more than 20 years, they also got a Ukrainian permanent residence permit in 2017. The sister, since she was born, also lived with her mother and half-brother all her life, in a house that is owned by the applicant. The mother and the sister were granted temporary protection status without any problems, but in the applicant’s case the NDGAP wanted further evidence. The authority accepted that dependency was established between the applicant and the sister, as the sister, who is a minor, had lived in the applicant’s apartment and they had a strong emotional connection too. The Belarusian applicant was consequently granted temporary protection status.

The ‘*direction*’ of dependency is also interpreted by the NDGAP in a permissive manner. The HHC knows of two cases of Nigerian citizen parents, whose children were born in Ukraine and therefore had Ukrainian citizenship, but the NDGAP eventually granted temporary protection not only to the children but to their parents too.²⁰

¹⁶ Practice-based observation by the Hungarian Helsinki Committee, April 2023.

¹⁷ Hereinafter: NDGAP.

¹⁸ Judgment nr. 11.K.703.874/2022/8 of Budapest Court, 9 January 2023.

¹⁹ Case number 106-M-26231/2022 before the NDGAP.

²⁰ Case number 106-M-6958/2022 before the NDGAP.

Worth furthermore noting that following the litigation efforts of the HHC, the Budapest Court stated that a third-country national family member of a dual (Hungarian-Ukrainian) citizen shall also be granted temporary protection status, notwithstanding the fact that the family member is not entitled to and does not need temporary protection for being a Hungarian citizen. The court argued that the legislator obviously did not want to place the third-country family members of Hungarian citizens who had lived in Ukraine in a less favourable position than the third-country family members of Ukrainian citizens who may be granted asylum status under the TP decree.²¹

The Asylum Act, in line with the TPD, also sets out the grounds of exclusion from temporary protection. No temporary protection shall be granted when there are reasonable grounds to believe that the person had committed:

- a. a crime against peace, a war crime or a crime against humanity as defined in international instruments;
- b. a serious, non-political criminal act outside the territory of Hungary prior to the submission of the application for recognition as a beneficiary of temporary protection;
- c. a crime contrary to the purposes and principles of the United Nations.

Moreover, no temporary protection shall be granted to persons whose stay in the territory of Hungary violates the interest of national security and/or:

- a. in whose case a court established by a final and binding judgement that they had committed an intentional criminal offence punishable by imprisonment for five or more years;
- b. who are sentenced by a final and binding judgement of a court to imprisonment for having committed a criminal offence as recidivists, multiple recidivists or violent multiple recidivists;
- c. who are sentenced by a final and binding judgement of a court to imprisonment of a term of three years or more for having committed a criminal offence against life, physical integrity, and health, a criminal offence endangering health, a criminal offence against human freedom, a criminal offence against the freedom of sexual life and sexual morality, a criminal offence against public peace, a criminal offence against public safety, or a criminal offence against the order of public administration.²²

The Constitution Protection Office and the National Counterterrorism Centre are the competent expert authorities to determine whether the stay of the applicant in the territory of Hungary presents a threat to national security.²³

Issues related to the temporal scope and date of arrival in Hungary

Although the Commission strongly encouraged member states to extend TP to those who fled before 24 February 2022, the Hungarian Government decided not to do so regarding those, who would otherwise belong under the personal scope of the TP Decree but reached the country before the said date. Depending on whether or not these individuals arrived in the country either shortly or a long time before 24 February 2022 and have no legal basis to stay (e.g. application for or extension of residence permit for a defined purpose) they may be subjected to the following procedures.

Firstly, if the person arrived in Hungary shortly before 24 February (1-3 weeks), temporary protection applications can be submitted, despite the fact that based on the TP Decree, the applicant is not eligible for the protection status. According to the experience of HHC lawyers, the authority registers these applications and conducts the TP procedure, but as a result, the application is rejected in an official decision. Nonetheless, the asylum authority, acting under the Asylum Act and Asylum Decree, also holds in these cases that *non-refoulement* is applicable and that the applicant cannot be sent back to their

²¹ Judgment nr 13.K.700.433/2023/7 of Budapest Court, 30 March 2023.

²² Section 21(1) of the Asylum Act.

²³ Point a) of Section 2/A. of Government Decree 301/2007. (XI. 9.) on the implementation of Act LXXX of 2007 on Asylum (Asylum Impl. Decree).

country of origin (Ukraine). Consequently, the asylum authority grants tolerated stay/exile status to these applicants.²⁴ For the duration of the procedure, the applicant is issued with a humanitarian residence permit granting the right to stay and reside in the territory of the country. The same permit, valid for a year, is granted to those who are granted tolerated status.²⁵ After a year, the status is reviewed by the asylum authority.²⁶ There have been no reports suggesting that those receiving tolerated status would have experienced any difficulties with regard to the status-review procedure.

Tolerated status ensures much less rights than the temporary protection status or any international protection status. Persons with tolerated status shall be entitled to:

- ❖ pre-school and are obliged to participate in public education,²⁷
- ❖ be a private entrepreneur,²⁸
- ❖ be employed, but only after obtaining a work permit,²⁹
- ❖ in case they are not insured under the social security scheme, to treatments by a general practitioner, to emergency care, to mandatory vaccinations and to certain epidemics related health care services.³⁰

However, if the person arrived in Hungary long before 24 February 2022 and stays without any legal basis, an expulsion procedure might be initiated either *ex officio* by the NDGAP or by the person's own initiative, if the person presents themselves before the authority.³¹ In this case, the aliens policing authority would conduct a procedure in which they have an obligation to assess whether *non-refoulement* applies. In case of persons fleeing Ukraine, the aliens policing authority would likely perceive that the principle of *non-refoulement* may be applicable and the person in question may be granted tolerated stay / exile status³² (see above). This procedure is likely to be conducted not only regarding those who would otherwise be eligible for temporary protection, but arrived in Hungary long before 24 February 2022, but also for all third country nationals not covered by the personal scope of the TP Decree, but are unable to return to their countries of origin in a safe and durable manner, regardless of the time of their arrival in the country. The situation is as such because the Transitional Act precludes applying for asylum without going through the embassy procedure.

The HHC in its information requests sent to the NDGAP asked whether, beside a rejection of a temporary protection application and/or asserting the non-applicability of *refoulement*, anyone who applied for temporary protection was issued with an expulsion order. The NDGAP stated in its answer that no temporary protection applicant was expelled throughout 2022 or 2023 as a result of a temporary protection procedure.³³

Scope of protection and procedures applied to third country nationals and stateless persons

Persons recognised as stateless in Ukraine – without having benefited from international or equivalent protection in Ukraine prior to 24 February 2022, as the unfortunate wording of the Council Decision and TP Decree perhaps suggest – are covered by the TP Decree and are eligible for temporary protection

²⁴ Sections 25/A-25/B of Asylum Act.

²⁵ Section 29 (1) b.) of Act II of 2007 on the Entry and Stay of Third-Country Nationals.

²⁶ Section 25/B (2) Asylum Act.

²⁷ Section 92(1) a.) of the Public Education Act.

²⁸ Section 3(1) d.) of the Private Entrepreneurs Act.

²⁹ Sections 3-6 of Gov. Decree 445/2013. (XI. 28.).

³⁰ Section 44 (3)-(4) of the Asylum Decree.

³¹ Section 42 of Act II 2007 on the Entry and Stay of Third-Country Nationals (effective till 29 February 2024), Sections 97 (1) and 98 (1)b.) of Act XC of 2023 on the General Rules of the Entry and Stay of Third-Country Nationals (effective from 1 March 2024).

³² Sections 52-52/A of Act II of 2007 on the Entry and Stay of Third-Country Nationals.

³³ Data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023 and on 19 February 2024..

according to the communication of the asylum authority.³⁴ The personal scope of the TP Decree was not broadened to cover additional categories of displaced persons however.

Nonetheless, the Hungarian implementation of the Council Implementing Decision poses some compliance issues with regard to third country nationals and stateless persons. Although the Council Implementing Decision requires Member States to provide temporary protection or adequate protection to those stateless persons and third-country nationals, who were legally residing in Ukraine 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 TP Decree states that “it does not apply the Council Decision” with regard to that group of people. According to the TP Decree, the aliens policing authority shall proceed in line with the general rules in the cases of these individuals.³⁵ This ‘general’ procedure 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, as explained in the previous paragraph.³⁶ 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.³⁷ 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.

For the duration of the aliens policing procedure persons are provided with a temporary residence document by the aliens policing authority valid for 1 to 3 months. The rules related to the temporary residence document are laid down in the TCN Act.³⁸ The temporary residence document, with which does not come with any right apart from being able to stay in the country for the time of the procedure, may be extended by a maximum of three additional months at a time, if the person in question is able to prove that travel arrangements to their country of origin are underway or that they made efforts to regularise their stay in Hungary on the long term (such as proceeding with a visa application to another country or a correspondence with a Hungarian University proving that the person wished to obtain a residence permit for a studying purpose). Temporary residence documents are also provided to third-country nationals fleeing Ukraine by the police upon border crossing. The aliens policing authority can later extend these as explained earlier. The NDGAP states that 16,458 temporary residence documents were issued between 24 February 2022 and 31 December 2023.³⁹

In the long term, the regularisation of the residence of non-Ukrainian nationals arriving from Ukraine could be possible only by applying for one of the residence permits set out by the TCN Act (for example, permit for the purpose of studies, employment, family reunification, etc.) if the appropriate legal basis is available to the applicant (for example, he or she is admitted to a university, has a job-offer, etc.) and if they fulfil a long list of conditions (e.g. verifying place of accommodation, means of subsistence, health insurance). Applications for such residence permits must be submitted, as a general rule, at the embassies of Hungary. Accordingly, applicants must explicitly request, via submitting a leniency request, that the authorities allow the submission of the application within the territory of Hungary, providing specific reasons. Unfortunately, the HHC’s experience shows that the mere fact that someone is in the territory of Hungary due to the war situation in Ukraine is not considered by the alien policing authority as an

³⁴ NDGAP, ‘Tájékoztató az Ukrajnából menekülő ukrán állampolgárok részére’, available in Hungarian at: <https://bit.ly/40iWO5W>.

³⁵ Section 2 (2)-(3) of Government Decree No. 86/2022. (III. 7.) (TP Decree).

³⁶ These procedures are regulated by Act II of 2007 on the Entry and Stay of Third-Country Nationals.

³⁷ Adequate protection as defined in the Commission’s document: European Commission, *Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection* [2022] OJ C 126/1, available at: <https://bit.ly/3la6JCs>.

³⁸ Section 30 of TCN Act.

³⁹ Information received from the NDGAP by the HHC on 19 February 2024. The statement of the NDGAP does not explicitly say that the documents were issued exclusively for third-country nationals, it only says for ‘people arriving from Ukraine’.

acceptable basis for the leniency request – as opposed to the information material on the authority's website addressed to non-Ukrainian nationals.⁴⁰

Recap of available protection and residence statuses for people fleeing Ukraine

As explained in the previous paragraphs, the Hungarian implementation of the EU TP scheme is rather restrictive in terms of eligibility for protection. Apart from Ukrainian nationals, beneficiaries of international protection or stateless persons recognised in Ukraine and their family members, no other groups can access temporary protection. Although it follows from the TPD, the Council Implementing Decision and the Commission's operational guidelines that third-country nationals who are unable to return to their country of origin but are not eligible for temporary protection must be able to access the general asylum procedure, Hungarian law precludes the submission of asylum applications in Hungary, unless the procedure is initiated in **Serbia** or **Ukraine**, by submitting a so-called statement of intent declaration at the Hungarian embassies.⁴¹ This regulation, in addition to being in breach of international law and European Union law related to persons entitled to international protection in several aspects, as confirmed by the Court of Justice of the European Union in June 2023,⁴² has posed serious difficulties within the context of the Ukrainian crisis as well (see [Access to Asylum](#)). Third-country nationals arriving from Ukraine either do not know that they should lodge statement of intent procedure at the Hungarian Embassy in **Kyiv** and wait to be granted leave to enter and come to Hungary, or do not hold the necessary visa to travel to **Serbia**, and therefore, are not in a position to submit a statement of intent at the Belgrade embassy. Even if these individuals have well-founded asylum claims, the 'best' they can get is a tolerated status as a result of an alien policing procedure (see above, same section).

The HHC in its information request sent to the NDGAP asked how many third-country nationals fleeing Ukraine to Hungary and issued with a temporary residence document applied for asylum in Hungary, The NDGAP stated that they do not have data in that regard.⁴³

The available forms of protection, residence statuses and their compliance with the EU TP scheme are summarised here:

Groups fleeing Ukraine	Protections / Residence status	Is it compliant with the EU TP scheme?
<ul style="list-style-type: none"> - Ukrainian nationals, - Recognised stateless persons and beneficiaries of international protection, - their family members within the council Decision + their partners in a stable relationship, parents of Ukrainian minor <p style="text-align: center;">if arrived on or after 24/02/2022</p>	<p>Temporary protection granted in asylum procedure</p>	<p>Yes</p>

⁴⁰ NDGAP, 'Tájékoztató az Ukrajnából menekülő nem ukrán állampolgárok részére és a fegyveres konfliktus kitörését megelőzően Magyarországra érkezett ukrán állampolgárok részére', available in Hungarian at: <https://bit.ly/3Hq6ymh>.

⁴¹ Chapter 84 of Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemic preparedness (Transitional Act).

⁴² CJEU, 22 June 2023, *European Commission v. Hungary*, C-823/21, available at: <https://bit.ly/3TcbFhA>.

⁴³ Information received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023 and on 19 February 2024.

<ul style="list-style-type: none"> - Ukrainian nationals, - Recognised stateless persons and beneficiaries of international protection, - their family members within the council Decision + their partners in a stable relationship, parents of Ukrainian minor <p>if arrived before 24/02/2022</p>	Tolerated status or residence permit granted as a result of an alien policing procedure	Yes
TCNs legally residing in Ukraine on a permanent basis if they cannot return to their country of origin in a safe and durable manner	Tolerated status or residence permit granted as a result of an alien policing procedure	No, as neither TP nor adequate protection provided.
TCNs legally residing in Ukraine on a short-term basis if they cannot return to their country of origin in a safe and durable manner	Tolerated status or residence permit granted as a result of an alien policing procedure	Yes
All TCNs who are able to return to their country of origin in a safe and durable manner	No protection, are channelled to the alien policing procedure (result: expulsion or if applied and conditions fulfilled – residence permit)	Yes

All residence permits issued in 2022 and 2023 were valid until 4 March 2024. As the EU temporary protection was extended, 30/2024 Government Decree (II.22) also declared the prolongation of the Hungarian TP cards' validity until 4 March 2025.

C. Access to temporary protection and registration

1. Admission to territory

Access to the territory of Hungary was generally facilitated at border crossing points in 2022, with the occasional exceptions listed below. In line with the Commission Communication providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders,⁴⁴ the application of entry bans/SIS alerts on prohibition of entry and stay in the EU has been suspended on the Ukrainian-Hungarian border and people could enter without adequate travel documents in 2022. Although the said EC guideline encourages Member States to issue an arrival declaration and/or (provisional) travel documents to those not having valid travel documents, Hungary did not follow this practice. According to the Hungarian Act on Asylum, however, beneficiaries of temporary protection are entitled to request a single exit and entry document, if they do not hold a valid travel document issued by their country of

⁴⁴ Commission Communication Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders 2022/C 104 I/01 [2022] OJ C 104I/1, available at: <http://bit.ly/3UjOm4g>.

origin.⁴⁵ Furthermore, there are no reports or testimonies in 2022 suggesting that anyone fleeing Ukraine was refused entry at the Ukrainian-Hungarian border crossing points in 2022. Ukrainians without biometric passports or other travel or identification documents, as well as third-country nationals without travel documents, and even those against whom an entry ban concerning Hungary or the EU was issued were all granted entry to Hungary after 24 February 2022.

However, the HHC received some alarming information from volunteers working in the border area in April and March 2022, that Roma people were not allowed to disembark trains coming from Ukraine and arriving at **Záhony** railway station (Záhony is a town close to the Ukrainian border in Hungary). The HHC conducted regular monitoring visits in the border area throughout 2022 providing first-hand assistance to people fleeing Ukraine, but did not meet any Roma person who could substantiate this claim.

However, the HHC recorded a case in May 2022 in **Záhony**, when a group of Roma people from Ukraine were allowed to disembark the train but were told then at the registration point by the Hungarian authorities that they either had to stay at the designated place imposed to them or had to return to Ukraine. They were not allowed to move further to Budapest unless they could prove that they had an address to stay in Hungary. On another occasion, also in May 2022, the HHC recorded the testimony of a security guard at the Záhony railway station indicating that Roma people were prohibited by Ukrainian officials from boarding the train going to **Záhony** at the train station in **Chop, Ukraine**. IOM staff, who were present at the railway station that time, confirmed this allegation to the HHC monitors.

The situation of persons fleeing Ukraine but trying to enter the Schengen area via Hungary at Romanian-Hungarian border-crossing points, however, was not as clear-cut. The HHC received information on multiple occasions between 24 February 2022 and August 2022, that Ukrainians without biometric passports or third-country nationals, even holding a Ukrainian residence permit, were not allowed to enter Hungary. This practice was, nonetheless, rare and not consistent. In the second half of 2022, no organisations contributing to this report received such information.⁴⁶ In 2023, only those fleeing Ukraine could enter Hungary from Romania, who had valid Ukrainian biometric passports or a document issued by other Schengen state confirming that the person may enter that state.⁴⁷ The Police states that in case of 2,139 Ukrainian nationals, entry was denied for unspecified reasons.⁴⁸

However, since January 2023, border-control measures have been strengthened. Terre Des Hommes Hungary received information via informal, non-state channels, that in some instances only those who have biometric passports are allowed to leave Ukraine by the Ukrainian border police.⁴⁹

- ❖ On 23 January 2023 staff members of the HHC monitoring the border area received disturbing information with regard to a Turkish citizen who tried to enter Hungary with his Ukrainian wife and child but was refused entry by the border guards. An official decision of refusal of entry was also made by the border police, referring to the fact that the said individual did not hold the necessary visa to enter. The next day the HHC staff members attended a coordination meeting organised by locally present actors in **Záhony**, where the representative of the Hungarian Defence Forces informed attendees that, by instruction of the Hungarian National Police Headquarters, border guards would more thoroughly check whether the person intending to cross the border stayed in Ukraine in a lawful manner prior to 24 February 2022.

⁴⁵ Section 22(1) b.) of Asylum Act.

⁴⁶ The following organisations contributed to this report: IOM Hungary, Caritas Hungarica, Cordelia Foundation, Evangelical Lutheran Diakonia, Jesuit Refugee Service, Hungarian Interchurch Aid, Hungarian Maltese Charity, Hungarian Reformed Church Aid, Menedék Hungarian Association for Migrants, and Next Step Hungary Association.

⁴⁷ Information received by the HHC during its February 2023 monitoring mission.

⁴⁸ Information received from the Police Headquarter on 19 February 2024 by the HHC.

⁴⁹ Information received from Terre Des Hommes Hungary on 28 January 2023.

- ❖ On 24 January 2024, the HHC attorney was present at the local border police station of Záhony where he witnessed that two third-country nationals, an Iranian and a Nigerian student, were refused entry in a formal decision. One of the students had a valid residence permit in Ukraine, the other student's residence permit had expired. In both of their cases the decisions stated that they did not hold the necessary visa. The acting border police officer informed the HHC attorney that the police contacted the asylum authority to obtain *non-refoulement* opinions concerning the said third-country nationals. The decision otherwise made no reference to their Ukrainian residence status. The border police later withdrew the decision and the HHC attorney was informed that the said nationals were allowed to enter Hungary.
- ❖ The same day (24 January 2023), seven Indian nationals were allowed to enter Hungary without their IDs having been thoroughly checked.
- ❖ On 25 January 2023, a Ukrainian lawyer reached out to the HHC, stating that the entry of 4 Pakistani nationals into Hungary was denied. According to the lawyer's information, formal entry-refusal decisions were again issued with reference to the fact that the individuals did not hold a valid visa to enter Hungary. The Pakistani nationals' stay in Ukraine was, however, illegal.

Throughout February 2023, the HHC registered further cases where the entry of third-country nationals, legally or illegally staying in Ukraine, were denied by the Hungarian border police at **Záhony**. This practice affected family members of Ukrainian nationals too, who would otherwise be entitled to temporary protection. IOM has also suggested that 'certain patterns that have emerged strictly based on observation and second-hand information indicate the denial of entry for TCNs based on whether they had previously exited Ukraine or not, with TCNs exiting for a second or third time the country, not being allowed to do so again and sent back. In addition, cases with Temporary Protection status in EU countries, other than Hungary, have also been denied entry into the country.'⁵⁰

These cases might indicate that a worrisome and inconsistent practice concerning the entry of third-country nationals to Hungary is evolving. 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 Headquarter in its answer received by the HHC on 27 March 2023 asserts that will be granted entry:

- ❖ 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 are not under the effect of an entry ban issued:
 - for national security reasons,
 - issued by any other Schengen member state,
 - 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.

The Police Headquarter also stated in its answer that if need for asylum or temporary protection is indicated when crossing the border, 'when assessing *refoulement*, this need has to be indicated to the NDGAP'. The Police furthermore stated that 'if *non-refoulement* applies, the person is to be transferred to the **Nyírbátor** collection point and further procedure is then to be conducted by the NDGAP'. '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 'if *non-refoulement* does not apply, then the person claiming must be directed to the Kiev Embassy of Hungary'.

⁵⁰ Information received from the IOM by the HHC on 14 February 2022.

The Police states that 1,538 persons were denied entry at the Ukrainian-Hungarian border in 2023. 14 persons were denied entry for the lack of valid travel documents, 2 persons for using fake travel documents, 1253 persons for missing a valid visa, 3 persons for using fake visas, 18 persons for lacking 'supporting documents'⁵¹ 20 persons for overstaying⁵² and 273 persons for being subjected to an entry ban.⁵³

The HHC registered the following refusal of entry cases at the Ukrainian border, at the Záhony border crossing point:

- ❖ 3 February 2023: Five Indian nationals claimed they had been in Ukraine (Odessa) with a study visa for three months. They arrived in Ukraine through Moldova. They claimed they wanted to travel back to India as Ukraine is not safe. The Moldavian visa they previously had expired, that is why they tried to travel back to India through Hungary. HHC was told by the Police that the Indian nationals had visited Moldova multiple times over the 3 months they spent in Ukraine. Their entry was refused.
- ❖ 18 April 2023: a Bangladeshi citizen was stopped and removed from the train arriving from Ukraine at the train station. He claimed that he wanted to join his Ukrainian wife and son, who were granted temporary protection and lived in Germany. The person's entry was refused due to the lack of EU visa.
- ❖ 29 April 2023: an Iraqi citizen wanted to go to Germany via Hungary to his wife and minor child who had Ukrainian citizenship. His entry was refused.
- ❖ 7 June 2023: Nigerian and Moroccan citizens were turned back by the authorities because they had already left Ukraine since the outbreak of the war and now wanted to leave again.
- ❖ 19 July 2023: An Azeri family of 4 persons (with two minor children) was denied entry by the border guards because they did not have valid visas.
- ❖ 03 August 2023: a Nigerian citizen woman, wanted to come to Hungary with her minor Ukrainian daughter was refused entry.
- ❖ 14-15 August 2023: One Ukrainian person was escorted for a hearing by the Police after arriving by train to Záhony, but as it turned out he had a Schengen ban on entry and stay issued by Hungary, so he was not allowed to enter Hungary.
- ❖ 13 September 2023: an Iranian citizen wanted to go to Austria via Hungary to join his Ukrainian citizen wife and their two minor children. His entry was refused. The HHC is challenging this border control practice by requesting the judicial review of refusal on entry decisions. The HHC represents the above-mentioned Bangladeshi, Nigerian, Iraqi and Iranian citizens in these procedures. There have been 3 judgments issued so far in these cases. All three judgments quashed the refusal of entry decisions due to inadequate *non-refoulement* 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.⁵⁴ According to the experience of the HHC, this is especially concerning as even if people arrive with a filled temporary protection application, this is not accepted and not recorded anywhere by the border guards.

In 2022 no information was received as to any difficulties relating to re-entering Hungary for those who returned to Ukraine and decided to come back. In 2023, however, those who have not been granted any status enabling residence/stay in Hungary (e.g. temporary protection status) but returned to Ukraine, were likely to face difficulties in re-entering Hungary. This follows from the above-described restrictive practice of the police concerning border control, indicating that those who entered Ukraine after 24 February 2022

⁵¹ It was not further specified what the Police meant by supporting documents.

⁵² The context of 'overstaying' was not specified in the Police statement.

⁵³ Information received from the Police Headquarter on 19 February 2024.

⁵⁴ Judgments of Debrecen Court nr 4.K.701.177/2023/6 of 6 July 2023, nr 15.K.702.514/2023/5 of 9 January 2024 and nr. 18.K.702.659/2023/4 15 February 2024.

may be denied entry. The HHC registered some cases when those who had temporary protection (TP) status and TP card issued in Hungary encountered some difficulties when returning to Hungary from Ukraine. Namely, the border guards in these particular cases were convinced that the temporary protection cards were not valid anymore (this might have been the case as although the government declared to prolong the status for an additional year and that TP cards had to be regarded as valid - the actual expiry date printed of the cards were/are: 5 March 2023).⁵⁵

2. Freedom of movement

Ukrainian nationals with biometric passports are not issued with any kind of additional residence documents by the authorities upon their entry to Hungary. Ukrainians without biometric passports and third-country nationals are, however, provided with a temporary residence document valid for 1-3 months, until their residence status is otherwise settled or until they leave the country. According to the NDGAP, between 24 February 2022 and 31 December 2023, 16,458 temporary residence documents were issued.⁵⁶ The NDGAP, upon the person's arrival issues this document on humanitarian grounds,⁵⁷ but in the early phase of the crisis this document was also issued by the police at border crossing points and registration points (set up close to the border with the specific purpose of registering people from Ukraine who did not hold a biometric passport).

Third-country nationals were sometimes also issued with a decision of a designated place to stay (normally with a geographical scope of a county) by the aliens policing authority in 2022, together with their temporary residence document, and especially in relation to Roma families. The authority was inconsistent in this practice and also the legal basis of these decisions was ambiguous. In several cases the aliens policing authority issued these types of decisions if the third-country national in question was already subjected to an alien policing procedure, which is a circumstance justifying the issuance of such a decision.⁵⁸ As no such case came across in the practice of the HHC, it is not known whether it still had been the practice in 2023.

Furthermore, in the experience of the HHC, Hungary did not follow the EC's recommendations⁵⁹ indicating that if there is no biometric passport but the person is entitled to temporary protection and wants to move to another Member State other than the first Member State, then a Member State might issue 15-day Schengen visa, persons wishing to travel further normally turned to the consulates of the targeted Member States and requested visas there. Third-country nationals not entitled for temporary protection generally did the same, especially in cases when they wanted to reach EU countries where the personal scope of temporary protection was broader and covered third-country nationals too.

3. Registration under temporary protection

The application for temporary protection has to be submitted to the asylum authority (NDGAP)⁶⁰ in an official application form⁶¹. There is no deadline to apply for temporary protection after arriving in Hungary, however, if applicants want to access state-funded accommodation, it is advisable to apply within 30 days (see more on this under [Housing](#)). The application may be submitted at any asylum client services

⁵⁵ Cases registered on 11-12 May 2024 by the HHC during its monitoring mission in Demjén Albertmajor and in Ráckeve (accommodation sites).

⁵⁶ Information received from the NDGAP on 19 February 2024 by the HHC.

⁵⁷ Section 30 (1) f.) and j.) of TCN Act.

⁵⁸ Section 62 (1) h.) of TCN Act.

⁵⁹ Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (2022/C 126 I/01).

⁶⁰ Section 32/D (1)-(2) of Asylum Act.

⁶¹ Application form may be downloaded from here: <https://bit.ly/447bS9b> .

of regional offices⁶² of the authority. In Budapest, it is to be lodged at 60 Budafoki Street, 11th District. Case-officers at the client services provide applicants with the application form. In addition, it is possible for applicants to give their personal identification data necessary for the submission of the application in advance by using the website⁶³ or mobile application⁶⁴ of the NDGAP for that purpose.⁶⁵ That possibility only exists to accelerate the procedure and does not exempt the applicant from the obligation to appear in person before the authority, which, in this case, may be fulfilled not only by showing up at the mentioned offices of NDGAP, but also at any government client service point (“Kormányablak”).⁶⁶

It must be demonstrated upon submitting the application that the applicant falls within the personal scope of the Council Implementing Decision/TP Decree. In line with the EC communication, this might be done usually by presenting a passport, a personal identity card, any other document appropriate for the certification of personal identity, or, especially for family members, by an extract from the birth or marriage certificate substantiating family relationship.

As per the practice of asylum authority, unmarried partners of persons eligible for temporary protection may also be granted temporary protection. Partners have to evidence the relationship by submitting photos, email, SMS, other correspondence with the temporary protection-eligible partner. If the applicant holds valid travel or ID documents, the submission of the application is quite fast, without the case-officer asking additional questions.

The law also provides that the applicant is only to be heard if it is absolutely necessary for further clarification.⁶⁷ This is the case, for instance, when the applicant lacks any document sufficient for personal identification, as then the applicant might have to answer some additional questions or submit other evidence substantiating their identity. There are no documents that are not accepted in the course of making the application.

If, at the time of submitting the application, the applicant has no accommodation, that fact may be noted on the application form. In such cases, the asylum authority contacts the competent authorities (Disaster Relief) so that they may provide accommodation to the applicant. If the applicant has accommodation, the address must be given on the data sheet, and in case their accommodation changes during the procedure, the authority must be duly notified thereof.

The asylum authority does not adopt a separate decision about the recognition of temporary protection. The authority only records the recognition itself and notifies the applicant by handing over or posting the temporary protection document.⁶⁸ According to the experience of HHC lawyers providing legal assistance to applicants, it was sometimes problematic in 2022 that the authority fails to notify the persons whose application for temporary protection is rejected. Rejected applicants are informed that their attempt was unsuccessful only if they contact the authority in person to request information about the assessment of their application.

The asylum authority has 45 days to conduct the procedure.⁶⁹ The time-limit set for the procedure of the expert authority⁷⁰ (see [Qualification for temporary protection](#)) shall be 10 days, therefore, the maximum duration of the procedure is 55 days. If the expert authority does not notify the asylum authority of its decision within 10 days, its consent is considered as given.⁷¹

⁶² The regional offices of the NDGAP are listed at NDGAP, ‘Területi szervek illetékességi területe és címjegyzéke’, available in Hungarian at: <https://bit.ly/3jBn7Uj>.

⁶³ The NDGAP website to submit applications is available here: <http://bit.ly/3KwxwM2>.

⁶⁴ The NDGAP mobile application is available here: <https://bit.ly/3jBn7Uj>.

⁶⁵ Sections 2-3 of Government Decree 170/2022 (IV.28).

⁶⁶ (1)-(2b) of Section 5/A (1)-(2b) of Government Decree 86/2022. (III. 7.).

⁶⁷ Section 4 (2) of TP Decree.

⁶⁸ Section 5/A (3) of Government Decree 86/2022. (III. 7.).

⁶⁹ Section 77 (3) of the Asylum Act.

⁷⁰ The Constitution Protection Office and/or the National Counterterrorism Centre.

⁷¹ Paragraphs (2)-(3) of Section 4/A. of Government Decree 86/2022. (III. 7.).

Following the submission of the temporary protection application, applicants receive a so-called humanitarian residence permit for the duration of the procedure.⁷² The permit certifies their entitlement to the services available for them during the temporary protection procedure (see [Residence Permit](#)). If the humanitarian residence permit expires before receiving the temporary protection document following the recognition, the extension of validity may be requested at the closest regional office of the NDGAP asylum-client service.

Following recognition as a beneficiary of temporary protection, a document is issued to the beneficiary for the purposes of personal identification and certification of the right to residence (temporary protection card). The authority sends/delivers a letter along with the temporary protection card notifying the beneficiary that the card does not entitle its holder to travel and that the subsistence allowance – the only financial support provided to beneficiaries by the state – can be requested after receiving the card. If, following the issuance of that document, the place of residence of the beneficiary of temporary protection changes, the authority must be duly notified thereof.⁷³

If the temporary protection application is submitted, and as a result of the procedure the asylum authority denies the protection claim and potentially expels the applicant, the refusal decision might be challenged before the regional court within 8 days from its delivery.⁷⁴ In the judicial review request, *non-refoulement* opinion and a potential expulsion decision might also be challenged. The court then has 60 days to decide in the case,⁷⁵ whether to refuse the appeal or order the asylum authority to conduct a new procedure.⁷⁶ The judicial review request does not have an automatic suspensive effect on the decision⁷⁷, but in practice the expulsion procedure never starts beforehand.

According to the asylum authority, 29 judicial review requests challenging the decision made as a result of a temporary protection procedure until 31 December 2022 were submitted.⁷⁸ In 2023, the number of judicial requests submitted was 21.⁷⁹ Neither the asylum authority, nor the National Office for the Judiciary could provide data as to the outcome of the judicial review procedures.

Interestingly, when refusing the temporary protection application, the Asylum Act does not preclude the submission of a subsequent application as it does regarding general asylum claims. As a consequence, even if the factual basis of the application and circumstances of the applicant did not change, another application can be submitted and the authority has to make a new – presumably – refusing decision. However, as a result of a 2024 legislative change, if a person's temporary protection application is rejected and remedies are exhausted, the applicant will no longer be entitled to emergency accommodation and care for the duration of the new (repeated) procedure⁸⁰, as it was the case throughout 2022 and 2023.

Lack of referral mechanism and information at entry points

There are no formally introduced measures to refer people arriving to the border to the responsible authority. After 24 February 2022, five registration points were set up in the border area in **Váradosnamény, Tarpa, Mándok, Fehérgyarmat** and **Aranyosapáti**, where the police⁸¹ and the officials of the asylum authority were present, issuing temporary residence documents. Eligible persons could also

⁷² Section 29(1) c.) of the TCN Act and Section 6 (1) b.) of the Asylum Decree.

⁷³ Section 22(1) a.) of the Asylum Act.

⁷⁴ Sections 68 (1) and 79 (2) of Asylum Act.

⁷⁵ Section 68 (2) of the Asylum Act.

⁷⁶ Sections 88-89 of the Code on Administrative Litigation.

⁷⁷ Section 39 (6) of the Code on Administrative Litigation.

⁷⁸ Data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023.

⁷⁹ Information received from the NDGAP by the HHC on 19 February 2024.

⁸⁰ Section 4 of Government Decree 30/2024 (II.22) amending Government Decree 104/2022 (III.12)

⁸¹ Border guards were integrated into the Police as of 1 January 2008.

apply for temporary protection there and the asylum authority provided them with a humanitarian residence permit.⁸²

By 16 March 2022, only 3 registration points were in operation, in **Cigánd**, **Fehérgyarmat** and **Záhony**. Except for those meeting the regular entry requirements (biometric passports in case of Ukrainian citizens, valid visa in case of non-Ukrainian third-country citizens), registration was compulsory. At the same time, the registration procedure remained extremely slow. At registration points people needed to wait 4 to 8 hours, in some cases 10+ hours. The HHC received reports that while waiting for registration, people did not have access to food, water, or even toilets. Reports also suggested that there was a shortage of interpreters at registration points and the authorities could not communicate with those being registered.⁸³

In the HHC's experience, lodging temporary protection applications at registration points was only a short-lived possibility, as a few weeks after 24 February, only temporary residence documents were issued there, but temporary protection procedures could no longer be started there. From around April 2022, applying for temporary protection was only possible at the asylum client services of regional NDGAP offices. If, upon border crossing, anyone indicated their intention to apply for temporary protection, they were likely told by the border police that they could do so by going to one of these asylum client services. However, the lack of information provision at border crossing points (e.g. no information leaflets) posed one of the greatest issues regarding access to temporary protection in the first half of the crisis: it occurred frequently that people fleeing Ukraine were not provided with any information by the police upon border crossing, regardless of having expressed their intention to apply for temporary protection. By around May 2022, only two registration points, in **Záhony** and **Fehérgyarmat** remained in operation and solely for the purposes of issuing the temporary residence documents. Since around June 2022, only one registration point is working in **Záhony**.

At the same time with establishing the registration points, 5 helping points were also set up by the Government close to the Ukrainian-Hungarian border crossing points, where people who needed first-hand assistance for any reasons (e.g. accommodation, food provision, healthcare service, information, transfer), could get it. These helping points were operated by the Charity Council, which is a body working under the coordination of the State Secretary for Church and Minority Relation. Its members are the biggest and most influential public benefit charity organisations working in Hungary, namely the Caritas Hungarica, the Hungarian Reformed Church Aid, the Hungarian Maltese Charity Service, the Hungarian Interchurch Aid, the Hungarian Baptist Aid and the Hungarian Red Cross.⁸⁴

Each Charity Council member operates one helping point: Caritas Hungarica in **Barabás**, Hungarian Reformed Church Aid in **Záhony**, Hungarian Interchurch Aid in **Barabás**, Hungarian Baptist Aid in **Tiszabecs**, Hungarian Red cross in **Lónya**. The staff of the council members are present 24/7 at the helping points and provide assistance to people who cross the border and need any type of assistance for any reason. Regarding access to the temporary protection procedure, information materials mainly produced by other non-state entities are placed and used at the helping points. Staff members of the Office of Ombudsperson were present at **Záhony** railway station in the first half of 2022 and also provided information regarding access to the temporary protection procedure.

As written above, information about accessing protection at the border was predominantly conveyed by informal and random referral mechanisms. Information provision has not been coordinated by the state and the NDGAP, responsible for immigration and asylum and temporary protection procedures. The NDGAP has been absent at the helping points, shelters and accommodation sites.

⁸² Communication of the website of the NDGAP: <https://bit.ly/3Yc339H>.

⁸³ HHC, *War in Ukraine Protection Situation in Hungary*, 16 March 2022, available at: <https://bit.ly/3HMC2Es>.

⁸⁴ Rules relating to the establishment, operation and membership of the Charity Council are set out in Government Decree 65/2000. (V. 9.).

Lack of interpretation

In the experience of HHC lawyers, the greatest problem hindering registration of temporary protection applications has undoubtedly been the lack or shortage of interpreters present at the asylum client services countrywide, with the exception of **Budapest** client services, where at least one Russian-speaking administrator is always present. In many cases, the applicants gave up on the registration of their application because they were not able to understand what the Hungarian case-officer told them. This was especially true when the applicants had more 'complex' profiles (e.g. Ukrainians without biometric passports or third country national family members of Ukrainians) and were hence required to substantiate their eligibility by presenting more evidence. The fact that some Ukrainians only know the Cyrillic alphabet and were not able to use the Latin letters in a written form also posed a problem, as even if there was a translator present in the asylum client service, no capacities were left to assist applicants in filling out the application forms. Menedék Hungarian Association for Migrants (Menedék Association) who has provided assistance to applicants in initiating the procedure since March 2022, also pointed out that the illiteracy of applicants was one of the main issues preventing individuals from submitting a temporary protection application. Menedék Association furthermore highlighted those other special circumstances, such as old age, diseases or disabilities sometimes also hindered the initiation of the procedure, as naturally, individuals with these types of special needs simply could not physically access the venues of the asylum client services. In these cases, staff members of Menedék Association either requested the NDGAP to send their officers directly to the accommodation sites or, if that was unsuccessful, in cooperation with the operator of the accommodation site, they organised direct rides for the individuals to the closest asylum client service.⁸⁵ The IOM also confirmed that in their experience language barriers were the most typical obstacles a person applying to temporary protection had to face when trying to register a temporary protection application in 2023.⁸⁶ The Hungarian Maltese Charity Service similarly confirmed that while the case-officers of NDGAP did their best to register applications, this process was hindered by the lack of interpreters.⁸⁷

In the experience of the HHC, for the - sometimes complete - lack of translators case management was generally poor at the Tatabánya NDGAP asylum client service in 2023. The HHC received one complaint about the NDGAP office in Tatabánya, which wanted TP applicants to present proof of registered accommodation the same way as it is required for people applying for residence permit.⁸⁸

Denial of access to registration of TP application and extensive length

Furthermore, HHC lawyers also reported multiple times, both in 2022 and 2023, that the asylum authority refused to register and take over the applications of those who did not seem to be 'instantly eligible' within the meaning of the TP Decree, such as third-country nationals, Ukrainians without personal ID documents, Ukrainians who arrived prior to 24 February 2022. The TP application of a TCN - eligible for his Ukrainian family members - was not registered when entry was refused to Hungary at the border crossing point in Záhony.⁸⁹ In these cases, HHC lawyers, with the authorisation of the applicants, represented them in the procedure.

The lawyers' experience showed that once the applicants were accompanied by their legal representative, the case-officers of the asylum authority registered the applications. Although in some of the cases the lawyers did not contest the fact that the applicant was not eligible under the TP Decree (e.g. prior 24 February 2022 arrivals), they suggested that the registration of the application was still of utmost importance for the asylum authority having then the opportunity and the obligation to assess *refoulement*. As a result, the applicants, while not being recognised as beneficiaries of temporary protection, could still

⁸⁵ Information provided by the Menedék Association to the HHC on 28 February 2023.

⁸⁶ Information received from the IOM by the HHC on 21 February 2024.

⁸⁷ Information received from the Hungarian Maltese Charity Service by the HHC on 26 February 2024.

⁸⁸ Registered on 20-21 February 2023 during the monitoring mission of the HHC in Tata.

⁸⁹ Registered on 18 May 2023 during the monitoring mission of the HHC.

be granted tolerated status, because the principle of *non-refoulement* was applied and refusal of entry decision was not rendered.

As, contrary to what is foreseen in the EU TP scheme, in Hungary protection is not immediate and triggered by the sole submission of the application, the consequences of a failed registration and those of a refusal of an application must be distinguished. There is no institutionalised appeal procedure against a refusal to register a temporary protection application. Nevertheless, in the experience of the HHC, applicants may attempt to submit their application again, even if the authority refused to take their application in beforehand, as there is no provision in law precluding that. The acting case-officer takes no formal decision if the registration of the application is denied.

In 2022, the temporary protection procedures frequently run beyond the procedural deadline (55 days). This may be partially attributed to the fact that the NGDAP asylum authority did not have the sufficient capacity to deal with the initially overwhelming influx of temporary protection applicants. The number of NGDAP case-officers assessing temporary protection applications was only 16 on 31 December 2022.⁹⁰ This was a significant shortcoming during the initial year of the crisis, as during the temporary protection procedure, applicants are not entitled to financial support. Access to the subsistence allowance, the only type of financial support provided by the state within the context of temporary protection, is only possible once status is granted.⁹¹ The HHC also reported that there has been a delay in the issuance of temporary protection cards. In these cases, the asylum authority sometimes provided beneficiaries with a certificate of the protection instead of the temporary protection card. Some government offices, where applicants have to request the subsistence allowance, however, do not accept the official certificate, thus causing further delays in accessing the financial aid.

In 2023, substantive delay in conducting the temporary protection procedures has not been frequently reported. This may be attributed to the fact that the number of TP applications submitted in 2023 were around 25,000 fewer than the year before. The number of NDGAP case-officers assessing applications decreased, however, from 16 to 10.⁹² In the experience of the HHC, the people were generally able to access the temporary protection procedure throughout 2023, with some exceptions concerning primarily third country nationals as mentioned above. Shortcomings such as lack of information provision on the possibility to apply for temporary protection and on the process by the border police, long delays in the finalisation of the process, barriers to access the physical space of NDGAP for people that were older, bed-bound or at the countryside with no access to transportation have also been highlighted by the IOM in 2022.⁹³ Concerning 2023, IOM reported no such issues, but stated that the most typical obstacles a person applying to temporary protection had to face were the language barriers.⁹⁴

Staff members of Menedék Association furthermore reported that the sometimes incorrect registration of the applicant's data (e.g. typo mistakes) contributed to further procedural shortcomings both in 2022 and 2023 (e.g. when the beneficiary tried to notify the NGDAP on the change of their address, the NDGAP could not identify the individual).⁹⁵ Menedék Association furthermore pointed out that the main obstacles to apply for temporary protection in 2023 were the lack of information and the illiteracy of the applicants. The Association finally noted that in some cases people with disabilities were not able to apply in person in the asylum client services or in the government offices. In these cases, social workers of the organization arranged either special transportation or contacted the NDGAP or government offices in the matter and then the authority personnel went to the accommodation sites to register the applications.⁹⁶

⁹⁰ Data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023.

⁹¹ Section 37/A (1) e.) and Section 37/A (4) b.) of Asylum Decree; Section 4 (2)-(3) of Gov. Decree 106/2022 (III. 12.).

⁹² Information received from the NDGAP by the HHC on 19 February 2024.

⁹³ Information received from the IOM by the HHC on 14 February 2023.

⁹⁴ Information received from the IOM by the HHC on 21 February 2024.

⁹⁵ Information received from the Menedék Association by the HHC on 28 February 2023.

⁹⁶ Information received from the Menedék Association by the HHC on 21 February 2024.

4. Legal assistance

The TP Decree precludes the application of the provisions of the Asylum Act according to which applicants are to be provided with the possibility of legal assistance or access to free legal aid in case of need, according to the rules set out in the Act on Legal Aid or by an NGO registered in legal protection.⁹⁷ This does not mean that temporary protection applicants cannot have legal assistance in the procedure, but that the state is not required to provide legal aid upon the applicant's request, as is the case in general asylum procedures.

In the absence of state-coordinated legal aid, non-state actors were quick to react and established various channels via which legal assistance could be instantly accessed by people fleeing Ukraine. According to the experience of the HHC, legal assistance services concerning temporary protection were provided predominantly by the civil society organisations (e.g. HHC and Menedék Association), a network of legal assistance providers called 'Hungarian Attorneys for Ukraine' set up by the Hungarian Bar Association and by international organisations such as the UNHCR and IOM.

Most of these actors set up a dedicated phone number for hot-line and email addresses, operated by Ukrainian or Russian-speaking staff members or with their help. The assistance providers made their information materials available on their websites. The UNHCR and the IOM have been constantly present in the border area since 24 February 2022, and the HHC monitors it on bi-weekly to monthly basis. The information materials on the free legal aid of the UNHCR and HHC are physically available at the helping points close to the border and accommodation sites visited by these organisations during their monitoring missions. Over these monitoring trips, the HHC and UNHCR have provided on-the-spot legal assistance and information regarding the available protection schemes for anyone requesting.

In-person legal assistance in **Budapest** is available in the offices of the HHC and Menedék Association, at the community centre called Budapest Helps!, which was set up together by the UNHCR and IOM in partnership with Budapest Municipality and is dedicated to people fleeing Ukraine,⁹⁸ and at IOM's Info Point at Nyugati Railway Station. If there is a need for legal representation in the temporary protection or following judicial review procedures, it has been provided either by attorneys and lawyers of the HHC or network members of 'Hungarian Attorneys for Ukraine', after a direct inquiry or by a referral to these entities. Legal information sessions, specifically for third-country nationals fleeing Ukraine, were organised by a volunteer organisation called [Beyond Borders Budapest](#) and the [Nigerian Diaspora Association](#).

In 2022, in the Budapest BOK Centre, a sport facility which was converted into a humanitarian transit spot specifically for people fleeing Ukraine, staff members of the NDGAP were present, and provided information on the temporary protection procedure. Appointments to start the procedure could be booked with them.

The BOK Centre was, however, shut down in August 2023. The immigration/asylum authority or other competent state-actors, usually responsible for providing information, have since then been completely absent from the 'field'. They are neither present at the border or at the shelters. Because of the lack of state-coordinated information provision, whether individuals could access any type of legal assistance has been almost entirely depended on the non-state actors. In the absence of the BOK Centre, people from Ukraine arriving after 1 August 2023 and travelling directly to Budapest can seek assistance at the Government Office at the Western Railway Station (NYugati Pályaudvar, 1062, Budapest Teréz körút 55.)

⁹⁷ Section 4(1) c.) of the TP Decree precludes the application of Section 37 (3) of Asylum Act.

⁹⁸ Budapest, 'Budapest helps', available at: <https://bit.ly/3RCYxiN>; on the activities see UNHCR, *Refugee Situation Operational Update, September-December 2022*, December 2022, available at: <https://bit.ly/3jfAjOR>.

during opening hours. Assistance may be asked for long-term accommodation and information about benefits people fleeing Ukraine are entitled to in Hungary.⁹⁹

Between 24 February and 31 December 2023, the HHC assisted 6,201 people in person, responded to 2,954 emails, 1,638 phone calls and 816 messages coming from people who fled Ukraine, predominantly seeking legal help. Despite being the only civil society organisation providing legal assistance in asylum procedures, the HHC was not granted access to the BOK Centre, although requesting it from the Budapest Government Office. The UNHCR reports that in 2023, its protection partners had provided assistance in accessing protection and documentation to around 45,600 individuals.¹⁰⁰

5. Information provision and access to NGOs

According to the Asylum Act, the asylum authority is to inform the applicant on their procedural rights and obligations and the consequences of breaching these obligations. This is to be done when the applicant submits the application, in a written form, in the native language of the applicant or in one which is otherwise understood by the applicant.¹⁰¹ Although the Asylum Act would normally require the authority to record the fulfilment of this obligation in the minutes,¹⁰² the TP Decree precluded the application of this provision in temporary protection procedures.¹⁰³ In the experience of the HHC, no such written information is provided to the applicants when they lodge the application. If there is no language barrier or interpreters are present, the case-officers of the asylum client services normally provide information to applicants in person, informing them about the expected duration of the procedure and on the communication of the decision. Terre Des Hommes Hungary reported in 2022 that in some occurrences the case-officers of NDGAP could not inform the applicants on the available protection and resident statuses and they could not explain the difference between temporary protection, tolerated and residence permit status.¹⁰⁴

Furthermore, the Asylum Act provides that upon communicating the decision on recognition, the authority has to inform the beneficiary of their rights and obligations.¹⁰⁵ The Asylum Decree also requires the authority to inform the beneficiary in a written form of the available services and financial support to which they are entitled when delivering the decision. The information must be provided in the native tongue of the beneficiary or in a language they understand.¹⁰⁶ In line with the TP Decree, however, the authority does not adopt a separate decision about recognition and only records the recognition itself and notifies the applicant by handing over the temporary protection document.¹⁰⁷ The asylum authority partially complies with the referred provision of the Asylum Act. Along with the TP card, a letter is sent informing the beneficiary that the card does not entitle its holder to travel and that receipt of the card renders its holder eligible to request the regular subsistence allowance at the competent district office. In this regard, the beneficiary is also informed that they have an obligation to register at the district office by the last day of each month during the period of temporary protection. There is no information in the letter about how to access other services which a beneficiary is entitled to (healthcare, education, travel discount etc.). This is contrary to Article 9 of the Temporary Protection Directive providing that 'Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection and which are relevant to them are clearly set out.'

⁹⁹ This information has never been shared via official channels, it is known by the experience of assistance partners.

¹⁰⁰ UNHCR, *Hungary: Inter Agency Operational Update, July-December 2023*, available [here](#).

¹⁰¹ Section 37 (1) of Asylum Act.

¹⁰² Section 37 (2) of Asylum Act.

¹⁰³ Section 4 (1) c.) of TP Decree.

¹⁰⁴ Information received from Terre Des Hommes Hungary on 28 January 2023.

¹⁰⁵ Section 79 (3) of Asylum Act.

¹⁰⁶ Section 38(1) of Asylum Decree.

¹⁰⁷ Section 5/A (3) of TP Decree.

The HHC turned to the NDGAP requesting information on how the authority complies with its obligation concerning information provision. The NDGAP answered that the TP Decree was a *lex specialis* to the general rules set out in the Asylum Act and Decree, thereby, it did not apply Section 38(1) of the Asylum Decree that was relevant regarding this obligation.¹⁰⁸ The TP Decree, however, does not preclude the application of the said section, thus, the authority should comply with it. The NDGAP furthermore stated that beneficiaries receive information when they receive their temporary application form in the client services and also that information is available on their website. The personal information provision was, however, insufficient and on the website some relevant information was only available in Hungarian and English.

There have been no special measures or practice introduced concerning the needs of vulnerable groups in any aspects of the temporary protection procedure. Accordingly, there is no information provided by state actors specifically tailored to the needs of vulnerable individuals.

Staff members of the NDGAP were neither present in the border area, nor were they visiting the accommodation sites for the purpose of information provision. The authority provided information on temporary protection on its website¹⁰⁹ and in the BOK Centre in person till 1 August 2023. In the experience of the HHC and Terre Des Hommes Hungary,¹¹⁰ the fact that the NDGAP could barely be contacted via phone or email throughout 2022 posed unreasonable difficulties to persons of concern and to the authority too, as usually there was no other way to obtain information but to go to the authority in person, thereby burdening further the already overburdened capacities of the authority. In 2023, no such difficulty has been reported.

On a positive note, a state hotline was quickly set up by the government in March 2022, providing information in Ukrainian, Hungarian and English on basic issues relating to temporary protection procedure, entry, individual situations¹¹¹. A dedicated email address was also set up for the same purpose. The officers, however, were not really up-to-date as the hotline did not belong to NDGAP, they had to make inquiries to the NDGAP themselves. In the HHC's experience, they could answer straightforward questions but were professionally not prepared to answer more complex ones and had no information on resolving more complicated legal situations. As to the emails, information was sometimes quickly and efficiently provided, but other times no response arrived. In December 2023, the Government launched the Safe in Hungary portal.¹¹² The website offers information on TP, assistance and services, on the legal status of dual nationals (Ukrainian – Hungarian) and emergency contacts.

Information provision was mainly organised both in 2022 and 2023 by NGOs, the UNHCR and members of the Charity Council. According to the UNHCR data portal,¹¹³ assistance partners in the Hungarian Refugee Response Plan (RRP) in 2023 were American International School of Budapest, Budapest Methodological Social Center, Cordelia Foundation for the Rehabilitation of Torture Victims, Dévai Fogadó, Foundation of the Ukrainian Greek Catholic Church, Hungarian Baptist Aid, Hungarian Charity Service of the Order of Malta, Hungarian Evangelical Fellowship, Oltalom Charity Society, Hungarian Helsinki Committee, Hungarian Interchurch Aid, Hungarian Red Cross, Hungarian Reformed Church Aid, International Rescue Committee, Jesuit Refugee Service, LITERA Association, Menedék Hungarian Association for Migrants, Migration Aid, Next Step Hungary Association, Pszi Pont, Romaversitas Foundation, Menekültek Online Segítő Társasága (Refugee Help Digital Network), SOS Children's Villages, Terre des Hommes - Switzerland, Trauma Center, Ukrainian Association UNITY, United Nations

¹⁰⁸ Letter received from the NDGAP's asylum department by the HHC on 16 June 2022.

¹⁰⁹ The NDGAP website is available at: <http://bit.ly/3xBVE8m>.

¹¹⁰ Information received from Terre Des Hommes Hungary on 28 January 2023.

¹¹¹ Official press release in English: <http://bit.ly/3Y69nzZ>. Phone numbers from HUN (free of charge): 06 80 310 310, from Ukraine: 0 800 504 546, from abroad: +36 1 550 1828, E-mail: menekultinfo@me.gov.hu.

¹¹² Available at: <https://safeinhungary.gov.hu/en>.

¹¹³ UNHCR, *Hungary Refugee Response Plan, Achievements March-October 2022*, available at: <https://bit.ly/3Z6mem4>; UNHCR, *Regional Refugee Response Plan 2022 / Overview*, available at: <https://bit.ly/3RpQm92>.

Children's Fund, United Nations High Commissioner for Refugees, United Nations Migration Agency, United Way Hungary Foundation, Vamos Foundation, World Health Organization. In addition, the following organizations reported activities for refugees in 2023 (even if initially not part of the RRP appeal): Adventist Development and Relief Agency, Budapest Municipality, Food Bank Aid Foundation Budapest, EMMA Association, IFRC, NestingPlay, Partners Hungary, From Street to Homes Association.¹¹⁴ . Many of these organisations have generally provided information on their website, where they published those contact details (e.g. phone, email) which were specifically dedicated to the people seeking assistance or information regarding temporary protection. Some organisations' information leaflets, put together on the available protection alternatives, are available in Ukrainian and Russian beside English and Hungarian.

D. Guarantees for vulnerable groups

There are no specific identification mechanisms in place in Hungary to identify vulnerable individuals under the temporary protection scheme. Notably, there has been no comprehensive screening for people with special protection needs.¹¹⁵

In its information request sent to the NGDAP, the HHC asked how many individuals fleeing Ukraine to Hungary were identified as vulnerable by the relevant authorities and concerning the years 2022 and 2023. Worryingly, the NGDAP stated they had no data in that regard.¹¹⁶

People with disabilities

In the experience of the HHC, people with disabilities have been frequently placed in shelters without reasonable accommodation that are not appropriate to their needs, lacking the necessary medical/psychological assistance. This has been a constant issue since the beginning of the crisis. In 2023, the HHC recorded a concerning number of accommodation sites in which the situation of those requiring medical assistance due to their disability or mental/physical health was not addressed. In the border area, people with disabilities were accommodated in the out-of-use buildings and storage facilities of nursing homes and elderly homes, with only the most basic care, where their physical and medical needs were not fully met. The staff of these institutions had to take care of them on top of their regular workload and thus have limited capacity to care for them.¹¹⁷ It was also reported that some accommodation sites were unwilling to take people with disabilities in.¹¹⁸ Individuals with disabilities receive no additional support (logistical or monetary) from state actors, which is very burdensome not only for the persons of concern, but also for the facilities hosting them.¹¹⁹ The UNHCR also reported: "despite seemingly equitable access to TP status, households with a member with disability report more frequently unmet needs, around healthcare, implying heightened vulnerability compared to other households. As expected, households with persons with disability exhibit a significantly higher reliance on social protection benefits. It is important to mention is that refugees with disabilities in Hungary do not have access to government disability grants as Hungarian citizens."¹²⁰

¹¹⁴ UNHCR, *Hungary: Inter-Agency Operational Update (July-December 2023)*, 19 February 2024, available [here](#).

¹¹⁵ UNHCR, *Inter-Agency Operational Update Hungary*, 10 May 2022, available at: <https://bit.ly/3l1dkYb>.

¹¹⁶ Data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023 and 19 February 2024.

¹¹⁷ The HHC recorded these cases on 18-19 June and 12-14 November 2023 during its monitoring mission.

¹¹⁸ The HHC recorded this case on 9 October 2023 in Dunaújváros during its monitoring mission.

¹¹⁹ The HHC recorded this on 31 July - 1 August 2023 during its monitoring mission.

¹²⁰ UNHCR, *Hungary: Multi-Sector Needs Assessment, December 2023*, available [here](#).

Survivors of trafficking in human beings and persons at risk of human trafficking

Although the arriving population mainly consisted of women and children being at risk of human trafficking, no adequate preventive measures specifically targeting persons fleeing Ukraine have been implemented. This means, among others, that no information on the risks of trafficking in a language these people understand is accessible at accommodation sites. Also, there is no information available for unaccompanied minors (UAMs) designed in a child-friendly and age-appropriate manner. Moreover, there is no information available at the accommodation sites or at the helping points close to the border on the fact that victims of human trafficking or those who are at risk of trafficking may turn to the National Crisis Management and Information Service, where no Ukrainian or Russian speaker dispatcher is available in any case.

Throughout 2022, the HHC observed some reports of unfair labour conditions by applicants or beneficiaries of temporary protection who started to work in Hungary. Most reports complained about an unfair salary (e.g. receiving a substantially lower salary than agreed beforehand) or the fact that persons are employed without a contract.¹²¹ This trend has not been prevalent since 2022, at least no such reports have reached the HHC.

Unaccompanied and separated children

There have been no special procedures adapted specifically to the needs of UAMs who are entitled to temporary protection. The TP Decree even excluded the application of some procedural guarantees concerning UAMs provided by the Asylum Decree.¹²² Accordingly, if an UAM is to be heard in a temporary protection procedure, which is unlikely in practice but possible by law, they may be heard without their legal representative or guardian being present and without other guarantees prevailing (e.g. interview in a child-friendly environment).

The most worrisome deficiency of the authority's practice regarding UAMs has been the fact that the appointment of guardians has been frequently absent. Based on the Asylum Act, if the applicant is an UAM, the authority is to arrange their temporary accommodation and the appointment of a child protection guardian.¹²³ In this case, the asylum authority must decide the UAM's case in a prioritised procedure.¹²⁴ The Asylum Decree furthermore provides that UAMs under the age of 14 must be accommodated within the child protection system.¹²⁵ In case of UAMs who are 14 years old or older, the authority is obliged to notify the district office in order to provide the UAM with a legal representative and case guardian.¹²⁶

However, in the HHC's experience, the asylum authority enforced none of these guarantees. This worrying practice led to UAMs alone or under the care of persons not related to them at accommodation sites, without being transferred to the official children's care facility. In the experience of the HHC, this phenomenon was present throughout 2022, but was not prevalent in 2023.

In March 2022, the HHC reported from various accommodation sites that unaccompanied minors were placed there without the care of relatives or guardian. The high number of unaccompanied children placed with various sports club was of particular concern. Although the children were placed in facilities with good material conditions, they lacked access to education, to professional staff who was able to communicate with them and who could take care of them. This was the case in Szabolcsveresmart, where, at the otherwise well-equipped accommodation 7 unaccompanied minors between 12-15 years-of-age were staying. The children were evacuated from Kiev and were only accompanied by their sports trainer. Furthermore, 14 football player minor boys were placed at Hajdúböszörmény Workers' Hostel, all between

¹²¹ HHC, Labour exploitation encountered in the framework of the Ukraine refugee crisis response of the Hungarian Helsinki Committee, 20 January 2023, available [here](#).

¹²² Section 5(1) g.) of Asylum Decree excludes the application of Sections 74-76 of Asylum Decree.

¹²³ Section 36(6) of Asylum Act.

¹²⁴ Section 36(7) of Asylum Act.

¹²⁵ Section 33 (4) of Asylum Decree.

¹²⁶ Section 99/F (1) of Asylum Decree.

the age of 14 and 17, unaccompanied. In the Hajdúböszörmény Fürdőkert Youth Hostel 40 children from Dnipro, aged between 8 and 17, accompanied by three women (the mothers of 3 boys) were placed from 11 March 2022. Most of them were also football players. There were no professional staff present to guard and assist the children. At the Szabolcsveresmart Tennis Academy 52 children aged between 16 and 17 were accommodated. Similarly to the previously mentioned cases, children stayed in good material conditions but without a professional adult who would have been able to take care of them and communicate with them. The HHC was informed by the organizer of the travel of these minors that so far they had transferred 768 minors to Hungary through the Prime Minister's Office. These children travelled without their parents and were placed with various sports clubs, such as: Szolnok, Debrecen, FTC, Felcsút, Vásárosnamény, Kisvárda, Győr, Esztergom. 245 children were still in Ukraine and waiting to be placed with Hungarian clubs in March 2022.¹²⁷ It was unclear whether the children applied for temporary protection. On 28 April 2022, in an accommodation in **Vásárosnamény** (a town in the border area) monitors of HHC met 42 UAMs in the care of 9 adult women. They had all applied for temporary protection, but it was unclear to all of them whether the asylum authority had taken any steps to initiate the necessary guardianship procedure. On 13 October, in a Kaposvár accommodation facility, members of two sports teams (judo and swim team) were placed, they were teenage children (13-14 years old) and young individuals, together with their coaches, but without their parents or a legal guardian. Although parents signed power of attorneys in Ukraine, authorizing the coaches to bring the children to Hungary, no one ever contacted the Hungarian guardianship office to formally appoint the coaches as legal guardians.¹²⁸ The fate of the unaccompanied children the HHC met in 2022 is not known as during later visits they could not be found in the accommodation sites and the HHC could not obtain information about their whereabouts.

In 2023, no cases of this magnitude concerning unaccompanied minors were registered by the HHC. One case was recorded on 25 October 2023, at Vitnyéd-Csermajor accommodation site, where 4 children (7, 6, 4 and a 2 year-old) were left alone by their parents. The HHC asked the local staff if they informed the local guardianship office about these unaccompanied children. However, according to the local staff, these families were used to the fact that some parents leave their children alone, and the other parents then look after those children who had been left by their own parents. The local staff did not consider taking the children out from this environment as the best interest of the children. When the HHC staff returned to the accommodation site later in December, parents were already back.

In its information request sent to the NGDAP the HHC asked the number of registered temporary protection beneficiary UAMs. Worryingly, the NGDAP stated they had no data in that regard, neither for the year 2022 nor for 2023.¹²⁹ According to the Directorate General for Social Affairs and Child Protection, the Károlyi István Children's Centre - where unaccompanied minors are officially accommodated - had a total of 3 minors with shelter status registered as beneficiaries on 31 December 2023.¹³⁰

There have been non-state coordinated programmes introduced to address the needs of individuals suffering from mental health problems. This type of assistance was also arranged mainly by the actors of NGOs. Special bio-psycho-social assistance to people fleeing Ukraine is provided by the Cordelia Foundation country-wide. Their 15 psychologists and psychiatrists provided assistance to 168 persons suffering from mental health problems in 2023.¹³¹ Apart from Cordelia Foundation, psycho-social assistance was also given by the IOM.¹³² In 2023, the Jesuit Refugee Service ran 99 community building and mental wellbeing programmes.¹³³

¹²⁷ Cases recorded on 21 and 28 March 2022 by the HHC during its monitoring missions.

¹²⁸ Case recorded on 13 October 2022 by the HHC during its monitoring mission.

¹²⁹ Data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023 and 19 February 2024.

¹³⁰ Information received from the Directorate General for Social Affairs and Child Protection by the HHC on 20 February 2024.

¹³¹ Information received from the Cordelia Foundation by the HHC on 14 February 2024.

¹³² Information received from the IOM by the HHC on 21 February 2024.

¹³³ Information received from the Jesuit Refugee Service by the HHC on 12 April 2024.

The Hungarian Interchurch Aid reported to have provided psychological assistance in nearly 300 cases, with the help of government funds.¹³⁴ The Hungarian Red Cross also provided people fleeing Ukraine with psychosocial assistance,¹³⁵

Roma people

Lastly, the situation of Roma people fleeing Ukraine has to be mentioned, as these people, attributed for their ethnic origin, had to face additional difficulties and hardship during their reception in Hungary, which are not anyhow counterbalanced by appropriate guarantees built in the national protection scheme. The HHC reported that throughout 2022 the Roma had to face some issues relating to accessing protection, accommodation, and other protection-related services. In some cases, there were complaints relating to discrimination, incidents of hate crime, and segregation.¹³⁶

In 2023, some of the challenges still remained with the Roma. In Pomáz and Érd, healthcare providers were behaving in a discriminatory manner towards the Roma people accommodated in these towns. While the same healthcare provider assisted ethnic Ukrainians, they refused to provide the same services for the Roma accommodated at the same sites as the Ukrainians.¹³⁷ At the Gyöngyös accommodation site most of the people are of Roma origin and they claimed that there was a discriminatory attitude towards them from potential employers, especially if it turned out that they were illiterate, even if no reading/writing skills were needed for the work.¹³⁸ UNHCR's multi-sectoral needs assessment also found that amongst beneficiaries of temporary protection, those of Roma origin faced discriminatory attitudes from potential employers.¹³⁹

¹³⁴ Information received from the Hungarian Interchurch Aid by the HHC on 2 April 2024.

¹³⁵ Information received from the Hungarian Red Cross on 22 February 2024.

¹³⁶ The experience of the HHC is summarised in that regard in a thematic paper called 'The Situation of Romani Refugees Fleeing Ukraine: Experiences gathered in the framework of the Ukraine refugee crisis response of the Hungarian Helsinki Committee', April 2023, available [here](#).

¹³⁷ Cases registered by the HHC on 18 September and 14 December 2023 in Érd and Pomáz during HHC's monitoring mission.

¹³⁸ Case registered by the HHC on 13 July 2023 in Gyöngyös during HHC's monitoring mission.

¹³⁹ UNHCR, Hungary: Multi-Sectoral Needs Assessment, Final Report, December 2023, available [here](#), 12.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

- | | |
|--|-----------------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection? | Until 4 March 2025 |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2023? | 36,570 ¹⁴⁰ |

Following recognition as a beneficiary of temporary protection, the NDGAP sends the temporary protection card (hereinafter: residence card or TP card) normally by post, or, if the beneficiary cannot be found under the address they gave to the authority upon application, the card is to be collected at the asylum client service where the applicant made their application or at the Budapest client service. As explained under [Registration under temporary protection](#), the authority does not make a separate act on the recognition but materialises the positive decision by sending the temporary protection card. Therefore, the deadline by which the procedure is to be conducted (55 days) is the legally required duration within which the TP card is to be received. In the HHC's experience, in the first 3 quarters of 2022, there were severe delays regarding the issuance of the temporary protection card (sometimes lasting over 70-90 days). This has posed a severe problem as subsistence allowance – the only type of financial support to which beneficiaries are entitled - may be requested only by temporary protection card holders. To remedy this, the asylum authority sometimes issued an official certificate about temporary protection, but not all Government/District offices (in Hungarian: 'járási hivatal') accepted it in the absence of the actual card. In 2023, no substantive delays in issuing the TP card was observed. The Hungarian Maltese Charity Service reported that delay in receiving the permit occurred frequently for beneficiaries not registering their change of accommodation with the NDGAP, therefore, permits were sent to the wrong addresses. The charity service furthermore pointed out that the data indicated on the residence permit cards was sometimes incorrect for the wrong translation of Cyrillic alphabet to the Latin alphabet.¹⁴¹

All residence permits issued in 2022 were valid until 4 March 2023. As the EU temporary protection was extended, 58/2023 Government Decree (II.28) also declared the prolongation of the Hungarian TP cards' validity until 4 March 2024. One of the most worrying issues in 2023 was precisely that, although the government extended the validity period of TP cards and they had to be considered valid by law, as the cards were not replaced with new ones showing the new validity period, many external actors and (e.g. health-care service providers) believed that the temporary protection status was no longer valid and thus denied the enjoyment of rights connected to the temporary protection status.¹⁴² This caused general confusion among TP beneficiaries too and many believed that their status was no longer valid and they had to submit a new application. In the experience of the HHC and the Menedék Association, this has confused authorities and health care providers too, which thus questioned beneficiaries eligibility to services.¹⁴³

There is only one right which is connected solely to the possession of the TP card in practice. According to Government Decree 106/2022. (III. 12.), the beneficiary of temporary protection is entitled to a subsistence allowance.¹⁴⁴ This also means that during the procedure, the applicant cannot receive the subsistence allowance. However, in the absence of a formal decision on recognition, TP beneficiary status

¹⁴⁰ Data received from the National-Directorate General of Aliens Policing by the HHC on 19 February 2024

¹⁴¹ Data received from the Hungarian Maltese Charity Service by the HHC on 26 February 2024.

¹⁴² The HHC recorded numerous such cases, e.g. on 11-12 May 2023 in Ráckeve and Demjén Albertmajor, 27 March 2023 in Szentes, 13-14 March in Beregsurány.

¹⁴³ Information received from the Menedék Association by the HHC on 21 February 2024.

¹⁴⁴ Section 4 of Gov. Decree Government Decree 106/2022. (III. 12.).

can be substantiated by holding a TP card. As explained earlier, a letter is sent along the TP card informing the beneficiary that they can request the subsistence allowance at the Government/District office.

The table below summarises which are the rights that can be accessed by applicants and beneficiaries of temporary protection respectively, referring to their basis in law.

Benefits	Applicant	Beneficiary
Accommodation, meals, hygienic services	Section 22(1)c.) of the Asylum Act; of Section 21(1)a.) and Section 101 of the Asylum Decree (The assessment by the authority under Sections 16(4) -19 of the Asylum Decree shall be excluded under points (c)-(d) of Section 5(1) of Gov. Decree 86/2022 (III. 7.)	Until 1 August 2023, based Section 41 (2) of the Asylum Decree, beneficiaries were entitled to accommodation and care. Since then, however, the provision is non-applicable as a result of a legislative change. ¹⁴⁵ Thus, it is unclear if there is a national legal ground based on which accommodation and care (meals) are to be provided, although Section 32(2) of the Asylum Act, not having been overridden by the legislative change, provides for the material reception conditions for beneficiaries "in need" . This situation is presumably the result of inconsistent legislation. In practice, those beneficiaries, after whom the accommodation provider is entitled to receive state allowance, are provided with meals 3 times a day at the accommodation site.
Health care	Sections 26-28 of the Asylum Decree Section 6(2)a.)-b.) of Gov. Decree 86/2022 (III. 7.): specialised oncological care, examinations and medical treatment within the framework of health services related to other chronic illness Gov. Decree 171/2022. (IV. 29.) – on the practical arrangements of receiving health care	Section 37/A(1)b.) and Section 44(2) of the Asylum Decree; Section 6(2)a.)-b.) of Gov. Decree 86/2022. (III.7.), Gov. Decree 171/2022. (IV. 29.)
Education	Section 29 of the Asylum Decree Section 92 (1) a.) and (3) of Act CXC of 2011 on Public Education	Section 37/A(1)c.) and Section 45 of the Asylum Decree; Section 3 of Gov. Decree 106/2022. (III. 12.) (preschool and childcare services) Section 92 (1) a.) and (3) of Act CXC of 2011 on Public Education
Free meals for children	Section 3/A of Gov. Decree 106/2022. (III. 12.) on request, for six months, if care-taker's income is below 173.000 HUF	Section 3/A of Gov. Decree 106/2022. (III. 12.) On request, for six months, if care-taker's income is below 173.000 HUF

¹⁴⁵ Gov. Decree 337/2023 (VII.24.) amending the TP Decree by adding Section 5(4) providing that "Section 41(2) of the Asylum Decree shall apply with the exception that the beneficiary of temporary protection shall not be entitled to accommodation and care at the reception centre."

Regular subsistence allowance (22,800 HUF - (around EUR 55) per adult/month and 13,700 HUF per child/month (around EUR 30))	-	Section 37/A (1)e.) and Section 37/A (4)b.) of the Asylum Decree; Section 4 (2)-(3) of Gov. Decree 106/2022 (III. 12.) BUT Section 2(2): persons shall be obliged to accept the job offered to them within 45 days following the first payment of subsistence allowance. The allowance is subject to a monthly appearance in person before the district office. The entitlement to allowance shall cease in case of employment or pension.
Travel allowances	Section 24 of the Asylum Impl. Decree	Point (c) of Section 37/A(2) and Section 48 of the Asylum Decree. It must be requested from the asylum authority [Section 48 (2)]
Bearing the costs of public funeral	Section 25 of the Asylum Decree	Section 6 (2a) of the Asylum Decree ¹⁴⁶
Reimbursement of document translation costs	Section 6(2)c.) of Gov. Decree 86/2022. (III. 7.) Section 49 of the Asylum Decree; documents issued before the recognition as beneficiary of temporary protection, especially extracts from birth or marriage register, certificates of education or vocational training	Section 37/A (3)b.) and Section 49 of the Asylum Decree
Employment	Section 6 (4) of Gov. Decree 86/2022. (III. 7.) – No special permit is necessary for the employment Public employment: Section 7 of Gov. Decree 86/2022. (III. 7.)	Section 6 (4) of Gov. Decree 86/2022. (III. 7.) – No special permit is necessary for the employment Public employment: Section 7 of Gov. Decree 86/2022. (III. 7.) Act CVI of 2011
Facilitating final departure from the country	-	Section 37/A(3) c.) of the Asylum Decree
Family Reunification	-	Section 105 of the Asylum Decree: If the family member was awarded temporary protection in another Member State, family reunification may be requested
Reimbursement of Hungarian language course and exam	-	Section 51 of the Asylum Decree
Reimbursement of all or part of the travel-related expenses in case of permanent departure from the Hungary	-	Sections 31 and 50 of Asylum Decree

¹⁴⁶ In effect from 1 March 2024.

It is important to mention that all benefits which can be accessed by the beneficiary of temporary protection can also be accessed by dual Hungarian-Ukrainian citizens who fled Ukraine after 24 February 2022 and had a permanent residence there, unless more favourable treatment is granted by virtue of the Hungarian citizenship.¹⁴⁷ This is because those who hold Hungarian citizenship may not apply for temporary protection, but the law maker intended to grant them the same support as nationals of third countries entitled to the protection. Although there is no official data as to the numbers of Hungarian-Ukrainian dual citizens residing in Ukraine fled to Hungary as a result of the war, based on the information the Hungarian Helsinki Committee (HHC) received from the Ministry of National Economic, 26.127 request for financial support were submitted by dual citizens to competent government authority between February 2022 and 31 December 2023, of which 25.903 requests were granted.¹⁴⁸ This figure is, of course, only indicative regarding the number of dual citizens who wished to claim financial assistance under the TP scheme, but there is no official information on the exact number of dual citizens who fled from Ukraine to Hungary for the war.

Transferring residence to another EU Member State or from a Member State to Hungary

In the experience of the HHC lawyers, procedures to transfer residence to another EU Member State depend on the laws and practices of the targeted Member State. The Hungarian asylum authority does not require individuals moving to other member states to notify them beforehand. In practice, however, notifying the authority on the change of address is advisable to be able to receive official correspondence. If the person receives temporary protection in another member state, the asylum authority is obliged to withdraw the temporary protection status granted in Hungary with the consent of the beneficiary.¹⁴⁹ It is worth mentioning that in its answer sent to the HHC, the asylum authority stated that according to their current practice, the fact that an individual was granted temporary protection status in another member state does not preclude them from applying for or being granted temporary protection in Hungary again.¹⁵⁰

There is no formally introduced procedure to follow if the applicant has transferred to another member state. The law only provides that the asylum authority is to withdraw the status if the beneficiary renounces it in writing.¹⁵¹

According to the data of the NDGAP, the authority withdrew the temporary protection status of 1,896 beneficiaries who renounced their status.¹⁵²

2. Access to asylum

Contrary to Article 17 (1) of the TPD, it is not possible for either applicants for temporary protection or beneficiaries of temporary protection to apply for asylum in Hungary. On 26 May 2020, the government issued a government decree that introduced a new asylum system, the so-called “embassy procedure”.¹⁵³ This new system was later included in the Transitional Act that entered into force on 18 June 2020 and which is still in effect.¹⁵⁴ According to the new system, those wishing to seek asylum in Hungary, must first submit a ‘statement of intent for the purpose of lodging an asylum application’ at the Hungarian Embassies of **Kyiv**, Ukraine or **Belgrade**, Serbia.¹⁵⁵

¹⁴⁷ Section 8 of TP Decree.

¹⁴⁸ Information received from the Ministry of National Economic on 19 February 2024 by the HHC.

¹⁴⁹ Section 25 (2) a.) of Asylum Act.

¹⁵⁰ Letter received from the NGDAP asylum authority by the HHC on 16 June 2022.

¹⁵¹ Section 25 (2) c.) of Asylum Act.

¹⁵² Data received from the National General Directorate of Aliens Policing by the HHC on 19 February 2024.

¹⁵³ Government Decree 233/2020. (V. 26.) on the rules of the asylum procedure during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, and for the protection of the health and lives of Hungarian citizens.

¹⁵⁴ Act LVIII of 2020 on the Transitional Provisions related to the Termination of the State of Danger and on Epidemiological Preparedness.

¹⁵⁵ Section 1 of Government Decree 292/2020 (VI. 17.).

Only people belonging to the following categories are not required to go through this process:

1. beneficiaries of subsidiary protection who are staying in Hungary;
2. family members of refugees and beneficiaries of subsidiary protection who are staying in Hungary;
3. those subject to forced measures, measures or punishment affecting personal liberty, except if they have crossed Hungary in an 'illegal' manner.

Accordingly, anyone who enters Hungary unlawfully and anyone who is legally staying in Hungary and does not belong to the three categories mentioned above, cannot apply for asylum in Hungary and beneficiaries of temporary protection are no exceptions. For more information on the new asylum system, please see [General Report – Embassy Procedure](#).

Consequently, if people eligible for temporary protection or beneficiaries of temporary protection want to seek asylum in Hungary, they must first go either to Ukraine or Serbia. In practice it is very unlikely that any person who fled the war in Ukraine would want to go back there for this purpose. They can go to Serbia if they hold the necessary travel document to enter the country. If the beneficiary is a Ukrainian national and has a valid passport, no visa is required and entry into Serbia is allowed.¹⁵⁶ However, if the beneficiary is a third-country national (e.g. family member of a Ukrainian citizen, who is eligible for temporary protection) who needs a visa to enter Serbia, the procedure is more complicated, as it has to be preceded by a visa procedure at the Embassy of Serbia, and the option to seek asylum in Hungary becomes quite hypothetical.

In its information request sent to the NDGAP the HHC asked for the number of asylum applications submitted by those individuals whose temporary protection application had been rejected or who applied for asylum after being recognized as a temporary protection beneficiary. The NDGAP stated that it has no data with regard to asylum applications submitted by those whose temporary protection application was rejected. However, the HHC represents a Russian client whose temporary protection application was rejected, effectively both by the NDGAP and then, following a judicial review procedure, by the court. According to the court, in the temporary protection procedure the assessment of the non-refoulement under TP is of a restricted nature (practically no need for the same rigorous assessment as in the general asylum procedure, given the specific attributes of the TP procedure -e.g. it having to be fast etc.) and that the applicant, having regard to the judgment of the Court of Justice of the European Union in Case C-823/21, is not precluded from applying for asylum and stating in detail and giving reasons for all his fears concerning his return to Russia in the 'ordinary' asylum application.¹⁵⁷ While, on the one hand, the court's reference to the CJEU judgment recognizing that the 'embassy system' is in breach with international and EU law, may be regarded as a positive development in jurisprudence, so far it has no practical relevance. On 27 February 2024, the client, accompanied by the lawyers of HHC, attempted to submit an asylum application in the Budapest client service of the NDGAP with reference to the judgment of Budapest Court, but the NDGAP took minutes and issued a ruling on the rejection of the application without an in-merit application, citing Section 32/F. c) of the Act on Asylum, providing that the application was submitted by a person clearly not eligible for the specific request. The NDGAP also held that there is no individual legal remedy. This practically means that the NDGAP still applies the provisions of Act LVIII of 2020 on the Transitional Provisions related to the Termination of the State of Danger and on Epidemiological Preparedness, establishing the 'embassy system', where the personal scope of those who may submit an asylum application in the territory of Hungary is specified (as explained above).

As to asylum applications submitted by beneficiaries of temporary protection, the NDGAP revealed that no beneficiary had submitted any neither in 2022 nor in 2023.¹⁵⁸

¹⁵⁶ Republic of Serbia, Ministry of Foreign Affairs, 'Visa regime', available at: <https://bit.ly/3JvJU3c>.

¹⁵⁷ Judgment of Budapest Court 11.K.702.224/2023/8-II. of 7 September 2023.

¹⁵⁸ Data received from the National General Directorate of Aliens Policing by the HHC on 13 February 2023.

B. Family reunification

1. Family reunification as provided under the Temporary Protection Directive

Within TPD, the Asylum Decree provides that if a family member of a temporary protection beneficiary is granted temporary protection by another Member State applying the TPD, the beneficiary may, with a view to ensuring family unity, ask the asylum authority if the temporary protection afforded in the other Member State can be extended to them. The asylum authority shall then consult the Member State concerned as to whether the beneficiary is to be granted temporary protection with a view to ensuring family unity in that other Member State. If the requested Member State agrees to grant the beneficiary temporary protection, the asylum authority shall withdraw recognition as a beneficiary of temporary protection and issue them with a certificate specified in Annex 4 of the Asylum Decree, containing the personal data of the beneficiary and the fact that the certificate is issued for the purpose of transfer from Hungary to the other member state. If the requested state does not grant temporary protection to the beneficiary, the asylum authority shall notify them thereof, at the same time informing them of the provisions of Article 20(2) of the Asylum Act providing that the family member of the beneficiary, who is beneficiary of temporary protection in another Member State, is to be recognised as a beneficiary for the purpose of family unity in Hungary upon request.¹⁵⁹ Within the meaning of Asylum Act family members are: spouse (if family relationship existed before entering the territory of Hungary), minor child (including adopted and foster children), the parent or an accompanying foreign person responsible for them under Hungarian law.¹⁶⁰

If family members of temporary protection beneficiaries are reunited by applying the above rules, there are no material requirements.

2. Family reunification beyond the Temporary Protection Directive

Beyond the framework of TPD, it is not possible to apply for family reunification, neither for the sponsor (beneficiary of temporary protection), nor for their third-country national family members. Under the scope of Act II of 2007 and Act XC of 2023¹⁶¹ on the entry and stay of third country nationals, setting forth the rules for family reunification of third-country nationals (for further information see [General Report – Family Reunification](#)), a sponsor of a family reunification may not be a beneficiary of temporary protection.

C. Movement and mobility

Beneficiaries of temporary protection enjoy freedom of movement within Hungary, they are not subjected to any territorial restrictions.

In the view of the HHC, travelling between member states is possible by holding a TP card and a valid passport. This is so as according to the Preamble 16 of Council Decision and the EC's Operational Guidelines, once a Member State has issued a TP card (considered as residence permit), the beneficiary of temporary protection is entitled to travel to a Member State other than the one that issued the residence permit, for a period of 90 days within 180 days.

As the practice of the border police was, however, inconsistent as to what type of travel/residence documents are needed for beneficiaries of temporary protection to travel to other EU Member States from Hungary, the HHC turned to the NDGAP asylum authority and National Police Headquarters, requesting

¹⁵⁹ Section 105 of Asylum Decree.

¹⁶⁰ Section 2 j.) of Asylum Act.

¹⁶¹ Act II of 2007 is not effective from 1 January 2024 but was to be applied till 29 February 2024. It is replaced by Act XC of 2023, which is effective from 1 January 2024, but its provisions are to be applied from 1 March 2024. Rules concerning family reunification relevant for the purpose of this report have not changed.

them to describe the border control practice concerning TP card holders and specify the legal basis of the practice.

The NDGAP asylum authority stated in their answer that the Council Decision and the EC Operational Guideline were not appropriate to be considered as *lex specialis* overriding the Schengen Border Code. The authority also highlighted that although the Council Decision and the Guidelines talk of the possibility of travelling to another Member State and the duration of stay, they remain silent as to what type of documents are needed for border crossing. Furthermore, in the view of the asylum authority, it is for the target country to decide what documents are required for entering the country.¹⁶²

The National Police Headquarters Border Police Department, to whom the HHC sent a request to clarify the practice and applicable law with regard to border-crossing of temporary protection beneficiaries, stated in its answer of 2022 that the National Police Headquarters as a law enforcement body is not entitled to interpret the law to any person or organisation – whose conducts may be thereby influenced – not subject to its direct supervision.¹⁶³

In 2024, the HHC again turned to the Police asking if beneficiaries of temporary protection, irrespective of their nationality may travel freely between Member States for 90 days if they hold a TP card or other document proving temporary protection issued in another Member State and a valid passport (old Ukrainian passport or biometric passport). The Police answered the question of the HHC this time and stated that persons may travel freely within Schengen area if “if the Schengen Member State notifies the residence permit issued for temporary protection in the annex to the Schengen Border Code.” The answer further stated that “third-country nationals who hold a valid residence permit in the uniform format issued by one of the Member States applying the Schengen *acquis* in full shall have the right to move freely within the Schengen area for a maximum period of 90 days from the date of entry into the Member State.”¹⁶⁴ In 2022, the HHC recorded cases of beneficiaries of temporary protection believing that they had needed a valid biometric passport to be able to re-enter Hungary from Ukraine as Ukrainian border guards require it. Some people not holding such passports were therefore worried about going back to Ukraine. Terre des Hommes Hungary also recorded such information.¹⁶⁵ This information has not been confirmed via official channels. In 2023, some cases in which Ukrainian individuals complained about being confused of what the required travel documents were enabling them to go back to Ukraine from Hungary and then return to Hungary again were recorded by the HHC.¹⁶⁶

¹⁶² Letter received from the NDGAP asylum authority by the HHC on 16 June 2022.

¹⁶³ Letter received from the National Police Headquarter by the HHC on 5 January 2023.

¹⁶⁴ Information received from the National Police Headquarter by the HHC on 19 February 2024.

¹⁶⁵ Information received from Terre Des Hommes Hungary on 28 January 2023.

¹⁶⁶ Cases recorded on 20-21 February 2023 in Tata by the HHC during its monitoring mission.

D. Housing

Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?
For the whole duration of TP¹⁶⁷
2. Number of beneficiaries staying in reception centres as of 12/23 Not available
3. Number of beneficiaries staying in private accommodation as of 12/23 Not available

Accommodation solutions

According to the HHC, which visited nearly 600 places in relation to the Ukrainian crisis in 2022, and 297 in 2023, housing has been one of the most chaotic areas of the Hungarian implementation of the temporary protection scheme. This is because the accommodation of not only TP beneficiaries, but of all people fleeing Ukraine and being in need of a shelter, has not been coordinated in a centralised manner by the Government. Non-governmental actors, such as municipalities, NGOs, international organisations and private individuals took an equally important role in organising the housing of fleeing people as state actors did.

Tasks and competencies relative to accommodation have not been regulated by the usual legal instruments (e.g. in Government decrees), rather mechanisms have been established in an *ad hoc* manner. If an applicant indicates to the asylum authority upon submitting the application for temporary protection that they need accommodation, the National Directorate for Disaster Management, operating under the Ministry of Interior, carries out related arrangements, following notification of the asylum authority.¹⁶⁸

The HHC in its information request sent to the NDGAP asked how many persons fleeing Ukraine or being already beneficiaries of temporary protection signalled their need of accommodation at the NDGAP. In its answer the NDGAP stated that in 2022, a total number of 31 persons, while in 2023 3 persons - 'all' beneficiaries of temporary protection - requested accommodation.¹⁶⁹ The HHC in its information request sent to the Ministry of Interior asked for the number of types (state-run or operated by municipalities) of accommodation sites and also for the number of those temporary protection applicants and beneficiaries who had been accommodated by the National Directorate for Disaster Management in 2022 and in 2023 respectively. The chaotic coordination of housing is also well-reflected by the fact that the Ministry of Interior responded that it did not qualify as the owner of this data.

The HHC therefore also asked the Ministry of Interior in 2024 to provide the list of accommodation facilities hosting people fleeing Ukraine to Hungary in the period from 1 January 2023 to 31 December 2023, which have received financial support.¹⁷⁰ The Ministry of Interior referenced a list it had sent to the HHC earlier, which contains the address of 73 accommodation sites.¹⁷¹ However, it is clear from the monitoring mission trips the HHC conducted that the number of accommodation sites is a multiple of this number. According to the communication of the Ministry of Human Resources, the disaster management department set up operational teams in each county and Budapest, which manage tasks related to accommodation and

¹⁶⁷ Section 41 (2) of the Asylum Decree.

¹⁶⁸ Press release of the Disaster Management on its website: <https://bit.ly/3RkMczv>. The NDGAP confirmed in its response sent upon the information request of the HHC that the National Directorate for Disaster Management is responsible to accommodate temporary protection applicants and beneficiaries.

¹⁶⁹ Information received from the NDGAP by the HHC on 19 February 2024.

¹⁷⁰ Accommodations could receive financial support under the Act XXV of 2022 on the Central Budget of Hungary for 2023, under the Chapter XIV of the Central Budget, Ministry of Interior.

¹⁷¹ Information received from the Ministry of Interior by the HHC on 26 February 2024.

transfer of people arriving from Ukraine.¹⁷² The (legal) basis of this practice is unclear. If people who fled reach any of the helping points at the border, members of the Charity Council could provide them with very short term (few days) accommodation on the spot, and later more long-term accommodation is organised either by the Disaster Management or by the Charity Council member.

From Záhony railway station (border-crossing point) Ukrainian citizens and third-country nationals with Ukrainian residence permits can get a so-called free of charge 'solidarity ticket' and ride to Budapest by train. Those who are in need of accommodation were directed to the **BOK** Centre in Budapest until 1 August 2023. As mentioned earlier, this was a humanitarian transit spot, operated by the government, where people may access basic services (food, health care provision, relief items).¹⁷³ Staff members of the Disaster Relief were on the spot and need for housing may be indicated to them. Since 1 August 2023, people arriving from Ukraine and travelling directly to Budapest can seek assistance at the Government Office at the Western Railway Station during opening hours, from where people may be sent to longer-term accommodation. If someone arrives outside opening hours and cannot ask for help that day in the Government Office, or if one passes through Hungary and does not want to stay for a longer period, a temporary accommodation for one night may be requested at Galvani utca 44/A, 1117 Budapest, Hungary. The accommodation is run by the Hungarian Maltese Charity Service.¹⁷⁴ At the Western Railway Station, railway staff and police officers can help you find your way to this accommodation.

Most accommodation solutions have been provided by municipalities at various locations: in schools, cultural centres, social and elderly homes and in random empty buildings owned by the municipality. According to Gov. Decree 104/2022 (III.12), accommodation for people fleeing Ukraine can be provided by a municipality or by an accommodation provider who has signed an agreement with the Ministry or the county or Budapest defence committee, in which cases accommodation providers may request an allowance (financial support) from the state. Between 24 February and 1 November 2022, municipalities and other state contracted accommodation providers could receive an allowance of 4,000 HUF/day/capita. After 1 November 2022, this amount increased to 7,000 HUF, but then from 1 August 2023, the amount again decreased to 5,000 HUF.¹⁷⁵ Effective as of 1 August 2023, the rules of how and when the allowance may be requested have substantively changed.¹⁷⁶ The applicable rules will be summarised in the ensuing paragraphs.¹⁷⁷

After people from Ukraine who are eligible for temporary protection status or dual nationals, accommodation providers may claim the state allowance by the following deadlines:

- ❖ Accommodation provider may claim an allowance for a month after the arrival of the person eligible for temporary protection or dual citizen from Ukraine or if the person who is eligible for temporary protection status submits the TP application within one month after his/her arrival in Hungary, the allowance may be claimed until the NDGAP has decided on the TP application.
- ❖ If the person eligible for TP does not lodge an asylum application, allowance beyond one month after arrival may be claimed by the accommodation provider, if the person who fled Ukraine is:

¹⁷² Ministry of Human Resources, *Information to support families from Ukraine for family and child welfare service providers*, May 2022, available in Hungarian at: <https://bit.ly/3HXccxG>, 22.

¹⁷³ BOK Centre is indicated as a transit spot by UNHCR, see UNHCR, 'Information for people from Ukraine', available at: <https://bit.ly/3Rn3GLs>.

¹⁷⁴ No official information available on this. Assistance partners received this information via unofficial channels. Information appears on the website of UNHCR too: <https://help.unhcr.org/hungary/emergency-housing/>. Although the UNHCR website states that assistance may be available at the Eastern Railway Station (Keleti Pályaudvar), since November 2023, this is not the case.

¹⁷⁵ As a result of a legislative amendment enacted by Government Decree 337/2023 (VII.24) amending Gov. Decree 104/2022 (III.12); Section 4 of Gov. Decree 104/2022 (III.12).

¹⁷⁶ As a result of a legislative amendment enacted by Government Decree 337/2023 (VII.24) amending Gov. Decree 104/2022 (III.12).

¹⁷⁷ Section 3, 3A-H and 4 of Gov. Decree 104/2022 (III.12).

- a pregnant woman, as from the date of the establishment of her pregnancy;
 - a parent of a child under six years of age;
 - a person with a disability and their caretaker;
 - a person aged 65 or over;
 - a person under 18 living in the same household as one of the above persons.
- ❖ If the applicant is recognised as a TP beneficiary, the accommodation provider, as a general rule, may be entitled to a daily allowance of HUF 5,000 per day until the end of the month following the month in which the TP status was granted. For dual nationals coming from Ukraine, the allowance is available until the end of the month following their arrival. After the following persons (recognised TP beneficiaries or dual nationals), the accommodation provider may continue to benefit from the allowance:
- pregnant woman, from the moment her pregnancy is established:
 - a person under 18 and his/her parent living in the same household:
 - a person with a disability and their caretaker:
 - a person aged 65 or over.

If the person in need of accommodation does not belong to one of the above groups, allowance may only be requested if the beneficiary of TP or the dual citizen works (undertakes employment). In this case, the allowance will be paid to the employer and not to the municipality or the accommodation provider¹⁷⁸ The Ministry of Economic Development stated that between the period of 1 August 2023 and 31 December 2023, the number of employees covered by the allowance given to employers was 133.¹⁷⁹ After those who arrived in Hungary before the entry into force of the new rules, i.e. before 1 August 2023, the accommodation was entitled to the allowance under the old rules until 31 August 2023. The amended law also ambiguously states that a person not eligible for assistance under the law shall be entitled to shelter and the infrastructure of the reception centre may also be used for accommodation. This practically meant that the Vámosszabadi and Balassagyarmat reception centres (should have) accommodated some of those whom the accommodation provider could not claim allowance. According to the NDGAP, on 31 December 2023, there was only one beneficiary of temporary protection accommodated in Balassagyarmat reception facility, while throughout 2023, there were 2 accommodate beneficiary of temporary protection in total in the Vámosszabadi reception centre.¹⁸⁰

It is important to underline that if a person is not working or does not fall within the categories of persons defined above but has temporary protection status or is a dual national fleeing from Ukraine, they will still be entitled to accommodation. However, as no allowance may be claimed by such people, accommodation providers have been clearly less motivated. As a result, a lot of people with TP status or dual citizens who fled Ukraine were moved out of previously Government-funded locations.

Families have been split up, as the new legislation states that allowance may be claimed in any case after 'a person under 18 and his/her parent living in the same household', but the noun 'parent' is used in singular. This meant that one parent could stay in the accommodation but the other had to leave. Many such cases have been reported to the HHC after September 2023. Although the change was supposed to foster integration by pushing adults to the labour market, it had the opposite effect.

The integration of families through schools and connections made had been abruptly halted, the consequences of which are unforeseen. The recent changes regarding the diminished amount of state support for accommodations affected almost every shelter the HHC team visited. Many families face insecurity due to the potential loss of accommodation for one or more family members, which also affects their mental health. In the experience of the HHC, the overall trend is that families choose to stay together,

¹⁷⁸ See the section on Government support of employers below under Employment and education.

¹⁷⁹ Information received from the Ministry of Economic Development by the HHC on 20 February 2024.

¹⁸⁰ Information received from the NDGAP by the HHC on 19 February 2024.

so if one family member has to leave the shelter, the whole family follows, even if there is no consequent accommodation option. Many accommodation providers do not agree with the new rules and try to continue accommodating people even without state support.

The Budapest Methodological Centre of Social Policy and Its Institutions (BMSZKI), which is the largest homeless service provider in Budapest, reported that upon request of Budapest municipality, they opened their accommodation centre dedicated specifically to people fleeing Ukraine with a capacity of 100 persons already on 26 February 2022. Two days later BMSZKI opened another site for 60 persons. In total, between the period of 26 February and 31 December 2022, they provided 964 persons with accommodation. They also reported that they assisted 6 families in finding permanent accommodations with the help of Utcáról Lakásba! Association, Jesuit Refugee Service and Wekerle Community. In its report BMSZKI, whose main profile is the housing of the homeless, also emphasised that they had no prior professional experience in the reception of refugees and it posed a great challenge for them to provide people with need-appropriate services without a state-led coordination and clear legal framework. BMSZKI pointed out that the capacities of their reception centres and staff members were insufficient in some instances. They noted that Ukrainian refugees needed complex social assistance apart from housing that they could provide and managing these needs required BMSZKI to find ad-hoc practical and financial solutions without substantive help from the state.¹⁸¹ BMSZKI sent no data for the purpose of this report concerning 2023.

The Charity Council members provided the following housing-related services:

According to Caritas Hungarica in 2022 they provided thousands of people with accommodation at very diverse spots, ranging from clergy houses to private apartments run by or with the support of the charity.¹⁸² It is unclear whether the Charity Council members have funded their services, including accommodation provided by them, exclusively through government allocated funds,¹⁸³ or through their private funds too. In 2023, they provided accommodation to 670 persons in Esztergom, Bicske, Iszka-szentgyörgy, Balatonakali from government funds.¹⁸⁴ The Hungarian Interchurch Aid provided 693 persons with accommodation (16,425 nights) in 2022, and 661 persons (18,634 nights) in 2023. This service was funded by own resources.¹⁸⁵ The Hungarian Reformed Church Aid provided accommodation in 4,666 cases in the period from 24 February 2022 to 31 December 2024.¹⁸⁶ The Hungarian Red Cross provided accommodation for 3,466 persons in 2023 and since August 2023 – when the legislation concerning the accommodation of temporary protection beneficiaries became stricter – they assisted 651 persons in finding housing solutions.¹⁸⁷

NGOs, private entities and individuals from the civic sphere have also mobilised themselves in an exceptional manner and assisted many Ukrainians in finding or by providing accommodation. Kalunba, a Budapest-based NGO, reported, for instance, that they alone provided 161 individuals with temporary accommodation for a total of 501 nights, and also could provide 31 apartments for rent for a total of 180 individuals in the period between 1 June 2022 and 6 February 2023.¹⁸⁸

The Jesuit Refugee Service provided housing-related services to 1,176 people in 2023. This primarily meant financial contributions to housing costs. A total of 2 families were accommodated in apartments in

¹⁸¹ Information received from BMSZKI by the HHC on 13 February 2023.

¹⁸² Information received from Caritas Hungarica on 23 January 2023.

¹⁸³ The Hungarian Government announced on 5 March 2022 that members of the Charity Council would receive 3 billion forint. The official press release can be found here: <https://bit.ly/3JyP0Hk>. In the Act XXV of 2022 on the central budget of Hungary for 2023 there is 1,218 billion forint allocated to the Charity Council, see: <https://bit.ly/3jmFVH0>.

¹⁸⁴ Information received from Caritas Hungarica on 22 February 2024.

¹⁸⁵ Information received from the Hungarian Interchurch Aid by the HHC on 2 April 2024.

¹⁸⁶ Information received from the Hungarian Reformed Church Aid by the HHC on 20 March 2024.

¹⁸⁷ Information received from the Hungarian Red Cross by the HHC on 22 February 2024.

¹⁸⁸ Information received from Kalunba organisation by the HHC on 6 February 2023.

Budapest, 6 persons in the dormitories of the Jesuit College in Budapest, and 3 persons in the dormitory of the Jesuit High School of Fényi Gyula in Miskolc with the assistance of the organisation.¹⁸⁹

The Evangelical Lutheran Diakonia supported 192 Ukrainian families to find housing solutions in the following manners:

- they provided rent assistance for people living in private accommodations
- financial assistance for people living in official accommodation sites. The charity also accommodated families from in rented apartments in the Mandák House (evangelical church house in Budapest), In cooperation with the BMSZKI, the charity supported families moving out of the refugee shelter in Bányá street into rented accommodation by paying the deposit and several months' rent. They also paid hostels for people in need until a more permanent solution was found.¹⁹⁰

UNHCR conducted a multi-sectoral needs assessment in September 2022 with the participation of 512 respondents (83% Ukrainian refugees, 15% Hungarian-Ukrainian dual citizens, and 2% third-country nationals). Although it is emphasised that the result cannot be considered representative for the challenges of reaching out to private households, the paper found that 'one in three interviewees is residing in private accommodation and the percentage differs based on the location of residence; 61% of the refugees surveyed in Budapest are staying in private accommodation (7% in the rest of the country), while 74% of the refugees surveyed outside of Budapest are accommodated in collective sites, followed by hotels/hostels (18%)'.¹⁹¹ The same assessment was conducted by the UNHCR in 2023,¹⁹² with the following result: 60% of the surveyed households live in private settings and 18% of households are in workers' accommodation, defined as arrangements provided by employers. Collective sites, often offered by the government or charitable organisations, house 14% of the respondents while 8% reside in hotels/hostels.¹⁹³

Access to reception facilities

Temporary protection beneficiaries,¹⁹⁴ applicants,¹⁹⁵ as well as Hungarian-Ukrainian dual citizens¹⁹⁶ as explained earlier, are entitled to access reception conditions. Pursuant to Section 26 (1) of the Asylum Act, 'reception conditions include material reception conditions, and all entitlements and measures defined in an act of Parliament or Government decree relating to the freedom of movement of applicants, as well as health care, social welfare and the education provided to applicants.'¹⁹⁷ Beneficiaries in need are entitled to 'material reception conditions and to care and support, in accordance with specific other legislation'¹⁹⁸ (for specific entitlements within reception conditions see [Residence Permit](#)). According to the Asylum Decree, the implementing law of the Asylum Act, material conditions are accommodation and care provided at the reception centres, the use of travel discounts, and payment of the costs of the public burial of applicants for recognition.¹⁹⁹

Based on Section 41 (2) of the Asylum Decree beneficiaries of temporary protection may be entitled to accommodation and care. This provision, however, became non-applicable as of 1 August 2023 as a

¹⁸⁹ Information received from the Jesuit Refugee Service by the HHC on 12 April 2024.

¹⁹⁰ Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

¹⁹¹ UNHCR, *Hungary: Multi-Sectoral Needs Assessment*, November 2022, available at: <https://bit.ly/3RkMoPf>.

¹⁹² The assessment, guided by the Refugee Coordination Forum (RCF), involved nearly 700 adult respondents from refugee households across 18 counties in Hungary.

¹⁹³ UNHCR, *Hungary: Multi-Sectoral Needs Assessment, Final Report*, December 2023, available [here](#), 30.

¹⁹⁴ Section 32 (2) of Asylum Act.

¹⁹⁵ Section 26 (2) of Asylum Act.

¹⁹⁶ Section 8 of the TP Decree.

¹⁹⁷ Section 26 (1) of Asylum Act.

¹⁹⁸ Section 32 (2) of Asylum Act.

¹⁹⁹ Section 15 (2) of Asylum Decree

result of a legislative change.²⁰⁰ This change affected the accommodation and care of beneficiaries, as it was partially explained above under the section 'accommodation solutions'.

Although Section 32(2) of the Asylum Act, as mentioned, provides for the material reception conditions for beneficiaries if temporary protection "in need", it is now unclear if there is a legal ground based on which accommodation and care (meals) are to be provided. In practice, those beneficiaries, after whom the accommodation provider is entitled to receive state allowance, are provided with meals 3 times a day at the accommodation sites. The situation of those beneficiaries of temporary protection, after whom the accommodation provider is not entitled to receive the allowance or who do not belong under (as explained above) is ambiguous. As a result of the mentioned legislative change, Section 3(7) of Gov. Decree 104/2022 (III.12.) ambiguously states that a person not eligible for assistance under the law shall be entitled to shelter and the infrastructure of the reception centre might also be used for accommodation. The wording of the provision suggests that accommodation in reception centres is only a possibility, not an obligation, in case other options are absent. The law does not, however, clarify, what other options would be available. Moreover, the Government decree stays silent on the issue of 'care', such as providing these beneficiaries of temporary protection with meals and basic hygiene.

As mentioned earlier, the NDGAP stated that on 31 December 2023, there was only one beneficiary of temporary protection accommodated at the Vámoszabadi reception centre, while 2 were accommodated in total throughout 2023. Worryingly, the NDGAP also stated that "in the Vámoszabadi reception centre only those beneficiaries of temporary protection were accommodated throughout 2023, who, according to Section 3(7) of Gov. Decree 104/2022 (III.12), were not entitled to receive care (meals), but were only entitled to accommodation. They were provided with basic hygiene items, but in a few days, they left and their whereabouts was unknown."²⁰¹ Based on this statement of the NDGAP, it seems that for some unclear reasons, the authority interprets the law as obliging them to provide the beneficiaries in question with hygiene items but not with meals. In the absence of food provision, it is unsurprising that those - only 1 or 2 persons - who went to the reception centre left after a very short time. The HHC was not granted leave to enter the premises of the Vámoszabadi reception centre despite requesting it from the NDGAP, with reference to the fact that those beneficiaries of temporary protection who were accommodated at the centre could reach out to the HHC "*outside the centre*".²⁰²

Reduction or withdrawal of reception conditions

The Asylum Act defines the circumstances in which reception conditions provided to a beneficiary of temporary protection may be reduced and withdrawn, that is when the beneficiary:

- ❖ is engaged in repeated or serious violation of the rules of conduct at the reception centre;
- ❖ is engaged in any repeated or serious breach of the obligation of cooperation;
- ❖ has disclosed false information or untrue facts concerning his/her assets or income, or if he/she refused to provide such information in the interest of obtaining the material reception conditions or the aid and assistance provided in accordance with the relevant legislation; or
- ❖ is engaged in seriously violent behaviour.²⁰³

Government Decree 104/2022 (III.12.) furthermore provides that if the person accommodated does not leave the accommodation upon the request of the accommodation provider (if it is a private accommodation, for instance) the accommodation provider may notify the police. The police may oblige

²⁰⁰ Gov. Decree 337/2023 (VII.24.) amending the TP Decree by adding Section 5(4) providing that "Section 41(2) of the Asylum Decree shall apply with the exception that the beneficiary of temporary protection shall not be entitled to accommodation and care at the reception centre."

²⁰¹ Information received from the NDGAP by the HHC on 19 February 2024.

²⁰² Request to grant entry was sent to the NDGAP on 13 September 2023 by the HHC, rejection of the NDGAP was received by the HHC on 15 September 2023.

²⁰³ Section 32/A (1) a.)- d.) of Asylum Act.

the person to leave the accommodation and, upon request, transfers them to another accommodation designated by the local defence committee.²⁰⁴

Legislative changes amending Government Decree 104/2022 (III.12.)²⁰⁵ affected the situation of those whose TP application was rejected or renounced but submitted a subsequent application: these persons would not be entitled to be placed at emergency accommodation sites, but they may be placed in the reception centres.²⁰⁶ If the TP status was renounced, this restriction does not apply to:

- ❖ a pregnant woman, as from the date of the establishment of her pregnancy;
- ❖ a parent of a child under six years of age;
- ❖ a person with a disability and their caretaker;
- ❖ a person aged 65 or over;
- ❖ a person under 18 living in the same household as one of the above persons.²⁰⁷

Tasks related to the provision of reception conditions are to be carried out by the asylum authority.²⁰⁸ In order to carry out reception-related tasks more efficiently, the asylum authority may conclude contracts with in particular, a non-governmental organisation, a local authority, church, a foundation, an institution of the mentioned entities, a company or any other legal entity to provide:

- ❖ the applicant with the material conditions for admission;
- ❖ the benefits falling within the material reception conditions to which the beneficiary is entitled;
- ❖ the social and mental health care to applicants and beneficiaries;
- ❖ information on the rights and obligations of the applicant and beneficiary;
- ❖ Hungarian language course to beneficiaries.²⁰⁹

There is no official data available as to the number and capacity of those state-run accommodation sites which are dedicated to temporary protection beneficiaries. The HHC sent a freedom of information request to the relevant ministries inquiring about the matter, but none of the ministries engaging in the crisis response (Ministry of Interior, Prime Minister's Cabinet Office, Prime Minister's Office, Ministry of Economic Development) could answer the HHC's housing-related question, stating that they do not qualify as official owners of these data. At the time of writing, it is legally unclear which central government body is responsible to ensure compliance with the TPD's reception condition requirements, and no law specifies it.

In the HHC's experience, the very essential material reception conditions are generally accessible by those entitled. A disturbing occurrence, however, was recorded by the HHC staff on 4 August 2022 in the border area. Namely, persons of concern belonging to the Roma community stated that they did not receive any type of assistance in **BOK** Centre Budapest in spite of having requested it. The other issue to be highlighted is that the quality of the service provision may differ by locations, which is a direct consequence of the absence of coordination of services and service providers on a national level. As most accommodation sites are run by different entities, under different circumstances (e.g. some municipalities are in better financial situation than others), the level and the quality of assistance offered to the population varies significantly across the various shelters.

²⁰⁴ Section 6 of Gov. Decree 104/2022 (III.12.)

²⁰⁵ Changes effective as of 1 March 2024, introduced by Gov. Decree 30/2024 (II.22) amending Government Decree 104/2022 (III.12.)

²⁰⁶ Sections 3 (8) and (10) of Gov. Decree 30/2024 (II.22).

²⁰⁷ Section 3 (9) of Gov. Decree 30/2024 (II.22).

²⁰⁸ Section 12 (2) of Asylum Decree.

²⁰⁹ Section 14 (2) a.)-e.) of Asylum Decree.

Living conditions

The increased utility costs put all accommodation providers under serious financial pressure and some of the accommodation sites had to close due to this. Consequently, the accommodated people then had to move to new locations, despite the fact that their children had already been enrolled in schools. In 2022, the HHC monitors reported in some locations that people lack basic food and non-food supplies.²¹⁰ At the accommodation site in **Vitnyéd-Csermajor** conditions were degrading, food and hygiene items were lacking, and health care provision was also dissatisfactory.²¹¹ Conditions in this accommodation site were similarly degrading in 2023 too. Concerning 2023, the following issues of concern were observed by the HHC monitors at the accommodation sites:

- ❖ The reception conditions at the Uszka accommodation site remain poor.²¹² The room where people sleep is extremely overcrowded and conditions are generally degrading.²¹³
- ❖ Bed bugs at the Gardony accommodation site.²¹⁴
- ❖ Building in need of renovation of old wiring.²¹⁵
- ❖ There is no internet connection in Fülöpösdaróc.²¹⁶
- ❖ The Páty accommodation site, since it is close to the highway and it is not in the village, is isolated. There are no transfer or other transport opportunities to use to get into Páty or elsewhere. People are therefore unable to manage their everyday life (e.g. go to work, immigration office etc), unless they have a car.²¹⁷ Thus the children have no access to kindergarten or schools.²¹⁸
- ❖ Páty accommodation site is very remote and is seriously hindering the integration efforts of PoCs (accessing education, healthcare and employment).²¹⁹
- ❖ Seriously ill patients living in inhumane conditions were placed in the two dilapidated houses in Kisléta.²²⁰
- ❖ In the Vitnyéd-Csermajor accommodation, the building is poorly maintained, wires and cables are hanging out of walls, which could be a safety hazard, especially as there are many children here. The building is poorly maintained, wires and cables are hanging out of walls, which could be a safety hazard, especially as there are many children here.²²¹
- ❖ People from the opposite sex, who are not related, are accommodated together in Kisléta and Mérk.²²² The most worrying incident registered by the HHC concerned a beneficiary of temporary protection woman.
- ❖ The Kocs accommodation site is surrounded by a fence, although PoCs can freely access and exit the site. People live in container homes.²²³
- ❖ Ercsi accommodation is quite crowded.²²⁴
- ❖ The bathing area in a Szigetszentmiklós accommodation site was very unsanitary, close to unusable, the rooms seemed to be crowded and under-equipped.²²⁵

²¹⁰ 5 September 2022 HHC monitoring mission report, Uszka.

²¹¹ 21-22 November 2022 HHC monitoring mission report, Vitnyéd-Csermajor.

²¹² 12-13 July HHC monitoring mission report, Uszka.

²¹³ 13-14 March HHC monitoring mission report, Uszka.

²¹⁴ 31 Jan_2023_HHC monitoring mission report, 2484 Gárdony Üdülők útja 27. – Piramis Hotel.

²¹⁵ 31 Jan_2023_HHC monitoring mission report, 2484 Gárdony Üdülők útja 27. - Piramis Hotel.

²¹⁶ 13-14 February 2023_HHC monitoring mission report, Fülöpösdaróc Social Care Home.

²¹⁷ 20-21 February 2023 HHC monitoring mission report, Páty, Gastland M1 Hotel.

²¹⁸ 12-13 June 2023 HHC monitoring mission report, Páty, Gastland M'.

²¹⁹ 24-25 April 2023_HHC monitoring mission report, 2071 Páty, hrsz. 0161/17 (Gastland Hotel M1).

²²⁰ 30 March 2023_HHC monitoring mission report, Kisléta.

²²¹ 12-13 June 2023HHC monitoring mission report, Vitnyéd Csermajor.

²²² 19-20 June 2023 HHC monitoring mission report, Kisléta Pócsi út 52, 4325, 19_20_JUN_HHC monitoring mission report, Mérk Hunyadi u.183.

²²³ 21-22 AUgust 2023HHC monitoring mission report, Kocs, Kossuth Lajos u. 9.

²²⁴ 18-19 September 2023HHC monitoring mission report, Ercsi, Cukorgyári ltp. 3.

²²⁵ 18-19 September 2023HHC monitoring mission report, Szigetszentmiklós Viola utca 12.

- ❖ No meals are provided at the Békés accommodation site.²²⁶
- ❖ At the Celldömölk, Fonyód, Vértesszőlős and Oroszlány accommodation sites, people are in need of any type of donation (hygiene items, diapers, clothing, food).²²⁷

Subsistence allowance

Another issue of great concern has been the inconsistent receipt of the monthly subsistence allowance. This was a frequently reported and constant issue both in 2022 and 2023. Beneficiaries of temporary protection have regularly complained to the HHC about either not receiving the subsistence allowance at all despite requesting it or receiving it with a great delay. In some cases, the subsistence allowance arrived in one month but was absent in the following months. Families also reported that while they requested the subsistence allowance together, some family members received it, while others did not (typically the subsistence allowance requested for minor children).

In its multi-sectoral needs assessment report the UNHCR noted that out of 512 respondents 93% had been granted temporary protection, and those granted protection had received this financial assistance at least once.²²⁸ The UNHCR added that this does not mean that the allowance is currently received or that it has been received regularly. In 2023, UNHCR's multi-sectoral needs assessment reported that 56% of surveyed households acknowledged receiving subsistence allowances upon their arrival, while 28% reported such allowances in the last 30 days since the survey took place.²²⁹ The HHC requested data in 2022 from the Ministry of Economic Development on the number of beneficiaries receiving subsistence allowance, but the Ministry stated in its response that they did not have this information.²³⁰ In 2023, upon the same request, the Ministry stated that by December 2023, there had been 10,967 request for subsistence allowance submitted from beneficiaries of temporary protection. The Ministry did not state how many of these requests were granted.²³¹ The director of NGDAP's asylum department suggested on 3 March 2023 to the representatives of HHC, that, according to his knowledge, a stable average of around 7,000 beneficiaries receive subsistence allowance on a regular basis in Hungary.

Moreover, until around September 2022, it was unclear to the relevant authorities (asylum authority and government/district offices) who is responsible for processing subsistence allowance requests. The HHC received numerous inquiries from people eligible for the subsistence allowance stating that neither the asylum authority nor the government/district office wanted to register their request for the subsistence allowance, claiming the other body was responsible for this. Some of HHC clients stated that their request for financial assistance was registered by the asylum authority, others said that it was done at the district office. This situation was the result of an ambiguous legal environment: according to the Asylum Decree, which is to be applied with Government Decree 106/2022 (III.12) setting forth special rules relative to the subsistence allowance, it is granted by the asylum authority upon request of the beneficiary.²³² The referenced decree also provides that the allowance is transferred by the asylum authority,²³³ but at the same time, states that the transfer of the allowance is subject to a monthly appearance in person before the district office for beneficiaries over the age of 6.²³⁴ Accordingly, in March 2022, the asylum authority also published a form on its website, which was to be used for the purpose of requesting the allowance. This form was available online until May 2022. To clarify this controversy, the HHC turned to the NDGAP asylum authority. The asylum authority stated in its answer that the allowance is to be transferred by them,

²²⁶ 2-3 November 2023 HHC monitoring mission report, Békés, Jantyik utca 6/2. – „MPS Cigánymisszió”, Keveermes, Jókai utca 98. - „MPS Cigánymisszió”.

²²⁷ 21-22 August 2023 HHC monitoring mission report, 12-13 October 2023 HHC monitoring mission report.

²²⁸ UNHCR, *Hungary: Multi-Sectoral Needs Assessment*, November 2022, available at: <https://bit.ly/3HrxW39>, 14.

²²⁹ UNHCR, *Hungary: Multi-Sectoral Needs Assessment, Final Report*, December 2023, available [here](#), 25.

²³⁰ Information received from the Ministry of Economic Development by the HHC on 27 January 2023.

²³¹ Information received from the Ministry of Economic Development by the HHC on 19 February 2024.

²³² Section 53 (3) of Asylum Decree.

²³³ Section 4 (4) of Government Decree 106/2022 (III.12).

²³⁴ Section (4a) - (4b) of Government Decree 106/2022 (III.12).

without a formal request of the beneficiary, as long as they fulfil their obligation to appear before the district office, a fact which is then reported to the asylum authority. Consequently, according to the interpretation of the asylum authority, the beneficiary, if older than 6 years, only has to appear before the district office and the allowance will be granted to them. The authority also stated that the form they published was no longer in use, and that the allowance was also transferred to beneficiaries under the age of 6 without them formally requesting it.²³⁵ Considering the referenced provisions, this legal interpretation is obscure and not conclusive. At the same time, however, in the second half of 2022, the practice of both the asylum authority and the district offices became consistent and followed this interpretation by the asylum authority. In 2023, no such competency issues were reported or observed.

Accommodation of vulnerable people

As has been noted under [Guarantees for vulnerable persons](#), there has been no comprehensive screening for people with special protection needs,²³⁶ which often resulted in people being accommodated in inappropriate conditions with regard to their needs. In the experience of the HHC, people with disabilities or special medical needs have been frequently placed in shelters lacking the necessary medical/psychological assistance. The most notable case concerned a 65-year-old Ukrainian man met by the HHC team on 4 August 2022 in the **Fülpösdaróc** (village close to the border) accommodation site. The accommodation was not well-equipped and hygiene was completely absent. A total of 22 individuals were accommodated there at the time. They were generally in a poor mental and physical state, complaining about not receiving sufficient food provision. The said Ukrainian man, who was a beneficiary of temporary protection already, looked seriously underfed, he was barely able to speak. Following his arrival in Hungary, he had been diagnosed with lung cancer. It was apparent that he would have needed constant and special medical attention, which was absent in the accommodation site. HHC monitors were informed that no Hungarian health-care provider could accept the man, although operators of the accommodation site and staff members of IOM had tried multiple times, at various hospitals. As a consequence, as the HHC was later informed by the operators of the accommodation site, the man was transferred back to Ukraine and was placed in a hospice near the border. His example is exceptional, but quite alarming at the same time, highlighting the potential deficiencies of the reception system with regard to the population with special needs. The **Fülpösdaróc** accommodation site was later renovated with the assistance of IOM and conditions became decent by October.

In 2023, the most notable case recorded by the HHC²³⁷, highlighting all potential the deficiencies of the accommodation scheme, concerned a Ukrainian woman, who claimed to have been a violence of sexual abuse at the Kisléta accomodation site. One house of the site accommodated only a woman and a man, who were not related. The man was disabled (the upper part of both feet were missing). The woman - who had been diagnosed as paranoid schizophrenic by the medical institution in Nagykálló beforehand - complained of the man drinking, smoking, harassing and threatening her. She also stated that the man regularly abused her sexually when he got drunk. She repeatedly asked the volunteers and different workers attending them to move her to a different place but to no avail. She wrote a letter in Hungarian with the use of a dictionary to report the assaults to the police but did not know how to send it.

Risks of human trafficking

As it has been similarly mentioned, no adequate preventive measures specifically targeting persons fleeing Ukraine have been implemented concerning the risks of human trafficking, although the arriving population mainly consisted of women and children and there is substantial lack of information (see [Guarantees for vulnerable groups](#)). The HHC's continuous monitoring visits in 2022 also revealed several

²³⁵ Letter of the NGDAP asylum authority received by the HHC on 16 June 2022.

²³⁶ UNHCR, *Inter-Agency Operational Update Hungary*, 10 May 2022, available at: <https://bit.ly/3wS7A5v>.

²³⁷ Recorded first by the HHC on 20 June 2023 at Kisléta during HHC's monitoring mission.

relevant experiences by displaced persons, revealing potential exploitation patterns related to the Ukrainian crisis²³⁸:

- ❖ Two sisters from Kyiv informed the HHC that every evening a Hungarian woman from Zakarpattia talks to them and wants to offer them work, asking them to sign papers. The sisters did not find this lady trustworthy and felt intimidated by her.
- ❖ Several women, encountered during several monitoring visits informed the HHC that they were given job offers by online recruiters, who also offered them housing. Many of them found these job offers through a leaflet placed at their accommodation facility advertising a company called 'Safe in Hungary' (www.safeinhungary.hu). One woman informed the HHC team that the recruiters had told her that she could work for them, but her 20-year-old daughter would have to work too and, for this, she should stop her studies. After a background check, the HHC found this dubious recruitment campaign concerning. It was particularly worrying that the for-profit recruitment agency was posing as a humanitarian actor offering 'help', which was at odds with its actual character and motivation. Also, it was clear for HHC monitors that Ukrainian refugees lacked proper information and could be easily misled by these job offers that may not give them the same rights and choices as registering for temporary protection would. It appeared that accepting job offers from this company could 'divert' refugees from acquiring temporary protection and put them in a more vulnerable situation with an elevated risk of exploitation. This was observed in March 2022 in visits at Helping Points and accommodation centres in the border area. An investigative journalism portal later published an article²³⁹ revealing the close ties of this company to the Hungarian government, which can explain their exclusive placement at Helping Points on the Ukrainian-Hungarian border.
- ❖ Some Ukrainian refugees complained of being employed without the necessary permits by a company called 'Prohuman' (which is the one mentioned under the previous point, operating the www.safeinhungary.hu website). A woman informed the HHC that her uncle who worked for this company did not have any residence permit and that the company refused to initiate the relevant procedures.
- ❖ Some Ukrainian refugees informed the HHC that, after arrival, the men among them worked for 2 weeks for a local person who disappeared without paying their salaries (3 million HUF altogether).
- ❖ The HHC visited a former hotel, which functioned as an accommodation site for Ukrainian refugees, and which was in a very run-down state, offering dubious living conditions. The manager of the site was overtly hostile to the HHC monitors, not allowing them to enter and saying that 'there is no need to worry, people accommodated here are all employed and paid well'. Due to his resistance to provide access and hostile behaviour, the HHC monitors considered that working conditions offered to persons hosted at this site may be inadequate.
- ❖ An HHC monitoring team talked to a woman with a small child, who arrived in Hungary after acquiring temporary protection in Romania. She was robbed in Romania, and thus had no identity documents. She was offered a job and accommodation by a stranger on the internet, which raised some concerns about unlawful employment and exploitation, given that she had no identity documents, nor a proof of her temporary protection status in the EU.

There are also risks of labour exploitation, as described below in [Access to the labour market](#).

²³⁸ HHC's experience of 2022 in this regard is summarised in a thematic paper called "Labour exploitation encountered in the framework of the Ukraine refugee crisis response of the Hungarian Helsinki Committee", January 2023, available [here](#).

²³⁹ Atlatzso, 'Kormányközeli munkaerő-toborzó cég hirdethet az ukrán menekülteknek az állami központokban', 31 March 2022, available in Hungarian at: <http://bit.ly/3HZzMdq>.

E. Employment and education

1. Access to the labour market

A temporary protection beneficiary or applicant has the same rights regarding employment as Hungarian citizens do, except in the public service and civil servant sector where Hungarian citizenship is a requirement.²⁴⁰ According to the TP Decree, beneficiaries and applicants may work in the territory of Hungary without special permission, including temporary employment and public employment.²⁴¹ This has not always been the case as when the TP Decree came into effect on 8 March 2022, only beneficiaries had this right and only in certain sectors of the labour market as defined in the communication of the competent minister.²⁴² This regulation was amended and consequently, not only beneficiaries, but applicants could also be employed in the jobs specified in the mentioned communication.²⁴³ This regime was in effect from 23 March to 29 April 2022. Since 30 April 2022, as a result of another legislative change, it is possible for both beneficiaries and applicants to be employed in any sector, without any limitation.²⁴⁴

To be employed, the applicant or the beneficiary has to be at least 16 years old.²⁴⁵ The employer shall notify the immigration authority of the employment of a person under the TP Decree.²⁴⁶ The employer is required to ascertain on or before the first day of employment that the person holds a TP card (if beneficiary) or a humanitarian residence card (if applicant) and shall make a copy of the permit which is to be kept for the entire duration of employment. The employer is then to notify the immigration authority of the start of employment and also of its termination. The detailed rules of notification procedure are set out in the Act II of 2007 on the entry and stay of third-country nationals.²⁴⁷

Since 29 April 2022, a person who intends to receive the subsistence allowance and who is eligible for employment must register as a service claimant (in Hungarian it is phrased as *foglalkoztatásba bevonható személy*, which would translate as 'a person who can be employed') with the district office and cooperate with the district office before receiving the first regular subsistence allowance.²⁴⁸ A person who is eligible for employment shall accept an offer for a suitable job, including public employment, in cooperation with the district office, within 45 days of receiving the first regular subsistence allowance.²⁴⁹ A person eligible for employment is not obliged to accept the job offered to them if:

- ❖ at the time of the offer of employment, they are in an employment relationship with an employer in Hungary and the employer in Hungary can prove it, or
- ❖ they provide care for a minor under the age of three, or
- ❖ they are enrolled in full-time school education and have not reached the age of 18.²⁵⁰

The integration of healthcare professionals has been facilitated by the government by introducing some rules which make it easier for the healthcare professionals who fled Ukraine to start working in Hungary.

²⁴⁰ As provided in Section 39 (1) of Act CXCIX of 2011 on Public Service Officials and Section 20 (1) c.) of Act XXXIII of 1992 on Civil Servant Status.

²⁴¹ Section 6(4) and Section 7 of the TP Decree.

²⁴² NGM Communication on the authorisation of the employment of third-country nationals in Hungary on the basis of a non-aggregated application procedure, on the exemption from the obligation to obtain an authorisation, on the cooperation of the labour office of the metropolitan and county government office in the aggregated application procedure, and on the notification of the employment of third-country nationals who are employed in Hungary without authorisation and on the reimbursement of wages pursuant to point 26 of paragraph (1) of Article 15 of Government Decree 445/2013 (28.XI.), available in Hungarian at: <http://bit.ly/3HzD8Cr>.

²⁴³ TP Decree as amended by Section 2 of Government Decree 112/2022 (III.22).

²⁴⁴ TP Decree as amended by Section 1 of Government Decree 175/2022 (IV.29).

²⁴⁵ Section 1 b.) of Government Decree 106/2022. (III. 12.).

²⁴⁶ Section 6 (6) of the TP Decree.

²⁴⁷ Section 71 of Act II of 2007 on the entry and stay of third-country nationals.

²⁴⁸ Section 2 (3) of Government Decree 106/2022 (III.12) as amended by Section 9 of Government Decree 170/2022 (IV.29).

²⁴⁹ Section 2 (5) of Government Decree 106/2022 (III.12).

²⁵⁰ Section 2 (7) of Government Decree 106/2022 (III.12).

Government Decree 121/2022 (III.28.) provides that a person holding a health professional qualification obtained in Ukraine, on the basis of a state-recognised qualification and academic degrees, shall - notwithstanding the provisions of Act CLIV of 1997 on Health Care (hereinafter referred to as the - be entitled to perform health care activities without the naturalisation or recognition of his/her professional qualification or professional qualifications in Hungary, even before the recognition or naturalisation procedure has been completed. This person shall, no later than the commencement of the health care activity, be obliged to apply for recognition of the professional qualification or academic degree attested by the certificate or diploma issued in Ukraine in accordance with the provisions of the Act on the Recognition of Foreign Certificates and Diplomas of Act C of 2001 (Recognition Act),but, notwithstanding Article 6(3) of the Recognition Act, the recognition or naturalisation procedure is not subject to the condition of a residence permit issued for the purpose of employment or family reunification.²⁵¹

Government support to employers

In order to facilitate access to the labour market of temporary protection beneficiaries and applicants, the government enacted a series of decrees concerning the support of those entities who employ these groups in 2022.

Between 11 March 2022 and 31 August 2023,, the Government provided support to employers in order to facilitate the employment in Hungary of persons with Ukrainian citizenship or dual Ukrainian-Hungarian citizenship.²⁵² The Ministry of Economic Development stated that between 11 March 2022 and 31 August 2023 the number of employees covered by the support to employers was 2436.²⁵³

Since 1 August 2023, as a result of a legislative change²⁵⁴, employers can no longer claim any support for employing people who fled Ukraine but they may claim a housing allowance after those beneficiaries of temporary protection who they employ. Rules may be summarised as follows²⁵⁵:

Allowance is paid if the temporary protection beneficiary or dual national works in Hungary for a fixed or indefinite period, for at least 20 hours a week. The allowance must be claimed by the employer. If the employee has a child under the age of 16, the allowance is conditional on the child attending school until the end of primary school, as certified by the school. The accommodation provider and the employer must conclude a contract for the accommodation of the worker. The employer must apply for the allowance and this contract must be attached to the application. Under the contract, the employer must first pay the accommodation fee to the accommodation provider and only then is the employer entitled to claim the housing allowance.

The application for the allowance can be submitted electronically using the form published on the National Employment Service's website²⁵⁶ or to the government office responsible for the place where the employee is employed. The allowance is paid to the employer on a monthly basis and is normally equal to the monthly accommodation allowance under the accommodation contract.

The allowance shall cease if

- ❖ the employment relationship ceases or is terminated,
- ❖ the employer fails to fulfil his obligations in respect of the allowance,
- ❖ the allowance could not have been established in the first place,
- ❖ the accommodation contract is terminated or cancelled,

²⁵¹ Section 2 of Government Decree 121/2022 (III.28.).

²⁵² Based on Section 1 of Government Decree 96/2022 (III.10), which is not in effect since 1 August 2023..

²⁵³ Information received from the Ministry of Economic Development by the HHC on 20 February 2024.

²⁵⁴ Introduced by Government Decree 337/2023 (VII.24.) amending the provisions of Government Decree 104/2022 (III.12.).

²⁵⁵ Sections 3/A-3/H of Government Decree 104/2022 (III.12.)

²⁵⁶ Availabel at: <https://nfsz.munka.hu/>.

- ❖ a child under 16 years of age living in the same household as the worker ceases to be a pupil before leaving primary school.

The Ministry of Economic Development in its response to the HHC's freedom of information request asking for the number of registered employment-seekers with international protection stated that as of 31 December 2023, 12 "Ukrainian refugees" were registered as employment-seeker.²⁵⁷

Labour market integration opportunities organised by the civic sphere

Organisations in the civic sphere provided numerous labour market integration opportunities for Ukrainian refugees.

According to the Hungarian Maltese Charity Service, their project called 'Work for you' has been set up specifically for the labour market integration of third-country nationals and is accessible for applicants and beneficiaries of temporary protection too. In 2022, 14 beneficiaries of temporary protection participated in their programme called MMIA, which is a housing project but also provides labour market assistance services.²⁵⁸

Menedék Association runs a complex integration programme involving facilitation of access to the labour market, information provision for employers, mediation of intercultural conflicts in the workplace. Menedék Association moreover reported that within their common project with IKEA they supported the labour market integration of Ukrainian refugees throughout 2022.²⁵⁹ The Association highlighted concerning 2023 that for-profit companies the challenge was that the labour market expectations and realities were different, in many cases the programmes targeted highly qualified people, but the lack of language skills (Hungarian and English) prevented those who have fled Ukraine from joining these programmes.²⁶⁰

Kalunba reported that it too operated its own labour-market integration programme in 2022 available for Ukrainian refugees.²⁶¹

BMSZKI also stated that in 2022 they facilitated access to employment opportunities either via Budapest Esély Non-Profit Organization or via for-profit stakeholders.

Since September 2023, IOM Hungary has been also offering individual and group counselling, as well as thematic workshops in the area of labour market integration. In November, IOM – along with UNHCR – organized a Job Fair with the aim of connecting temporary protection beneficiaries, as well as third-country nationals with other legal statuses with interested companies and potential employers.²⁶²

The Hungarian Maltese Charity Service reported that they had run their labour market integration programme in 2023. They had 15 beneficiaries of temporary protection clients within their programme, of which 3 persons managed to get employed with their help. Furthermore, they reported that the programme called 'Incopora', run by the one of the non-profit companies established by the Maltese Charity Service, helped beneficiaries to get integrated into the Hungarian labour market by providing them with mentoring.²⁶³ The Hungarian Red Cross also provided assistance and counseling concerning labour market integration.²⁶⁴

²⁵⁷ Information received from the Ministry of Economic Development by the HHC on 20 February 2024.

²⁵⁸ Information received from the Hungarian Maltese Charity Service by the HHC on 19 January and 2 February 2023.

²⁵⁹ Information received from Menedék Association by the HHC on 28 February 2023.

²⁶⁰ Information received from Menedék Association by the HHC on 21 February 2024.

²⁶¹ Information received from Kalunba organisation by the HHC on 6 February 2023.

²⁶² Information received from the IOM by the HHC on 21 February 2024.

²⁶³ Information received from the Hungarian Maltese Charity Service by the HHC on 26 February 2024.

²⁶⁴ Information received from the Hungarian Red Cross by the HHC on 22 February 2024.

Barriers to employment

No information (practical or legislative in nature) is known to the HHC indicating that beneficiaries of temporary protection would not enjoy equal treatment as Hungarian nationals with regard to employment. The Act CXXV of 2003 on equal treatment and the promotion of equal opportunities prohibits employment related discrimination based on nationality or the use of mother tongue.

Discrimination based on a genuine and determining occupational condition which is justified by the nature of the work or working conditions, pursuing a legitimate aim and is proportionate, and discrimination based on religion or belief, or on national or ethnic origin, directly arising from an ethos which is fundamental to the nature of the organisation, justified by the content or nature of the particular occupational activities, and which is proportionate and based on a genuine occupational requirement, do not constitute a breach of the requirement of equal treatment.²⁶⁵

Naturally, however, the most recurrent reasons for unemployment in the population of concern are the inability to find work due to lack of language skills, especially among those not accommodated at collective sites and having master degrees.²⁶⁶ Menedék Association also points out that the expectations of employers and the reality of Ukrainian refugees are not corresponding as most labour market programmes aim at involving highly-qualified individuals with more diverse language skills.²⁶⁷ Next Step Hungary Association suggested that in 2022 labour market integration of Ukrainian refugees was also hindered by the fact that there were not enough institutions carrying out skill validation, therefore, otherwise experienced people could not substantiate their qualifications.²⁶⁸

The IOM reported in 2023 that beneficiaries with temporary protection faced obstacles when trying to integrate into the Hungarian labour market due to language barriers and a limited understanding of the Hungarian labour market and its associated legal frameworks. Besides, as noted by the IOM, the risk of overqualification of these individuals in the Hungarian labour market was very high. The early employment uptake has been concentrated in low-skilled jobs; therefore skills mismatches are widespread. According to IOM's data of 2023, respondents who have settled or intend to settle in Hungary and are of working age (18-64 years old) imply that 62% of respondents within the active population is employed, with 62% of women and 61% of men. In addition, less than half of the respondents (43%) indicated that their current job in Hungary corresponds to their educational background and professional experience. Among those whose academic and professional background did not align with their current employment, disparities were evident, with a significant proportion having tertiary education (74%), a smaller percentage with upper secondary education (19%), and respondents with post-secondary education accounting for 7%. Among these respondents, women with children experience a lower employment rate (57%) compared to those without children who have an employment rate of 66%. In addition, a notable disparity in employment rates was observed by the IOM among women caring for infants (0-4 years old) compared to those with children aged 5-17 years old. The employment rate is 52% for women with at least one infant, while it stands at 57% among women with children aged 5-17 years old.²⁶⁹

The Evangelical Lutheran Diakonia furthermore pointed out that the situation of people with reduced working capacity is not resolved. In Ukraine, many people were demobilised at some level (out of 3 grades), which the Hungarian system cannot cope with.²⁷⁰

²⁶⁵ Section 22 (1) of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities.

²⁶⁶ UNHCR, *Hungary: Multi-Sectoral Needs Assessment*, November 2022, available at: <https://bit.ly/3HrxW39>, 16.

²⁶⁷ Information received from Menedék Association by the HHC on 28 February 2023.

²⁶⁸ Information received from Next Step Hungary Association on 6 February 2023.

²⁶⁹ Information received from the IOM by the HHC on 21 February 2024.

²⁷⁰ Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

There is no official data available on how many temporary protection beneficiaries could access the labour market in Hungary so far. The ministry competent in employment matters stated upon the freedom of information request of the HHC that they did not have this data.²⁷¹

Risks of labour exploitation

The presence of online recruitment agencies tackling fresh arrivals and those without a temporary protection status is particularly concerning, as well as the recruitment of workers for badly or unpaid seasonal, informal or other physical jobs. (Please also see the section of risks of human trafficking under Housing).

Menedék Association launched a project²⁷² called SAFEmployment Hungary specifically to tackle and prevent the potential labour exploitation of the population fleeing Ukraine. Within the programme, Menedék Association initiated a four-language information campaign (in Hungarian, English, Ukrainian, Russian) conveying the most important information about the rights of employees, as well as how to recognise exploitation. Moreover, they provide complex help through their qualified social workers for victims of exploitation. This project of Menedék Association has also been promoted by the asylum authority on their website²⁷³ and physically on leaflets in the asylum client services. Within the project, Menedék Association produced 3 videos in 2023, raising attention to the dangers of labour exploitation.²⁷⁴ Terre des Hommes organised a discussion on issues related to labour exploitation for people who fled Ukraine in 2022.²⁷⁵ Next Step Hungary Association reported that they held an awareness raising event on work permit acquisition and anti-exploitation for third-country nationals from Ukraine.²⁷⁶

2. Access to education

Education in Hungary is a right and obligation for children who fled Ukraine: the law does not only provide education for foreign children (not only applicants and beneficiaries of temporary protection), but obliges them to take part in it. According to the Act on Public Education, children, in the year when they turn 3 years old until 31 August, are to go to kindergarten for at least 4 hours a day.²⁷⁷ In the year when the child turns 6 years old until 31 August, the child may be enrolled and is to attend school. This can be delayed by a year upon request of the parent. Education is compulsory until the end of the school year when the child turns 16 years old, but for children with special educational needs this may be extended until they turn 23 years old. The obligation to get education can be fulfilled in primary, secondary schools and also in schools for children with special needs.²⁷⁸

The right to education of temporary protection applicant and beneficiary children is also foreseen by the Act on Public Education, which asserts that upon submitting the application, the child becomes entitled to take part in public education in kindergarten, dormitory care, specialised pedagogical services, school education until the end of his studies that begun before their age of eighteen. The law states that this may be done on the same conditions as Hungarian citizens.²⁷⁹ A Government Decree also provides since March 2022 that if the temporary protection beneficiary cares for a minor, they are entitled to use the services of crèches, nursery cares and the services of the "Biztos Kezdet" children's home under the same conditions as Hungarian citizens.²⁸⁰ Lastly, in the set of legal instruments providing for the education

²⁷¹ Information received from the Ministry of Economic Development by the HHC on 27 January 2023.

²⁷² Safemployment Hungary project on Menedék Association's website: <https://bit.ly/3YiGMax>.

²⁷³ Safemployment Hungary project on the NGDAP's website: <https://bit.ly/3RpHC2J>.

²⁷⁴ Videos available at <https://bit.ly/3JAcURz>, <https://bit.ly/4btRqSv>, <https://bit.ly/3UfL9mn>.

²⁷⁵ Information received from Terre des Hommes Hungary on 28 January 2023.

²⁷⁶ Information received from Next Step Hungary Association by the HHC on 6 February 2023.

²⁷⁷ Section 8(2) of Act CXC of 2011 on Public Education.

²⁷⁸ Section 45 (2)-(3) and (5) of Act CXC of 2011 on Public Education.

²⁷⁹ Section 92 (1) a.), (3)-(4) of Act CXC of 2011 on Public Education.

²⁸⁰ Section 3 of Government Decree 106/2022 (III.12).

of temporary protection beneficiaries, the Asylum Decree holds that the beneficiary is entitled to the reimbursement of the cost of education.²⁸¹

Day care in crèches is regulated under Act XXXI of 1997 on child protection and childcare administration. The law provides that day care is mainly for the children of working parents, but other needs (e.g. children at risk due to their social situation or children of a single parent or a parent's illness, etc.) may be considered. However, it is generally subject to a fee depending on the family's income, and free of charge only on grounds of need.²⁸²

The competent central administrative body, the Office of Education, stated in its response to the HHC's information request that they only had data covering all foreign asylum-seeking, refugee or beneficiary of temporary protection students, therefore, no data is available specifically as to child beneficiaries of temporary protection who accessed education in Hungary.²⁸³ Aggregated data concerning enrolled asylum-seeking, refugee and beneficiary of temporary protection children in the educational years of 2021-2022 and 2022-2023 looks as follows²⁸⁴:

Enrolled asylum-seeking, refugee and beneficiary of temporary protection children		
	2021/2022	2022/2023
Kindergarten	28	619
Elementary school	55	2,009
High school	12	96
Vocational gymnasium	0	22
Vocational training schools	0	0
Vocational school	0	0
Special needs education	0	0

The Office of Education stated in its response sent to the HHC in 2024 that they registered aggravated data concerning refugee and beneficiary of temporary protection children for the educational years of 2022-2023 and 2023-2024 as follows:²⁸⁵

Enrolled asylum-seeking, refugee and beneficiary of temporary protection children		
	2022/2023	2023/2024
Kindergarten	619	481
Elementary school	2,009	1,898
High school	118	105

One of the main barriers of accessing Hungarian (public) education of any level may be the fact that people who fled from Ukraine do not know the Hungarian language. Legislation supports the beneficiaries of temporary protection in overcoming this barrier as the Asylum Decree provides that within twenty-four months from the date of recognition, the participation of the beneficiary of temporary protection in 520 hours of basic or intermediate Hungarian language course at an institution designated by the NDGAP is free of charge, if the person continues his/her studies in accordance with the conditions set by the institution or meets the examination requirements set by the language service provider.²⁸⁶ The law furthermore provides that once per grade and per type, a basic or intermediate Hungarian language

²⁸¹ 37/A (1) c.) and 45 of Asylum Decree.

²⁸² Ministry of Human Resources, *Information to support families from Ukraine for family and child welfare service providers*, May 2022, available at: <https://bit.ly/3HXccxG>, 15.

²⁸³ Information received from the Office of Education by the HHC on 27 January 2023.

²⁸⁴ *Ibid.*

²⁸⁵ Information received from the Office of Education by the HHC on 7 February 2024.

²⁸⁶ Section 51 (1) of the Asylum Decree

examination of type "A", "B" or "C", organised by the institution designated by the asylum authority and recognised by the state, and a Hungarian language course for a beneficiary studying in full-time school education - until reaching the age of 18 - in the institution designated by the asylum authority is free of charge.²⁸⁷ The HHC requested data from the NDGAP regarding the implementation of the said provisions. The NDGAP stated in its answer that no institution was designated for Hungarian language courses, that no request was submitted to them by anyone concerning a Hungarian language exam and that no institution was designated specifically for the minor beneficiaries of temporary protection, should they wish to attend Hungarian language courses.²⁸⁸

Actors of the civic sphere recognized the need to teach Hungarian as a foreign language to Ukrainian students. As Menedék Association reports, the language barrier is the main reason for which Ukrainian children cannot perform in accordance with their skills and abilities.²⁸⁹ Teaching Hungarian as a foreign language is one of the main activities of the Jesuit Refugee Service which is aimed at supporting inclusion in Hungarian schools. In 2023, the organisation reported to have worked with 23 secondary school-age students per week in 7 different schools in Budapest and provided Hungarian language sessions for Ukrainian children visiting the Fényi Gyula Jesuit High School in Miskolc. Further, it offered weekly Hungarian as a foreign language classes and informal support talks for unaccompanied minor children in the Károlyi István Children Home in Fót. The Jesuit Refugee Service also put together a beginner Hungarian language book for foreign children. The book can be requested free of charge by Hungarian schools.²⁹⁰ The Next Step Association offered playful Hungarian summer lessons for Ukrainian children at the 'Ukraine Space' pop-up school. 27 children attended this course, which helped them to acquire basic language skills and be able to smoothly transit to the Hungarian school system.²⁹¹ Caritas Hungarica and the Hungarian Red Cross also reported that they held Hungarian language courses for people from Ukraine.²⁹²

Practical challenges to accessing public education

Organisations assisting people fleeing Ukraine identified many practical challenges faced by children when trying to access public education in 2023.

First, kindergartens and schools often refused to receive children from Ukraine, despite their parents having submitted an application on time at the competent institution. The competent institution is where the child belongs based on their address. The HHC recorded a case in March 2023 in **Bag**, where children were unable to attend kindergarten while in August 2023 in Tatabánya, the school was unavailable for the children, as the institutions stated they did not have capacity to take them.

Once the children managed to get enrolled, a systemic problem in reception into schools has been the lack of assistance in integrating non-Hungarian speaking children. The most significant issue in that regard is that children who started attending Hungarian schools/kindergarten are generally not being provided with Hungarian language lessons, whereas the language of education is Hungarian. Therefore, it has become very much *ad hoc* how much children can integrate due to the obvious language barriers. UNHCR's multi-sectoral needs assessment also highlights that for the language barriers Ukrainian children often have to attend grades below their previous grade in Ukraine, affecting their motivation and learning path.²⁹³ Parents are also often reluctant to enrol their children into Hungarian schools for fear of their children feeling excluded by their Hungarian peers for not speaking Hungarian, and, as noted by the

²⁸⁷ Section 51 (2) of the Asylum Decree

²⁸⁸ Information received from the NDGAP by the HHC on 2 April 2024.

²⁸⁹ Information received from the Menedék Association by the HHC on 21 February 2024.

²⁹⁰ Information received from the Jesuit Refugee Service by the HHC on 12 April 2024.

²⁹¹ Information received from Next Step Hungary Association by the HHC on 27 April 2024.

²⁹² Information received from Caritas Hungarica and the Hungarian Red Cross by the HHC on 22 February 2024.

²⁹³ UNHCR, Hungary: Multi-Sectoral Needs Assessment, Final Report, December 2023, available [here](#), 22.

IOM and Evangelical Lutheran Diakonia, for the lacking information on enrolment rules²⁹⁴, thus, parents rather choose the Ukrainian online education for them. Such cases were recorded by the HHC in multiple locations (Pest county and Mérk, in February 2023, in Demjén-Albertmajor in May 2023, in Tuzsér in June 2023). The Jesuit Refugee Service also noted in that regard that some Ukrainian parents simply prioritize Ukrainian online education over the Hungarian one, in the hope of their return to Ukraine soon.²⁹⁵ The IOM reported that according to data collected through IOM Hungary's Displacement Tracking Matrix (DTM)²⁹⁶ programme, among respondents who have registered for EU Temporary Protection or applied for protection/refugee status with national authorities, 32% have children pursuing online schooling from Ukraine, while 28% enrolled their children in a local school while they are also following classes online from Ukraine. 32% of respondents reported having children who only follow classes in a local school in Hungary.²⁹⁷ By attending Ukrainian public education, children do not fulfil their obligation to take part in the Hungarian public education as explained in the previous section. This obligation, however, is articulated by a *lex imperfecta*, accordingly, non-compliance with the law does not attract any sanction. Menedék Association, the Jesuit Refugee Service and the IOM all emphasise that one of the greatest challenges in the education system is affecting those children who are to leave elementary school and go to high-schools as high-schools normally require an entry exam, which is to be taken in Hungarian.²⁹⁸ These occurrences highlight that not only the children, but also the schools have been in need of assistance and centralised support in tackling these language barriers.

The need for organised summer break activities for children from Ukraine was also identified by the HHC during its monitoring mission to Gyöngyös in July. A lot of children spend their days without meaningful activities in the school breaks and without the care of adults, as those parents who are employed are mostly away at work and neither state nor (or just a few and not country-wide and in a systemic manner) civic organisations organise such activities or care for these children. Recognizing this gap, the Jesuit Refugee Service ran two camps during the summer of 2023 for secondary school students in Budapest, a drama camp and an English camp, the latter in two groups by language level.²⁹⁹

The Hungarian Interchurch Aid reported that they organized state-funded child-supervision services for under 6 in their Budapest community space.³⁰⁰

Paediatricians and nurses need general guidance regarding the vaccination of Ukrainian children as many do not have their vaccination record with them, but for kindergarten and school enrolment it is mandatory. The HHC recorded cases where children were not received by kindergarten/schools for lacking the compulsory vaccination (cases recorded in Pest County, February and March 2023, Heves county in February 2023 and in Dunaújváros in April 2023). The IOM also reported the lack of vaccination as an issue preventing children's enrolment to education.³⁰¹

Lastly, the education of bilingual/dual (Hungarian-Ukrainian) citizen children, who have no solid age-appropriate educational background has also been of great concern. While the language barrier is not an issue, the fact that these children - most typically Roma children from **Zakarpattia** - need catch-up and tutoring classes, which are not provided in most of the schools for evident capacity issues, has made their

²⁹⁴ Information received from the IOM by the HHC on 21 February 2024 and information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

²⁹⁵ Information received from the Jesuit Refugee Service by the HHC on 12 April 2024.

²⁹⁶ According to the IOM's website, the Displacement Tracking Matrix (DTM) gathers and analyses data to disseminate critical multi layered information on the mobility, vulnerabilities, and needs of displaced and mobile populations that enables decision makers and responders to provide these populations with better context specific assistance. More on this available at: <https://dtm.iom.int/>.

²⁹⁷ Information received from the IOM by the HHC on 21 February 2024.

²⁹⁸ Information received from the Menedék Association and Jesuit Refugee Service by the HHC on 28 February and 3 March 2023. Information received from IOM and Menedék Association on 21 February 2024 and from Jesuit Refugee Service on 12 April 2024 by the HHC.

²⁹⁹ Information received from the Jesuit Refugee Service by the HHC on 12 April 2024.

³⁰⁰ Information received from the Hungarian Interchurch Aid by the HHC on 2 April 2024.

³⁰¹ Information received from the IOM by the HHC on 21 February 2024.

parents reluctant to apply to schools. This phenomenon was recorded by the HCC in **Uszka** (border area village) in March 2023, where parents also claimed they did not enrol their children to the local school for fearing discriminatory treatment. BMSZKI noted that in 2022 dual citizen Roma children sometimes faced prejudice in Hungarian schools for being Ukrainian and Roma. As some of these children had not even met any non-Roma person before coming to Hungary, it was a quite distressing situation for them.³⁰² IOM similarly noted that in 2022 discriminatory patterns emerged concerning dual citizen Roma children, including discrepancies in vaccination records and practices between Ukraine and Hungary, claims on lack of capacity at school districts and requests for unnecessary certificates for enrolment, compelling parents to return to their house in Ukraine to retrieve them.³⁰³ The Jesuit Refugee Service reported that enrolling children to age-appropriate education in Hungary was problematic on some occasions, both in 2022 and 2023. The Service therefore provided assistance to parents and their children during school enrolment processes.³⁰⁴ BMSZKI helping around 50 children to access public education in 2022 also underlined this finding.³⁰⁵ In the absence of Ukrainian elementary school certificates, Hungarian high-schools sometimes refused to receive the children, who, for that reason, were compelled to be enrolled to the 8th grade of elementary schools instead of starting the 9th grade in high-schools. They also underlined that even if - typically - dual citizen children spoke Hungarian, their reading and writing skills were behind their speaking skills, therefore, they had to get enrolled in lower classes.³⁰⁶ In the experience of the Evangelical Lutheran Diakonia, Ukrainian children too are typically enrolled in lower grades in Hungarian public schools, primarily for the language barriers.³⁰⁷

Menedék Association points out that while child beneficiaries of temporary protection are entitled to free meals in schools and kindergarten upon request, they sometimes could not access this right for the competent administrative bodies providing contradictory information on where and how to manage the request. The Association added that the issuance of student cards has also been an issue in some instances as the officers of responsible government offices were not properly informed on the rights of beneficiaries of temporary protection and were thereby requesting documents (e.g. social security card) that the beneficiary could not and did not have to hold.

Menedék Association put together a guide on the most essential information on the Hungarian education system for parents, available in Ukrainian, English and Hungarian.³⁰⁸ In 2023, they also produced a short film for parents on school enrolment, available with subtitles in Russian, Ukrainian, English.³⁰⁹ Staff member of the Association furthermore authored a study on the integration of foreign children into Hungarian education.³¹⁰

On a positive note, BMSZKI reported concerning the year 2022 that in the 9th district of Budapest, where one of their accommodation sites is, the procedure of the local child protection service, which cooperated with them to find the most appropriate educational institution for the children, was exemplary. Staff members of the child protection service went directly to the accommodation site, they assessed the needs of parents and children, and then personally contacted the schools and kindergartens. Moreover, they even assisted the parents in the first weeks to get to the schools and kindergartens, so parents could learn the way. BMSZKI stated that in the 10th district of Budapest, they also managed to have all children enrolled in public education; all steps of the procedure, however, had to be managed by the social workers as the local child protection service did not anyhow engage in this process.³¹¹

³⁰² Information received from the BMSZKI by the HHC on 13 February 2023.

³⁰³ Information received from the IOM by the HHC on 14 February 2023.

³⁰⁴ Information received from the Jesuit Refugee Service by the HHC on 3 March 2023 and 12 April 2024.

³⁰⁵ Information received from BMSZKI by the HHC on 13 February 2023.

³⁰⁶ Information received from the Jesuit Refugee Service by the HHC on 3 March 2023.

³⁰⁷ Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

³⁰⁸ Menedék Association: Going to Kindergarten and School in Hungary: a parent's guide to the Hungarian Education System, available: <https://bit.ly/3ZrTvba>.

³⁰⁹ Positive stories – foreign children in Hungarian schools, available at: <https://bit.ly/3WaXeM8>.

³¹⁰ Éva Füredi: Külföldi gyerekek iskolai integrációja Magyarországon – szükségletek, lehetőségek és kihívások, Modern Nyelvtanítás, 2023/3-4, available in Hungarian at <https://bit.ly/3xPc7cJ>.

³¹¹ Information received from the BMSZKI by the HHC on 13 February 2023.

The Evangelical Lutheran Diakonia, the charity service of the Evangelical-Lutheran Church, furthermore highlighted that in 2023 some districts in Budapest refuse to take beneficiaries of temporary protection children for capacity issues. The reason of refusal has sometimes been the fact that these children lacked social security numbers. The charity service also noted that children accommodated in the countryside had sometimes difficulties with getting to schools for the absence of well-connected public transport.³¹²

Children with special needs

From a legal perspective, minor applicants and **beneficiaries** of temporary protection including those with special needs are entitled (and obliged) to take part in public education, also in specialised pedagogical services, as explained above. The Act on Public education foresees special rules concerning the education and training of children with special educational needs and integration, learning and behavioural difficulties.

A child with special educational needs is defined as a child who, according to an expert opinion of the competent body under the Act on Public Education, has a motor, sensory (visual, auditory), mental or speech disability, multiple disabilities, an autism spectrum disorder or other mental development disorder, including severe learning, attention or behavioural disability.³¹³ These children shall have the right to receive pedagogical, remedial or conductive educational care appropriate to their condition. The care appropriate to the special educational needs must be provided in accordance with the expert opinion. The parent may choose the educational establishment providing appropriate care for children with special educational needs on the basis of the expert opinion of the competent expert committee, taking into account the needs and capacities of the parent and the child. The education of these children is to be carried out in institutions established for the specific purpose of educating children with special needs. If children have difficulties in integration, learning or behaviour, they are entitled to developmental pedagogical care.³¹⁴

At the time of writing, the HHC is not aware of specific information regarding the practical challenges met by children with special needs in accessing education, although they are likely to at the very least face the challenges described above met by other children. IOM, however, noted that children with special education needs face obstacles for obtaining expert's opinion and official diagnoses needed for their enrolment in special needs education.³¹⁵ In the experience of the Evangelical Lutheran Diakonia, schools are generally reluctant to receive Ukrainian children with special needs, with reference to capacity issues and language barriers.³¹⁶

Moreover, as explained in [Guarantees for vulnerable persons](#), there are no specific identification mechanisms in place in Hungary to identify vulnerable individuals and there has been no comprehensive screening for people with special protection needs within the temporary protection scheme. This is unfortunately also true with regard to children with special needs.

In the context of the temporary protection scheme, no measures were introduced concerning the education of young people. They are thus in the same situation as beneficiaries of international protection (see [General Report – Access to education](#)).

³¹² Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

³¹³ Section 4 point 25. of Act CXC of 2011 on Public Education.

³¹⁴ Section 47 of Act CXC of 2011 on Public Education.

³¹⁵ Information received from the IOM by the HHC on 21 February 2024.

³¹⁶ Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

Higher education

Beneficiaries of temporary protection may be admitted into higher education under the same conditions as Hungarian citizens and they are eligible for state-subsidised education in line with Act CCIV of 2011 on Higher Education.³¹⁷ In practice, however, there are gaps in enforcing the rights of the refugee population in higher education (see [General Report – Access to education](#)).

It is worth noting that in the context of the Ukrainian crisis, in 2022 it was not the temporary protection-eligible population, but primarily the third-country nationals with short-term student visas issued by Ukraine who sought assistance regarding access to the Hungarian higher education system in the experience of the HHC.

Although no official data is available as to how many students from Ukraine are enrolled in Hungarian higher education and into which institutions, according to Hungarian media outlets and university communications, numerous Hungarian universities opened their doors not only to temporary protection-eligible students, but to all students fleeing Ukraine in 2022. The University of Pécs, among the first, opened a registration platform for those who had to interrupt their studies in Ukraine due to the ongoing war and offered over 100 study programmes in English and Hungarian covering all major academic fields. Guest students from Ukraine were also [exempted](#) from paying the tuition fees and dormitory fees for the spring semester. [Simmelweis University](#) also announced earlier in March 2022 that it was accepting foreign medical students. The [Eötvös Loránd University](#), the [Moholy-Nagy University of Art and Design](#), the University of Pannonia, the [Corvinus University of Budapest](#) and the [Hungarian University of Agriculture and Life Science](#) also opened their courses to refugees from Ukraine in 2022.

Students and teachers who would like to stay in Hungary can also apply to the Tempus Public Foundation. The [Students at Risk Programme](#) was launched in 2022 by Tempus Public Foundation in the frame of the Stipendium Hungaricum Scholarship Programme supervised by the Ministry of Foreign Affairs and Trade, with the aim to provide higher education scholarships supporting the students in continuing their studies that they started in Ukraine and earning a bachelor's, master's or doctoral degree in Hungary.³¹⁸ Menedék Association noted that this is a highly useful programme for those who fled Ukraine, however, according to their knowledge, only a very few people was granted participation.³¹⁹ The programme was ongoing in 2023 too. Applicants with Ukrainian citizenship can choose any study field and study programme offered in the Stipendium Hungaricum Scholarship Programme. Applicants with third-country citizenship can select study programmes offered in the Stipendium Hungaricum Programme in the field of Economic Science, Engineering Science, Computer Science and Information Technology, Natural Science, Agricultural Science and Medical and Health Science and they are eligible to apply for the Conductive Education study programme as well. Similarly, the applicants can apply to study at those Hungarian higher education institutions that are involved in the Stipendium Hungaricum Programme. Moreover, Széchenyi Funds and Óbuda University supported students from Ukraine with scholarships in 2022.³²⁰ The listing of universities and scholarship is not exhaustive herein, this exemplificative description solely aims at pointing out the unparalleled solidarity of the actors of higher education towards the student population fleeing Ukraine.

The Jesuit Refugee Service reported that in their experience it was the adequate command of the English language which was the most typical problem for the Ukrainian youth trying to access higher education or vocational programmes. The organization therefore ran several tutoring sessions conducted by volunteers in order to help Ukrainian people to pass the exams in English.³²¹

³¹⁷ Article 39 (1)b.) of Act CCIV of 2011 on Higher Education.

³¹⁸ Tempus Public Foundation, 'Students at risk programme for students fleeing the war in Ukraine', 1 April 2022, available at: <http://bit.ly/3JFpfVO>.

³¹⁹ Information received from the Menedék Association by the HHC on 21 February 2024.

³²⁰ The university's official communication is available at: <https://bit.ly/3RBJKEL>.

³²¹ Information received from the Jesuit Refugee Service by the HHC on 12 April 2024.

The Evangelical Lutheran Diakonia noted that there was not enough organisation assisting young Ukrainians to access higher education, whose access to higher education was generally poor in 2023.³²²

F. Social welfare

The law does not provide access to social welfare for beneficiaries of temporary protection. The Act III of 1993 on Social Administration and Social Benefits and the Act XXXI of 1997 on child protection and child care administration regulating child welfare services do not apply to temporary protection beneficiaries and applicants, thus, they are not entitled to the social services. The care of the temporary protection-eligible population is carried out entirely within the system of asylum administration.

Maternity allowance is the only available benefit outside the scope of asylum administration, which may be accessed by any woman legally resident in Hungary at the time of applying for maternity allowance and who attended antenatal care in Hungary at least four times during their pregnancy, or at least once in the case of premature birth, in line with the provisions of Act LXXXIV of 1998 on aiding families.³²³ This support may be requested after the child is born. If the child is a foreign national, then the request is to be submitted at the competent Government Office.³²⁴

As temporary protection beneficiaries are generally not entitled to access the benefits of the social welfare system, only maternity allowance may could be requested in 2022, HHC and assistance partners do not have particular experience in this regard in terms of obstacles faced, contrary to those met when receiving the [subsistence allowance](#).

A positive 2023 development is to be noted. Namely, since 1 January 2024, the scope of available social benefits has been broadened and child care and infant care allowance is available for those Ukrainian parents, who work in Hungary and whose child was born after 31 December 2023, even if their official residence is registered in Ukraine. This has been a result of a legislative amendment of a government decree, which previously required beneficiaries of these allowances to have an official Hungarian residence, which, naturally, most people who fled Ukraine did not have. The legislative change, however, states that a place of accommodation in Hungary shall be regarded as official residence, thereby making Ukrainian workers eligible to the benefits.³²⁵ This development may be attributed to the advocacy efforts of Menedék Association.³²⁶

The Evangelical Lutheran Diakonia furthermore highlighted that the situation of pensioners is not resolved. In their experience, in order to apply for a Hungarian pension, the waiver of the Ukrainian pension had to be proved first and no employment was allowed while the case was pending. Decision in such a case could take up to 15 months in the charity's experience, and problematically, during this period, the person concerned - usually elderly or sick - has no income or social security.³²⁷

No data available as to the number of beneficiaries of temporary protection who accessed different forms of social welfare as of 31 December 2023.

³²² Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

³²³ Section 29 (4) of Act LXXXIV of 1998 on aiding families.

³²⁴ Section 35 of Act LXXXIV of 1998 on aiding families.

³²⁵ Gov. Decree 623/2023 (XII.23) amending Gov. Decree 246/2022 (VII.8)

³²⁶ Information received from the Menedék Association by the HHC on 21 February 2024.

³²⁷ Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

G. Health care

Access to health care is provided both to temporary protection beneficiaries and applicants. The scope of services to which they are entitled is specifically defined in the Asylum³²⁸ and TP³²⁹ Decrees. These services are:

- A. examinations and treatment under the scope of general medical care (in practice these means the treatment generally provided by the district GP),³³⁰
- B. examination and treatment in emergency outpatient care, and medicines and dressings used in the course of such care;
- C. in-patient care in case of urgent need, and medical treatment prescribed by a doctor, including surgical operations and the medical materials and prostheses used, medical care, medicines, dressings and meals;
- D. following specialised out-patient care or in-patient hospital treatment, until recovery from the illness or until stabilisation of the condition:
 - a. the necessary examination and treatment,
 - b. medicinal products other than those referred to in point (h) which cannot be substituted for another medicinal product and medical devices necessary for the administration of the medicinal product;
- E. medical appliances other than those referred to in point (D)(D(b)) ordered by a doctor, and their repair;
- F. emergency dental care and treatment for the preservation of teeth, provided that the treatment is of the lowest reimbursement category;
- G. prenatal care and obstetric care or, under the conditions laid down in the Act on the Protection of Foetal Life, for an operation to terminate a pregnancy;
- H. medicines and dressings prescribed free of charge for "persons entitled to public health care" under a special law or with a 90% or 100% social security subsidy under a "health care provision";
- I. in the case of benefits under points (B) and (C), (D)(D(a)) and (G), transport of a patient if, because of their state of health, transport cannot be provided otherwise;
- J. compulsory vaccination linked to age,
- K. examination and treatment in oncological care and other chronic care, and medicinal products used by persons entitled to social security benefits for the purpose of improving, maintaining or relieving pain in the context of specialised oncological care and other chronic care and general health care with price support.

Barriers to accessing health care

Temporary protection applicants and beneficiaries' access to health care services is frequently hindered by administrative challenges faced by health care providers in practice. In the experience of the HHC, Menedék Association³³¹ and the Evangelic Lutheran Diakonia³³² health care providers frequently do not know how to register patients without a social security number, which is provided to those with a registered address and address card, having social security status. Without registration, the cost of healthcare services is not covered. Temporary protection applicants and beneficiaries (and dual - Ukrainian-Hungarian citizens) however, do not have an address card or social security card, as they are normally accommodated in a temporary manner, and as long as they lack employment, they cannot obtain social security status either. Therefore, if they turn to a health care provider, they are frequently sent away, for the health care providers fears that the expenses will not be reimbursed by the state. This was a significant and duly documented issue both in 2022 and 2023. The HHC recorded such cases in Pest, Heves

³²⁸ Sections 26-28 and 44(2) of Asylum Decree.

³²⁹ Section 6(2) of TP Decree.

³³⁰ As provided in Act CXXIII of 2015 on general medical care.

³³¹ Information received from Menedék Association by the HHC on 28 February 2023 and on 21 February 2024.

³³² Information received from the Evangelic Lutheran Diakonia by the HHC on 24 February 2024.

Komárom-Esztergom and Szabolcs-Szatmár counties. It was documented multiple times by the HHC that people from Ukraine complained that they were refused to be provided with health-care services at the local hospital in Érd on the account of their Ukrainian nationality or Roma ethnicity. The Evangelical Lutheran Diakonia also reported discriminatory treatment concerning temporary protection beneficiaries in the public health sector. The charity noted that specifically in the hospital of Hatvan, Ukrainian families were refused to be treated or were charged for gynaecological services. Diakonia reported that in Érd, the local GP was also charging a fee of 10.000 HUF for his services and temporary protection beneficiaries were also charged for vaccines. The charity registered a case where the public dentist also wanted to charge temporary protection beneficiaries. Furthermore, according to the charity service, people from Ukraine are not offered influenza and COVID vaccines.³³³

As indicated under the previous point, applicants and beneficiaries of temporary protection in need are to be provided with a broad set of health care services. In order to manage their registration by health care providers, Government Decree 171/2022 (IV.29) introduced some executive regulations, instructing health care providers on how to register temporary protection applicants, beneficiaries and Hungarian-Ukrainian citizens who fled the war. The Decree provides that health care providers are to use a special, technical identification number instead of the social security number. It furthermore provides that the number of the TP card and humanitarian residence card, and the number of personal ID documents are to be registered.³³⁴ The cost of health care service is then to be reimbursed by the asylum authority.³³⁵ These legal provisions are, as pointed out above too, unknown by some of the health-care providers. Therefore, the intervention and assistance of lawyers and social workers of NGOs assisting the refugee population, who could explain the procedure to be followed to the health care providers have been frequently needed. In Terre Des Hommes 2022 experience, this issue did not come up at paediatrics and dental care, but was present in the practice of a district GP. Caritas Hungarica pointed out that in 2022 the lack of information on how to register patients who fled Ukraine not only came up with regard to health care providers, but also regarding patients, who sometimes did not know how they could navigate within the health care system, especially with language barriers involved. BMSZKI reported concerning 2022 that many of those who were accommodated at their reception centres could access public healthcare services exclusively with the help of their social workers, as staff members of health-care providers were not aware of the rights a beneficiary of temporary protection might access. Social workers therefore had to show the printed legal provisions to the staff of healthcare providers. BMSZKI noted that this was necessary only in the early phase of the crisis and later on the need for this procedure became less and less frequent.³³⁶ According to the Jesuit Refugee Service, the legal basis on which beneficiaries are entitled to health care services were better known by 2023, but still unknown by some health care providers.³³⁷

In the experience of IOM, the main challenges concerning healthcare in 2022 were related to lack of language interpretation in healthcare facilities, lack of understanding of the rights linked to temporary protection from the side of the beneficiaries and the health personnel or administrative personnel at hospitals and discriminatory practices towards refugees from Ukraine, including Roma communities from the Transcarpathia region.³³⁸ As for 2023, the IOM reported the following obstacles beneficiaries of temporary protection had to face while trying to access public healthcare³³⁹:

- ❖ Lack of knowledge among healthcare professionals about relevant legislation, entitlements provided by the temporary protection (TP) card and validity of documentation which may result in denial of services. DTM data: 36% of respondents with TP or other protection schemes reported

³³³ Information received from the Evangelical Lutheran Diakonia by the HHC on 24 February 2024.

³³⁴ Section 2 of Government Decree 171/2022 (IV.29).

³³⁵ Ministry of Human Resources, *Information to support families from Ukraine for family and child welfare service providers*, May 2022, available at: <https://bit.ly/3HXccxG>, 13.

³³⁶ Information received from BMSZKI by the HHC on 13 February 2023.

³³⁷ Information received by from the Jesuit Refugee Service by the HHC on 12 April 2024.

³³⁸ Information received from the IOM by the HHC on 14 February 2023.

³³⁹ Information received from the IOM by the HHC on 21 February 2024.

- the lack of relevant documents as an impediment to accessing healthcare services. In addition, 50 per cent of them mentioned the high cost of services;
- ❖ Misinterpretation of procedures and lack of usage of the ‘Technical Identifier’ allowing TPs to easier access of services, constraining the comprehensive patient data management through EESZT;
 - ❖ Lack of awareness among pharmacies related to social insurance benefits of TPs and applicable benefit rates;
 - ❖ Language barriers constraining verbal interaction and acceptance of medical documentation from Ukraine. According to DTM findings, 96% of respondents with TP or other national protection schemes identified language barrier as an obstacle when accessing healthcare services;
 - ❖ Refusal to accept remote interpretation modalities;
 - ❖ General capacity issues across the sector. According to DTM data, 36% of respondents with TP or other national protection schemes cited long queues, while 18% mentioned the unavailability of services as a barrier;
 - ❖ Additional obstacles for refugees with disabilities, chronic conditions and with limited mobility have been reported, especially with the acceptance of Ukrainian medical documentation and the recognition of their respective conditions. This can result in delayed treatments and ineligibility to other services;
 - ❖ Refugees often are not aware of available mobility support services. DTM data: 7% of respondents referred to the lack of adequate transport options to available healthcare facilities.

The Jesuit Refugee Service also reported that the need of accurate interpretation for the language barriers was a significant issue in 2023 in the health care provision concerning those who fled Ukraine.³⁴⁰

Menedék Association put together a policy-specific recommendation based on their experience concerning the health-care provision of people fleeing Ukraine.³⁴¹

Caritas Hungarica reported that they – uniquely - provided health screenings throughout 2023 on a monthly basis through their Medical Mission Programme team and physician volunteers, with the aim of providing access to appropriate services. In addition to providing screenings, the assisted families in accessing appropriate additional examinations. Their Integration Centre staff (Ukrainian-Hungarian speaking) also personally accompanied families to overcome language barriers in accessing health care services. Their medical missionary services provided the following screening tests: ophthalmology (with the provision of glasses if necessary), blood sugar, blood pressure, ECG, gynaecological cancer screening, orthopaedics and dentistry.³⁴²

Further, a very typical 2023 concern which came up in numerous locations accommodating beneficiaries of temporary protection was that the expiry date on the TP card caused confusion as many health-care providers were not aware of the automatic extension of TP cards (without new documents being issued) and the obligation to regard the cards valid, regardless of the date stated on the document.³⁴³ Beneficiaries had therefore difficulties with accessing medical care on account of the expired validity date on the temporary protection card.

Finally, as noted by both the Jesuit Refugee Service and Evangelic Lutheran Diakonia, Ukrainian people are generally distrustful regarding Hungarian health-care provision, as they used to have different routines

³⁴⁰ Information received from the Jesuit Refugee Service by the HHC on 12 April 2024.

³⁴¹ Menedék Association: Recommendations in the area of health care provision of people fleeing Ukraine, available in Hungarian at: <https://bit.ly/3M0oJ5X>.

³⁴² Information received from Caritas Hungarica by the HHC on 22 February 2024.

³⁴³ Recorded in Szentés and Beregsurány in March 2023, in Szigetszentmiklós in May 2023, in Sulyánbukor in June 2023, in Nyíregyháza in July 2023.

in Ukraine, thus, they chose to wait for medicines arrive from the Ukraine on some occasions than follow the instructions of Hungarian health-care workers.³⁴⁴

Regarding access to mental health support, see [Guarantees for vulnerable groups](#).

³⁴⁴ Information received from the Jesuit Refugee Service and Evangelical Lutheran Diakonia by the HHC on 12 April and 24 February 2024.