

Hungary: Information for stateless people and those at risk of statelessness fleeing Ukraine



European
Network on
Statelessness

ENS Focal Point: [Hungarian Helsinki Committee](#)

Last updated: 4 April 2022

This briefing provides country-specific information for stateless people and those at risk of statelessness fleeing Ukraine. It is intended as a source of information for refugee response actors and affected individuals. The focus is on stateless people and people at risk of statelessness, including those who are undocumented. Links to more general information for refugees from Ukraine are provided throughout. We will endeavour to keep this information updated. Please contact Ukraine.crisis@statelessness.eu if you have relevant updates. Unless otherwise shown, the source of information provided is the ENS Focal Point.

1. SITUATION AT THE BORDER & ENTRY REQUIREMENTS

Five border crossings operate between Ukraine and Hungary. Hungary permits all those fleeing from Ukraine to enter the territory even if they do not have the necessary documents. People without a biometric passport (including those transiting) will be escorted to a registration point in the border zone. Volunteers and NGOs are present in border areas and at Budapest train station providing essential support, accommodation, and help with onward travel.

For more information on location of border crossings, statistics and entry requirements, see: [Ukrainian Border Guard](#) and [Hungarian Helsinki Committee landing page](#).

| | |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Documents required | <ul style="list-style-type: none">• <u>Stateless persons</u>: no specific requirements• <u>Undocumented persons</u>: anyone without travel documents will be escorted to registration points to record personal information• <u>Adults</u>: biometric passport, ID documents, or birth certificates• <u>Children</u>: unaccompanied minors reportedly need official parental consent to exit Ukraine; no specific requirements to enter Hungary |
| Entry and registration | <ul style="list-style-type: none">• <u>Non-Ukrainian & non-EU nationals (including stateless persons unless they had international protection in Ukraine - see below)</u>: will be escorted to a registration point in the border zone to provide personal data; may apply for a temporary residence certificate initially for 30 days (renewable); must arrange to return to country of origin from Hungary; no information on any requirement to show proof of legal residence in Ukraine• <u>Beneficiaries of international protection in Ukraine</u>: will be escorted to a registration point; may apply for temporary protection or a 30-day temporary residence certificate• <u>Unaccompanied children</u>: no specific requirements; according to Hungarian authorities no unaccompanied minors have entered Hungary but reports from civil society suggest some have entered |
| Documents issued | <ul style="list-style-type: none">• <u>Non-Ukrainian & non-EU nationals (including stateless persons unless they had international protection in Ukraine)</u>: temporary residence certificate (valid for 30 days, renewable)• <u>Applicant for temporary protection</u>: official certificate proving that the procedure is pending |
| Entry status | <ul style="list-style-type: none">• Visitor under Schengen rules, Temporary Protection, Temporary Resident |

2. ROUTES TO INTERNATIONAL PROTECTION

Routes to protection in Hungary are limited. Refugee status and subsidiary protection are not available to people fleeing Ukraine due to restrictive legal rules. The options are Temporary Protection based on EU law or Statelessness Status. Hungary has limited eligibility for Temporary Protection to Ukrainian nationals, their family members, and refugees and their family members recognised in Ukraine prior to 24 February 2022. All other non-Ukrainian and non-EU nationals should apply for Asylum under the general rules. However, since May 2020, it is not possible to apply for Asylum from within Hungary. Anyone wishing to apply must first travel to a Hungarian embassy in Kyiv or Belgrade, submit a statement of intent, and await approval from the Hungarian authorities to travel to Hungary to submit the application. Temporary Protection is summarised in the table below (for Statelessness Status see Section 3).

The Hungarian Helsinki Committee advises people not eligible for Temporary Protection in Hungary to seek its free legal advice as soon as possible.

| | Temporary Protection (<i>menedékes</i>) |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What is it? | Temporary protection for Ukrainian nationals, their family members, and refugees and their family members recognised in Ukraine prior to 24 Feb 2022 |
| Can stateless and/or undocumented persons apply? | No (unless they meet the above eligibility criteria) |
| Where to apply? | At any of the few "collection points" in the border area; or at any immigration office (OIF) during opening hours |
| Procedure & rights | Decision within 45 days, applicant must prove Ukrainian nationality or refugee status, or family member of a recognised refugee; if no documents authorities will ask more detailed questions at a hearing; right to accommodation, food and medical care; right to obtain a work permit (and facilitated access to certain forms of employment) |
| Rights upon recognition | Identity card, protection for up to 3 years; right to social security, accommodation, food, medical care, easier procedure to obtain work permit, right to work in certain positions without a special work permit, right to health care and education for children, financial assistance |

For more information, see:

- Hungarian Helsinki Committee, [Information and legal assistance for refugees from Ukraine](#)
- UNHCR Hungary, [Temporary Protection](#)
- KIND & Child Circle, [Note on unaccompanied children fleeing Ukraine](#)
- Right to Protection, [Who are stateless persons who fled Ukraine after the Russian invasion on 24 of February, 2022](#)

3. STATELESSNESS DETERMINATION AND PROTECTION STATUS

For stateless people, it is important to determine both a claim for international protection and their statelessness. Each application should be assessed and both types of status should be explicitly recognised so that even if international protection ceases, the person remains entitled to protection as a stateless person. Statelessness determination should be conducted either in parallel with or following the refugee status determination, with due regard to the primacy of the asylum claim and the principle of confidentiality for refugees in statelessness determination procedures. For more information, see: [ENS briefing on statelessness determination & protection in Europe](#).

Hungary has a dedicated Statelessness Determination Procedure and statelessness protection status. The procedure is summarised in the table below. For more information, see: [ENS Statelessness Index Hungary](#) and

Hungarian Helsinki Committee [Information leaflet on statelessness](#). Persons wishing to apply for statelessness status are advised to contact the Hungarian Helsinki Committee for free legal assistance.

| | Statelessness Status |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What is it? | Protection for a person who is not considered a national by any State ‘in accordance with its law’ (NB. Hungary applies a definition of a stateless person that is narrower than the 1954 Convention definition) |
| Can stateless and/or undocumented persons apply? | Yes |
| Where to apply? | At a local office of the ‘National Directorate-General for Alien Policing’ |
| Procedure & rights | Applications in writing or orally in any language, no formal requirements, no fee, no time limit, no requirement for legal stay, interpreter provided, free legal aid available, mandatory interview; decisions within 45 days (extendable); 6-month renewable temporary residence certificate (not issued to people in removal or detention proceedings); no right to work, accommodation or social security; right to appeal a negative decision |
| Rights upon recognition | Humanitarian residence permit with 3-year maximum validity, renewable every year; travel document; right to work based on a permit (difficult to acquire); may apply for naturalisation after 3 years’ “domiciled” residence (stringent requirements, inaccessible in practice); access to education, social security if employed, basic emergency public healthcare |

4. REQUIREMENTS FOR ONWARD TRAVEL TO THIRD COUNTRIES

Recognised stateless persons with a travel document may be permitted to travel on to third countries. Applicants for statelessness status, persons at risk of statelessness, and undocumented people are not permitted to travel onwards to third countries. This includes people with a temporary residence certificate, beneficiaries of temporary protection, and asylum-seekers, who may not leave Hungary during the process and must hand over their identity and travel documents to the authorities.

5. OTHER RELEVANT INFORMATION

It is reported that arrival points in Hungary are well-staffed with food and other essentials freely available. Free accommodation is provided with volunteers allocating refugees to housing. Most help is provided by charities and individual volunteers. There are reports that the Hungarian authorities have forced people to disembark trains crossing the Hungary-Romania border on grounds that they do not hold a biometric passport or require a ‘transit document’.

6. ORGANISATIONS ASSISTING STATELESS PEOPLE

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Hungarian Helsinki Committee https://helsinki.hu/en/ukr/ https://www.facebook.com/helsinkibizottsag (+36 1) 321 4323 / (+36 1) 321 4327 / (+36 1) 321 4141 helsinki@helsinki.hu / ukrainecrisis@helsinki.hu</p> | <p>UNHCR https://help.unhcr.org/hungary/uk/ From Hungary: 06 80 310 310 From Ukraine: 0 800 504 546 hunbu@unhcr.org</p> |
| <p>Hungarian Government Immigration Office http://www.bmbah.hu/index.php?lang=en +36 1 463 9797</p> | |

