

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



European
Network on
Statelessness

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

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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. However, since January 2023 border-control measures at the border have been strengthened and only Ukrainian nationals are granted entry. The Hungarian National Police Headquarters asserts that third-country nationals (and presumably stateless people) may only be granted entry, if:

- ❖ They comply with Article 6 of the Schengen Border Code (SBC); in other words, have the necessary and valid travel documents (e.g. visa, passport);
- ❖ (In the absence of fulfilling the requirements of Article 6 of SBC) they are not under the effect of an entry ban issued for national security reasons, issued by any other Schengen member state, with a public order or public security reference. Anyone with an entry ban for these reasons is denied entry and returned.
- ❖ (In the absence of fulfilling the requirements of Article 6 of SBC), they are third-country nationals who did not enter Ukraine after 24 February 2022.

This means that, in practice, it is unlikely that any non-Ukrainian persons, including stateless people, are granted access to the territory of Hungary, unless they fulfill the above requirements. If *non-refoulement* applies, the National Directorate-General for Alien Policing (NDGAP, and not the border police) decides if status is granted or if the person will be returned to Ukraine. If *non-refoulement* does not apply, the individual is directed to the Hungarian embassy in Kyiv. There have been cases reported since January 2023 where non-Ukrainian nationals, even with a valid Ukrainian residence permit, were refused entry.

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 the 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>: please see above• <u>Undocumented persons</u>: anyone without travel documents will be escorted to the border police upon crossing the border• <u>Adults</u>: biometric passport, ID documents, birth certificates, or a visa• <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 the police border,

	<p>and the outcome of the border procedure is uncertain, they should seek legal assistance (contact ukraine_crisis@helsinki.hu);</p> <ul style="list-style-type: none"> • <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 (however, no such cases have been reported) • <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), if they are granted entry • <u>Applicant for temporary protection</u>: humanitarian residence document 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 (extended until March 2024 and soon until March 2025, pending the adoption of the relevant national Decree) 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 immigration office (OIF) or governmental client service (so called “ Kormányablak ”) during opening hours
Procedure & rights	Either provide data through an electronic data recording platform (a dedicated app or the Enter Hungary Platform), then appear in person before the asylum authority or government client service to formally apply for temporary protection, or appear before the asylum client service and fill in the application form there. Decision within 45 days, applicant must prove Ukrainian nationality or refugee status, or prove to be a 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 work; appeal to court possible within 8 days from the negative decision, court decision within 60 days
Rights upon recognition	Identity card, protection for up to 3 years; right to social security, accommodation, food, medical care, right to work, 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](#)
- Ukraine 2022, [Information on how to submit an application for recognition as beneficiary of temporary protection and use the electronic data recording platform](#)
- [Information on hotspots to apply for temporary protection](#)
- European Commission, [Information for people fleeing the war in Ukraine](#)
- [European Commission, Communication, Temporary protection for those fleeing Russia's war of aggression against Ukraine one year on \(March 2023\)](#)
- European Union Agency for Asylum (EUAA), [Providing Temporary Protection to Displaced Persons from Ukraine: A Year in Review](#) (March 2023)
- European Union Agency for Asylum (EUAA) [Response to the Russian Invasion of Ukraine, in particular 'Who is who – temporary protection for displaced persons from Ukraine'](#)
- European Union Agency for Fundamental Rights, [Fleeing Ukraine: Implementing temporary protection at local levels](#) (December 2023)
- European Union Agency for Fundamental Rights, [Fundamental Rights Implications for the EU of the War in Ukraine](#)
- European Union Agency for Fundamental Rights, [Report on Fleeing Ukraine - Fleeing Ukraine: Displaced people's experiences in the EU](#)
- European Union Agency for Fundamental Rights, [The Russian aggression against Ukraine – Displaced children finding protection in the EU - Bulletin 3](#)
- [UNHCR Regional Protection Analysis #2](#)
- [UNHCR Regional Refugee Response Plan \(January-December 2023\)](#)
- European Council of Refugees and Exiles (ECRE), [The EU's Response to Displacement from Ukraine: ECRE's Recommendations](#) (October 2023)
- European Council on Refugees and Exiles (ECRE), [Updated Information Sheet on Measures in response to the Arrival of Displaced People Fleeing the War in Ukraine](#) (March 2023)
- Asylum Information Database (AIDA) country report on Hungary, [Annex on Temporary Protection](#)
- European Migration Network (EMN), [Annual Report on Migration and Asylum 2022](#) (July 2023) (Chapter 2, Response to the influx of persons fleeing the war in Ukraine)
- [Caritas Europa, Europe's welcome of refugees from Ukraine and lessons learnt](#)
- [Anti-Discrimination Centre Memorial, The situation of Ukrainian children in European countries after 24 February 2022](#)
- 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.

It is reported that children born in Hungary to parents fleeing the war in Ukraine are registered as having ‘unknown nationality’ on their birth certificates. As a result, parents may face difficulties obtaining proof of their child’s nationality or statelessness. There is a lack of awareness about the possible difficulties resulting from being registered as having ‘unknown nationality’, which include a risk of statelessness. Children born to parents who are Ukrainian nationals may be able to later register with the Ukrainian authorities, but children born to parents of other nationalities, including those who are beneficiaries of international protection, or stateless parents, face a heightened risk. For more information, see [‘National Unknown’ by the Hungarian Helsinki Committee](#).

6. ORGANISATIONS ASSISTING STATELESS PEOPLE

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