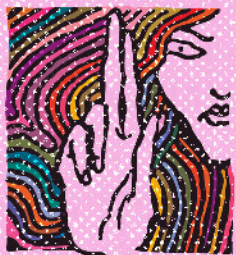


THE RIGHT TO ENTER HUNGARY DURING THE COVID-19 EMERGENCY

21 MAY 2020



HUNGARIAN
HELSINKI
COMMITTEE



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Who can and who cannot enter Hungary during the COVID-19 emergency?

- The Hungarian Helsinki Committee's information leaflet on travel restrictions -

21 May 2020

It is not clear who can and who cannot enter Hungary over the COVID-19 emergency as the laws and the governmental communication have been changing a lot recently. This short information leaflet aims to clarify this question.

Who can enter Hungary?

This question is defined by a Government decree enacted for the COVID-19 emergency. Based on this, the following people may enter Hungary:

- **Hungarian citizens,**
- and **citizens of the European Economic Area** (EEA countries: EU countries + Great Britain, Norway, Iceland, Liechtenstein and Switzerland) **if they have a permanent residence card.**
- **the citizens of neighbouring countries for the purpose of commuting,** based on agreements between the neighbouring countries and Hungary. Please check with the Consular Service for information about which countries have signed an agreement with Hungary (please find the contact details of the Consular Service at the end of this information leaflet).
- **Citizens of Czechia, Slovakia, Poland, Austria, Germany, Korea and Japan** arriving from their countries **for the purpose of business travel between affiliated firms.** Upon entry into Hungary they need to prove that they are on a business trip.
- **the citizens of neighbouring countries** arriving from their countries **for the purpose of seasonal agricultural labour.**

Refugees and beneficiaries of subsidiary protection may also enter Hungary, if they received their status in Hungary. The above Government decree does not list refugees and beneficiaries of subsidiary protection amongst those, who have the right to enter the country. The Asylum Act, however, provides that they have the same rights as Hungarian citizens. Thereby, as Hungarian citizens may return to Hungary without restrictions, the same applies



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to refugees and beneficiaries of subsidiary protection. This has been confirmed by the police upon our question.

It is important to have the relevant documents on you which prove that you belong to one of the groups listed above (e.g. Hungarian ID, permanent residence card). It may occur that an Italian national, for instance, cannot even board a flight from Rome to Budapest without having his Hungarian permanent residence card on him. The fact that he is an EEA national with a right to permanent residence would not be enough without physically possessing the residence card.

The police cannot ban you from entering Hungary in case you belong to the groups listed above. If it still does so, you can seek judicial remedy against the banning police decision.

Who cannot enter Hungary?

Many foreigners otherwise living in Hungary are now abroad and they cannot return to the country.

This can be the case of EEA nationals having only an EU registration card (and no permanent residence card) and third country nationals, even if they have the right to permanent residence or any other right to stay.

You cannot return to Hungary, if you are, for instance, a(n)

- US national employee of a multinational company running in Hungary and you have a permanent residence card;
- German owner of a Hungarian enterprise and you have an EU registration card;
- Brazilian student of a Hungarian university and you have a student residence permit/card;
- Ugandan citizen who has a visa type D for the purposes of family reunification;
- Lebanese citizen who has a Hungarian spouse and a permanent residence card.

IMPORTANT! Many Hungarian articles stated that only those foreigners could return to Hungary who travelled with their Hungarian family members. This is not true: there is no Hungarian law stipulating a rule like that.

I am not allowed to enter Hungary. What can I do?



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- If you belong to those people who are not allowed to enter Hungary, you may request the police (in Hungarian: rendészeti országos rendőrfőkapitány-helyettes) to make an exception and let you return to the country. The police may give this permission if your circumstances are exceptional. Your request may only be granted if you have been medically examined and no COVID-19 infection is suspected. You also have to quarantine at home for 14 days. If you cannot do home quarantine, you must complete it at a place designated by the authorities for this purpose.
 - In which cases can you refer to exceptional circumstances?
 - If you have an ongoing procedure before a Hungarian court or any authority and you have to appear personally (e.g. a hearing with the police or before a judge). You need to prove this with an official document that you received from the court or the authority (e.g. a warrant to appear).
 - If you are conducting business activities or other work in Hungary and a Hungarian state institution confirms your activity with an invitation letter;
 - If you need medical treatment from a Hungarian health care institution and you can prove this with either a referral, or with any other suitable medical document;
 - If you are student of an educational institution and you have an exam in Hungary. You need to prove this with a certificate of the school you are attending.
 - If you work in transportation of goods and you can prove this with a certificate of your employer;
 - If you want to attend the funeral of your close relative;
 - You can also refer to any other exceptional circumstances. Such circumstances can be for example if you have a legal right to stay in Hungary (and you have a place to stay and work etc.), if you have a



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Hungarian address card and/or your Hungarian national family members are staying in Hungary.

- How can you request this permission from the police?
 - You need to send this request electronically. Since 13 May, the police does not accept a request sent by post. You can access the form here:
<http://www.police.hu/hu/ugyintezes/elektronikus-ugyintezes/meltanyos-sagi-kerelem-magyarorszagra-torteno-beutazashoz>. You need to fill this form out in Hungarian. The police does not accept any other languages. You can either send the form with a “client gate”/“company gate” registration, or without it as well.
 - If you want to enter Hungary in the same time and for the same reason with your close relatives with whom you are living in the same household, you only need to fill in one common form for all of you;
 - You can also authorise a representative who is allowed to fill in the form and send the request in. In case of an underage child who wants to enter Hungary, such a representative can be the legal guardian of the child. In such a case, the authorisation has to take the form of a “private document representing conclusive evidence”. This means that you either have to write the authorisation with your hand and you also need to sign it with your hand. Or you can also type the authorisation, and in this case two witnesses also need to sign it, stating their names and their addresses as well. It is also suitable if an attorney-at-law can countersigns the authorisation (with a stamp and a signature). If more people want to enter Hungary in the same time for the same reason, they only need to authorise one person. You will need to attach the authorisation to your request electronically. However, it is also important that you have the original authorisation with you upon entering Hungary, because the police can ask you to show this.
 - You need to write in the request about the exceptional circumstances based on which you want to enter Hungary. Detail why it is important in your individual case that you enter Hungary. You need to attach all



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those documents to the request which prove your reasons for entering (e.g. the medical referral, the statement of your university, the copy of your address card, or any document which proves your family link to a Hungarian national, e.g. a marriage certificate). You should have the original copies of these documents with you when you enter Hungary, because the police at the border can ask you to show them. You also need to give the data of your personal ID which you will use upon entering Hungary (e.g. residence card, residence permit, registration card, passport).

- In the request - among other things - you also need to give the date, the place and the way of entering Hungary. You also need to give the exact address of your place of stay (including the topographical number), and the place of the 14-day-long quarantine as well, which can differ from the place of your stay after the quarantine.
 - Please pay attention to all the details you need to give in the form. The police can reject your request without examining it if you do not give all the necessary information.
 - This procedure is free of charge.
- What can I do if the police rejects my request?

You cannot appeal against a rejection, and you cannot turn to court. However you can send a new request. If you do, try to prove your new request with more details and more attached documents.

Contacting the Hungarian embassy of your country of origin may also help. Naturally, the embassy cannot overrule the laws, but it may explain to the police why it would be important to you to return. This can help when the police is deciding on your request.

Can I return to Hungary if I am sick?



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If you are a Hungarian citizen, an EEA national with a permanent residence card, a refugee or a beneficiary of subsidiary protection, you can enter Hungary even if you are sick. Everyone entering the country, however, must undergo a mandatory medical check. This is carried out by the employees of National Ambulance Service. If you test positive for COVID-19, then you must quarantine at a designated place. If you test negative for COVID-19, you still have to stay in home quarantine for 14 days. This means that you cannot leave home. If you can prove before entering Hungary that you were in quarantine for 14 days elsewhere, right before returning to Hungary, then you must not quarantine for another 14 days after arriving.

You do not need to stay in home quarantine if you arrive in Hungary from Czechia, Slovakia, Poland, Austria, Germany, Korea or Japan for the purpose of business travel if you are a citizen of one of these countries. You also do not need to stay in home quarantine if you are a citizen of a country neighbouring Hungary and you arrive in Hungary from this country for the purpose of seasonal agricultural labour.

What if your passport or residence card expired?

It may happen that you would be entitled to return to Hungary, but the official document which could prove your right to enter (residence card, residence permit) expires while you are abroad. Do not worry! According to the new rules, during the emergency and until the 45th day after its official end, these documents must be regarded as valid ones even if they expire over the emergency.

If you are a Hungarian citizen or a refugee/beneficiary of subsidiary protection whose status was granted by Hungary, and your passport/ID expires while you are abroad, then you must not encounter any problem either! Passports and Hungarian IDs must also be considered valid during the emergency and until the 15th day after its official end.

Where can I get further help?

- You may contact the Hungarian consulate of the country in which you currently are. Contact details of Hungarian consulates can be found here: <https://konzuliszolgalat.kormany.hu/en>.



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- The Consular Service of Hungarian Ministry of Foreign Affairs and Trade may also help you:
 - E-mail: konz@mfa.gov.hu; taj.konz@mfa.gov.hu;
 - You can call the 24/7 hotline of Consular Service at 06 80 36 80 36 from Hungary. The call is free. If you are abroad, call 00 36 80 36 80 36 or send a text to 06 30 36 36 555 via Viber or to 06 30 36 36 111 via Whatsapp.

We continuously monitor the legislative changes and the practice of authorities, and update the above information accordingly. This is a general information leaflet written in plain language, therefore, it cannot be regarded as a legal advise.