

EUDO CITIZENSHIP OBSERVATORY

NATURALISATION PROCEDURES FOR IMMIGRANTS HUNGARY

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Naturalisation Procedures for Immigrants

Hungary

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The Hungarian state does not actively facilitate the naturalisation of migrants living in the country. The Hungarian authorities have not run or funded any immigrant naturalisation campaigns in the past 10 years. While the naturalisation of immigrants is not a priority for the state and it made no efforts to target resident aliens eligible for naturalisation, the Orbán government has since 2010 encouraged ethnic Hungarians living outside the country who became eligible for non-resident citizenship in 2010 to naturalize. The government has also helped to set up various organizations which provide non-resident Hungarians with detailed information about the application requirements and procedure. But in the case of immigrants settled in the country, the Hungarian authorities have not promoted naturalisation through any public channels. After the reforms of the Act on Citizenship in 1993, 2001, and 2005, printed information leaflets were prepared, but only for internal use for officials and administrators working for the authorities administering naturalisation applications, so these should not be considered public information campaigns. The refugee foundation Menedék, however, published these documents - but only in Hungarian. Between 1995-2000, the Hungarian Association for Migrants printed and distributed brochures on naturalisation procedures and requirements. These documents, financed by the UNHCR, were made available in several languages, including English, Russian, Serbian, Chinese, Arabic and Dari. The leaflets also included information on the Menedék Foundation and the Hungarian Helsinki Committee, the main non-governmental human rights organization which offer legal advice on naturalisation and other help for migrants free of charge.

The webpage of the Office of Immigration and Nationality Affairs (OIN) (<http://www.bmbah.hu/>) provides detailed information on naturalisation requirements in Hungarian. Most of the relevant regulations and also a simplified explanation of the requirement is available in Hungarian, although part of the information available here is outdated. The official site of the Office of Immigration and Nationality Affairs for example still indicates the 2011 fees for the citizenship assessment test. The website is also available in English, German and French versions. In English, however, only very basic information is published – among others, naturalisation requirements are not explained in English. The German and the French version of the Office of Immigration and Nationality Affairs is even more underdeveloped. Neither the German nor the French pages offer information on naturalisation. The website, however, provides interactive forums for prospective applicants. Questions to the office may be sent by e-mail or through an online form. The individual inquiries are answered by the officials of the Office of Immigration and Nationality Affairs in a reasonable time, usually within a couple of days. Inquiries which involve personal data are answered only in private e-mails, while other, non-private information is displayed in public and searchable forums. On the website of the Office of

Immigration and Nationality Affairs, online appointment registration is also possible in Hungarian and English.

The naturalisation application forms can be obtained both in the regional units of the Office of Immigration and Nationality Affairs and the local councils. Online forms are available on the website of the Office of Immigration and Nationality Affairs. Applications, however, may only be submitted in person (both at the units of the Office of Immigration and Nationality Affairs or at local councils). According to the reformed Act on Citizenship of 2010, applicants with Hungarian ancestors are exempted from the citizenship assessment test. In addition, applicants below 18 and over 65, applicants with physical or mental disabilities, applicants with public education in Hungary or in Hungarian language institutions abroad are also exempted from the test. All other applicants have to pass the citizenship test in order to become naturalized. The cost of the test used to be kept relatively low (HUF 5,000 from 2001 until 2011), but in 2012 it was increased to 50 percent of the minimum wage, and thus today the cost of the test is HUF 46,000 (EUR 150). Citizenship exams take place in one of the twenty county government offices. The topics covered by the citizenship test are available in a textbook published by the Ministry of Internal Affairs. The topics of the textbook and the citizenship test include civics, Hungarian literature and history. The offices organize monthly consultations for a small fee (HUF 3,500), which includes the price of the official citizenship study guide as well. Although there is no separate language test, the naturalisation application forms must be submitted in Hungarian, and the citizenship assessment test is also conducted in Hungarian. This effectively means that successful applicants need to master Hungarian on an advanced level. Citizenship oaths are taken in the presence of the local mayor or the consul (if the oath is taken at an embassy). In municipalities, the local media is often invited, since the ceremonies are seen as important local events. Since the 2010 reforms, the public media has often reported on citizenship ceremonies of non-resident ethnic Hungarian applicants.

Applicants for Hungarian citizenship have to submit several documents which prove they meet the legal conditions of naturalization. But since the Hungarian regulations are rather complex, applicants usually need the help of specialists who tell them which documents they need. As a general rule, applicants must attach to the application form copies of a valid ID card, an address card, passport and birth certificates, and marriage certificate. Upon request from the applicant, the Office of Immigration and Nationality Affairs may collect the birth certificate, provided it was issued by the Hungarian authorities. If certificates are issued in a foreign language, an authorized translation by a certified translator is required and the respective embassy or consulate must also validate the documents. Original documents which were submitted with the residence permit requirement need not be resubmitted again, provided the originals were issued in Hungarian, and no certified translations were necessary. These documents are collected and checked by the authorities. Refugees and stateless persons may submit their expired passports, expired IDs or marital status documents issued by another state. In addition to these documents, applicants must also submit a handwritten curriculum vitae in Hungarian and the proof of the successful citizenship exam (or documents which prove that the applicant is eligible for exemption from the citizenship test). Applicants are also required to provide documents on housing (proofs of ownership or rental agreements), and proofs of income (tax records, bank statements, pension statements). Minors and dependent adults of applicants living in the same household are exempted from submitting

proofs of income. A criminal record from the country of origin or prior country of permanent residence must also be obtained and submitted by the applicant. If the documents cannot be obtained, the Office of Immigration and Nationality Affairs does not automatically reject the application only on these grounds, but tries to obtain information from consular offices and legal databases from the country of origin. The Office of Immigration and Nationality Affairs also obtains the criminal record from the Hungarian authorities. As Hungary tolerates multiple citizenship, thus no renunciation of other citizenship is required at naturalisation. Applicants eligible for facilitated naturalisation (introduced in 2010) must submit proofs of their (or their ancestors') former citizenship. Those who apply for facilitated naturalisation and request exemption, claiming ancestors with Hungarian citizenship, must also submit birth and death certificates of the respective ancestors and proof of their citizenship (passport, ID card, soldier's small book issued by the Hungarian authorities, school transcript, or residence permit). They, however, need not have residence in Hungary, and thus are exempted from the self-solvency requirement as well. Applicants with Hungarian origins requesting simplified naturalisation do not need to pass the citizenship test and may submit their application (including the required documents) at Hungarian embassies and consulates abroad.

As for the assessment of the applications, some of the requirements are not well-defined and the authorities follow a discretionary decision-making policy. Although it is not clear how many years of employment and how long permanent residence are required, applications can be refused in the absence of proofs of self-subsistence or residence, a threat to national security, or insufficient language knowledge. The Office of Immigration and Nationality Affairs has wide discretionary powers in applying the underspecified regulations. Residence requirements are regulated in law, but the exact details of these regulations are usually clear only for specialists. The residence status is checked by the Office of Immigration and Nationality Affairs on the basis of the submitted documents. In the absence of a legally binding law and publicly-available guidelines on the requirement of self-subsistence, the Office of Immigration and Nationality Affairs make a discretionary decision on the basis of the submitted documents. The authorities have wide discretionary powers in determining language abilities as well. Language skills are first assessed by officials at the submission of the application. In case the decision is contested, the protocols of the citizenship exam (outlined in a government decree) should be consulted. During the application procedure, applicants may turn to the Office of Immigration and Nationality Affairs for information on the status of their application. The Act on Citizenship stipulates that the Hungarian President has full discretionary power in rejecting applications without justification. Rejected applicants have no right of appeal, but they may resubmit a new application and start over the naturalisation procedure. In this case, the citizenship test need not be retaken.

The citizenship exam (which also serves as a language test) is administered and evaluated by public officials in government offices. As part of the citizenship exam, the integration of the applicant is measured by the knowledge of basic constitutional principles. The questions of the exam are determined by a government decree and the answers are evaluated on the basis of the textbook published by the Ministry of Internal Affairs. The exam consists of two parts. In the written examination, applicants need to answer a question related to Hungarian literature or history, and another question on civics. Applicants have 60 minutes to finish the essays, which are corrected right after submission by the three members of the

examination committee. The second part of the exam is oral, which can be taken even if the applicant did not pass the written test. The examination certificates for successful applicants are issued after the exam. The certificates are to be submitted by the applicant to the local councils. Applicants who fail only the oral or the written test, can apply to retake only the respective part by paying half of the total examination fee. The citizenship test requires not only mastery of the Hungarian language, but also an in-depth knowledge of Hungarian history, literature and the constitutional system. Although only 3-10 per cent of the applicants fail at it, the citizenship test has been criticized for setting the bar too high, and for not specifying the required level of knowledge of the language (as recommended by the Common European Framework for Reference for Languages). Most of the applicants, however, are exempted from taking this test. There are no official statistics available on the number of applicants taking the test, according to estimates, less than 30 per cent of applicants for Hungarian citizenship took the test before 2010. Since then the number of naturalisations has increased significantly due to the introduction of facilitated naturalisation available for ethnic Hungarians, who are also exempted from the citizenship test.

The main authorities involved in the naturalisation procedure are the local councils, the Office of Immigration and Nationality Affairs, the Minister of Interior Affairs (or, in the case of facilitated naturalisation, the Minister of Justice and Law Enforcement), and the President. The municipal official receiving the application package checks the application and the documents and determines if the application is complete. The application is then forwarded to the Office of Immigration and Nationality Affairs. In case the application is incomplete, the Office of Immigration and Nationality Affairs calls on the applicant to submit the missing documents. The Office of Immigration and Nationality Affairs then sends a notice to the applicant with the registration number of the application. In the case of regular naturalisation applications, the Office of Immigration and Nationality Affairs also has to check the residence, criminal record, prior status, the ID and other documents before forwarding the package to the Minister of Interior Affairs and to the President. As the Office of Immigration and Nationality Affairs has no direct access to the records of the police or the municipalities, it needs to obtain information from the respective authorities. The Office of Immigration and Nationality Affairs has three months to review the application. If the Office of Immigration and Nationality Affairs finds that the application is incomplete, the clock is stopped until the applicant submits the missing documents. Once the application package is complete, The Office of Immigration and Nationality Affairs prepares and forwards the application package, the Minister of Interior Affairs signs the application (by which the government assumes formal responsibility for the decision), and forwards the package with a recommendation on the decision to the President of the State. The final decision is made by the President, but it is not specified by law how much time the President has to make the final decision. The President is entitled to grant citizenship on an exceptional basis even in the absence of certain conditions. Once the President approves the application, the Minister of Interior Affairs within 15 days sends the naturalisation certificate to the local council (or the foreign embassy) where the application was submitted. The local council (or the embassy) informs the applicant about the time and location of the citizenship oath and sends her/him the naturalisation certificate. The citizenship oath should as a rule be taken within two months, but the respective Minister may extend the deadline up to a year. Naturalisation is completed by the citizenship oath. If no citizenship oath is taken within a year after its issue, the certificate expires, and the

applicant loses the chance to naturalize. The bureaucratic procedure for those who are eligible for facilitated naturalisation is generally similar to the regular application procedure. In the case of facilitated naturalisation, the application is administered by the Office of Immigration and Nationality Affairs, but the Minister of Public Administration and Justice forwards the package to the President with a recommendation.

The Act on Hungarian Nationality and the Fundamental Law of Hungary prohibits the discrimination of applicants who meet the formal requirements. Complaints against the Office of Immigration and Nationality Affairs and the Ministry for discrimination may be submitted to the ombudsman. The ombudsman has recommended more transparent procedures. Among others, he suggested that applicants should have the right to know the basis of rejection. The ombudsman called for the Parliament to make it possible for rejected applicants to appeal against the decision and ask for legal redress. Despite these recommendations, the judicial oversight of the naturalisation procedure is still nonexistent. The Act on Citizenship stipulates that unsuccessful applicants have no right to obtain information on the reasons for rejection and there is no right to appeal. The President, who makes the final decision by approving or rejecting the application on the basis of the recommendation made by the Minister of Interior Affairs (or, in the case of facilitated naturalisations, the Minister of Public Administration and Justice), is not obliged to offer justification for his decision. The Office of Immigration and Nationality Affairs also refuses to comment on the decisions. Rejected applicants may, however, resubmit a new application without restriction.

