

CROSSING THE UKRAINIAN-HUNGARIAN BORDER, RESIDING AND WORKING IN HUNGARY – A GUIDE FOR UKRAINIAN CITIZENS AND THIRD-COUNTRY NATIONALS

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1. CROSSING THE BORDER

Entry without biometric passport from Ukraine

According to the extraordinary rules adopted by the Hungarian government, any third-country national¹ or stateless persons who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and any Ukrainian citizen residing in Ukraine before 24 February 2022 is eligible for temporary protection. If they apply for this protection at the border, they can enter into Hungary via the following border crossings even without a passport:

- BARABÁS - Косонь
- BEREKSURÁNY – Астей
- LÓNYA – Дзвінкове
- TISZABECS – Вилок
- ZÁHONY – Чоп

If the applicant does not have a passport, other official paper(s) supporting the applicant's identity may be submitted to the authority or even family members may provide testimonies to help in the process. The migration² authority shall organize an interview if it is necessary to establish the identity and/or eligibility of the applicant.

Currently the migration authority operates the following registration hotspots near the border:

| Settlement | Address | Name of the place |
|---------------|------------------|---|
| Vásárosnamény | Munkácsi út 2. | House of Culture / Művelődési ház |
| Tarpa | Kossuth út 19. | House of Culture / Művelődési ház |
| Aranyosapáti | Petőfi út 6. | Gym / Tornaterem |
| Fehérgyarmat | Iskola köz 2. | Sports Hall / Sportcsarnok |
| Mándok | Szent István tér | Elementary School / Általános Iskola |

The authority may also be contacted at certain railway stations and via its customer services in its central and regional offices.

¹Non-EU nationals

²Bevándorlási és Állampolgársági Hivatal / National Directorate-General for Aliens Policing

Third-country nationals legally residing in Ukraine do not entitled to legal stay in Hungary. They can request temporary protection or help in returning to their country of nationality.

Contact info for the authority (central and regional offices):

http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=33&Itemid=678&lang=en

Further official information in English (information on the address of further registration hotspots open 0-24, status of third-country national residing in Ukraine etc.): http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1735:national-directorate-general-for-aliens-policing-information-for-people-fleeing-ukraine&Itemid=2121&lang=en

Further official information in Ukrainian (information on the address of other registration hotspots open 0-24, status of third-country national residing in Ukraine etc.):

http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1737:2022-03-04-12-27-31&Itemid=2110&lang=en

It must be noted that restrictions do not apply on border-crossings in connection with Covid-19, however, it is possible for authorities to test arrivals upon entry from Ukraine and isolate the infected.

Entry with biometric passport from Ukraine

Every Ukrainian citizen with biometric passport can enter freely and stay up to 90 days in Hungary without visa and may travel in Europe. They can also submit application for temporary protection in order to get special aid (accommodation in reception centers, healthcare etc.) in Hungary or elsewhere in Europe.

Entry with children

Children are subject to the same entry rules as adults, but border guards must check that the person(s) accompanying a minor have parental and/or guardian responsibility for the child. If they have neither, it is advisable to have at least a written parental consent.

Entry with pets

Pets may be brought to Hungary from Ukraine by the completion of a simplified registration form as ordered by the Chief Veterinary Officer of Hungary. Until further notice, the simplified registration form is considered to be equivalent to the so-called prior authorization application, and allows a smooth entry procedure, provides for the traceability of animals and makes possible subsequent actions.

A support program was launched for owners whose animal companions do not comply with the current veterinary requirements (eg. they do not have a microchip, are unvaccinated against rabies).

Information and registration form in English and Ukrainian:

<https://portal.nebih.gov.hu/-/magyarorszag-biztositja-hogy-az-ukrajnabol-menekulok-magukkal-hozhassak-tarsallataikat#english>

Information about vaccination and vets in English and Ukrainian:

<https://portal.nebih.gov.hu/-/a-nebih-gondoskodik-az-ukran-menekultek-tarsallatainak-vakcinazasarol>

Procedure for accompanied cash

No special tax payment obligation applies to cash amounts transferred to Hungary.

However, everyone must lodge a cash declaration to the National Tax and Customs Administration (Nemzeti Adó- és Vámhivatal or NAV in short) and shall make the cash available for inspection by NAV when entering or leaving the EU via the Hungarian border with EUR 10,000 or more in cash or an equivalent amount in other currencies, made up of one or more of the following items:

- banknotes and coins (including currencies being out of general circulation but good for exchange in financial institutions or central banks);
- cheques, traveller cheques, promissory notes or money orders without the indication of a beneficiary;
- gold coins (with gold content of at least 90%) as well as gold bars, gold nuggets or clumps (with a gold content of at least 99,5%) (hereinafter referred altogether as “cash”).

NAV may also act on and detain amounts lower than €10,000 when there are indications of a link with criminal activity.

NAV is entitled to inspect persons, luggage, storage facilities or means of transport to verify the fulfilment of the declaration obligation.

Cash Declaration form is available on the webpage of the NAV:

- in English:

https://nav.gov.hu/en/intormation_on_customs_matters/Cash_Control

current declaration forms with explanation: CASH_DECLARATION_FORM_WITH_EXPLANATION_(2021).pdf
CASH_DECLARATION__ADDITIONAL_SHEET_(2021).pdf

- in Hungarian:

https://nav.gov.hu/nyomtatvanyok/letoltesek_egyeb/adatlap/keszpenz_bejelentesi_eu

current declaration forms with explanation: Keszpenzbejelent__adatlap_Magyar_2021.pdf
Keszpenzbejelent__adatlap_Magyar_potlap_2021.pdf

To help filling out the above documents, translations are available in Ukrainian and other non-European languages here: https://ec.europa.eu/taxation_customs/how-declare_en .

Please note, that according to our knowledge the translation may only be used as a reference when filling out the official form, and the declaration form in Ukrainian will not be accepted by NAV at the border. To the best of our knowledge, NAV will accept the declaration form made out in English.

Procedure for unaccompanied cash

A different declaration form shall be used, if the cash amount subject to declaration obligation is “unaccompanied”, i.e., it is arriving via post, courier, or other means without its owner. In this case the authorities may require the sender or the recipient of the cash, or a representative thereof, to make a disclosure declaration within a deadline of 30 days. The competent authorities may detain the cash until the disclosure declaration is received. This declaration form may be accessed in English and Hungarian via the link below (Annex 1 Part 2 and Part 4): https://eur-lex.europa.eu/eli/reg_impl/2021/776

Laws regulating this issue:

- Regulation (Ec) No 1889/2005 on controls of cash entering or leaving the Community
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32018R1672>

- Commission Implementing Regulation (EU) 2021/776 of 11 May 2021 establishing templates for certain forms as well as technical rules for the effective exchange of information under Regulation (EU) 2018/1672 of the European Parliament and of the Council on controls on cash entering or leaving the Union https://eur-lex.europa.eu/eli/reg_impl/2021/776
- Act XLI of 2021 on implementing Regulation 2018/1672 of the European Parliament and of the Council on the control of cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (available only in Hungarian) <https://njt.hu/jogszabaly/2021-41-00-00>

Punishments for default in declaration

The possible legal consequences are the following:

- temporary detention
- fine

NAV may temporarily **detain** 80 percent of the “accompanied cash” and 100 percent of the “unaccompanied cash” to investigate the origin of the money, if

- the obligation to declare accompanied cash or the obligation to disclose unaccompanied cash has not been fulfilled; or
- there are indications that the cash, irrespective of the amount of the cash, is related to criminal activity.

The usual period of the detention is 30 days, but it can be extended until 90 days if it is necessary.

The amount of the **fine** depends on the infringement:

If one fails to fulfil its obligation to make a declaration shall pay as fine

- 10 percent of the cash if it is between EUR 10,000-20,000,
- 30 percent of the cash if it is between EUR 20,000-50,000,
- 50 percent of the cash if it is higher than EUR 50,000.

If one performs its declaration obligation erroneously or incompletely shall pay as fine:

- 10 percent of the excess if the difference between the declared and non-declared cash is less than EUR 20,000,
- 30 percent of the excess if the difference between the declared and non-declared cash is between EUR 20,000-50,000,
- 50 percent of the excess if the difference between the declared and non-declared cash is higher than EUR 50,000.

If the cash in excess of the declared cash is less than EUR 100, only an oral warning shall be issued without imposing a fine.

Anyone fined can apply for leniency within 15 days of the fine.

2. TEMPORARY PROTECTION

The Government of Hungary recognizes any (i) Ukrainian nationals residing in Ukraine before 24 February 2022 (ii) and stateless persons and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and (iii) their family members³ as eligible for temporary protection. As it currently stands, the current legislation on temporary protection status remains in force for one year but its duration may be extended.

It is necessary to file an application to the migration authority to be eligible for the protection (for contact info see Chapter 1 above).

A person enjoying temporary protection is entitled to

- a personal identification document;
- a travel document that, in the absence of a valid travel document of his/her country of origin, entitles the holder to leave and re-enter the country on one occasion;
- aid, support and accommodation (eg. food, healthcare, education, Hungarian language courses, reimbursement of some travel expenses, accommodation in reception center or allowance);
- undertake employment (see Chapter 5 below for rules and more information).

A person enjoying temporary protection is required to

- register his/her place of accommodation and to notify the refugee authority of any changes therein;
- cooperate with the refugee authority;
- undergo medical screening, examination and medical treatment, and to receive any vaccinations prescribed by the competent public health authority (in the case contracting a disease is a danger);
- observe and abide by the laws of Hungary;
- report to the refugee authority without delay if his/her travel document, personal identification document, document verifying his/her right of residence in Hungary is lost, stolen or destroyed.

Hungarian nationals residing in Ukraine and arriving from Ukraine on or after 24 February 2022 are also eligible for all benefits and care provided to persons under temporary protection if he or she does not receive more favorable treatment due to Hungarian citizenship.

³'Family members' means the following persons if they were already present and residing in Ukraine before 24 February 2022: (a) spouse or unmarried partner in a stable relationship (b) minor children (without distinction as to whether they were born in or out of wedlock or adopted) (c) and other close relatives who lived with and were dependent on the person mentioned in Point (i) or (ii) above.

3. RIGHT TO REMAIN IN HUNGARY

The length of legal stay in Hungary depends on the grounds of entry.

| Grounds of the entry | Length of legal stay in Hungary |
|--|---|
| Application for temporary protection | Until the approval of the application, and then as long as the temporary protection is in force. (protection is in force at least for one year) |
| Visa-free entry with a biometric passport | Up to 90 days |
| Hungarian visa or Schengen visa issued by Hungary | In accordance with the visa's stated expiry date and duration |
| Visa with a D or C designation issued by another Schengen state or residence document issued by another Schengen state | Up to 90 days |

The legal stay may be extended by a residence permit or international protection. (Rules on international protection are not detailed here, since temporary protection is generally applicable to the situation of refugees fleeing the war in Ukraine.)

A residence permit is an authorization to reside in the territory of Hungary for usually a limited duration of at least three months and not more than two years. A residence permit may be extended for two additional years. Reasons of permitting residence includes: seasonal employment (for a duration of 6-12 months), research, job-seeking or entrepreneurship, employment, pursuit of gainful activity, study, traineeship, intra-corporate transfer. Special, simplified procedural rules apply to the EU Blue Card that can be issued to those who seek residence for the purpose of highly qualified employment. It is valid for from one to four years.

Applications for the issue or renewal of residence permits shall be submitted no later than 15 days prior to the expiration of the authorized period of stay.

When applying for a residence permit the applicant shall – at the time of submitting the application – have (i) a valid passport, (ii) a document to substantiate their purpose of entry and stay, (iii) sufficient financial means for traveling to and living in Hungary, (iv) registered accommodation in Hungary, (v) the means to continue travel or to return to the country of origin.

The family members (spouse, minor kids and dependent parent) of a foreign citizen already legally employed and resident in Hungary can apply for temporary resident permit (unification of families). such a permit will in its initial phase not authorize the family member to work in Hungary, and an additional permit is required for this.

4. HEALTHCARE

Generally, during their temporary stay in Hungary, Ukrainian citizens are entitled to emergency benefits from a healthcare provider contracted by the Hungarian state. Emergency benefits can be obtained by presenting a passport.

In consideration of the current situation, temporary healthcare teams have been set up in Vásárosnamény, Fehérgyarmat and Tarpa to provide 24-hour service for refugees. Ongoing therapeutic interventions, if indicated by the asylum seeker, should be continued depending on the patient's general condition and medical needs, as decided by the physicians working on site.

Persons under temporary protection (or waiting for recognition) are also entitled to primary and emergency healthcare, pregnancy care, emergency dental care, certain subsidized medicines and vaccination (if it is obligatory in view of their age). In addition, they may receive oncology care, examination and treatment in the context of other chronic patient care, as well as medication (including analgesics) in the context of oncology care and other chronic patient care.

5. WORKING IN HUNGARY

Almost all employment of foreign nationals in Hungary is subject to a permit.

A work permit is not needed for nationals having residency in neighboring countries and persons under temporary protection if they are to fill certain positions in shortage listed by the government, such as locksmith, carpenter, waiter, software developer, plumber, chemical engineer etc⁴.

Before starting to work in Hungary, the employee must register with the Hungarian Social Insurance Agency and the tax office to receive a Hungarian social security number and a tax identification number. In addition, foreign individuals need either a valid stay visa or a residence permit to stay and work in Hungary. (The international protection status is analogous to a residence permit.)

The procedure to receive a permit is simplified for persons enjoying temporary protection (the authority will not investigate the labor market situation in this case).

The future employer shall proceed to apply for the permit of the foreign national employee.

In Hungary, the employer shall pay at least a minimum wage: HUF 200.000 (cca. EUR 539) for full-time employees. In the case an employee is hired for a full-time job requiring at least secondary school education or secondary vocational qualification, the guaranteed minimum wage is HUF 260.000 (cca. EUR 700).

In accordance with the Agreement on mutual recognition of educational documents between Hungary and Ukraine, studies in Ukrainian educational state institutions are recognized by Hungary. The translation of certificates is free for persons under temporary protection.

⁴for the complete list (in Hungarian) see page 78-81 of <http://www.kozlonyok.hu/kozlonyok/Kozlonyok/12/PDF/2019/20.pdf>

Further information for the process of recognition:

https://www.oktatas.hu/kepesitesek_elismertetese/english/recognition_of_foreign_qualifications

Persons under temporary protection are eligible for public employment for communal work.

This guide serves general informational purposes only.
The officers of the migration authority shall provide specific advice
to the persons visiting their hotspots or offices.



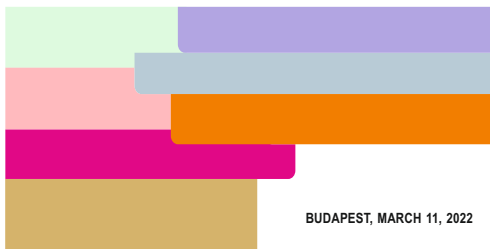
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