

Act LV of 1993

on Hungarian citizenship

The National Assembly, with a view to preserving the moral significance of Hungarian citizenship and strengthening the attachment of citizens to Hungary, while respecting the freedom of will of natural persons, in order to promote the unity of citizenship within families and reduce the occurrence of statelessness, taking into account the traditions of Hungarian citizenship law and the provisions of international treaties, with a view to laying down the rules on the origin, acquisition and termination of Hungarian citizenship, adopts the following Act:

Principles

Section 1 (1) No distinction shall be made among Hungarian citizens on the basis of the legal grounds for the origin or acquisition of citizenship.

(2) The right to change citizenship shall not be subject to arbitrary restriction.

(3)

(4) The Act shall not have retroactive effect. Hungarian citizenship shall be governed by the laws that were in force at the time of the occurrence of the facts or events affecting citizenship.

Hungarian citizens

Section 2 (1) Hungarian citizen means a person who on the date of entry into force of this Act is a Hungarian citizen, as well as who becomes a Hungarian citizen by virtue of the Fundamental Law or this Act or acquires Hungarian citizenship under this Act, as long as his citizenship does not cease.

(2) Unless otherwise provided in an Act, a Hungarian citizen who is simultaneously a citizen of another State shall be considered a Hungarian citizen for the purposes of Hungarian law.

Automatic acquisition of Hungarian citizenship

Section 3 (1) For the purpose of establishing that Hungarian citizenship is automatically acquired as referred to in Article G) (1) of the Fundamental Law, the provisions of the Civil Code concerning descent as well as paternity status and mother's status shall apply.

(2) The child of a parent not holding Hungarian citizenship shall automatically acquire Hungarian citizenship with retroactive effect from the date of birth if a lineal kin relationship by descent arises between the child and a person who held Hungarian citizenship at the time of the child's birth is established after the child's birth.

(3) Unless proven otherwise, the following shall be considered Hungarian citizen:

a) a child born in Hungary to stateless parents who have a domicile in Hungary;

b) a child found in Hungary who is of unknown parentage.

Acquisition of Hungarian citizenship

Naturalisation

Section 4 (1) A person not holding Hungarian citizenship may be naturalised upon application if

- a) he has continuously resided in Hungary for the eight years preceding the submission of the application;
- b) he has no criminal record under Hungarian law and no criminal proceeding is pending against him in Hungarian court at the time of assessment of the application;
- c) he has sufficient means for subsistence and accommodation in Hungary;
- d) his naturalisation does not violate the public safety and national security of Hungary;
- e) he provides proof of having passed a basic civics knowledge test in Hungarian language, or he is exempt from such test under the Act and demonstrates knowledge of the Hungarian language.

(2) A person not holding Hungarian citizenship may be naturalised under preferential terms if that person has continuously resided in Hungary for the three years preceding the submission of the application, and the conditions set out in paragraph (1) b) to e) are met, provided that the person

- a) has been living in a valid marriage with a Hungarian citizen for at least three years, or their marriage has terminated by the death of the spouse;
- b) has a minor child who is a Hungarian citizen;
- c) has been adopted by a Hungarian citizen and is an adult person;
- d) has been recognised as a refugee by the Hungarian authorities; or
- e) is a stateless person.

(2a) A minor not holding Hungarian citizenship may be naturalised under preferential terms upon application if the conditions set out in paragraph (1) b) and d) are met and the minor has been adopted by a Hungarian citizen.

(3) A person not holding Hungarian citizenship may be naturalised under preferential terms upon application if the conditions set out in paragraph (1) b) and d) are met and the person has an ascendant who was a Hungarian citizen or substantiates his origin from Hungary, and demonstrates knowledge of the Hungarian language.

(3a) A person not holding Hungarian citizenship may be naturalised under preferential terms upon request if that person

a) has been living in a valid marriage for at least

aa) ten years with a person who is a Hungarian citizen at the time of the submission of the application for citizenship, or

ab) five years with a person who is a Hungarian citizen at the time of the submission of the application for citizenship, and a child has been born to them;

b) meets the conditions set out in paragraph (1) b) and d); and

c) demonstrates knowledge of the Hungarian language.

(4) A person not holding Hungarian citizenship may be naturalised under preferential terms if that person has continuously had his domicile in Hungary for the five years preceding the submission of the application, and the conditions set out in paragraph (1) b) to e) are met, provided that the person

a) was born in the territory of Hungary;

b) established his domicile in Hungary during his minority;

c)

(5) In the case of a minor, the requirement of continuous domicile in Hungary for the period specified in paragraphs (1) to (2) and (4) may be waived if the minor applies for naturalisation jointly with a parent or if the parent has acquired Hungarian citizenship.

(6)

(7) If the conditions set out in paragraph (1) b) and d) are met, the President of the Republic may, acting on a submission by the minister responsible for citizenship matters (hereinafter the “Minister”), grant an exemption from the remaining conditions of naturalisation if the applicant’s naturalisation is of significant interest to Hungary.

(8) Demonstration of knowledge of the Hungarian language may be waived in the case of persons having no capacity to act.

Basic civics knowledge test

Section 4/A (1) The applicant shall take the test referred to in section 4 (1) e) before an examination board designated by the organ appointed by the Government by decree.

(2) The following shall not be required to take the test:

a) a minor having limited capacity to act, any person whose capacity to act has been limited by the court in matters connected to the citizenship procedure (hereinafter jointly “person with limited capacity to act”) and any person having no capacity to act;

- b) any person who has obtained a qualification from an upbringing-educational or higher education institution with Hungarian as the language of instruction;
- c) any person who was at least sixty years old at the time of the submission of the application;
- d) any person who proves that he is unable to take the test due to a permanent and irreversible deterioration of his health condition.

Renaturalisation

Section 5 A person whose Hungarian citizenship has ceased may be granted renaturalisation upon application if the conditions set out in section 4 (1) b) and d) are met and the person demonstrates knowledge of the Hungarian language.

Declaration

Section 5/A (1) A person shall acquire Hungarian citizenship, as of the date of making the declaration, by means of a written declaration addressed to the President of the Republic, if that person

- a) was deprived of Hungarian citizenship under Act X of 1947 or Act XXVI of 1948 on the deprivation of Hungarian citizenship of certain persons abroad, under Act LX of 1948 on Hungarian citizenship or Act V of 1957 on citizenship, or lost his Hungarian citizenship under Decree 7970/1946 M.E. of the Government of the Republic of Hungary, Government Decree 10.515/1947 or Government Decree 12.200/1947, or had his Hungarian citizenship terminated by discharge between 15 September 1947 and 2 May 1990;
- b) was born in the territory of Hungary and did not acquire his parents' foreign citizenship by birth under the foreign law governing the citizenship of the parents, provided that his parents had a domicile in Hungary on the day of his birth, and the person has resided in the territory of Hungary for at least five years immediately prior to the making of the declaration;
- c) was born before 1 October 1957 to a Hungarian citizen mother and a foreign citizen father and did not become a Hungarian citizen by birth;
- d) was born in the territory of Hungary and became stateless, provided that he has resided in the territory of Hungary for at least five years immediately prior to the making of the declaration.

(1a) The declaration referred to in paragraph (1) b) and d) may be made by the person concerned until the attainment of the age of nineteen years.

(2) If the declaration is accepted, the organ proceeding in citizenship matters shall certify the acquisition of citizenship by issuing a certificate.

(3) If the conditions for the acceptance of the declaration are not met, including the requirements laid down in sections 13 to 15 regarding the submission of an application, this shall be established in a decision by the organ proceeding in citizenship matters. Administrative court actions brought against such decisions shall fall within the jurisdiction of the Budapest-Capital Regional Court.

Competence rules, oath and affirmation

Section 6 (1) The application for the acquisition of Hungarian citizenship by naturalisation or renaturalisation shall be decided on by the President of the Republic acting on a submission by the Minister.

(2) The President of the Republic shall issue a naturalisation or renaturalisation certificate (hereinafter “naturalisation certificate”) to certify the acquisition of Hungarian citizenship.

(3) Where a procedure under section 20/A takes place and the organ proceeding in citizenship matters authorises the name change, the naturalisation certificate shall be issued under the changed name. Where a procedure under section 20/A takes place and the organ proceeding in citizenship matters rejects the request for name change, or where no procedure under section 20/A takes place, the naturalisation certificate shall be issued under the name of the foreigner applying for naturalisation.

Section 7 (1) A naturalised or renaturalised person (hereinafter jointly “naturalised person”) or, for a person having no capacity to act, his statutory representative, shall take the citizenship oath or affirmation according to his choice. The oath or affirmation shall be taken before

- a) the mayor of the domicile of the naturalised person;
- b) the head of the organ responsible for administering the oath provided that the request to that effect is approved by that organ, or
- c) any mayor or the head of a Hungarian diplomatic mission, according to the choice of the naturalised person falling under the scope of section 4 (2a), (3), (3a) or (7) or section 5.

(1a) The oath or affirmation may also be administered by

- a) a consular officer designated by the head of the Hungarian diplomatic mission;
- b) an official of the organ responsible for administering the oath in place of the head of that organ.

(1b) The organ responsible for administering the oath shall be a central government administration organ designated by government decree to perform tasks related to the administration of oaths and affirmations.

(1c) The head of the central government administration organ designated by government decree shall appoint the head of the organ responsible for administering the oath. Holding the position of head of the organ responsible for administering the oath shall not give rise to incompatibility and conflict of interest in relation to the holding of other offices, appointments, or engagement in other activities or legal relationships involving the performance of work.

(2) The naturalised person shall acquire Hungarian citizenship on the date of taking the oath or affirmation. The fact and date of the oath or affirmation shall be indicated on the naturalisation certificate.

(3) If the naturalised person dies prior to taking the oath or affirmation or is in a condition that prevents him from taking it, he shall acquire Hungarian citizenship on the date of issuance of the naturalisation certificate.

(4) The text of the citizenship oath shall be as follows:

I, swear that I regard Hungary as my homeland. I will be a loyal citizen of Hungary and will respect and observe the Fundamental Law and the laws. I will defend my homeland to the best of my strength and serve it to the best of my abilities. So help me God.

(4a) The text of the citizenship affirmation shall be as follows:

I, affirm that I regard Hungary as my homeland. I will be a loyal citizen of Hungary and will respect and observe the Fundamental Law and the laws. I will defend my homeland to the best of my strength and serve it to the best of my abilities.

(5) Citizenship oath and citizenship affirmation shall be of equal value.

Termination of Hungarian citizenship

Renunciation

Section 8 (1) A Hungarian citizen may renounce his Hungarian citizenship by means of a declaration addressed to the President of the Republic, provided that

- a) he holds a foreign citizenship or can demonstrate the likelihood of acquiring one, and
- b) he is not registered in the personal data and address register, or has left the territory of Hungary with the intention of settling abroad, or, as a Hungarian citizen residing abroad, does not have a registered valid place of residence in Hungary.

(2) If the conditions set out in paragraph (1) are met, the Minister, on a proposal from the organ proceeding in citizenship matters, shall make a submission to the President of the Republic for the acceptance of the renunciation. The President of the Republic shall issue a certificate on the termination of Hungarian citizenship by renunciation. Hungarian citizenship shall terminate on the date of issuance of the certificate.

(3) If the conditions for the acceptance of the renunciation are not met, this shall be established in a decision by the organ proceeding in citizenship matters. Administrative court actions brought against such decisions shall fall within the jurisdiction of the Budapest-Capital Regional Court.

(4) A person who has not acquired foreign citizenship may request the restoration of his Hungarian citizenship from the President of the Republic within three years from the acceptance of the renunciation.

(5) The termination of Hungarian citizenship by renunciation shall be subject to the provisions in force at the time of the initiation of the procedure.

Revocation of Hungarian citizenship

(1) Hungarian citizenship may be revoked from a person who acquired it in breach of the law, in particular by misleading the authority through the provision of untrue information or the concealment of data or facts. Hungarian citizenship shall not be revoked after twenty years have passed from its acquisition.

(2) If a fact occurs that gives rise to the revocation of citizenship, this shall be established in a decision by the organ proceeding in citizenship matters. Administrative court actions brought against such decisions shall fall within the jurisdiction of the Budapest-Capital Regional Court. The filing of a statement of claim shall have suspensory effect on the enforcement of the decision. The duration of the administrative court proceedings shall not be counted in the time limit referred to in paragraph (1) and section 17 (2c).

(3) The termination of Hungarian citizenship by revocation shall be decided on by the President of the Republic acting on a submission by the Minister.

(4) The decision on the revocation of Hungarian citizenship shall be published in the official gazette *Magyar Közlöny*. Hungarian citizenship shall terminate on the day of publication of the decision.

(5) The termination of Hungarian citizenship by revocation shall be subject to the provisions in force at the time of the initiation of the procedure.

Suspension of Hungarian citizenship; restoration and reversion of Hungarian citizenship

Section 9/A (1) For the purposes of this Subtitle:

a) *EEA citizenship* means the citizenship of a Member State of the European Union or of another State that is a party to the Agreement on the European Economic Area, or the citizenship of a State which is not party to the Agreement on the European Economic Area, but which, pursuant to an international treaty between the European Community and its Member States and that State, enjoys the status of a state that is party to the Agreement on the European Economic Area regarding the rights of free movement and residence;

b) *Hungarian citizen also holding a third-country citizenship* means a Hungarian citizen who, in addition to Hungarian citizenship, also holds a citizenship other than an EEA citizenship, and who does not hold, in addition to Hungarian citizenship, an EEA citizenship.

(2) For the purposes of this Subtitle, the citizenship of a candidate State of the European Union shall be regarded as equivalent to EEA citizenship.

Section 9/B (1) The Hungarian citizenship of a Hungarian citizen also holding a third-country citizenship may be suspended if:

- a) he engages in conduct which poses a threat to the public order, public safety or national security in Hungary; and
- b) the suspension of citizenship constitutes a measure proportionate to the gravity of the threat and to the legal and social position of the person concerned.

(2) The threat referred to in paragraph (1) a) may, in particular, be established where the person concerned:

- a) serves in the armed forces or public service of a third State, except where:
 - aa) the service is not voluntary;
 - ab) the service is performed in a State allied with Hungary; or
 - ac) the nature and content of the service are not capable of giving rise to a threat;
- b) engages, on behalf of, for, or in the interests of, a foreign power or organisation, in activities which infringe the sovereignty, constitutional order or national security of Hungary;
- c) maintains relations with, or is a member of, an organisation which is regarded as a terrorist organisation under international law.
- d) has been convicted with final and binding effect of a criminal offence which, under Act C of 2012 on the Criminal Code (hereinafter the “Criminal Code”), poses a serious threat to public order, public safety or constitutional order, in particular, genocide (section 142 of the Criminal Code), crimes against humanity (section 143 of the Criminal Code), apartheid (section 144 of the Criminal Code), changing the constitutional order by force (section 254 of the Criminal Code), conspiracy against the constitutional order (section 255 of the Criminal Code), treason (section 258 of the Criminal Code), treachery (section 259 of the Criminal Code), aiding the enemy (section 260 of the Criminal Code), espionage (section 261 of the Criminal Code), terrorist act (section 314 of the Criminal Code) or terrorism financing (sections 318 and 318/A of the Criminal Code), and where, in view of the judgment and the nature of the criminal offence, the threat to public order, public safety or national security persists.

(3) When assessing the conducts referred to in paragraphs (1) and (2), the examination shall cover their gravity, frequency and the degree of awareness and intent, as well as the necessity and proportionality of suspending Hungarian citizenship. In this context, particular account shall be taken of:

- a) the actual ties of the person concerned to Hungary and the impact on the personal and family life;
- b) the time elapsed since the conviction or the conduct representing a threat, and the current circumstances of the person concerned, where the suspension of citizenship is based on a conviction or a conduct representing a threat.

Section 9/C (1) The suspension of Hungarian citizenship shall be decided by the minister designated by government decree (hereinafter the “designated minister”).

(2) The period of suspension shall not exceed ten years. When determining the period of suspension, the designated minister shall take into account the assessment criteria set out in section 9/B.

(3) Anyone may make a report concerning a person affected by grounds justifying the suspension of Hungarian citizenship, but the procedure under this section shall be instituted by the designated minister only *ex officio*. The reporting person shall not be considered a client.

(4) The person concerned shall be directly notified of the initiation of the procedure if he has a domicile, place of residence, official electronic contact address, agent for service of process or legal representative in Hungary; in the absence thereof, the notice of the initiation of the procedure shall be sent to any known non-official electronic contact address of the person concerned and shall be communicated simultaneously by way of public notice. The designated minister shall dispense with the notice of the initiation of the procedure if, on the basis of the available data, it is reasonable to assume that the communication represents a threat to national security or public safety.

(5) For the purpose of clarifying the facts necessary for making the decision on the suspension of citizenship, the designated minister may, in addition to paragraphs (6) and (8), conduct evidentiary proceedings. In such evidentiary proceedings, the person concerned may be called upon to provide data, to produce a document, or to make a statement, whichever is appropriate for clarifying the facts of the case.

(6) The designated minister may seek the opinion of

a) the National Information Centre; and

b) the police,

as to the existence of the grounds for suspension of citizenship under section 9/B and of the facts supporting them.

(7) The designated minister shall terminate the procedure if the grounds for suspension of citizenship do not exist or if, on the basis of the available data, the conditions therefor are not substantiated. The person concerned shall be notified of the termination of the procedure in the same manner as of the initiation of the procedure.

(8) If, on the basis of the available data, statements or other circumstances, it is reasonable to assume that the person concerned holds the citizenship of another State too, but no credible data is available to confirm this, the designated minister shall, allowing a time limit of at least 5 days, call upon the person concerned to declare whether he holds that presumed citizenship. The provisions of paragraph (4) shall apply to the communication of such call. In making such a declaration, the person concerned may produce authentic documentary evidence to prove that he does not hold the presumed other citizenship. In the absence thereof, the presumed citizenship of the third State shall be regarded as existing.

(9) The operative part of the decision on the suspension of Hungarian citizenship shall include the following:

- a) designation of the non-Hungarian citizenship of the Hungarian citizen also holding a third-country citizenship;
- b) duration of suspension, indicating the date of its expiry; and
- c) information on the available remedies.

(10) The designated minister shall give detailed reasons for his decision, covering in particular the following:

- a) legal basis for suspension;
- b) description of the conduct representing a threat;
- c) the available evidence; and
- d) the considerations and outcome of the assessment of proportionality and of the duration of suspension.

(11) Where the decision of the designated minister is based on classified data, the reasoning shall contain a reference to the filing number of the classified data.

(12) The decision on the suspension of Hungarian citizenship shall be communicated to the person concerned if he has a domicile, place of residence, official electronic contact address, agent for service of process or legal representative in Hungary, and a notice of the decision shall be published in *Hivatalos Értesítő*, the annex to the official gazette. The decision shall reach administrative finality upon its communication, or, in the case of a person whose whereabouts are unknown, upon its public announcement.

(13) Within 30 days from the date on which the decision reaches administrative finality, the person whose Hungarian citizenship has been suspended may submit a statement of claim. The designated minister shall forward the statement of claim to the Curia within 15 days. No application for excuse shall be accepted for failing to meet the time limit for bringing the action.

(14) The Curia shall adjudicate the statement of claim in an administrative court action sitting as a panel of five professional judges. The Curia shall decide within 30 days or, in a case referred to in paragraph (15), within 45 days. The Curia may not amend the decision of the designated minister.

(15) Where the designated minister based his decision in the proceedings on classified data, the Curia shall, transmitting the statement of claim, the statement of defence and the documents of the case, call upon the prosecution service to join the action for the protection of the plaintiff's interests; such joining the action by the prosecution service shall be mandatory.

(16) The provisions of the Act on the Code of General Administrative Procedure concerning language use and the engagement of interpreters, data processing, subject-matter and territorial competence, the general rules on communication, communication by public notice, representation, the inspection of documents, making observations and statements, documents, the administrative time limit, calculation of time limits, applications and applications for excuse, service, and the objection to deemed service, public announcement, the decisions of the authority, as well as *ex officio* proceedings, shall apply accordingly to the proceedings of the designated minister under this section, with the derogations provided for in this Act.

Section 9/D (1) The Hungarian citizenship of a person who, during the period of suspension, provides credible proof that the restoration of his Hungarian citizenship does not pose a threat to the public order, public safety or national security of Hungary, may be restored upon application. Restoration may be applied for only once during the period of suspension of Hungarian citizenship.

(2) The designated minister shall decide on the restoration of Hungarian citizenship. In making the decision, consideration shall be given to the absence of a threat to public order, public safety or national security.

(3) The decision on the restoration of Hungarian citizenship shall be communicated to the person concerned. Hungarian citizenship shall be restored as of the date on which the decision reaches administrative finality.

(4) The person concerned may, within 15 days, submit a statement of claim against a decision refusing to restore citizenship. The designated minister shall forward the statement of claim to the Curia within 15 days.

(5) The provisions of section 9/C shall apply accordingly to the proceedings of the designated minister and the Curia under this section.

Section 9/E (1) The Hungarian citizenship of a Hungarian citizen also holding a third-country citizenship shall revert if:

a) the person concerned becomes stateless during the period of suspension of Hungarian citizenship; or

b) the period of suspension of Hungarian citizenship expires and, during that period, Hungarian citizenship has not been restored and has not reverted.

(2) The person concerned shall inform the designated minister if he becomes stateless as referred to in paragraph (1) a). Such information shall be accompanied by the appropriate authentic documents.

(3) At the request of the person concerned, the designated minister shall establish the reversion of Hungarian citizenship in a decision. The decision on the reversion of Hungarian citizenship shall be communicated to the person concerned. Hungarian citizenship shall be restored as of the date on which the decision reaches administrative finality.

(4) The person concerned may, within 15 days, submit a statement of claim against a decision refusing to establish the reversion of citizenship. The designated minister shall forward the statement of claim to the Curia within 15 days.

(5) The provisions of section 9/C shall apply accordingly to the proceedings of the designated minister and the Curia under this section.

Proof of Hungarian citizenship

Section 10 (1) Hungarian citizenship may be proven by:

- a) a valid Hungarian identity card;
- b) a valid Hungarian passport;
- c) a valid certificate of citizenship or decision establishing the fact of citizenship;
- d) a naturalisation certificate, unless proven otherwise.

(2) If a Hungarian citizen is unable to prove his Hungarian citizenship in accordance with paragraph (1) a) to d), Hungarian citizenship may, unless proven otherwise, be demonstrated by a Hungarian passport invalid due to expiry, for up to one year following the expiry of its period of validity.

(3) The personal data and address register shall certify the Hungarian citizenship of the persons recorded therein as Hungarian citizens.

Section 11 (1) At the request of the person concerned, the organ proceeding in citizenship matters shall certify in a certificate of citizenship whether Hungarian citizenship exists or has ceased, or the person named in the certificate is not a Hungarian citizen.

(2) A certificate of citizenship shall be valid for three years from the date of issue.

(3) The certificate of citizenship shall include the following:

- a) the name of the proceeding authority and the case number;
- b) the name, place and date of birth of the applicant;
- c) the fact of his Hungarian citizenship and, in relation thereto, the data requested to be certified by the person concerned;
- d) the provisions of law on which the decision of the organ proceeding in citizenship matters is based;
- e) the place and date of the decision, the name and official position of the issuing officer and the seal of the authority;
- f) the period of validity of the certificate of citizenship.

(4) Administrative court actions brought against a decision concerning the certificate of citizenship or a decision rejecting an application for the issuance of a certificate of citizenship shall fall within the jurisdiction of the Budapest-Capital Regional Court.

(5)

Section 12 At the request or data request of a judicial, law enforcement, aliens policing or national security organ, the central registration body of the Hungarian Defence Forces, a local government clerk (chief clerk), a notary, as well as a consular or foreign authority, or another authority or state organ, the organ proceeding in citizenship matters shall certify, in a decision establishing the fact of citizenship, the existence or termination of the party's Hungarian citizenship, or that the party is not a Hungarian citizen.

Citizenship procedure

Section 13 (1) A declaration and an application for the acquisition of citizenship, a declaration of renunciation of citizenship, as well as an application for the issuance of a certificate of citizenship (hereinafter together "application for citizenship") may be submitted to

- a) the district office of the capital and county government office (hereinafter "district office");
- b) the integrated customer service office of the capital and county government office (hereinafter "integrated customer service office");
- c) the Hungarian consular officer; or
- d) the organ proceeding in citizenship matters.

(2) The application for citizenship shall be submitted in compliance with the content requirements specified by law and, except for applications for the issuance of a certificate of citizenship, in the Hungarian language. The application shall be signed. Upon submission of the application, the applicant's identity shall be verified, and the particulars of the application shall be checked against the data of the attached documents.

(3) Any person who substantiates a legitimate interest therein may submit an application for a certificate certifying another person's citizenship.

(4) The head of the district office and the head of the integrated customer service office shall transmit the application for citizenship to the organ proceeding in citizenship matters within five days, while the consul shall transmit it by the first diplomatic bag following receipt.

Section 14 (1) An application for citizenship shall, in accordance with the forms provided for by government decree, include the following particulars of the person concerned:

- a) family and given name at birth, married family name and given name, former married family name and given name (hereinafter jointly "name"), place and date of birth, mother's family and given name at birth, and sex;
- b) information relating to civil status, place and date of current and former marriages, name, place and date of birth, citizenship, and Hungarian origin of the spouse or former spouse;

c) name, place and date of birth, citizenship of the parents of the spouse or former spouse, and information on their residence in Hungary ;

d) names, places and dates of birth of the applicant's ascendants, place and date of their marriages, and information on their citizenship and residence;

e) name, place and date of birth of child, and name and citizenship of the other parent of the child;

f) name, place and date of birth of sibling;

g) information on domicile, former domicile and residence in Hungary;

h) information on citizenship and the date of departure to abroad;

i) information on educational attainment, occupation and place of employment; and

j) contact details for communication with the organ proceeding in citizenship matters and with the Minister.

(1a) In addition to the particulars specified in paragraph (1), the application for citizenship shall, in accordance with the forms provided for by government decree, include, for the purpose of examining the condition referred to in section 4 (1) d), the following particulars of the person concerned:

a) name, place and date of birth and citizenship of the cohabitant and the cohabitant's parents;

b) information on occupation and place of employment of the spouse, cohabitant, former spouse, ascendant, adult child and sibling.

(2) A request under section 12 shall include the particulars specified in paragraph (1) a), as well as any other particulars available from the data set referred to in paragraph (1).

(3) The applicant shall, in accordance with the provisions of a government decree, attach to the application for citizenship an extract from the register of births and the documents evidencing civil status, as well as the documents evidencing the fulfilment of the conditions set out in sections 4, 5, 8, and 11 for the purpose of adjudicating the application for citizenship.

(4) If the adjudication of the application for citizenship requires information accessible from the registers or documents of another Hungarian authority, and the applicant does not substantiate it, the organ proceeding in citizenship matters shall take steps to obtain it.

(5) Where attached to the application for citizenship,

a) any foreign document shall be legalised diplomatically, unless otherwise provided by an international treaty, a directly applicable legal act of the European Union of general application or a practice of reciprocity, and provided that there is no insurmountable obstacle thereto under a government decree;

b) any document issued in a language other than Hungarian shall be accompanied by a certified Hungarian translation, except as provided in a directly applicable legal act of the European Union of general application, or unless otherwise provided in this Act or in other legislation applicable to the type of case.

(5a) In citizenship procedures, a translation shall not be required for civil register deeds issued in English, German or French language, as specified in a government decree.

(5b) In citizenship procedures, instead of a certified Hungarian translation of a foreign-language document submitted before a career consular officer, an official, abridged translation reflecting the content of the document relevant to the citizenship procedure may be accepted.

(6) If the application for citizenship is incomplete, or if the applicant has not attached the documents necessary for its adjudication, the organ proceeding in citizenship matters may call upon the applicant to remedy the deficiency, setting a time limit and advising him of the legal consequences of omission. Where a document is missing, the time limit shall be set considering the time required to obtain it. For an application for the issuance of a certificate of citizenship, the time limit for issuing a notice to remedy deficiencies shall be fifteen days from the receipt of the application.

Section 15 (1) The application for citizenship shall not be submitted by an authorised representative. An applicant with capacity to act shall submit the application in person, while a person with limited capacity to act or a person having no capacity to act shall have the application submitted on his behalf by his statutory representative.

(2) In the case of the submission of an application for naturalisation or renaturalisation, as well as a declaration of renunciation, the person with limited capacity to act shall also be heard.

(3) For a minor, any declaration or application for the acquisition of Hungarian citizenship, as well as any renunciation of Hungarian citizenship, shall be accompanied by the declaration of consent of both parents, unless prevented by an insurmountable obstacle.

(4) Spouses, or a parent together with a minor child living with the parent, or a parent together with an adult child having no capacity to act living with the parent, may submit a joint application for naturalisation or renaturalisation, or a joint declaration of renunciation of Hungarian citizenship.

Section 16 (1) The organ proceeding in citizenship matters shall send the naturalisation certificate within 15 days from its issuance, according to the choice of the naturalised person, to:

a) the mayor of the domicile of the applicant;

b) the organ responsible for administering the oath; or

c) the mayor or, via diplomatic courier, the head of the Hungarian diplomatic mission, where the person is naturalised under section 4 (2a), (3), (3a) or (7) or section 5.

(2) The organ responsible for administering the oath, the mayor or the head of the Hungarian diplomatic mission shall notify the applicant within thirty days of the receipt of the certificate of the date and place for taking the citizenship oath or affirmation.

(3) A person naturalised under section 4 (2a), (3), (3a) or (7), or section 5, except as provided in paragraph (5), may, on one occasion, no later than the fifth day preceding the date specified in the notification under paragraph (2), request to take the oath or affirmation at a location other than that indicated in the notice.

(4) The organ responsible for administering the oath shall approve or reject a request submitted by the naturalised person under section 7 (1) b) within 15 days of its receipt. In the event of approval, the naturalised person may take the citizenship oath or affirmation at a location other than that provided by the organ responsible for administering the oath, if this has been separately approved by the organ responsible for administering the oath. The organ responsible for administering the oath may charge the naturalised person a fee for the additional services required for the alternative location.

(5) An application for taking the oath or affirmation before the organ responsible for administering the oath may be submitted on one occasion only. In the event of rejection, the naturalised person may take the oath or affirmation before the person specified in section 7 (1) a) or c), according to his choice.

(6) In the case referred to in paragraph (3), the organ responsible for administering the oath, the mayor or the head of the Hungarian diplomatic mission shall without delay transmit the naturalisation certificate to the organ responsible for administering the oath, the mayor or, via diplomatic courier, the head of the Hungarian diplomatic mission indicated in the application referred to in paragraph (3), who shall arrange for the performance of the tasks specified in paragraph (2). In such a case, a person naturalised under section 4 (2a), (3), (3a) or (7) or section 5 may not submit a further application under paragraph (3).

(7) When verifying identity, the mayor of the place of the citizenship oath or affirmation, the head of the organ responsible for administering the oath or, in the case of a diplomatic mission, the head of the Hungarian diplomatic mission or a consular officer designated by him shall establish the identity of the naturalised person, except if the naturalised person has no capacity to act, by means of the permanent identity card issued *ex officio* and the valid identity verification card.

(8) Except where the naturalised person has no capacity to act, the naturalised person shall be allowed to take the oath or affirmation if it can be established, on the basis of the permanent identity card issued *ex officio*, that the naturalised person and the person appearing for the purpose of taking the oath or affirmation are one and the same.

(9) Notwithstanding paragraph (8), the naturalised person may also take the oath or affirmation if

a) the proceeding authority (hereinafter for the purposes of this section “the authority”) has terminated the procedure for issuing the permanent identity card to be issued *ex officio* due to the absence of the conditions necessary for the issuance of the document prescribed by the law;

b) the authority has notified the naturalised person of the termination of the procedure referred to in point a) in a decision sent through the mayor of the place of oath or affirmation, the organ responsible for administering the oath or a diplomatic mission;

c) the authority has transmitted the facial image of the naturalised person to the organ or person specified in point b); and

d) the naturalised person holds another valid official verification card suitable for verifying identity, and the person's identity can be established beyond doubt by means of that document.

(10) If the citizenship oath or affirmation is not taken through the fault of the naturalised person within one year from the delivery of the notice, the naturalisation or renaturalisation decision shall cease to have effect, and the organ responsible for administering the oath, the mayor, or, by the next diplomatic bag, the head of the Hungarian diplomatic mission shall transmit the naturalisation certificate to the organ proceeding in citizenship matters after 13 months have elapsed since the delivery of the notice. If a person naturalised under section 4 (2a), (3), (3a) or (7), or renaturalised under section 5, submits a request referred to in paragraph (3), the time limit shall be calculated from the delivery of the first notice.

Section 16/A In citizenship procedures, the organ proceeding in citizenship matters shall not communicate by electronic means, except for the purpose of providing information.

Section 17 (1) The organ proceeding in citizenship matters shall, within sixty days, issue the certificate referred to in section 5/A (2) or adopt the decision referred to in section 5/A (3).

(2) The Minister shall submit the submission referred to in section 6 (1) to the President of the Republic within three months.

(2a) The Minister shall make a submission to the President of the Republic regarding the acceptance of renunciation within sixty days. The organ proceeding in citizenship matters shall adopt the decision referred to in section 8 (3) within sixty days.

(2b) The organ proceeding in citizenship matters shall adopt the decision referred to in section 9 (2) within six months of becoming aware of a circumstance giving rise to the revocation of Hungarian citizenship; the time taken for measures to clarify the facts shall not be included in this period.

(2c) The Minister shall submit the submission referred to in section 9 (3) to the President of the Republic within sixty days of the communication of the decision on the establishment of the fact giving rise to the revocation of Hungarian citizenship.

(3) The organ proceeding in citizenship matters shall comply with a request for the issuance of a certificate of citizenship, as well as with a request referred to in section 12, within sixty days.

(4) The time limits specified in paragraphs (1) to (2a) and (3) shall commence on the day on which the relevant declaration or request is received by the organ proceeding in citizenship matters; in justified cases, the time limit specified in paragraphs (1), (2a) or (3) may be extended by sixty days, and the time limit specified in paragraph (2) may be extended by three months.

(5) The following periods shall not be included in the time limits specified in paragraphs (1) to (3):

- a) the time from making the notice to remedy deficiencies until its completion;
- b) the duration of the suspension of the procedure;
- c) the period for delivering an opinion as required under section 19 (3) d);
- d) the time from sending a request to another authority or state organ to obtain data or documents relevant to citizenship until the receipt of a response.

(6) The applicant may withdraw the application for naturalisation and renaturalisation, as well as the declaration of renunciation, until the decision of the President of the Republic, and may withdraw the application for a certificate of citizenship until the certificate is issued. In such cases, the organ proceeding in citizenship matters shall terminate the procedure.

(6a) The organ proceeding in citizenship matters shall terminate the procedure if, in the course of the proceedings, it establishes that the applicant or the Hungarian citizen concerned in the revocation procedure has died, or if the conditions for the revocation of Hungarian citizenship are not met.

(7) In citizenship procedures, the applicant may be represented by an authorised representative, unless this Act requires him to act in person. The organ proceeding in citizenship matters shall examine the representative's authorisation, and shall reject the acts of the authorised representative if he is not qualified to carry out representation in the case or does not prove his authorisation.

(8) If the decision in a citizenship matter depends on the prior adjudication of an issue falling within the competence of another organ, the organ proceeding in citizenship matters shall suspend the procedure. If the applicant is entitled to initiate the procedure before such other organ, the organ proceeding in citizenship matters shall, setting an appropriate time limit, call upon the applicant to do so. If the applicant fails to comply with the notice, the organ proceeding in citizenship matters shall either terminate the procedure, or, based on the available data, make a decision or make a proposal to the Minister for a submission to the President of the Republic.

(9)

(10) The organ proceeding in citizenship matters shall notify the Hungarian citizen concerned of the initiation of the procedure for the revocation of Hungarian citizenship within fifteen days, or within fifteen days following the expiry of the time limit specified in paragraph (11) b). Section 17/A shall apply accordingly to the communication of the notification.

(11) The organ proceeding in citizenship matters shall dispense with the notification if

- a) the circumstance giving rise to the revocation of Hungarian citizenship has been recorded in the minutes during the hearing of the Hungarian citizen; and
- b) it decides, within sixty days after the initiation of the procedure, on whether the fact giving rise to the revocation of Hungarian citizenship exists.

Section 17/A (1) The organ proceeding in citizenship matters shall communicate its decision adopted in connection with the declaration, the renunciation, or the revocation of Hungarian citizenship, as well as the decision of the President of the Republic refusing naturalisation or renaturalisation to the natural person in respect of whom it contains a provision.

(2) For the purpose of communication, the organ proceeding in citizenship matters shall attempt, on two occasions, to deliver its decision by post to all foreign and domestic addresses known to it.

(3) If communication by post is unsuccessful, the organ proceeding in citizenship matters shall communicate its decision by way of public notice, through publication on its official website. The date of communication shall be the forty-fifth day following the publication of the public notice.

(4) The public notice shall include the following:

- a) the date of publication on the website;
- b) the name of the proceeding authority;
- c) the number and subject-matter of the case;
- d) the name and known address of the natural person referred to in paragraph (1); and
- e) a notice that the organ proceeding in citizenship matters has rendered a decision, but delivery could not be effected, and that the decision may be collected from the proceeding authority.

Data protection, provision of data

Section 18 The citizenship documents may be inspected by the following:

- a) the person concerned in the matter, and, after his death, his descendants and ascendants;
- b) the organs performing judicial, law enforcement or national security tasks, as well as the Minister, the minister responsible for civil registration affairs and the minister responsible for general policy coordination, in matters falling within their competence, in the course of their proceedings regulated in Acts.

Section 19 (1) The civil registrar for the place of the taking of the citizenship oath or affirmation, and, in the case of naturalisation under section 4 (2a), (3), (3a) or (7) or section 5, the civil registrar for the place of the taking of the citizenship oath or affirmation, the organ responsible for administering the oath or, where the citizenship oath or affirmation is taken at a diplomatic mission, the organ proceeding in citizenship matters, shall, by electronic means, send a notification of the acquisition of Hungarian citizenship by naturalisation or renaturalisation, indicating also the time of the taking of the oath or affirmation and the particulars of the naturalised person under section 14 (1) a) and section 20/A,

- a) to the civil registrar recording the vital events of the naturalised person and the birth of his child;

- b) to the organ maintaining the personal data and address register;
- c) to the aliens policing authority, with the exception of persons living abroad; and
- d) to the asylum authority in the case of refugees, persons with subsidiary protection and temporary protection and persons with tolerated status.

(1a) Where the oath or affirmation is taken before the mayor, the civil registrar, the organ responsible for administering the oath, or, where the oath or affirmation is taken at a diplomatic mission, the organ proceeding in citizenship matters, shall forward to the Hungarian Central Statistical Office the data prescribed on the basis of authorisation granted by the Act on official statistics, which are based on the voluntary provision of data by the naturalised person. The Hungarian Central Statistical Office shall, without delay following the processing of the data for statistical purposes, depersonalise such data.

(2) The organ proceeding in citizenship matters shall, by electronic means, notify the organ maintaining the personal data and address register and the passport authority of the termination of Hungarian citizenship, and the civil registrar recording the birth, the existing marriage or registered partnership, and the birth of the child of the person concerned, of the establishment or of the termination of Hungarian citizenship.

(3) In citizenship procedures, the Minister and the organ proceeding in citizenship matters

- a) may inspect the civil register and the underlying civil register documents, and may request copies thereof;
- b) may request data from, and may inspect, the personal data and address register, the aliens policing register, the asylum register, the register of travel documents, and the real estate register, and, in the course of the naturalisation procedure, data concerning the applicant contained in the files of the aliens policing and asylum proceedings conducted in respect of the applicant, as necessary to verify compliance with the conditions set out in section 4 (1) c) and d);
- c) may request data from the police register, the register of criminal offenders and the register of persons subject to criminal proceedings, and from the prosecution service and the courts;
- d) may seek the opinion of the local government clerk, the district office, the consul, the guardianship authority, the aliens policing authority and the asylum authority, and shall seek the opinion of the police, as well as the national security service having the relevant functions and powers.

(3a) The organs entitled to deliver an opinion under paragraph (3) d) may hear the applicant.

(3b) At the request of the organ proceeding in citizenship matters, the police and the national security service having the relevant functions and powers shall deliver an opinion within sixty days. The time limit for delivering the opinion may be extended once by sixty days.

(4) In naturalisation procedures, renaturalisation procedures, procedures for the acquisition of citizenship and procedures for the certification of citizenship, the organ entitled to receive the application for citizenship shall verify whether the applicant is registered in the personal data and address register.

Section 19/A

Section 20 (1) Citizenship documents may not be disposed of, their retention shall be ensured by the National Archives of Hungary and, as provided for in paragraph (2), by the organ proceeding in citizenship matters, in compliance with data protection rules.

(2) The files of citizenship matters concluded after 1 April 2015 shall be retained by the organ proceeding in citizenship matters for three years.

Name change

Section 20/A (1) A foreigner applying for naturalisation may, at the same time, request

- a) to bear his or her own or an ancestor's former Hungarian family name at birth;
- b) the omission of one or more components of his or her multiple-component family name at birth, as well as the omission of the ending or name element indicating sex from his or her family name at birth or married name;
- c) the Hungarian equivalent of his or her given name, as well as the omission of one or more components of his or her multiple-component given name;
- d) to bear the former Hungarian family name at birth of his or her spouse or that spouse's ancestor, or, if his or her civil status is widowed or divorced, of his or her former spouse or of that former spouse's ancestor.

(1a) A foreigner applying for naturalisation may be authorised to bear a name referred to in paragraph (1) d) only if he or she bears a married name, and

- a) where his or her civil status is married, his or her spouse bears the name referred to in paragraph (1) a) or requests in the naturalisation procedure to bear the name referred to in paragraph (1) a);
- b) where his or her civil status is divorced, his or her former spouse bore the name referred to in paragraph (1) a);
- c) where his or her civil status is widowed, his or her former spouse bore, or could have requested to bear, the name referred to in paragraph (1) a).

(2) Unless otherwise provided by a government decree, the request for name change shall be supported by a document or an expert opinion.

(3) The organ proceeding in citizenship matters shall decide on the name change. Where the organ proceeding in citizenship matters authorises the name change, its decision shall take effect on the day of the taking of the oath or affirmation as regulated under section 7.

(4) The name change shall be entered into the civil register.

(5) In the course of the name change, a foreigner applying for naturalisation may request that the name of his deceased mother be indicated in Hungarian, provided that the mother's name has previously been indicated in Hungarian in an official document.

Use of foreign place names

Section 20/B (1) Where a foreign place has had an official Hungarian name, the former official Hungarian name of the foreign place shall be used in the naturalisation and renaturalisation procedures.

(2) Where a foreign place has had no official Hungarian name, the official name of the foreign place in the given country shall be used in the naturalisation and renaturalisation procedures.

(3) An applicant for naturalisation or renaturalisation may request that where paragraph (1) applies, the official name of the foreign place in the given country be indicated additionally (in brackets) alongside the former official Hungarian name of the foreign place.

(4) Where a foreign place has had no official Hungarian name, or a request under paragraph (3) has been submitted, the official name of the foreign place in the given country shall be followed, if ascertainable from the documents, by the name of the canton, province or federated state, and, in all cases, by the name of the country, in brackets.

(5) The name of the canton, province or federated state shall be recorded as applicable at the time of the vital event, while the name of the country shall be recorded in its Hungarian denomination as applicable at the time of the vital event.

Final provisions

Section 21

Section 21 Unless otherwise provided in this Act, the Act on the Code of Administrative Court Procedure shall apply to court proceedings instituted under the provisions of this Act.

Section 23 (1) For the purposes of this Act, a person not holding Hungarian citizenship who has domicile shall be deemed to reside in Hungary from the date of the registration of address, provided that person

a) enjoys permanent residence status;

b) has been recognised as a refugee or as a person with subsidiary protection; and

c) exercises in Hungary the right of free movement and residence in accordance with the Act on the entry and residence of persons having the right of free movement and residence, has and complied with his notification obligation.

(2)

Section 24 (1) This Act shall enter into force on the first day of the fourth month following its promulgation.

(2) to (3)

(4) Authorisation shall be given to the Government to determine in a decree the following:

a) the organ proceeding in citizenship matters;

b) the tasks related to the taking of the oath or affirmation;

c) the tasks of the organ entitled to receive the application for citizenship related to the receipt of applications for citizenship and the forwarding of documents, and the tasks related to the notifications to official registers;

d) the forms to be used in the procedures under this Act, and the documents to be attached to the application for citizenship;

e) the requirements of the test prescribed under section 4 (1) e), the procedural rules, the rules for demonstrating eligibility for exemption from the test, the content and security requirements of the certificate certifying the taking of the test, as well as the organ authorised to organise the test and its tasks in connection with the test;

f) regarding the requests for name change, the documents to support the request for name change.

(5) Authorisation shall be given to the Government to provide in a decree for the following:

a) designation of the organ responsible for administering the oath;

b) definition of the detailed functions and powers of the organ responsible for administering the oath, as well as the rules of its procedure.

(6) Authorisation shall be given to the Government to designate in a decree the minister competent to decide on the suspension of Hungarian citizenship, as well as the restoration and reversion of Hungarian citizenship.

Section 25 The provisions of this Act as established by Act XIV of 2011 amending Act LXVI of 1992 on the registration of personal data and address of citizens, Act LV of 1993 on Hungarian citizenship, and Act I of 2010 on civil registration procedure (hereinafter “Amending Act 1”) shall also apply to naturalisation and renaturalisation procedures pending at the time of entry into force of Amending Act 1.

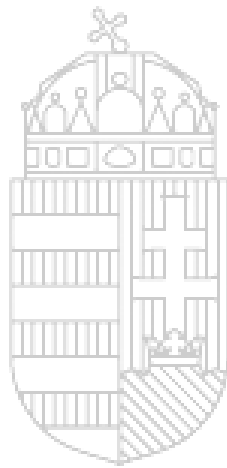
Section 25/A The provisions of section 16 (4) and (5) as established by Act XCVII of 2019 amending certain Acts in connection with Hungarian citizenship shall apply to applications for naturalisation and renaturalisation submitted after the entry into force of those provisions in respect of naturalised persons who have no domicile in Hungary.

Section 25/B Section 7 (1) and (1a) to (1c), section 16, section 24 (5), section 18 b), and section 19 (1) and (1a), as established by Act LXX of 2023 laying down provisions related to the further simplification of the operation of the State, shall apply to procedures instituted after 1 July 2024.

Section 26 Provisions of this Act qualify as cardinal as follows:

a) section 1 (1) and (2), section 1 (4), section 2 to 4, section 4/A (2), section 5, section 5/A (1) and (1a), section 7 (2) and (3), section 8 (1) and (2), section 8 (4) and (5), section 9 (1), (4) and (5), section 23 and section 25 on the basis of Article G) (4) of the Fundamental Law;

b) section 9/A to 9/E on the basis of Article G) (3) and (4) of the Fundamental Law.



MINISTRY OF JUSTICE
HUNGARY