

Government Decree 16/2021 (22 January)
on certain provisions relating to the medical assessment of foreign students during the
period of state of danger

The Government,

acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to section 51/A of Act CXXVIII of 2011 on disaster management and amending certain related Acts,

acting, with respect to section 3, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of an authorisation by the National Assembly pursuant to section 2 (1) of Act CIX of 2020 on the containment of the second wave of the coronavirus pandemic,

acting within its function laid down in Article 15 (1) of the Fundamental Law, decrees as follows:

Section 1 (1) During the period of state of danger within the meaning of Government Decree 478/2020 (3 November) on the declaration of state of danger, to the studies of non-Hungarian nationals in Hungary, the provisions of section 80 (2) of Act CCIV of 2011 on national higher education shall apply with the following additions:

a) if the rector of an institute of higher education provides for medical assessment of the students of the institute, and the medical assessment shows that a student is unfit to pursue his studies due to health reasons, the student status of the student concerned shall be suspended for the semester of the establishment of medical unfitness,

b) if an assessment under point *a)* shows that the student concerned is unfit to pursue and complete his studies due to health reasons, the institute of higher education shall terminate his student status.

(2) As a requirement for participating in a scholarship programme operated by the Minister responsible for education acting within his functions and powers relating to higher education or the Minister responsible for foreign policy,

a) the founder of the scholarship programme,

b) the Minister responsible for education acting within his functions and powers relating to higher education, and

c) with regard to solely a scholarship programme operated by him, the Minister responsible for foreign policy

may require the student receiving such scholarship at any educational level to undergo medical assessment.

(3) Paragraphs (1) to (2) shall not apply to students having the right of free movement and residence or immigrant or settled status.

Section 2 (1) With the exception specified in paragraph (2), this Decree shall enter into force on the day following its promulgation.

(2) Section 3 shall enter into force on the fifteenth day following the promulgation of this Decree.

Section 3

Section 4 Section 1 shall apply to

a) a student status established following the entry into force of this Decree,

b) an applicant to a scholarship programme specified therein in the application period 2021/2022, and

c) an already existing student status only if the student enters Hungary following the entry into force of this Decree.