

## **Act LV. of 1993 on Hungarian Citizenship**

In the interest of preserving the moral importance of Hungarian citizenship and strengthening the attachment of Hungarian citizens to the Republic of Hungary, also with regard to the traditions of Hungarian citizenship law and the provisions of international conventions, Parliament hereby creates the following Act on the rules of the derivation, acquisition and termination of Hungarian citizenship:

### **Basic Principles**

#### Section 1

(1) There shall be no discrimination between Hungarian citizens on the basis of the legal grounds of the derivation or acquisition of citizenship.

(2) No one shall be deprived of their citizenship or of the right of changing their citizenship on an arbitrary basis.

(3) This Act

- promotes the unity of the citizenship of the family while respecting the person's freedom of will;
- promotes the reduction of the cases of statelessness;
- provides for the protection of personal data.

(4) This Act has no retroactive effect. The legal rules which were in force at the time of the occurrence of the facts or events affecting citizenship shall apply to Hungarian citizenship.

### **Hungarian Citizens**

#### Section 2

(1) A person who is a Hungarian citizen at the date of the coming into force of this Act and who becomes a Hungarian citizen through the force of this Act, or who acquires Hungarian citizenship on the basis of this Act, shall qualify as a Hungarian citizen, until his citizenship terminates.

(2) Unless an Act provides otherwise, a Hungarian citizen who is simultaneously also the citizen of another state shall be regarded as a Hungarian citizen for the purposes of the application of the Hungarian law.

### **Derivation of Hungarian Citizenship**

#### Section 3

(1) The child of a Hungarian citizen shall become a Hungarian citizen by birth.

(2) The Hungarian citizenship of the child of a non-Hungarian citizen parent shall derive with retroactive effect to the date of birth, if the other parent is a

Hungarian citizen, on the basis of an acknowledgement of paternity of full force, subsequent marriage, or the establishment by a judge of fatherhood or motherhood.

(3) Until the contrary is proved, the following shall be regarded as Hungarian citizens:

- a)* children born in Hungary of stateless persons residing in Hungary;
- b)* children born of unknown parents and found in Hungary.

## **Acquisition of Hungarian Citizenship**

### **Naturalization**

#### Section 4

(1) On application, a non-Hungarian citizen may be naturalized if:

- a)* the person resided in Hungary continuously over a period of eight years preceding the submission of the application;
- b)* according to Hungarian law, the person has a clean criminal record, and at the time of the assessment of the application, there are no criminal proceedings in progress against him before a Hungarian court;
- c)* his livelihood and residence are assured in Hungary;
- d)* his naturalization does not violate the interests of the Republic of Hungary; and
- e)* provides proof that he has passed the examination in basic constitutional studies in the Hungarian language, or that of being exempted by virtue of this Act.

(2) A non-Hungarian citizen who resided in Hungary continuously over at least a period of three years preceding the submission of the application, and if the conditions defined in subsection (1), paragraphs *b)* to *e)* are satisfied may be naturalized on preferential terms, provided that

- a)* the person has lived in a valid marriage with a Hungarian citizen for at least three years, or the marriage has been terminated through the spouse's death;
- b)* the person's minor child is a Hungarian citizen;
- c)* the person has been adopted by a Hungarian citizen, or
- d)* the person has been recognized as a refugee by a Hungarian authority.

(3) In the case of the satisfaction of the conditions defined in subsection (1), paragraphs *b)* to *e)*, on application, a non-Hungarian citizen claiming to be a Hungarian national who has lived in Hungary for at least one year at the time of the submission of the application, and at least one of whose relatives in ascendant line was a Hungarian citizen, may be naturalized on preferential terms.

(4) A non-Hungarian citizen who was domiciled in Hungary for at least five consecutive years before the date of submission of the application, and if the conditions defined in Paragraphs *b)*-*e)* of Subsection (1) are satisfied, may be naturalized on preferential terms if the applicant:

- a)* was born in the territory of Hungary;
- b)* had established residence in Hungary before reaching legal age;

*c)* is stateless.

(5) The criteria of continuous residence in Hungary, for the periods of time defined in Subsections (1)-(4), may be waived in the case of minors, if the minor's petition for naturalization is submitted together with that of the parent's or if the minor's parent was granted Hungarian citizenship.

(6) Children of minor age may be granted Hungarian citizenship, if adopted by a Hungarian citizen.

(7) By recommendation of the Minister of Internal Affairs, the President of the Republic may grant exemption from the criteria of evidencing Hungarian domicile and means of support and the criteria of passing the examination in basic constitutional studies, if having the petitioner naturalized is in the overriding interest of the Republic of Hungary.

### **Basic Constitutional Studies Examination**

#### Section 4/A

(1) Petitioners shall take the examination defined in Paragraph a) of Subsection (1) of Section 4 in the administrative office responsible for the place of the petitioner's residence before the committee appointed by the director of the office.

(2) The following shall be exempt from taking the examination:

- a)* persons who are legally incompetent or with diminished capacity;
- b)* persons who earned a diploma in the Hungarian language in a Hungarian institution of higher education;
- c)* persons over 65 years of age at the time of filing the petition;
- d)* persons who are able to verify not having the capacity to take the exam, due to their lasting and irreversibly deteriorated health.

### **Re-Naturalization**

#### Section 5

On application, a person residing in Hungary whose Hungarian citizenship terminated may be re-naturalized if the conditions defined in Section 4, subsection (1), paragraphs *b)* to *d)* are satisfied.

### **Declaration**

#### Section 5/A

(1) By declaration addressed to the President of the Republic of Hungary the declarant shall be granted Hungarian citizenship as of the date when it is filed

- a)* if having been deprived of Hungarian citizenship by virtue of Act X of 1947 and Act XXVI of 1948 On the Deprivation of Hungarian Citizenship of Certain Persons Staying Abroad, or of Act LX of 1948 on Hungarian Citizenship or Act

V of 1957 On Citizenship, or if having lost his/her citizenship by virtue of Decree No. 7970/1946 ME of the Government of the Republic of Hungary, Government Decree 10.515/1947. Korm. or Government Decree 12.200/1947. Korm., furthermore, whose Hungarian citizenship was terminated by expatriation between 15 September 1947 and 2 May 1990, provided that the declarant did not engage in any activities violating the national security of the Republic of Hungary subsequent to being expatriated;

*b)* if born on the territory of the country and was not awarded his/her parents' foreign citizenship as a birthright, under the law of the state where the parents hold citizenship, provided that the declarant was domiciled in Hungary on the day of his/her birth and was residing in Hungary for at least five consecutive years, before the declaration was filed. The declaration may be filed by persons under the age of nineteen.

(2) If the declaration is approved, the Minister of Internal Affairs shall issue a citizenship certificate.

(3) The Minister of Internal Affairs shall issue a resolution, if any criteria for accepting the declaration is missing, including those prescribed in Sections 13-15 concerning petitions. Review of such resolutions may be requested at the Municipal Court of Budapest.

## **Rules of Competence, Oath and Solemn Promise**

### **Section 6**

(1) The President of the Republic shall decide on applications for the acquisition of Hungarian citizenship through naturalization or re-naturalization, based upon the recommendation of the Minister of the Interior.

(2) The President of the Republic shall issue a certificate of naturalization or re-naturalization attesting the acquisition of Hungarian citizenship (hereinafter "certificate of naturalization").

### **Section 7**

(1) Naturalized and repatriated (hereinafter jointly referred to as 'naturalized') persons shall have the option to take either a citizenship oath or pledge of allegiance. The naturalized person shall take the oath or pledge of allegiance before the mayor of the district of his/her residence, or, if Subsection (6) or (7) of Section 4 applies, before the mayor or the director of the competent foreign representation of Hungary. If the naturalized person is legally incompetent, the oath or pledge of allegiance shall be taken in his/her name by his/her guardian.

(2) The naturalized person shall acquire Hungarian citizenship on the day of the taking of the oath or solemn promise. The fact and date of the oath or solemn promise shall be indicated in the certificate of naturalization.

(3) If a naturalized person died before taking an oath or solemn promise, or got into a condition which prevents him from taking an oath or solemn promise, he

shall acquire Hungarian citizenship on the day of the issue of the certificate of naturalization.

(4) Text of the oath of allegiance:

"I, ....., do solemnly swear that I shall consider Hungary my country. I shall be a loyal citizen of the Republic of Hungary, shall honor and observe the Constitution and laws thereof. I shall defend my country as far as my strength allows, and shall serve it according to the best of my abilities. So help me God!"

Text of the solemn promise:

"I, ....., do solemnly promise that I shall consider Hungary my country. I shall be a loyal citizen of the Republic of Hungary, and shall honor and observe the Constitution and laws thereof. I shall defend my country as far as my strength allows, and shall serve it according to the best of my abilities allow."(5) The oath of allegiance and the solemn promise of allegiance are of equal value.

## **Termination of Hungarian Citizenship**

### **Waiver**

#### Section 8

(1) A Hungarian citizen residing abroad may waive his Hungarian citizenship in a declaration addressed to the President of the Republic if

a) he also has foreign citizenship or is able to render the acquisition thereof probable and

b) - repealed by paragraph (1) Section 14 of Act XXXII of 2001. No longer in force as of July 1, 2001.

c) - repealed by paragraph (1) Section 14 of Act XXXII of 2001. No longer in force as of July 1, 2001.

(2) If the conditions established in subsection (1) are satisfied, the Minister of the Interior shall make a recommendation to the President of the Republic concerning the acceptance of the waiver. The President of the Republic shall issue a certificate of the termination of Hungarian citizenship through waiver. Hungarian citizenship shall terminate on the day of the issue of the certificate.

(3) The Minister of the Interior shall establish in a decision if the conditions for the acceptance of the waiver are not satisfied. The Metropolitan Court may be requested to review the decision.

(4) The person whose renunciation of Hungarian citizenship was accepted, may file a petition to the President of the Republic for reinstatement within one year of the date of acceptance, if the petitioner did not earn citizenship in another country.

## **Revocation of Hungarian Citizenship**

## Section 9

(1) Hungarian citizenship may be revoked if it was obtained through unlawful means, in particular, by the recipient's conduct aimed at misleading the authorities by disclosing false or untrue data, or by concealing any consequential data or information. Hungarian citizenship may not be revoked after ten years from the date it was awarded.

(2) The Minister of the Interior shall establish the existence of a fact giving rise to the revocation of citizenship in a decision. The Metropolitan Court may be requested to review the decision.

(3) The President of the Republic shall decide on the termination of Hungarian citizenship through revocation, based upon the recommendation of the Minister of the Interior.

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

## **Verification of Hungarian Citizenship**

### Section 10

Hungarian citizenship may be verified by a valid personal identity card, a valid Hungarian passport or by a certificate of citizenship.

### Section 11

(1) At the request of the person concerned, the Minister of the Interior shall certify the existence or termination of Hungarian citizenship, or the fact that the person indicated in the certificate is not a Hungarian citizen, in a certificate of citizenship.

(2) The certificate of citizenship shall be valid for a period of one year reckoned from issue.

(3) The interested party, a legal representative, the public prosecutor or the public guardianship authority may institute legal proceedings with the Metropolitan Court challenging the facts established in a certificate of citizenship.

### Section 12

If contacted by justice, criminal investigation, alien police, national security or military administrative agencies, a notary (chief notary), notary public, consular and foreign authorities, and by other authorities and/or state agencies, the Minister of the Interior shall establish the existence or termination of the client's Hungarian citizenship, or the fact that the client is not a Hungarian citizen.

## **Procedure of Citizenship**

### Section 13

(1) The declaration and petition filed for citizenship, the declaration of renunciation of citizenship, and the application for a citizenship certificate (hereinafter referred to as 'petition for citizenship') shall be made out in the Hungarian language using the prescribed form, and shall be submitted in person to the registrar of the mayor's office of the district (Budapest district) of his/her residence, or if the petitioner resides abroad, to the officer of the competent Hungarian consulate.

(2) The application shall be presented by the registrar to the Minister of the Interior within eight days, or by the consul by the first diplomatic mail delivery reckoned from receipt.

### Section 14

(1) The application for citizenship and the contact letter referred to in Section 12 shall contain the personal data of the person concerned (name, address, details of birth and marriage), the personal data of his ancestors, and details relating to citizenship and the date of departure for abroad.

(2) The applicant shall attach his birth certificate and the documents certifying his marital status, as well as the documents substantiating the satisfaction of the conditions defined in Sections 4 to 5, 8 and 11 of this Act for the assessment of the application for citizenship.

(3) If information is missing from the application or the application does not contain the details necessary for assessment, the Minister of the Interior may call upon the applicant to also produce other public documents. These are in particular: letter of good conduct issued by the authorities, certificate of citizenship, certificate of naturalization, re-naturalization and dismissal, Hungarian passport, certificate of residence, birth certificate, marriage certificate and death certificate.

(4) Foreign language documents shall be attached to the application with an authenticated Hungarian translation.

### Section 15

(1) An application for citizenship may be submitted by a person with full disposing capacity in person, while on behalf of a person with restricted disposing capacity or with no disposing capacity, by his legal representative.

(2) On submitting an application for naturalization and re-naturalization, and a declaration of waiver, a person with restricted capacity, too, shall be heard.

(3) The declaration of consent of both parents shall be attached to a minor person's waiver of his Hungarian citizenship, unless there is an insuperable obstacle thereto.

(4) Spouses or a parent living together with his minor children or children of age with no disposing capacity may submit a joint application for naturalization or re-naturalization, or a joint declaration of waiver of Hungarian citizenship.

#### Section 16

(1) The Minister of Internal Affairs shall send the certificate of naturalization to the mayor of the district of the petitioner's residence or, if Subsection (6) or (7) of Section 4 applies, to the mayor or the officer of the competent Hungarian consulate.

(2) The oath or pledge of allegiance shall be taken within two months of receipt of notice. The Minister of Internal Affairs may grant an extension of this time limit upon request.

(3) If the oath or solemn promise of allegiance is not taken within a period of one year of the delivery of the notice through the applicant's fault, the decision on naturalization or re-naturalization shall cease to have force.

#### Section 17

(1) The Minister of Internal Affairs shall, within one year, issue the certificate defined in Subsection (2) of Section 5/A or adopt the resolution defined in Subsection (3) of Section 5/A.

(2) The Minister of Internal Affairs shall present his recommendation concerning a petition for Hungarian citizenship by naturalization or repatriation, to the President of the Republic within twenty-one months. The Minister of Internal Affairs shall present his recommendation for acceptance of renunciation of citizenship, or shall adopt the resolution defined in Subsection (3) of Section 8 within six months.

(3) The Minister of Internal Affairs shall resolve the applications for citizenship certificates and the official inquiries referred to in Section 12 within three months.

(4) The time limits defined in Subsections (1)-(3) shall commence on the day of receipt of the declaration, petition, application or inquiry by the Minister of Internal Affairs, which may, in justified cases, be extended once by an additional three months.

(5) A petition for naturalization and repatriation, and a declaration of renunciation can be revoked before the final decision of the President of the Republic, and an application for citizenship certificate can be revoked before it is issued, in which cases the Minister of Internal Affairs shall dismiss the procedure.

(6) In citizenship proceedings the petitioner may be represented by proxy, if personal participation is not required mandatory by law. The authority conducting the citizenship procedure shall have powers to investigate the power of

representation, and shall disqualify the representative if he/she is deemed to lack capacity or fails to produce adequate proof of authorization.

(7) If the conclusion of a citizenship petition is contingent upon the resolution of a matter that falls within the jurisdiction of another authority, the Minister of Internal Affairs shall suspend the proceeding. If it is within the right of the petitioner to initiate the procedure before the other authority in question, the Minister of Internal Affairs shall advise the petitioner to do so within a prescribed deadline. If the petitioner fails to follow up on the advice, the Minister of Internal Affairs shall dismiss the procedure, shall adopt a decision or make recommendation to the President of the Republic based on the information at hand.

## **Data Protection, Data Supply**

### Section 18

The following may gain access to documents of citizenship:

- a)* the person concerned in the matter, following his death, his descendants and ancestors;
- b)* agencies fulfilling justice, criminal investigation and national security tasks in matters falling within their authority, in the course of proceedings conducted by them as regulated by law.

### Section 19

(1) Data related to the granting of Hungarian citizenship, including those defined in Subsection (1) of Section 14 and in Section 20/A, shall be supplied by the registrar of the mayor's office of the district where the residence of the naturalized person is located, to other registrars, to the authority registering personal data and addresses of citizens, the alien-control authority, the refugee authority, the authority issuing personal identification documents and to the Central Statistics Office.

(2) Concerning the termination of Hungarian citizenship, the Minister of Internal Affairs shall notify the authority registering personal data and addresses of citizens, the authority issuing birth, marriage and death certificates, the Central Statistics Office, and in respect of persons subject to military service, the Ministry of Defense.

(3) In the course of citizenship proceedings, the Minister of the Interior

- a)* may gain access to the register of births, marriages and deaths, the basic documents related thereto, and may request copies thereof;
- b)* may request data from and may access to review the register of the personal data and addresses of citizens;
- c)* may request data from police records, the register of convicted criminals and the files of indicted persons, and also from the prosecutor's offices and the courts;
- d)* may request the opinion of town clerks, guardians, the alien-control authorities, and shall request the opinion of the police and the competent national security agency.

## Section 20

Documents of citizenship may not be discarded, and the Minister of the Interior shall provide for the safekeeping and recording thereof.

### **Change of Name**

#### Section 20/A

(1) A foreign national applying for naturalization or repatriation may concurrently request

- a)* to be registered under the former family name of his own or of his ancestors;
- b)* to waive one or more components of his family name if applicable, or any designation of gender;
- c)* to be registered under the Hungarian translation of his name.

(2) Any petition for change of name shall be substantiated by official document or expert opinion.

(3) Change of name shall be permitted by the Minister of Internal Affairs by certificate and it shall take effect on the day when taking the oath or pledge of allegiance defined in Section 7.

(4) Any change of name shall be duly registered.

### **Closing Provisions**

#### Section 21

*This section is repealed by paragraph (1) Section 14 of Act XXXII of 2001. No longer in force as of July 1, 2001.*

#### Section 22

Unless this Act provides otherwise, in legal proceedings instituted on the basis of the provisions of this Act, Chapter XX of Act III of 1952 on Civil Proceedings shall apply.

#### Section 23

(1) For the purposes of this Act, a non-Hungarian citizen with a reported address in Hungary whose immigration has been authorized or who has been recognized as a refugee shall qualify as a person residing in Hungary.

(2) For the purposes of this Act, foreign resident shall mean, the person who has no registered residence or domicile in Hungary.

#### Section 24

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

(2) Section 3, subsection (7) of Act 1 of 1981 amending and establishing the unified text of Act IV of 1957 on the General Rules of State Administration Proceedings shall be replaced by the following provision: "Section 3, subsection (7) The effect of this Act shall not extend to contravention and citizenship proceedings."

(3) Simultaneously with the coming into force of this Act, the following shall cease to have effect:

- Act V of 1957 on Citizenship and Law-Decree 55 of 1957 on the execution thereof;
- Act XXVII of 1990 on the Termination of the Force of Resolutions Divesting Persons of Their Hungarian Citizenship and Act XXXII of 1990 providing for its amendment;
- Sections 1 and 2 of Act XX of 1991 on the Sphere of Responsibilities and Competence of Local Governments and Their Agencies, Commissioners of the Republic and Certain Central Subordinated Agencies;
- Section 7 of Law-Decree 2 of 1972 on the Amendment of Certain Council Corporate Spheres of Competence.

(4) The Government is hereby authorized to establish:

- a)* the detailed rules of the responsibilities of the Minister of the Interior defined in this Act;
- b)* the responsibilities in connection with the taking of oaths and pledges of allegiance;
- c)* the responsibilities of notaries, registrars and consuls in connection with the receipt of applications for citizenship, the forwarding of documents and the notification of the registries of the authorities;
- d)* the standard forms to be used in the proceedings;
- e)* the requirements regarding the examination defined in Paragraph e) of Subsection (1) of Section 4, and the duties of the directors of administrative offices regarding said examination and the procedural order; the regulations concerning the verification of entitlement for exemption from the exam, and the contents and security requirements of the exam certificates.