

Hungarian Citizenship

Legislation of the Hungarian Parliament

Act LV of 1993 On Hungarian Citizenship (The Act was passed by Parliament on June 1, 1993)

Parliament, in order to safeguard the moral weight of Hungarian citizenship and to strengthen the attachment of citizens to the Republic of Hungary, considering the traditions of Hungarian citizenship law and the prescriptions of international conventions, passes the following Act on how Hungarian citizenship shall originate, be acquired, and terminated:

Basic Principles

Section 1

(1) No distinction shall be made between Hungarian citizens on the grounds of the legal title of the origination, or of the acquisition of citizenship.

(2) Nobody shall be arbitrarily deprived of his citizenship or the right to change his citizenship.

(3) This Act shall

- respecting the freedom of individual will, facilitate the unity of the family in citizenship;
- facilitate a reduction in the incidence of cases of statelessness;
- ensure the protection of personal data.

(4) This Act shall not be effective retroactively. Hungarian citizenship shall be regulated by the legal rules in effect at the time when the facts or the events acting on citizenship occurred.

Hungarian Citizens

Section 2

(1) Hungarian citizens shall be those who are Hungarian citizens when this Act comes into force, as well as those who become Hungarian citizens by virtue of this Act or acquire Hungarian citizenship on the ground of this Act, as long as their citizenship is not terminated.

(2) If not otherwise provided by law, the Hungarian citizen who is simultaneously a citizen of another state shall be considered to be a Hungarian citizen in the application of Hungarian law.

The Origin of Hungarian Citizenship

Section 3

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

(2) The Hungarian citizenship of a child whose parent is not a Hungarian citizen shall originate retroactively from the day of birth if the other parent is

- on the ground of a paternal declaration of full effect, of subsequent marriage,
- or of a court judgement ascertaining paternity or maternity
- a Hungarian citizen.

(3) Until the contrary is proved

1.a child born in Hungary to a stateless person residing in Hungary;

2.a child of unknown parents found in Hungary

shall be regarded as a Hungarian citizen.

Acquisition of Hungarian Citizenship

Naturalization

Section 4

(1) A non-Hungarian citizen may be naturalized on application if

1.he/she has resided continuously for eight years in Hungary preceding the submission of the application;

2.according to Hungarian law he/she has a clean criminal record and there are no criminal proceedings against him/her in a Hungarian court when the application is decided;

3.his/her subsistence and residence in Hungary is ensured;

4.his/her naturalization does not interfere with the interests of the Republic of Hungary, and

5.he/she certifies the passing, in Hungarian, of an examination in basic constitutional knowledge. This examination is mandatory only for persons of full age.

(2) Preferential naturalization may be granted to a non-Hungarian citizen who has resided continuously in Hungary for at least three years before submitting the application, and for whom the conditions provided in paragraphs b) to e) of subsection (1) exist, if :

1.he/she has lived with a Hungarian citizen in valid marriage for at least three years, or the marriage has ceased by the death of the spouse;

2.his/her child of minor age is a Hungarian citizen;

3.he/she has been adopted by a Hungarian citizen, or

4.has been recognized by the Hungarian authorities as a refugee.

(3) Should the conditions provided in paragraphs b) to e) of subsection (1) exist, the non- Hungarian citizen declaring him/herself to be an ethnic Hungarian may be naturalized preferentially on his/her request thereto, if he/she has resided for at least a year in Hungary before submitting this application and his/her ascendent was a Hungarian citizen.

(4) In the case of a minor the length of continuous residence in Hungary regulated in subsection (1) and (2) may be dispensed with, if he/she requests naturalization together with the parent.

(5) In the case regulated in paragraph c) of subsection (2) the three years of continuous residence in Hungary may be dispensed with if requested.

(6) On the recommendation of the Minister of the Interior, the President of the Republic may grant an exemption from paragraphs a), c) and e) of subsection (1) the Republic of Hungary has important interests in the naturalization of the applicant.

Re-Naturalization

Section 5 The person residing in Hungary whose Hungarian citizenship has ceased may apply for re- naturalization if the conditions provided in paragraphs b) to d) of subsection (1) of Section 4 exist.

Rules of Competence, Oath and Pledge

Section 6

(1) The President of the Republic shall decide about the application to acquire Hungarian citizenship by naturalization or re-naturalization, on the basis of the proposal of the Minister of the Interior.

(2) The President of the Republic shall issue a naturalization, or re-naturalization document (hereinafter: "naturalization document") on the acquisition of Hungarian citizenship.

Section 7

(1) The naturalized or re-naturalized person (hereinafter: "naturalized person"), shall take, in the presence of the mayor competent according to his/her place of residence, a citizenship oath or pledge whichever he/she chooses. On behalf of a person who has no legal capacity his/her legal representative shall take the oath or pledge.

(2) The naturalized person shall acquire Hungarian citizenship on the day of taking the oath or pledge. The fact and date of having taken the oath or pledge shall be noted on the naturalization document.

(3) If the naturalized person dies before taking the oath or the pledge, or is affected by conditions that prevent him/her from taking the oath or pledge, the citizenship shall be acquired on the day the naturalization document is issued.

(4) The text of the citizenship oath:

"I swear that I shall regard Hungary as my country. I shall be a loyal citizen of the Republic of Hungary. I shall respect and obey her Constitution and laws. I shall protect my country as my strength allows and serve it to the best of my ability. So help me God!"

The text of the citizenship pledge:

"I pledge that I shall regard Hungary as my country. I shall be a loyal citizen of the Republic of Hungary. I shall respect and obey her Constitution and laws. I shall protect my country as my strength allows and serve it to the best of my ability."

(5) The citizenship oath and the citizenship pledge shall be equivalent.

Cessation of Hungarian Citizenship

Renunciation

Section 8

(1) A Hungarian citizen residing abroad may renounce his/her Hungarian citizenship in a declaration addressed to the President of the Republic, if he/she

1.possesses a foreign citizenship or may rely on the probability of acquiring one, and

2.has no criminal proceedings against him/her in a Hungarian court, or the executability of a sentence judged by a Hungarian court no longer exists, and

3.has no tax or other public arrears in Hungary.

(2) If the conditions set out in subsection (1) exist the Minister of the Interior shall recommend to the President of the Republic to accept the renunciation. The President of the Republic shall issue a document of the cessation of Hungarian citizenship by renunciation. The Hungarian citizenship shall cease on the day the document is issued.

(3) If the conditions for accepting the renunciation are missing, the Minister of the Interior shall establish it in a resolution. A review of the resolution may be requested from the Metropolitan Court.

Withdrawal of Hungarian Citizenship

Section 9

(1) Hungarian citizenship may be withdrawn from a Hungarian citizen residing abroad, if the citizenship was acquired by the violation of legal rules, particularly through the statement of false data, or through misleading the authorities by omitting data of facts. Withdrawal may not be effected after the lapse of ten years after the acquisition of Hungarian citizenship.

(2) The Minister of the Interior shall issue a resolution on the existence of a fact providing ground for the withdrawal of citizenship. A review of the resolution may be requested from the Metropolitan Court.

(3) On the basis of a proposal by the Minister of the Interior, the President of the Republic shall decide on terminating citizenship by withdrawal.

(4) The resolution on the withdrawal of Hungarian citizenship must be published in the Hungarian Official Gazette. Hungarian citizenship shall be terminated on the day the decision is published.

Certification of Hungarian Citizenship

Section 10 Hungarian citizenship may be certified by a valid identity card, a valid Hungarian passport, or by a citizenship certificate.

Section 11

(1) On the application of the party concerned the Minister of the Interior shall certify in a citizenship certificate the existence, the cessation of Hungarian citizenship, or that the person indicated in the certificate is not a Hungarian citizen.

(2) The citizenship certificate is valid for one year from its issuing.

(3) The party concerned, his legal representative, the public prosecutor or the guardian authority may commence an action at the Metropolitan Court against any fact certified in the citizenship certificate.

Section 12 At the request of organs of administration of justice, of criminal prosecution, of alien police, of national security, of military administration, of the municipal notary (chief notary), the notary public, as well as of consular and foreign authorities or of other state organs, the Minister of the Interior shall ascertain the existence, or cessation of the Hungarian citizenship of the client concerned, or that the client is not a Hungarian citizen.

Citizenship Proceedings

Section 13

(1) The application to acquire Hungarian citizenship, the declaration on the renunciation of Hungarian citizenship, and the application for the issuing of the citizenship certificate (hereinafter: "citizenship application") must be submitted in Hungarian on an application form issued for this purpose to the registrar of the mayor's office of the local government of the settlement in the capital of the district where the applicant resides, or if the applicant resides abroad, to the competent Hungarian consul.

(2) The application shall be forwarded by the registrar within eight days, by the consul through the first diplomatic post after receipt, to the Minister of the Interior.

Section 14

(1) The citizenship application and the request according to Section 12 must contain the data of the applicant (name, address, birth and marriage data) the personal data of his ascendants, together with the data regarding citizenship and the date of his leaving the country.

(2) The applicant shall attach to the citizenship application his birth certificate, documents proving family status, as well as, the certificates testifying to the existence of the conditions set out in Sections 4 to 5, 8 and 11 of this Act.

(3) If the application is incomplete, or does not contain the data needed to judge it, the Minister of the Interior may notify the applicant to present other official documents as well. Such are, particularly, the administrative certificate of clean criminal record, the citizenship certificate, the documents of naturalization, of re-naturalization, and of withdrawal, the certificate of residence, as well as the birth, marriage and death certificates.

(4) Documents drawn up in a foreign language must be attached to the application with an official Hungarian language translation.

Section 15

(1) The citizenship application shall be submitted personally by a person, who has legal capacity or by a legal representative on behalf of a person who has restricted or no legal capacity.

(2) On submission of a declaration on renunciation, of a naturalization or re-naturalization application, the person who has restricted legal capacity shall also be heard.

(3) For the renunciation of a minor from Hungarian citizenship - if a reason beyond control does not prevent it - it shall be necessary to attach the concurring declaration of both parents.

(4) Spouses, and a parent cohabiting with his child who is a minor or a major having restricted legal capacity, may submit a joint naturalization, re-naturalization application, or a declaration on the renunciation of Hungarian citizenship.

Section 16

(1) The Minister of the Interior shall send the naturalization document to the mayor competent according to the residence of the applicant.

(2) The citizenship oath or pledge must be taken in front of the mayor competent according to residence, within two months of the delivery of the summons to take it. The Minister of the Interior may prolong this period on request.

(3) Should the citizenship oath or pledge not be taken within a year of the delivery of the summons owing to the fault of the applicant, the naturalization or re-naturalization resolution shall cease to have effect.

Section 17

(1) Within six months the Minister of the Interior shall make a proposal to the President of the Republic to accept the renunciation, or shall issue a resolution according to subsection (3) of Section 8.

(2) The Minister or the Interior shall act within three months on the application for issuing a citizenship certificate, and on the request according to Section 12.

(3) The time limit set out in subsection (1) and (2) begins on the day the application or the request arrive to the Minister of the Interior, and may be extended once, in a justified case, by three months.

(4) To the withdrawal of the application and the termination of the proceedings, Section 14 of Act I of 1981 on the General Rules of the State Administration Procedure, Amending Act IV of 1957 and Establishing its Unified Text, to representation subsections (1) to (3) of Section 18, to exclusion subsections (1), (3) and (4) of Section 19, and to suspending the proceedings Section 37 shall apply.

Data Protection, Data Supply

Section 18 The following may have access to the citizenship files:

1.the person concerned in the case, or after his/her death the descendents and ascendants;

2.the organs of the administration of justice, of criminal prosecution, of national security in the cases belonging to their competence, in the course of procedures regulated by law.

Section 19

(1) The data supply in connection with the acquisition of Hungarian citizenship shall be provided by the registrar of the mayor's office of the local government of the settlement competent according to the residence of the applicant to other registrars, to the authority for the registration of the personal data and addresses of citizens, to the alien police, to the authority of refugee affairs, and identity card issuing authorities.

(2) The Minister of the Interior shall notify about the cessation of Hungarian citizenship the authority for the registration of the personal data and addresses of citizens, the registry office, and the Ministry of Defense in the case of persons of military age.

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

1. have access to the records of registry, the basic registry documents and may request copies of the same;
2. may request data and may have access to the personal data and address register of citizens;
3. may request data from police and criminal records;
4. may request an opinion from the national security organ and from the alien police.

Section 20 Citizenship files may not be sorted out; the Minister of the Interior shall ensure that they be protected and kept a record of.

Concluding Provisions

Section 21

(1) Person deprived of Hungarian citizenship on the basis of Act X of 1947 and Act XXVI of 1948 on the Deprivation of the Hungarian Citizenship of Certain Persons Residing Abroad, of Act LX of 1948 on Hungarian Citizenship, and of Act V of 1957 on Citizenship, and those who have lost their Hungarian citizenship on the basis of Government Decree 7970/1946 Me, of Government Decree 10.515/1947, of Government Decree 12.200/1947, and those whose Hungarian citizenship ceased by release between 15 September and 2 May 1990, shall acquire Hungarian citizenship by a personal, written declaration addressed to the President of the Republic of Hungary as of the day of making that declaration.

(2) On the basis of the declaration the Minister of the Interior shall issue a citizenship certificate to the person concerned.

Section 22 In the legal actions launched on the basis of the provision of this Act, if this Act does not provide otherwise, Chapter XX of Act II of 1952 on the Code of Civil Procedure shall be applied.

Section 23 In applying this Act the term: a person residing in Hungary means a non-Hungarian citizen who has a registered residential address in the country and whose immigration has been approved or who has been recognized as refugee.

Section 24

(1) This Act comes into force on the first day of the fourth month after its promulgation.

(2) Subsection (7) of Section 3 of Act I of 1981, Amending and Establishing the Unified Text of Act IV of 1957 on the General Rules of State Administration Procedure, shall be replaced by the following provision: "Subsection (7) of Section 3 The scope of this Act shall not extend to minor offence and citizenship procedures."

(3) With the coming into force of this Act the following legal rules and provisions shall cease to have effect:

- Act V of 1957 on Citizenship and Law-Decree 55 of 1957 on its implementation;
- Act XXVII of 1990 on Voiding Certain Resolutions on Depriving of Hungarian Citizenship, and Act XXXII of 1990 amending it;
- Section 1 to 2 of Act XX of 1991 on the Tasks and Scope of Authority of the Local Governments and their organs, of the Commissioners of the Republic, and of Certain Centrally Governed Organs;
- Section 7 of Law-Decree 21 of 1972 Amending the Scope of Authority of Certain Council Bodies.

(4) The Government shall be authorized to determine:

- 1.the detailed rules relating to the tasks of the Minister or the Interior in accordance with this Act;
- 2.the tasks of the mayors in connection with the taking of the oath or pledge;
- 3.the tasks of the notaries, registrars, and consuls in connection with the receipt of citizenship applications, with forwarding
the documents, and with notifying the authorities keeping official registers;
- 4.the forms to be used in the course of the proceedings;
- 5.the requirements of the examination prescribed in paragraph e) of subsection (1) of Section 4, and the rules of procedure.

Árpád Göncz
President of the Republic
György Szabad
Speaker of Parliament