

ACT LV of 1993 on Hungarian Citizenship¹

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 distinction made between Hungarian citizens on the basis of the legal grounds of the derivation or acquisition of Hungarian citizenship.

(2) No one shall be arbitrarily deprived of his or her citizenship or of his or her right to change his or her citizenship.

(3) This Act

- promotes the unity of citizenship within a family with due respect to the freedom of will of the persons in question;
- promotes the reduction of cases of statelessness;
- provides for the protection of personal data.

(4) This Act has no retroactive effect. The legal rules that had been 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 or becomes a Hungarian citizen through the force of this Act or 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 Hungarian law.

Derivation of Hungarian citizenship

Section 3

¹ Note: as of January 2009.

- (1) The child of a Hungarian citizen shall become a Hungarian citizen by birth.
- (2) The Hungarian citizenship 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 of motherhood or fatherhood by the court of law.
- (3) Until proven to the contrary, the following persons shall be recognized 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) A non-Hungarian citizen may be naturalized upon his or her application if:
 - a) the applicant resided in Hungary continuously over a period of eight years preceding the submission of the application;
 - b) the applicant has a clean criminal record according to Hungarian law and at the time of the assessment of the application no criminal proceedings are in progress against him or her before a Hungarian court;
 - c) the applicant's livelihood and residence are assured in Hungary;
 - d) the applicant's naturalization does not harm the interests of the Republic of Hungary;
 - e) the applicant provides proof that he or she passed the examination on the constitution in the Hungarian language or provides proof that he or she is exempted from the examination by virtue of this Act.
- (2) A non-Hungarian citizen who resided in Hungary continuously over at least a period of three years prior to the submission of the application and in whose case the conditions defined in Subsection (1) paras b) to e) are satisfied may be naturalized on preferential terms provided that
 - a) the person has been lawfully married to a Hungarian citizen for at least three years or the person's marriage was terminated by the death of his or spouse;
 - b) the person's minor child is a Hungarian citizen;
 - c) the person was adopted by a Hungarian citizen, or
 - d) the person was recognized a a refugee by the competent Hungarian authority.
- (3) A non-Hungarian citizen who resides in Hungary and declares himself or herself to be of Hungarian nationality and whose ascendant was a Hungarian citizen may be naturalized on preferential terms upon his or her application in case the conditions defined in Subsection (1) paras b) to e) are satisfied.
- (4) A non-Hungarian citizen whose domicile has been in Hungary for at least five consecutive years prior to the submission of the application may be naturalized on

preferential terms in case the conditions defined in Subsection (1) paras b) to e) are satisfied provided that the applicant:

- a) was born on the territory of the country;
- b) had established residence in Hungary as a minor before reaching legal age;
- c) is stateless.

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

(6) Children of minor age adopted by a Hungarian citizen can be naturalized irrespective of their domicile.

(7) Upon the recommendation of the minister responsible for citizenship matters (hereinafter: minister) the President of the Republic may grant exemption from the criteria of evidencing residence for the duration of time determined in Subsections (1) to (4) and from the conditions specified in paras c) and e) if the naturalization of the applicant is in the overriding interest of the Republic of Hungary.

Basic examination on the Constitution

Section 4/A

(1) Applicants shall take the examination defined in para (e) of Subsection (1) of Section 4 before a committee appointed by the government's general territorial administrative office.

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

- a) persons who are legally incompetent or are of limited 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 examination because of their permanent and irreversibly deteriorated health.

Re-naturalization

Section 5

(1) A person residing in Hungary whose Hungarian citizenship was terminated may be re-naturalized on his or her request if the conditions defined in paras b) to d) Subsection (1) of Section 4 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 the declaration is filed:

a) if the declarant had been deprived of his or her Hungarian citizenship by virtue of Act X of 1947 On the Deprivation of Hungarian Citizenship of Persons Living Abroad and of Act XXVI of 1948 On Hungarian Citizenship or of Act LX of 1948 On Hungarian Citizenship or Act V of 1957 On Citizenship, or if the declarant lost his or her citizenship by virtue of Decree no. 7970/1946 ME, or Government Decree 10.515/1947 Korm. or Government Decree 12.200/1947 Korm., or if the declarant's Hungarian citizenship was terminated by expatriation between 15 September, 1947 and 2 May, 1990;

b) if the declarant was born on the territory of Hungary and was not awarded the foreign citizenship of his or her parents as a birthright under the law of the foreign state in which his or her parents hold citizenship provided that the declarant was domiciled in Hungary on the date of his or her birth and that the declarant was residing in Hungary for at least five consecutive years prior to the submission of the declaration. The declaration may be filed by persons under the age of nineteen:

c) if the person was born before 1 October, 1957 to a mother holding Hungarian citizenship and a father holding the citizenship of a foreign state and was not granted Hungarian citizenship at birth.

(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 resolution are missing including those prescribed in Sections 13-15 concerning the submission of petitions. Review of such resolutions may be requested at the Municipal Court of Budapest.

Rules of Competence, Oath and Pledge of Allegiance

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.

(2) The President of the Republic shall issue as certificate of naturalization or re-naturalization (hereinafter "certificate of naturalization").

Section 7

(1) Naturalized and re-naturalized (hereinafter jointly referred to as 'naturalized') persons shall have the option to take either a citizenship oath or a pledge of allegiance. The naturalized person shall take the oath or pledge of allegiance before the mayor of the district of his or her residence or, if Subsection (6) or (7) of Section 4 applies, before the mayor of 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 or her name by his or her guardian.

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

(3) If a naturalized person died before taking the oath or pledge of allegiance, or he or she fell into a condition which prevents him or her from taking an oath or pledge of allegiance, he or she shall acquire Hungarian citizenship on the day of the issue of the certificate of naturalization.

(4) Text of the citizenship oath:

„ I,, do solemnly swear that I shall consider Hungary my homeland. 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 to the best of my abilities. So help me God.”

Text of the pledge of allegiance:

„ I,, solemnly promise that I shall consider Hungary my homeland. 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 to the best of my abilities.”

(5) The citizenship oath and the pledge of allegiance are of equal value.

Termination of Hungarian Citizenship

Renunciation

Section 8

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

- a) he or she also has foreign citizenship or is able to render probable the acquisition thereof and
- b) – c)

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

(3) The minister shall establish in a decision if the conditions for the acceptance of the renunciation are not satisfied. A review of the decision may be requested at the Metropolitan Court of Budapest.

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

Revocation of Hungarian Citizenship

Section 9

(1) Hungarian citizenship may be revoked from a person who obtained it through unlawful means, in particular, if the person's conduct aimed at misleading the authorities by providing false data or by concealing any consequential data or information. Hungarian citizenship may not be revoked if more than ten years have passed since the date it was awarded.

(2) The minister shall establish the existence of any grounds for the revocation of citizenship in a formal decision. The Metropolitan Court can 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.

(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 a certificate of citizenship.

Section 11

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

(2) The certificate of citizenship shall be valid for a period of one year following the date of issue.

(3) The certificate of citizenship shall contain:

- a) the name of the competent authority and the case number
- b) the name, the date and place of birth of the person concerned
- c) the facts of the case
- d) an indication of the law upon which the facts are based
- e) the place where and the time when the decision was made, the name and title of the person issuing the decision and the stamp of the authority
- f) the period of validity of the certificate of citizenship

(4) The review of a resolution rejecting the certificate of citizenship or rejecting the issuance of the certificate of citizenship may be requested at the Metropolitan Court.

(5) In proceedings for the issuance of the citizenship certificate petitions for reopening the case and petitions for special consideration of the case may not be filed.

Section 12

If contacted by a law enforcement agency, or by agencies of criminal investigators, alien police, national security, military administration, or by a notary (chief notary), notary public, or by consular and foreign authorities, and my other authorities or state agencies, the minister shall establish the existence or termination of the client's Hungarian citizenship, or the fact that the client is not a Hungarian citizen.

Citizenship procedures

Section 13

(1) The declaration and petition filed for citizenship and the declaration of the renunciation of citizenship as well as the application for a citizenship certificate (hereinafter: 'petition for citizenship') may be submitted:

(a) in case the petitioner resides in Hungary, to the registrar of the mayor's office of the municipality (in Budapest, of the district) of his or her place of residence, or to the registrar assigned to the office of the notary of the region specified in special other legislation;

(b) in case the petitioner resides abroad, to the officer of the competent Hungarian consulate.

(2) The petition for citizenship shall be submitted containing all information prescribed by law and it shall be made out in the Hungarian language except for applications for the issuance of citizenship certificates. The petition shall be signed by the petitioner. When the petition is submitted the petitioner's personal identity shall be established and information contained in the petition shall be checked against the data contained in the attached documents.

(3) A petition for a certificate of citizenship may be submitted by a person other than the petitioner if the person is able to substantiate having a vested interest.

(4) The petition shall be presented by the registrar to the minister within five days or by the consul by the first diplomatic mail delivery reckoned from receipt.

Section 14

(1) The petition for citizenship shall contain the following data of the person concerned:

(a) surname and forename at birth, married name (hereinafter referred to jointly as 'name'), place and date of birth, and mother's name;

(b) place and date of the conclusion of present marriage and any previous marriages, name or names of spouse or spouses, place and date of birth of spouse or spouses and the mother's name of spouse or spouses;

(c) ascendants' name, place and date of birth and the place and date of the marriage of the ascendants;

(d) address; and

(e) information concerning citizenship and information concerning the date of having left for abroad.

(2) The request referred to in Section 12 shall contain the information specified under para. a) of Subsection (1) and all other available information specified in Subsection (1).

(3) The petitioner shall attach his birth certificate and the documents certifying his marital status, as well as the documents specified in other relevant legislation substantiating the satisfaction of the conditions defined in Sections 4 to 5, 8 and 11 of this Act for the assessment of the petition for citizenship.

(4) If the data specified in paras a)-c) of Subsection (1) are contained in the Hungarian register and the petitioner is not in possession of the relevant document, the minister shall proceed to obtain the document in question on the request of the petitioner. If any data are required for the petition that is available among the records or documents of another Hungarian authority, they shall be obtained by the minister.

(5) Unless otherwise required under international agreement and in the absence of reciprocity, documents made out in a foreign language shall be submitted:

(a) with an authenticated Hungarian translation

(b) if there is no insurmountable obstacle thereto, with diplomatic recertification attached to the petition for citizenship.

(6) If information is missing from the petition or the petition does not contain the details necessary for the assessment with the exception set out in Subsection (4), the minister may call upon the petitioner to supply the missing data within the prescribed deadline or bear the consequences indicated. The deadline for supplying missing documents shall be set in due consideration of the time required for obtaining them. In connection with the petition for the issuance of citizenship certificates the notice of missing information shall be conveyed within fifteen days following the date of receipt of the application.

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.

Section 15

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

(2) On submitting a petition for naturalization and re-naturalization or a

declaration of renunciation, 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 renunciation of his or her Hungarian citizenship, unless there are insurmountable obstacles thereto.

(4) Spouses or a parent living together with his or her 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 renunciation of Hungarian citizenship.

Section 16

(1) The minister 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 in a diplomatic bag within fifteen days.

(2) The petitioner shall be notified about the date and place of the oath or pledge of allegiance within fifteen days following the receipt of the document by the mayor or the consular officer.

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

(3) If the oath or pledge of allegiance is not taken within a period of one year of the delivery of the notice for reasons within the petitioner's control, 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 shall present his recommendation concerning a petition for Hungarian citizenship by naturalization or re-naturalization set out in Subsection (1) of Section 6 within twelve or six months respectively, to the President of the Republic. The minister 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 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, 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 by the petitioner before the final decision of the President of the Republic, and an application for citizenship certificate can be revoked by the petitioner before it is issued, in which cases the minister 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 or 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 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 shall advise the petitioner to do so within a prescribed deadline. If the petitioner fails to follow up on the advice, the minister shall dismiss the procedure, shall adopt a decision or make recommendation to the President of the Republic based on the information at hand.

(8) In connection with applicants for the issuance of citizenship certificates the minister shall, without any further investigation, adopt a ruling for the rejection of the petition, the termination or suspension of the proceeding, and with respect to the bearing of the cost of the proceeding.

Data Protection, Data Supply

Section 18

The following may gain access to documents of citizenship proceedings:

- a) the person concerned in the matter, following his or her death, his or her descendants and ancestors;
- b) law enforcement 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 citizenship oath or pledge of allegiance is administered, 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 shall notify the authority registering personal data and addresses of citizens, the authority issuing birth, marriage and death certificates, the passport authority, the Central Statistics Office, and in respect of persons subject to military service, the central

department of records of the Ministry of Defense.

- (3) In the course of citizenship proceedings, the minister
- 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 and foreigners;
 - 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 shall provide for the safekeeping and recording thereof.

Change of Name

Section 20/A

- (1) A foreign national applying for naturalization or re-naturalization 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 by certificate and it shall take effect on the day when taking the oath or pledge of allegiance as defined in Section 7.
- (4) Any change of name shall be duly registered.

Use of Foreign Place Names

Section 20/B

- (1) In naturalization and re-naturalization procedures the names of foreign municipalities shall be used in their official form as used in that country, with the exception set out in Subsection (s). In addition to the foreign name of a municipality, the Hungarian name shall also be indicated in parenthesis, if the town had an official Hungarian name previously.

(2) A foreign national applying for naturalization or re-naturalization may request that if the foreign municipality did have a Hungarian name previously then only this name be used in the proceedings.

(3) The designation of the foreign place name shall always be followed by an indication, in parentheses, of the name of the province or federal state or country to which it belongs provided that this information is accessible in the available documents.

(4) The name of the country shall be recorded according to its official name at the time of the registration.

Closing Provisions

Section 21

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 shall qualify as a person 'resident in Hungary' if the person has a registered address in Hungary and:

a) has been granted immigrant or permanent resident status;

b) has been granted refugee status; or

c) exercises his or her right of free movement and residence in the territory of the Republic of Hungary in accordance with the provisions laid down in the Act on the Admission and Residence of Persons with the Right of Free Movement and Residence.

(2) For the purposes of this Act, 'foreign resident' shall refer to 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)-(3)

(4) The Government is hereby authorized to establish:

a) the detailed rules of the responsibilities of the minister 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 para. 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.

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