

# Crisis Mechanisms and Temporary Protection: The War in Ukraine and Its Effects on Hungary<sup>1</sup>

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## Abstract

*The European Union has recently been confronted with a series of crises, with the war in Ukraine serving as a recent illustration of this pattern. The refugee crisis of 2015 and its subsequent years-long aftermath was followed by the health crisis caused by the pandemic of Coronavirus (SARS-CoV-2). The repercussions of the virus have also persisted for an extended duration, and the EU had only recently begun to recuperate from it when hostilities erupted in its immediate vicinity, leading to a refugee crisis on the scale of that witnessed in 2015. In response, the European Union utilized a crisis management instrument not previously employed during the 2015 refugee crisis: the provision of Temporary Protection (TP), which entails the issuance of residence permits for refugees fleeing Ukraine. The present study assesses the legal framework of the implementation of the Temporary Protection Directive and the dynamics that shape the protection offered by Hungary.*

## Key Words:

*Hungary, Ukraine, EU, temporary protection, rights*

## 1 Introduction

The Council Directive (EU) 2001/55/EC<sup>3</sup> establishes minimum standards for the provision of temporary protection in the event of a mass influx of displaced persons. The Directive also promotes a balanced approach among Member States in their reception of such persons and the associated responsibilities. The Temporary Protection Directive, which was adopted in 2001, had never been implemented, not even during the 2015 refugee crisis. It had been relegated to the normative deadstock of the *acquis* (Karageorgiou-Noll, 2023: 406). This was despite the directive having been established in direct response to the conflicts in the former Yugoslavia. The Directive was adopted in the aftermath of the Balkan wars but was never activated to aid victims of similar conflicts. However, in the aftermath of the outbreak of the war in Ukraine, the European Council was quick to revive the Directive (Krasnicka-Szymanski, 2023: 512). Following the adoption of Implementing Decision (EU) 2022/382 on the reception of displaced persons from Ukraine, the European Commission published its guidelines for the implementation of the Regulation

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<sup>3</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection ST/6846/2022/INIT OJ L 71, 4.3.2022, p. 1–6

on March 4<sup>4</sup> and 21<sup>5</sup>. This is grounded in its flexible eligibility criteria, broad personal scope, precise harmonization, and formalization of the protection standards to be provided to temporarily protected individuals, as well as its voluntary-based burden-sharing mechanism (Meltem Ineli-Ciger, 2023: 81).

Since their inception, the aggression and the 'special military operation' perpetrated by the Russian Federation against Ukraine have not only constituted violations of fundamental customary and treaty norms of international law, but have also concomitantly undermined the foundations of the contemporary international legal order (Lamm, 2023: 570). Hungary's response to the geopolitical and demographic challenges resulting from the Russian invasion of Ukraine has been shaped by a combination of legal frameworks, historical migration patterns, labour market needs, and political considerations. The country's geographical proximity to Ukraine has resulted in its role as a pivotal transit and hosting nation for displaced persons, thereby necessitating swift and frequently evolving policy responses. The present article aims to examine the dynamics that define Hungary's approach to beneficiaries of temporary protection.

## 2 Ukrainians in Hungary

### 2.1 The Structure of the Society in Terms of Nationality

In comparison to the reception previously observed for other migratory influxes, Ukrainian refugees are reported to be receiving more favourable reception. This observation has given rise with speculation concerning the factors that may influence attitudes towards refugees. These factors include geographical, cultural, ethnic, and identity-based proximity (Moise et al., 2023). In this context, it is important to examine the presence of Ukrainians in Hungary before the war broke out. Censuses conducted in Hungary in 2011 and 2022 provide an interesting comparison regarding Ukrainian citizens. In the 2022 census, 89% of respondents answered the optional nationality questions, with 492,000 identifying themselves as belonging to a nationality in their country of origin. The Nationality Act recognises the following 13 nationalities as legally belonging to Hungary based on their historical presence: Bulgarian, Greek, Croatian, Polish, German, Armenian, Roma, Romanian, Ruthenian, Serbian, Slovak, Slovenian, and Ukrainian.

The Hungarian population accounts for 84.8% of the total population. The second-largest ethnic group is the Roma community, which comprises 2.5% of the population or around 210,000 individuals (Hungarian Central Statistical Office, 2022). Other notable ethnic groups include Germans (143,000 people), Slovaks (30,000 people), Romanians (28,000 people), Ukrainians (25,000 people), Croats (22,000 people), and Serbs (12,000 people). It was estimated that the population of the Slovenian, Armenian, Bulgarian, Greek,

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<sup>4</sup> Commission Communication Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders 2022/C 104 I/01 C/2022/1404, OJ C 104I, 4.3.2022, p. 1-6.

<sup>5</sup> Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection 2022/C 126 I/01 C/2022/1806, OJ C 126I, 21.3.2022, p. 1-16.

Ruthenian, and Polish communities was estimated to be between 4,000 and 7,000 individuals in 2022 (Hungarian Central Statistical Office, 2024).

**Table 1: Nationalities by Mother Tongue and Gender, 2022**

Mother tongue, nationality	Mother tongue	Nationality	Mother tongue	Nationality
	Male		Female	
Bulgarian	1,257	1,908	1,279	1,862
Romani, Beás	12,255	102,190	10,937	98,116
Greek	945	2,369	816	2,404
Croatian	3,753	9,165	4,479	9,934
Polish	1,229	2,454	2,169	3,148
German	13,770	48,684	14,703	49,718
Armenian	358	1,762	318	1,480
Romanian	5,515	9,028	5,671	9,167
Rusyn	865	2,540	1,116	2,622
Serbian	2,445	4,416	1,804	3,619
Slovak	4,379	11,487	5,744	14,047
Slovenian	701	1,403	840	1,581
Ukrainian	6,455	8,547	8,860	10,517

Hungarian Central Statistical Office (2022)

The largest population increase since the 2011 census was among people of Ukrainian ethnicity. Their numbers rose from 7,396 to 24,615, primarily due to the war in Ukraine. Ukrainians are the most urbanized ethnic group, with 82% living in cities and 35% in the capital. The 13th and 11th districts of Budapest stand out, with 6.7% and 3.7% of their populations identifying as ethnic Ukrainians in 2022. In addition, two county capitals, Nyíregyháza (3.6%) and Győr (2.7%), also had populations exceeding 2% of the total Hungarian population (Hungarian Central Statistical Office, 2024). In parallel with the overall increase in numbers, each age group of ethnic Ukrainians has grown, with the largest in the 10-years old and under-age group. The figures for economic activity follow this trend. The number of economically active and employed persons has almost quadrupled.

**Table 2: Ethnic Ukrainians by Economic Activity in 2011 and 2022**

Status	2022	2011
Economic activity	19,064	5,633
Employed	11,094	2,508
Unemployed	621	492
Inactive beneficiaries	1,680	1,194
Economically inactive	3,012	941
Person aged under 15	2,657	498

Hungarian Central Statistical Office (2022)

## 2.2 Ukrainian Citizens as a Group Before the War

Ukrainian citizens who fulfil the criteria for legal residence (i.e., possession of a biometric passport) are permitted to enter and remain in Hungary. In the event that individuals do not seek protection but wish to pursue employment or study in Hungary, they are required to submit an application within the framework of an alien policing procedure at the designated client service offices of the NDGAP (National Directorate-General for Aliens Policing). Furthermore, individuals possessing Hungarian nationality are at liberty to enter and reside in the country (see the subsequent section on dual nationality).

**Table 3: Ukrainian Nationals in Hungary During the Censuses of 2011 and 2022**

Date of census	Total
2022	36,093
2011	11,820

Hungarian Central Statistical Office (2022)

Based on Government Decree 445/2013 (28.11)<sup>6</sup> stipulates that, from 2017 onwards, simplified employment provisions have been introduced for neighbouring third-country nationals in certain occupations experiencing labour shortages. In practice, this means that their employment, although subject to authorisation, is not subject to examination by the relevant government office, which determines whether there is a domestic workforce available for the given job. Consequently, Serbian and Ukrainian workers now constitute a significant proportion of the foreign workforce in the country. Nevertheless, even prior to the war, the Hungarian economy was incapable of retaining Ukrainian guest workers. Consequently, in the absence of a labour market permit, and according to the declaration by employers, 4,539 Ukrainian workers were employed in 2021 (A Technológiai és Ipari Minisztérium, 2022: 10), the year before the outbreak of the war, with 3,744 in 2022 (Gazdaságfejlesztési Minisztérium, 2023: 15) and 2,080 in 2023 (Nemzetgazdasági Minisztérium, 2024: 17) in occupations affected by labour shortage. As previously stated, the figure indicates a consistent decrease. As of 31 December 2022, a total of 55,266 permits had been issued to nationals of Ukraine, whereas as of 31 December 2023, this figure had decreased to 39,819. The data from both years demonstrate that, in accordance with the Hungarian standard of occupational classification FEOR (Foglalkozások Egységes Osztályozási Rendszere), permits were issued to Ukrainian citizens in following the categories: unskilled, simple, machine operators, assemblers, and drivers. Nevertheless, Act XC of 2023 imposed limitations on the duration of stay for foreign workers, revised the categories of residence, rendered family reunification

<sup>6</sup> 445/2013. (XI. 28.) Korm. rendelet a harmadik országbeli állampolgárok magyarországi foglalkoztatásának nem összevont kérelmezési eljárás alapján történő engedélyezéséről, az engedélyezési kötelezettség alóli mentességről, a fővárosi és megyei kormányhivatal munkaügyi központjának az összevont kérelmezési eljárásban való szakhatósági közreműködéséről, valamint a Magyarországon engedélymentesen foglalkoztatható harmadik országbeli állampolgárok magyarországi foglalkoztatásának bejelentéséről [Government decree on the employment of third-country nationals in Hungary under a non-unified application procedure, the exemption from the obligation to obtain a permit, the involvement of the employment centres of the capital and county government offices in the unified application procedure, and the notification procedure for employment without a permit in Hungary, and on the reimbursement of wages]  
<https://net.jogtar.hu/jogszabaly?docid=a1300445.kor>.

unfeasible, and reduced the prospects of interaction with the host society, thereby making integration efforts more challenging. Additionally, it introduced stricter employment conditions. In 2024, Ukrainians constituted the largest group of foreign nationals employed in Hungary, numbering 20,100 people. Furthermore, there has been a notable increase in the number of foreigners from Asian countries. As illustrated in the table below, the number of Ukrainian nationals among foreign employees reached its peak in the quarter following the outbreak of the war in Russia, with 26,462 recorded in 2022 and 22,802 in 2023. Since then, there has been a gradual decline (Magyar Nemzeti Bank, 2024, p. 44).

**Table 4: Number of Employees with Ukrainian Citizenship**

	2023	2022
<b>Ukrainian</b>	22,802	26,462

Central Statistical Office (2022)

The largest foreign worker population in the manufacturing sector is comprised of Ukrainians; however, the number of Ukrainian nationals in this sector has been in decline, particularly since the 2022 invasion. A significant shift in employment by gender has also been observed. Across all other job categories, both genders have experienced an increase between 2019 and 2024, suggesting a shift in the composition of the Ukrainian workforce. In 2024, construction was the third-largest sector in terms of employment, with 2,064 Ukrainians working in the sector. Subsequent to this, the transport and storage sectors employed 866 Ukrainians, while the information and communication sector provided employment for 598 Ukrainians. In 2024, Ukrainians constituted the largest group of non-temporary non-EU workers in manufacturing, with 4,839 individuals, accounting for 34.2% of the total migrant workforce in this sector. The Ukrainian workforce was the largest in almost all manufacturing sectors, with the highest concentrations found in the production of transport equipment (1,396), electrical equipment (820) and computer, electronic and optical products (802). In 2024, the biggest group of third-country workers with non-temporary status in the vehicle manufacturing sector were Ukrainians (1,396), followed by those working in the manufacture of fabricated metal products (487). In the field of electrical equipment manufacturing, Ukrainian workers (820) were an important group. In the electronics industry, Ukrainians also hold a dominant position (802). Similarly, in the rubber and plastic industry, Ukrainians (426) were a notable presence (Bodor, 2024).

### 2.3 War-Related Population Influx

By the end of 2021, the number of Ukrainian citizens in possession of a residence permit in one of the EU member states stood at 1.57 million. Of these, 1.2 million had a residence permit with a duration of at least 12 months. Furthermore, at the end of 2021, Ukrainian citizenship constituted the third most numerous non-EU citizenship, with regard to both the total number of residence permits issued by the EU and for those with a duration of a minimum of 12 months. An analysis of data from five EU member states reveals a notable increase in the number of Ukrainians holding residence permits between 2013 and 2021, with a total growth exceeding 25,000 individuals. This was also due to the exemption from the visa requirement, which came into effect in 2017. Specifically, holders of biometric passports from Ukraine are permitted to remain in the EU for a maximum duration of 90 days within a 180-day period. Specifically, Poland (476,000), the Czech

Republic (86,000), Hungary (50,000), Slovakia (48,000), and Lithuania (29,000) have experienced significant increases in their respective populations of Ukrainian residents. The collective increase observed in these five Member States was equivalent to 95.1% of the increase observed across the entire EU (Eurostat, 2022).

**Table 5: Border crossings, Hungarian Central Statistical Office**

Direction of Border Crossings	2022	2023
Individuals entering Hungary from Ukraine	2,302,366	2,116,877
Ukrainian nationals entering Hungary from Romania	592,373	379,003

In the aftermath of the Russian invasion, an influx of approximately 200,000 individuals from Ukraine was recorded in Hungary (Hungary Today, 2022). In response to this significant influx, the authorities extended the operating hours of all border crossing points between the two nations. At the end of October 2024, the number of beneficiaries of temporary protection residing in Hungary stood at 38,480, comprising 24,260 females and 14,220 males (Eurostat, 2024). While the majority of individuals granted temporary protection were women and children, there was an increase in the number of men receiving this status during 2023. According to data from the United Nations High Commissioner for Refugees (UNHCR), as of 12 January 2025, a total of 61,470 refugees from Ukraine had been recorded in Hungary, with 48,725 applications for asylum, temporary protection, or similar national protection schemes having been submitted by Ukrainian nationals (UNHCR, 2025). The precise number of refugees is somewhat obscured by the fact that Ukrainian citizens in possession of a biometric passport were permitted to travel visa-free to Schengen countries and remain for a period of up to 90 days within a 180-day period, even prior to the implementation of the decision. This exemption from the visa requirement is limited to holders of biometric passports issued by Ukraine.<sup>7</sup> In Hungary, the majority of refugees from Ukraine are women and children. As of the 2022/23 academic year, the number of Ukrainian students studying in Hungary stood at 4,856. 1,164 children were enrolled in kindergarten and 3,692 attended primary and secondary schools (UNHCR, 2024a).

**Table 6: Number of persons from Ukraine by status as of 1 December 2022**

Status	2022
Border crossing from Ukraine	1,800,000
Application for temporary protection	32,564
Positive decision	28,379
Asylum applications	40
Refugee status granted	10
Subsidiary protection granted	17

UNHCR, Fact sheet Hungary (2022)

<sup>7</sup> Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (codification). PE/50/2018/REV/1. OJ, L 303, 28.11.2018, pp. 39–58. <https://eur-lex.europa.eu/eli/reg/2018/1806/oj>

### 3 Legal Frameworks

#### 3.1 The Notion of Mass Migration Crisis

The notion of a mass migration crisis was introduced in Hungary by the 2015 amendment to Act LXXX of 2007 on the Right of Asylum.<sup>8</sup> As stated in the explanatory memorandum to the draft law amending certain laws relating to the management of mass immigration, the government's response to mass immigration of foreigners cannot be given in the current Hungarian legal environment, or only after a considerable delay. The introduction of the concept of a "mass immigration crisis" is therefore substantiated. This will require the amendment of certain legal provisions. Should the government opt to declare a state of emergency by decree, this will be initiated by the county (capital) police chief concerned and the head of the asylum authority, upon the proposal of the Minister. The declaration of a state of emergency is a legal mechanism that allows for the suspension of certain general rules of the legal system.<sup>9</sup> Thus, Act CXL of 2015, which amends certain acts related to the management of mass immigration, introduced the concept of a mass immigration crisis situation.<sup>10</sup> This can be declared by the government for a maximum period of six months, but can be extended thereafter.

Concurrently, the Prime Minister submitted a proposal for a constitutional amendment that would enable it to exercise exclusive control over its asylum policy. The rationale for this proposal was that it was imperative to address the deleterious consequences of the migration crisis, which included the threat of terrorism.

Until that time, the Fundamental Law, which was adopted in 2011, included a detailed set of instructions for state authorities to follow in emergency. The constitution said that there were five times when special measures could be used for reasons of national security. These were: a state of national crisis, a state of emergency, a state of war, a state of preventive defence, and an unexpected attack.

The 6th Amendment of the Fundamental Law added Article 51/A about the 'state of terrorist threat' to the constitution. This provision says that that specific emergency powers must be set up in situations where there is a heightened risk of a terrorist attack.

The 9th Amendment replaced the previous six special legal order regimes with three distinct categories: the state of danger, the state of war, and the state of emergency. The most significant change is that all three new special legal order regimes concentrate power in the hands of the government without adequate constitutional restraints (The Hungarian Helsinki Committee, 2023).

The government adopted Government Decree 269/2015 on the declaration of a state of crisis caused by mass migration due to the Syrian refugee crisis and on the rules related

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<sup>8</sup> Act No. LXXX of 2007, Act on Asylum [Act No. LXXX of 2007 on Asylum].  
<https://www.refworld.org/legal/legislation/natlegbod/2008/en/110732>

<sup>9</sup> T/5983. számú törvényjavaslat indoklással - egyes törvényeknek a tömeges bevándorlás kezelésével összefüggő módosításáról [Bill No. T/5983 with explanatory memorandum - on the amendment of certain laws relating to the management of mass immigration].  
<https://jogkodex.hu/doc/1922859>

<sup>10</sup> 2015. évi CXL. törvény egyes törvényeknek a tömeges bevándorlás kezelésével összefüggő módosításáról [Act CXL of 2015 - on the amendment of certain laws relating to the management of mass immigration]. [https://jogkodex.hu/jsz/2015\\_140\\_torveny\\_7043438?ts=kozlonny](https://jogkodex.hu/jsz/2015_140_torveny_7043438?ts=kozlonny)

to the declaration, continuation, and termination of the state of crisis. Territorial scope of the decree was limited to Bács-Kiskun County and Csongrád County.<sup>11</sup> The decree was implemented in two southern regions of Hungary. The implementation of the measure facilitated the closure of roads and accelerated asylum procedures.

Subsequently, the scope of the 'state of crisis caused by mass migration' was expanded to encompass four additional counties through Governmental Decree 270/2015. The decree formally declared a state of crisis in the counties of Baranya, Somogy, Zala, and Vas, and established the regulations governing the declaration, continuation, and termination of the state of crisis. The geographical distribution of these counties is such that they are situated along the borders of the neighbouring countries of Serbia, Croatia, Slovenia and Austria.

The extension was scheduled to expire in March 2016, but a state of emergency was declared for the entire country in the same month. Therefore, the state was extended for a period of six months with Government Decree No. 41/2016 (9.III).<sup>12</sup>, referring to Article 80/A (1) c) of Act LXXX of 2007 and accordingly to "the emergence of a circumstance related to the migration situation that directly threatens the public security of a settlement". The decree cited above was adopted in order to declare a nationwide state of crisis caused by mass migration for a further period of six months, thereby enabling the implementation of more stringent measures by the police and army to patrol borders and search for illegal migrants throughout the country. Since 2017, government decrees have continuously extended the state of emergency for a period of six months at a time, despite the absence of any of the statutory conditions that would typically justify its maintenance. This latest extension is set out in Government Decree 265/2024 (2.IX.)<sup>13</sup>

As the government declared a nationwide state of emergency due to mass immigration, as stipulated by criteria laid down in 80/A of Act LXXX of 2007, it is possible for a mass immigration crisis to be declared in three cases. The first case is when the number of asylum seekers in Hungary surpasses 500 individuals per day, on average, over the course of one month, 750 individuals per day, on average, over two consecutive months, or 800 individuals per day, on average, over one week, in scenarios where the number of persons in transit zones<sup>14</sup> would reach the order of thousands. The second case pertains

<sup>11</sup> Government Decree No. 269/2015 (IX. 15) announcing a crisis situation caused by mass immigration and establishing the rules related to the declaration, maintenance and termination of the crisis situation

<sup>12</sup> 41/2016. (III. 9.) Korm. rendelet a tömeges bevándorlás okozta válsághelyzet Magyarország egész területére történő elrendeléséről, valamint a válsághelyzet elrendelésével, fennállásával és megszüntetésével összefüggő szabályokról [Government Decree on the declaration of a state of crisis due to mass immigration across the entire territory of Hungary, and on the rules relating to the declaration, existence, and termination of the crisis situation]. <https://njt.hu/jogszabaly/2016-41-20-22.19>.

<sup>13</sup> 265/2024. (IX. 2.) Korm. rendelet a tömeges bevándorlás okozta válsághelyzet Magyarország egész területére történő elrendeléséről, valamint a válsághelyzet elrendelésével, fennállásával és megszüntetésével összefüggő szabályokról szóló 41/2016. (III. 9.) Korm. rendelet módosításáról [Government Decree No. 265/2024 (IX. 2.) on the amendment of Government Decree No. 41/2016 (III. 9.) on the declaration of a state of crisis due to mass immigration across the entire territory of Hungary, and on rules concerning the declaration, existence, and termination of the crisis situation]

<sup>14</sup> Transit zones were abolished in 2020, and the so-called embassy procedure was introduced.



to instances where the number of persons in transit in Hungary, excluding those providing assistance to foreign nationals exceeds one thousand persons per day, on average over one month, one thousand five hundred persons per day on average over two consecutive weeks, or an average of one thousand six hundred persons per day over a period of one week. The third case is when any circumstances related to the migration situation, other than those mentioned above, arise that directly jeopardize the protection of the external border of Hungary under Article 2(2) of the Schengen Borders Code, or directly threaten the security, public order or public health of the territory of Hungary within a 60-metre radius of the external border line or border fence as defined in Article 2(2) of the Schengen Borders Code, or a municipality in Hungary, in particular in the event of disturbances or acts of violence in that area or in a reception centre or any other facility for the accommodation of foreign nationals located in or outside that municipality.<sup>15</sup>

The National Police Chief and the Head of the Asylum Authority are responsible for continuous monitoring of the existence of the conditions that would necessitate the declaration of a mass immigration crisis. In the event that such conditions are not met, the aforementioned authorities are required to initiate the process for the Minister to propose to the Government the repeal of the Government Decree.

### **3.2 State of Emergency in Connection with the War in Ukraine**

In accordance with Article 53(1) of the Fundamental Law, the Government declared a state of emergency by means of Government Decree 180/2022 (24.V.2022)<sup>16</sup>. The Government initially declared a state of war emergency in May 2022, several months after Russia had launched a military attack on Ukraine. However, this necessitated an amendment to the Basic Law in 2022, as a prerequisite for the government to declare a state of emergency in the event of war in a neighbouring country. The amendment resulted in a change to the wording of Article 53(1) of the Fundamental Law, authorising the government to declare a “state of danger” in the event of an “armed conflict, war or humanitarian disaster in a neighbouring country”.

The state of danger constitutes a form of special legal order declared by the government on three occasions during the pandemic. Consequently, the government had already been able to govern the country by decree even before that, as it had already introduced a special legal order in 2020, citing the Coronavirus epidemic. The initial state of emergency was declared in response to the spread of the novel coronavirus with the declaration taking effect on March 11, 2020. This marked the first instance of emergency legislation being implemented since the adoption of the Constitution, and it was invoked on three subsequent occasions in response to the ongoing pandemic of the Coronavirus (SARS-CoV-2). The armed conflict in Ukraine has led to the fourth declaration of a state of emergency. The government has lifted the state of emergency declared to address the

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<sup>15</sup> Act LXXX of 2007 on Asylum. <https://net.jogtar.hu/jogszabaly?docid=a0700080.tv>

<sup>16</sup> 180/2022. (V. 24.) Korm. rendelet az Ukrajna területén fennálló fegyveres konfliktusra, illetve humanitárius katasztrófára tekintettel, valamint ezek magyarországi következményeinek az elhárítása érdekében veszélyhelyzet kihirdetéséről és egyes veszélyhelyzeti szabályokról [Government Decree No. 180/2022 (V. 24.) on the declaration of a state of danger in light of the armed conflict and humanitarian catastrophe in Ukraine and on certain emergency rules to address their consequences in Hungary] <https://njt.hu/jogszabaly/2022-180-20-22>

consequences of the pandemic, effective from 1 June 2022, thereby replacing it with a state of emergency due to the war.

In November 2022, the government declared a new state of danger under these new rules, in reference to the war in Ukraine, with Government Decree 424/2022. (X. 28.).<sup>17</sup> Furthermore, the government has extended the state of danger for a further 180 days by means of Government Decree 479/2022. (XI. 28.).<sup>18</sup> This document concerns the extension of the state of emergency declared in response to the armed conflict and humanitarian disaster in the territory of Ukraine, and the subsequent elimination and management of its consequences in Hungary. The Parliament's authorization was based on Act XLII of 2022 which deals with the elimination and management of the consequences in Hungary of an armed conflict and humanitarian disaster in a neighbouring country.<sup>19</sup>

According to the Act, the Russian-Ukrainian war in Hungary's neighbourhood has created a humanitarian situation that is without precedent since the Second World War and has led to the economic crisis in Europe. In order to deal with the humanitarian crisis and mitigate the consequences of international economic changes, it is vital that Hungary continues to develop an effective and rapid national response. In light of the foregoing, the Hungarian government has proposed the extension of the state of emergency, with the aim of ensuring the availability of all necessary means to assist, support and shelter those fleeing, to avoid the adverse economic effects that may arise, to mitigate the consequences and to ensure that the country emerges from the harmful effects of the war as soon as possible.

The Parliament has stated that the state of emergency declared in connection with the war in Ukraine, which has been in effect since May 2022, will remain in force until May 18, 2025. In relation to ongoing state of emergency concerning mass migration, the government has recently announced the extension of mass immigration crisis situation until September 7, 2025. This development can be situated within a broader pattern of recurrent extensions. Since 2016, the migration emergency has been renewed every six months, and since 2022, the state of war emergency has been in force.

### 3.3 Ad hoc Actions in the First Days of the War

The Hungarian government was the first in Europe to grant temporary protection to all individuals who had a legal basis to reside in Ukraine and had fled to Hungary, regardless

<sup>17</sup> Government Decree 424/2022. (X. 28.) on Declaring a State of Danger Due to the Armed Conflict and Humanitarian Catastrophe in the Territory of Ukraine, and in Order to Eliminate and Manage the Consequences of these in Hungary and on Certain State of Danger Rules.

<sup>18</sup> Decree 479/2022. (XI. 28.)<sup>18</sup> on Extending the State of Danger Declared Due to the Armed Conflict and Humanitarian Catastrophe in the Territory of Ukraine, and in Order to Eliminate and Manage the Consequences of these in Hungary.

<sup>19</sup> 2022. évi XLII. törvény szomszédos országban fennálló fegyveres konfliktus, illetve humanitárius katasztrófa magyarországi következményeinek elhárításáról és kezeléséről [Act XLII of 2022 on the prevention and management of the consequences in Hungary of an armed conflict or humanitarian catastrophe in a neighbouring country]. <https://njt.hu/jogszabaly/2022-42-00-00.5>.

of their nationality. Chapter V (Articles 19-25) of Act LXXX of 2007 on Asylum<sup>20</sup> sets out the detailed rules regarding the conditions for obtaining temporary protection. The exclusion clauses relating to temporary protection, the legal status of persons enjoying temporary protection, the duration of temporary protection and the cessation of temporary protection status are also outlined in this chapter.

Regarding temporary protection, Act LXXX of 2007 on Asylum delineates two forms of temporary protection, distinguished by their respective geographical scopes of application. Article 19(1)(a) of the Act incorporates the provisions of the Temporary Protection Decree (TPD) into Hungarian law. For the implementation of this article, the Council of the EU must declare that due to a substantial influx of third-country nationals, temporary protection must be granted to a predefined group of eligible persons in EU Member States. However, Article 19(1)(b) of the Asylum Act is not contingent upon the TPD and thus exists exclusively within the confines of Hungarian law, with its application limited to the territory of Hungary.

The implementation of Government Decree 56/2022 (II. 24.)<sup>21</sup> consequently led to the application of Article 19(1)(b) of the Asylum Act. On 24 February 2022, the Hungarian Government adopted Government Decree no. 56/2022 on the derogation from the temporary rules on asylum as set in Act LVIII of 2020 on the temporary rules related to the end of the state of danger and on the epidemiological preparedness (56/2022. (II. 24.)). The Decree stipulated that displaced persons arriving from Ukraine must be recognised as persons entitled to temporary protection.

On 7 March 2022, Government Decree no. 56/2022 was replaced by Government Decree 86/2022 (III. 7.)<sup>22</sup> (TP Decree), and on 8 March 2022, the provisions of the Council Implementing Decision were incorporated into the Hungarian legal system. This development has led to the implementation of temporary protection measures under Section 19(1)(a) of the Asylum Act, thereby extending the scope of the TPD within the Hungarian legal system.

It is important to note that the former government decree was found to offer more extensive protection than the provisions in the TP Decree. This is due to the fact that, under Article 19(1)(b) of the Asylum Act, it permits non-Ukrainian third-country nationals who have fled from and are legally residing in Ukraine to apply for temporary protection. However, this is no longer a possibility in accordance with the TP Decree that is currently in force. Prior to this, displaced persons arriving from Ukraine on and after 24 February

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<sup>20</sup> The most recent major amendments were adopted in June 2016, March 2017 and May 2020. The first of these amendments revoked the Integration Contract and Support Scheme for beneficiaries of international protection, while the second established special 'transit zones' for asylum seekers to remain in while their status was being determined by the authorities. The third amendment subsequently cancelled these zones, instead introducing the so-called 'embassy procedure'. This procedure stipulates that an individual seeking asylum is required to have submitted a declaration of will at the Hungarian consulates in Belgrade and Kyiv. However, due to the ongoing war in Ukraine, it has become impossible to submit an asylum application in Kyiv.  
<https://nit.hu/jogszabaly/2007-80-00-00>

<sup>21</sup> Government Decree 56/2022 (II. 24.). <https://nit.hu/jogszabaly/2022-56-20-22>.

<sup>22</sup> Government Decree 86/2022 (III. 7.). <https://nit.hu/jogszabaly/2022-86-20-22> (English translation: [https://helsinki.hu/en/wp-content/uploads/sites/2/2022/03/HUgovdecree\\_implementing\\_councildecision\\_tempprotEN.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2022/03/HUgovdecree_implementing_councildecision_tempprotEN.pdf)).

2022 were granted temporary protection. However, according to the prevailing regulations, individuals who are not Hungarian and/or Ukrainian nationals are no longer eligible for temporary protection. Instead, they are issued with a certificate that permits them to remain in Hungary for a maximum duration of 30 days. The new government decree further stipulated that Hungarian nationals arriving from Ukraine are entitled to all care and assistance as those receiving temporary protection. The decree also encompassed provisions pertaining to the employment of third-country nationals and the medical care granted to beneficiaries of temporary protection. The decree was issued on March 8, 2022, and took effect on the same date.

The rights and obligations of the applicant, beneficiary, and asylum authority with regard to temporary protection are set out in the Asylum Act and Government Decree 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on asylum (Asylum Decree),<sup>23</sup> in line with the TPD. Government Decree No. 301/2007 establishes the regulations governing the document issued to certify temporary protection status (Articles 8-11), in addition to the provisions for care and services provided to individuals granted temporary protection in Hungary (Articles 12-36 and Articles 37-61/C).

Following the enactment of the TP Decree, the Hungarian government promulgated a series of subsequent decrees establishing a more detailed framework for the provision of accommodation, employment, education, information, and supplies for individuals eligible for temporary protection. The provisions of these laws either establish a more detailed 'executive' regulation than those promulgated in the Asylum Act and Decree or diverge from their provisions. As previously stated, it is important to note that in Hungary, a 'state of danger' special legal order has been implemented. The initial declaration of a 'mass immigration crisis' was issued in March 2016 and has been repeatedly extended, most recently until 2025. In the event of an emergency, the government may issue a decree that suspends the application of certain laws, derogates from legal provisions, and takes other extraordinary measures, as provided for in a cardinal law (Chronowski, 2024). This legislative development is of particular relevance to TP holders, as a significant proportion of the government decrees governing their rights have been adopted in the form of emergency decrees. Consequently, these decrees would expire by law if the state of danger is not extended.

## 4 Legal Status of Displaced Persons

### 4.1 The Eligibility of the Persons Concerned

Individuals in possession of a biometric passport are permitted to remain within the Schengen area for a period of up to 90 days without the requirement of a visa. During this time, they have the option to apply for temporary protection in Hungary. In the absence of a biometric passport, the Hungarian border police will undertake a verification process involving the inspection of other documents to ascertain the individual's identity. These documents may include a national passport or other valid identification documents such as a marriage certificate, birth certificate, or any other appropriate document, a valid residence permit, or a visa. In the event of a person being granted entry to Hungary, they will be issued with a renewable temporary residence permit for a period of 30 days. This

<sup>23</sup> Government Decree 301/2007 (XI. 9.). <https://njt.hu/jogszabaly/2007-301-20-22>.

document will facilitate their continued legal residence in the country and enable them to submit an application for temporary protection in Hungary.

Per the provisions stipulated in the EU Council Implementing Decision, the TPD establishes the following criteria for eligibility for temporary protection:

- Ukrainian nationals residing in the territory of Ukraine prior to the 24 of February 2022; stateless persons and nationals of third countries other than Ukraine who benefited from international protection (e.g. having refugee status) or equivalent national protection in Ukraine before 24 February 2022; and family members of persons referred to the groups mentioned above (see below for the definition).
- Third-country nationals who were asylum seekers in Ukraine on 24 February 2022 are not eligible for temporary protection under Article 2(1b) of the Implementing Decision 2022/382.<sup>24</sup> This is due to the fact that eligibility is only applicable to beneficiaries of international protection who were residing in Ukraine at the time of their application.<sup>25</sup> Additionally, the Council Implementing Decision does not apply to Ukrainian nationals who arrived from Ukraine prior to 24 February 2022.
- In the context of family members, following individuals are to be considered: spouses, minor children, and other close relatives who resided together as part of the family prior to 24 February 2022 and were wholly or primarily dependent.

A number of judgments addressed the matter of temporary protection. The Budapest District Court has provided a ruling on access to temporary protection for family members, establishing that dependency between adults extends beyond the scope of emotional or economic community, as it necessitates a state of inseparability. The notion of material dependence encompasses interdependencies associated with subsistence, such as instances where a family member provides regular care to another family member. The notion of responsibility entails a comprehensive or near-total financial reliance or personal assistance. In emphasizing the material dependence between adults in the context of temporary protection, the court invoked the French term '*à la charge de*', as articulated in the Council Implementing Decision 2022/382.<sup>26</sup>

The situation of Hungarian-Ukrainian dual citizens residing in Ukraine has become a matter of significant concern, particularly in the context of the ongoing war. A considerable number of these individuals, estimated at approximately 150,000, have sought refuge in Hungary due to historical and cultural affinities. The Zakarpattia Oblast, located in the easternmost reaches of Ukraine, situated near the Hungarian border, is home to a significant ethnic Hungarian population. This population holds dual citizenship, being both Hungarian and Ukrainian. However, these individuals did not fall under the scope of the

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<sup>24</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, ST/6846/2022/INIT, OJ L 71, 4.3.2022, p. 1–6, [https://eur-lex.europa.eu/eli/dec\\_impl/2022/382/oj/eng](https://eur-lex.europa.eu/eli/dec_impl/2022/382/oj/eng).

<sup>25</sup> Hungary, Regional Courts of Appeal [ítélőtáblák], Applicant, 11.K.703.567/2022/6, 7 December 2022. <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=3213>.

<sup>26</sup> Hungary, Budapest District Court [hu. Fővárosi Törvényszék], Applicant v National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság, NDGAP), 11.K.703.874/2022/8, 9 January 2023. <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=4061>.

Asylum Act or the Temporary Protection scheme due to their Hungarian citizenship. Furthermore, the majority of these individuals were unable to exercise the full range of rights typically accorded to Hungarian citizens, as the majority of these rights are contingent upon Hungarian social security status and registered address.

Consequently, the TP Decree, which implements the application of the TP and Council Decision, introduces a special provision regarding dual citizens. This provision stipulates that all benefits and advantages granted to a temporary protection beneficiary are to be extended to Hungarian citizens who had a permanent residence in Ukraine and arrived from Ukraine on or after 24 February 2022, unless they are granted more favourable treatment by virtue of their Hungarian citizenship.

Regarding family relations between dual citizens, the Budapest District Court provided clarification on the eligibility criteria for temporary protection for a Russian national residing in Ukraine, whose Ukrainian partner holds dual citizenship in Hungary. In March 2023, the court delivered a ruling that Section 8(1) of the Government Decree on the implementation of temporary protection does not engender a less favourable situation for third-country nationals who are family members of Hungarian nationals residing in Ukraine, solely on the ground that their family member has (also) Hungarian citizenship. The court determined that such an interpretation would be inconsistent with the principles of the Hungarian Constitution.<sup>27</sup> In the absence of citizenship status in Ukraine, refugee status, or statelessness previously recognised by Ukraine, along with the lack of familial ties to a Ukrainian citizen (or a recognised refugee or stateless person), an individual is not eligible for temporary protection.

The Council Implementing Decision (EU) 2022/382<sup>28</sup> stipulates the requirement for 'adequate protection' in instances where the Council Decision cannot be applied to stateless or third-country nationals other than Ukrainians. This provision is intended to address the situation where these individuals, unable to return to their country of origin, possess a valid long-term residence permit in Ukraine. The following criteria were required for individuals to be considered for this classification: prior legal and permanent or temporary residency in Ukraine before 24 February 2022, and the inability to safely return to the country of origin under durable circumstances. A comprehensive evaluation of the individual circumstances was necessary to determine compliance with these criteria. This evaluation encompassed a comprehensive review of the status in Ukraine prior to 24 February 2022, along with a detailed assessment of the country or region of origin. However, a third-country national in possession of temporary residence permits in Ukraine who was unable to furnish evidence of impediments to safe and durable return to their country of origin was deemed ineligible for temporary protection. Nonetheless, the court determined that in the event applicants had particular concerns that had not been

<sup>27</sup> Hungary, Budapest District Court [hu. Fővárosi Törvényszék], Applicant v National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság, NDGAP), 11.K.703.874/2022/8, 9 January 2023.  
<https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=4061>

<sup>28</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection. ST/6846/2022/INIT. OJ, L 71, 4.3.2022, pp. 1–6. [https://eur-lex.europa.eu/eli/dec\\_impl/2022/382/oj](https://eur-lex.europa.eu/eli/dec_impl/2022/382/oj)

addressed, they were entitled to submit an application for international protection.<sup>29</sup> Furthermore, a third-country national transiting through Ukraine was not eligible for temporary protection. This was due to the absence of a legal residence permit in Ukraine and the lack of grounds for preventing their return to their country of origin.<sup>30</sup>

Third-country nationals who lack valid travel documents, as well as those who were residing in Ukraine prior to 24 February 2022 and subsequently departed but later returned, are denied entry to Hungary. These individuals, despite their eligibility, are ineligible for temporary protection in Hungary (The Hungarian Helsinki Committee, 2024).

Despite the absence of official data concerning the number of Hungarian-Ukrainian dual citizens residing in Ukraine who have fled to Hungary due to the war, the Hungarian Helsinki Committee, based on information received from the Ministry of National Economic, has reported that 26,127 requests for financial support were submitted by dual citizens to the relevant government authority between February 2022 and 31 December 2023. Of these, 25,903 requests were answered positively (AIDA, 2024, p. 5).

## 4.2 Rights and Assistance

While the creation of temporary protection measures has provided material support to tens of thousands of people, it has also pushed questions of temporality and rights down the road (Dalkiran–Lipman, 2025). Nevertheless, the Hungarian government's decisions (in line with the EU Charter) about the repeated extensions of temporary protection, with the latest until March 2026, are a significant development with far-reaching implications for the individuals concerned. It allows them, among others, to continue residing legally in Hungary, to engage in employment, or to acquire residential accommodation. These measures are designed to facilitate successful integration, recognising that social inclusion is key to this process, along with all the measures developed to achieve it (Guild, 2006: 40). Although Ukrainian refugees are granted several rights considered crucial for integration, there are also examples of a 'waiting dilemma'. This is characterised by individuals maintaining a close connection to their home nation and expressing a desire to return once conditions are safe. Such a situation can complicate the process of acclimatising to the host nation, as it undermines the motivation to engage in activities such as language acquisition, formal training, or educational programmes, and the integration of children into the host country's education system (European Commission & Asscher, 2023: 11).

Social security benefits provided by the umbrella legislation (sickness allowance, unemployment allowance, job seeking support, industrial accident and disease compensation, family allowances, child allowances, old age pension) apply to displaced persons from Ukraine in the same way as to Hungarian nationals.

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<sup>29</sup> Hungary, Budapest District Court [hu. Fővárosi Törvényszék], Applicant v National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság, NDGAP), No 11.K.701.503/2023/4., 20 June 2023.

<https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=4060>

<sup>30</sup> Hungary, Budapest District Court [hu. Fővárosi Törvényszék], Applicant v National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság, NDGAP), No 11.K.704.538/2022/6, 14 March 2023.

<https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=4073>

#### 4.2.1 Education

In the Hungarian educational system, children over the age of three are legally obliged to attend kindergarten or school until they reach the age of sixteen. Consequently, no child over the age of three may remain at home without formal education. Article 45 of the Asylum Decree establishes the framework for financing education in public schools up to the age of 16. This includes nursery, kindergarten, elementary school, and secondary/vocational school, ensuring that children have access to education free of charge. Furthermore, Subsections (1) a) and (3)-(4) of Section 92 of Act CXC of 2011 on national public education<sup>31</sup> stipulate that preschool-age children (from the age of three) and school-age children are eligible for free preschool and school education at public educational institutions within their district of accommodation.

In the context of the Ukrainian refugee situation, Ukrainian children fleeing to Hungary become subject to compulsory education when they submit an application for recognition as a beneficiary of temporary protection. They are entitled to participate in public education under the same conditions as Hungarian citizens. The principle of free choice of school also applies to pupils who apply, while district schools are obliged to admit children who arrive at their schools.

In order to facilitate the placement of a minor, the beneficiary of temporary protection who is caring for a minor is entitled to use the following services under conditions identical to those for Hungarian nationals following Section 3 of Government Decree No. 106/2022 (III. 12.): nursery care, kindergarten care and education and services of the '*Biztos Kezdet Gyerekház*', belonging to the Hungarian Reformed Church. In the event that the individual designated as the beneficiary of temporary protection assumes the role of a child or student carer as per Section 3/A (1) of Government Decree No. 106/2022 (III. 12.), the child or student is entitled to free institutional and holiday childcare under Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship<sup>32</sup> for a period of six months from the date of the application submission. Following this period, the child or pupil is eligible to institutional childcare in accordance with the regulations outlined in the aforementioned Act in the event of social need. The enrolment process is conducted within the jurisdiction of the educational institution designated as the competent authority for the applicant's designated place of accommodation.

The law stipulates that all Ukrainian refugees who receive any form of financial assistance in Hungary are obliged to enrol their children in kindergarten from the age of three. Failure to comply with this requirement within the designated timeframe will result in the forfeiture of financial aid. Despite the fact that this stipulation is not consistently enforced in practice, the law does permit legal action to be taken against the parent, including the possibility of a prison sentence.<sup>33</sup>

The public education system provides free textbooks to schools through two channels: the first is school libraries, and the second is a non-profit library supply company. In order to facilitate the learning of Hungarian as a foreign language by children whose mother tongue

<sup>31</sup> 2011. évi CXC. törvény a nemzeti köznevelésről  
<https://net.jogtar.hu/jogszabaly?docid=a1100190.tv>

<sup>32</sup> 1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról  
<https://njt.hu/jogszabaly/1997-31-00-00>

<sup>33</sup> See more on this on <https://migaid.org/en/nursery-kindergarten/>



is Ukrainian, a textbook for this purpose has been made available to schools for grades 3 through 8. The government provides a subsidy to cover the costs for five hours per week of individual preparation for refugee pupils, including Hungarian language learning and subject-related tutoring. Furthermore, children who hold dual citizenship between Ukraine and Hungary are granted access to the education system on an equivalent basis to their Hungarian counterparts.

However, it is important to note that not all children are enrolled in formal educational institutions. In Hungary, numerous factors have been identified as influencing access to education. These include expectations of eventually returning to Ukraine, language barriers, a preference among older students for online learning offered by Ukrainian schools, and costs, as well as a lack of awareness among refugees regarding their eligibility for related benefits. Concerns have been raised about the recognition of foreign education credentials upon return, as well as the challenges associated with determining the appropriate grade level for these students (UNHCR, 2023a).

Most educational institutions do not offer Hungarian language classes, which appears to be the main reason many Ukrainian families continue to opt for Ukrainian online education over Hungarian in-person schooling. The language barrier has been identified as the primary obstacle to the integration of Ukrainian children, too. The Hungarian education system has been the subject of criticism due to its failure to adequately integrate Ukrainian refugee children. A significant number of these children continue to participate in Ukrainian online education. This is due to the fact that the Ukrainian Ministry of Education and Science permits children to participate in online education through distance learning, homeschooling, or individual education. Nevertheless, it is important to emphasise that in Hungary, informal education programmes and online learning are not recognized as substitutes for compulsory education (UNHCR, 2024b).

A significant development in the education was the establishment of the Ukrainian-Hungarian Bilingual Secondary School and Gymnasium in September 2024. Notably, this institution stands as the sole bilingual school in Europe for Ukrainian refugee children. The school provides a certificate that is recognised by both the host country (in this case Hungary) and Ukraine. Following official registration by the Hungarian government for the 2024-2025 academic year, the school welcomed 300 Ukrainian students from grades 1 to 11 and began operations as a bilingual institution in September 2024.<sup>34</sup> The establishment of the Leszja Ukrajinka National Ukrainian Ethnic Support Language School in Budapest and Nyíregyháza marked a significant development in the field of ethnic education. These institutions offer instruction in the native language to approximately 100 Ukrainian students, including 15 Ukrainian refugee children. Students enrolled in the Ethnic Support Language School undertake a dual-curricular approach, with their day spent in Hungarian public education institutions, and their afternoons devoted to Ukrainian language and ethnography classes.<sup>35</sup>

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<sup>34</sup> The teachers' salaries are paid by the Hungarian state, but all other costs – from maintaining the building to buying the things needed to teach – are covered by grants from charities, Ukrainian companies and international aid organisations. <https://ucap.help/2024/10/school-for-ukrainian-refugees-in-hungary/>

<sup>35</sup> See for more information about the school: <https://ukraniskola.hu/>.

#### 4.2.2 *Livelihood Cash Benefit*

In accordance with the provisions stipulated in Government Decree 106/2022 (12.III),<sup>36</sup> the allocation of regular subsistence allowance is exclusively designated for recognised beneficiaries of temporary protection and for Ukrainian-Hungarian dual citizens who departed from Ukraine after 24 February 2022.

In accordance with Article 53 of the Asylum Decree, the amount of the allowance is set at HUF 22,800 (approximately EUR 55) per adult per month and HUF 13,700 (approximately EUR 30) per child per month. In order to apply for this benefit, individuals are required to submit a form to the NDGAP. However, recipients are required to accept a job offer within 45 days of receiving the initial payment of the allowance. The allowance is subject to a monthly in-person presentation at the district office, and entitlement to the allowance ceases upon gaining employment or receiving a pension.

#### 4.2.3 *Access to the Labour Market*

A significant advantage of temporary protection is that Ukrainian citizens in possession of a biometric travel document may be permitted to engage in paid employment in certain shortage occupations immediately upon entry, without the need to apply for recognition as an asylum seeker. For non-niche professions, Ukrainian nationals in possession of a biometric travel document may be employed for a period not exceeding 90 days after entry, provided they hold a work permit, which must be obtained by the employer through the relevant government office. Government Decree No. 106/2022 (12.III),<sup>37</sup> stipulates that individuals permitted to engage in labour are those who have attained the age of 16 years of age and are in possession of temporary protection, or those who are Hungarian nationals and arrived in Hungary on or subsequent to 24 February 2022 with a permanent residence in Ukraine.

In accordance with Article 6(4) of Government Decree 86/2022 (7.III.), an individual who submitted an application for recognition as a beneficiary of temporary protection is permitted to engage in employment in Hungary without the necessity of obtaining a permit, including temporary employment. In accordance with Section 71 of Act II of 2007, the employer is obligated to notify the employee about this fact. Moreover, temporary protection applicants may also be employed in communal work.

<sup>36</sup> 106/2022. (III. 12.) Korm. rendelet a veszélyhelyzet ideje alatt szomszédos országban fennálló humanitárius katasztrófára tekintettel, az ideiglenes védelemre jogosultként elismert személyek foglalkoztatásával és juttatásaival kapcsolatos egyes szabályokról, valamint a menedéjogról szóló 2007. évi LXXX. törvény végrehajtásáról szóló 301/2007. (XI. 9.) Korm. rendelet módosításáról <https://njt.hu/jogszabaly/2022-106-20-22>.

<sup>37</sup> Government Decree 301/2007. (XI. 9.) on certain rules related to the employment of and benefits to persons recognized as beneficiaries of temporary protection and on the amendment of Government Decree 301/2007. (XI. 9.) on the implementation of act LXXX of 2007 on Asylum, with respect to a humanitarian disaster in a neighbouring country during the state of danger 301/2007. (XI. 9.) Korm. rendelet a menedéjogról szóló 2007. évi LXXX. törvény végrehajtásáról. <https://net.jogtar.hu/jogszabaly?docid=a0700301.kor>.

Following the Government Decree No. 121/2022 (III. 28.) on rules of the state of danger relating to the Hungarian employment of health workers fleeing Ukraine,<sup>38</sup> such workers are permitted to commence work upon presenting to their employer a document evidencing their Ukrainian educational diploma and scientific degrees recognised by the Hungarian state and concurrently initiating the licensing or official approval procedure for their qualifications. In the event that a refugee possesses professional qualifications in healthcare, they are permitted to engage in relevant activities until the conclusion of the recognition or homologation procedure. For those with qualifications in medicine, dentistry, or pharmacy, participation in the tertiary-level health vocational training system is permissible without prior licensing, official approval or recognition of their professional qualifications until the conclusion of such a procedure.

#### 4.2.4 Health Care

In the absence of social security coverage, refugees are entitled to free health care services, encompassing primary care and, in cases of urgent need, specialist care or hospitalization. An important consideration is that individuals with special needs – including unaccompanied minors, elderly people, disabled persons, and pregnant women – are entitled to these services not only in cases of urgent need but also for other medical reasons. According to Article 6(2) of Government Decree no. 86/2022, individuals who are beneficiaries of temporary protection, as well as who have submitted applications for such status, are entitled to the following range of medical care services:

- basic medical care, including services of a family doctor,
- examination, medical treatment, medication, and bandage used during the urgent need for outpatient care,
- urgent inpatient medical care and the treatment of the physician,<sup>39</sup> after outpatient specialist care or inpatient care, until healing from the disease or stabilization of their medical condition.<sup>40</sup>

Furthermore, it also includes other medical care ordered by a physician, including:

- emergency dental care and tooth retention,
- pregnancy and obstetric care, and for the protection of the life of the fetus,
- transportation, if it cannot be resolved otherwise due to the health condition,
- mandatory vaccination,
- oncology specialist care and other chronic patient care, including examination and treatment.

In accordance with Section 6(2) of Government Decree No. 86/2022 and Section 44(2) of Government Decree No. 301/2007, the designated location for treatment is the

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<sup>38</sup> 121/2022. (III. 28.) Korm. rendelet az Ukrajnából menekült egészségügyi dolgozók magyarországi foglalkoztatásának veszélyhelyzeti szabályairól <https://njt.hu/jogszabaly/2022-121-20-22>.

<sup>39</sup> Including surgical interventions, as well as the medicinal products and prosthetic tools used in it, for medicinal care.

<sup>40</sup> For the necessary examination and treatment that is not a substitute for any other medications, and the medical assistance needed to administer them.

healthcare institution that is deemed competent for the applicant's place of residence within the Hungarian jurisdiction.

Beneficiaries are entitled to basic health care, even in the absence of social security coverage. However, many health care providers remain unaware of this entitlement and consequently refuse to provide care to Ukrainians and dual nationals who have fled Ukraine. In addition, the fact that the extension of the validity of the TP cards is not physically indicated on the cards generally leads to confusion among health care providers, who may mistakenly believe that the TP card holder is not entitled to access TP benefits, such as health care (AIDA, 2024: 145). Despite health care being a fundamental human right, individuals often encounter obstacles such as language barriers and limited resources that hinder their access to essential services (IOM Hungary, 2024: 17).

#### 4.2.5 Housing Assistance

On 1 August 2023, the Hungarian government introduced a new housing allowance scheme. Under this scheme, the state will reimburse the accommodation costs of sheltered workers at a rate of HUF 80,000 or HUF 120,000 per month even if they work only 20 hours a week. Eligibility depends on whether the accommodation is located in a preferred small settlement as defined in Annex 2 of Government Decree 17/2016 (10.II.), or in a settlement not designated as such. Ukrainian citizens must have temporary protection status to receive assistance. If there is one or more minors under the age of 16 who have not yet completed primary school living in the same household as the above worker, the condition for receiving the allowance is that the minors must be enrolled in Hungarian public education until they have completed primary school. The legal rules on the allowance are set out in Part 1/A of Government Decree 104/2022 (12.3.).

Furthermore, Ukrainian-Hungarian dual nationals who are permanent Ukrainian residents who fled to Hungary on or after February 24, 2022, may be eligible for the accommodation allowance provided they meet the above criteria.

As of 21 August 2024, individuals fleeing the Russian-Ukrainian war who reside in war-torn areas of Ukraine may be eligible for supplementary accommodation provided by the Hungarian government, provided they do not wish to utilise the Housing Allowance for Beneficiaries of Temporary Protection Workers after entering Hungary, see above.<sup>41</sup> If they do not apply for temporary protection status, they will be eligible to work for 30 days from their arrival. The benefit is available until the last day of the month following the month in which they are recognised as a beneficiary of temporary protection (approximately two to three months). This benefit is available until the beneficiary of temporary status is granted for those who fall under the exceptions defined in Government Decree 104/2022 (until the end of the emergency). The exceptions to the aforementioned regulations pertain to the following vulnerable groups: pregnant women from the time of pregnancy confirmation;; persons under the age of eighteen and their legal guardians residing in the same household; persons with disabilities and their caregivers; and persons over the age

<sup>41</sup> The target groups comprise workers who are beneficiaries of temporary protection, and workers with Hungarian citizenship who are permanent residents of Ukraine and arrive from Ukraine on or after 24 February 2022. The allowance is granted upon application by the employer of the company and the payment is made after the end of the month. Menedékes Munkavállalók Lakhatási Támogatása  
[https://nfsz.munka.hu/cikk/3076/Menedekes\\_munkavallalok\\_lakhatasi\\_tamogatasa](https://nfsz.munka.hu/cikk/3076/Menedekes_munkavallalok_lakhatasi_tamogatasa)

of sixty-five. Following the issuance of the residence card, these groups may continue to receive accommodation and meals for a duration exceeding the initial 30-day period.

We shall highlight the issue of accommodation, a topic that has become a controversial in the Hungarian context. In 2022, the EU adopted the 'Safe Homes' initiative (European Commission, 2022) and published key guidelines for Member States on how to ensure that private housing initiatives for displaced people from Ukraine are suitable. The guidance provides advice on measures to support hosts and match them with individuals in need of accommodation (EMN, 2022).

Nevertheless, an amendment to Government Decree 104/2022 (III. 12.) on the provision of accommodation to persons arriving due to a humanitarian disaster in a neighbouring country during the state of danger, and on other related measures, which was issued in June 2024, entered into force on 21 August.<sup>42</sup> The amendment imposes limitations on access to state-funded housing confining it exclusively to Ukrainian refugees whose previous registered residence situated within a war-torn area as defined by the Hungarian authorities. This effectively signifies a presumption that other regions of Ukraine are deemed safe for return. Accommodation for displaced persons from areas of Ukraine affected by armed conflict is provided in hostels run by the Hungarian Maltese Relief Service Association, an organisation with extensive experience in social integration programmes.

The decree represents an amendment to a decree issued in June 2023, which had already restricted eligibility for state-funded housing to Ukrainian refugees classified as 'vulnerable': pregnant women, children under 18, individuals with disabilities, and those aged 65 and older. An annex to the decree lists 13 oblasts in Ukraine designated by the Hungarian government as war-torn regions. It is notable that the decree excludes explicitly those regions situated in western Ukraine. These are the following: Dnipropetrovsk County, Donetsk County, Zaporizhzhya County, Kyiv County and Kyiv City, Nikolaiv County, Odessa County, Sumy County, Kharkiv County, Kherson County, Chernihiv County, Luhansk County, Zhytomyr County, Crimea Autonomous Republic and Sevastopol City. In accordance with Article 2/A of Government Decree 104/2022 (III.12.), the list of war-affected areas is drawn up by the Government Commissioner for Persons Fleeing to Hungary from the Russian-Ukrainian War, with the involvement of the Minister of Defence and the Minister of Foreign Affairs.

In accordance with the provisions of the decree, the government is required to undertake a monthly review of the situation, subsequently issuing an updated list of oblasts covered by the regulation by the 10th of each month. In practice, refugees are permitted to continue benefitting from the state scheme for a maximum period of one month following their cross-border arrival, and they can remain on the scheme as long as their place of residence in Ukraine is situated within a war-affected area. Those regions not included in the aforementioned list are not beneficiaries of state support. However, the EU's 2001 Temporary Protection Directive stipulates that all refugees from Ukraine must be granted temporary protection and assistance by EU Member States, irrespective of the specific regions of Ukraine from which they are fleeing. The decree also contradicts several

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<sup>42</sup> The government introduced a new concept, the so-called war-torn area, which includes administrative units (oblasts) of Ukraine directly affected by military operations. See Government Decree 134/2024 (amending Decree 104/2022). <https://njt.hu/jogszabaly/2024-134-20-22>.

guidelines issued by the United Nations High Commissioner for Human Rights (UNHCR, 2022, 2023b), who makes no distinction between Ukraine's regions when determining whether a person needs protection. With regard to housing, the European Union Agency for Fundamental Rights (FRA) has emphasized that Article 13(1) of the TPD stipulates that Member States must guarantee beneficiaries of temporary protection have access to adequate housing or the means to obtain it. The Agency has highlighted that the EU Charter is legally binding on Member States, including local authorities, when they transpose the TPD into national law. When implementing the Directive, it is essential to interpret it in compliance with the Charter, encompassing, for instance, human dignity as a component of an adequate standard of living, the right to social and housing assistance, the right to education, the right to work, the right to access health care, and the right to life (FRA, 2023).

## 5 Conclusions

The Hungarian government was the first in Europe to grant temporary protection to all persons legally entitled to stay in Ukraine and who had fled to Hungary, regardless of nationality. However, this policy has since been revised in relation to third-country nationals. Despite Hungary's border being one of the most affected following the invasion of Ukraine, it took 15 months for the Hungarian government to appoint a commissioner for people seeking refuge in Hungary from the Russian-Ukrainian war.

In 2024, Ukrainians constituted the largest group of foreign nationals employed in Hungary, with 20,100 individuals. Furthermore, Ukrainians also constitute one of the most significant foreign worker populations in various sectors. It is evident that there is deliberate strategy to orient beneficiaries of temporary protection towards the Hungarian labour market, as evidenced by the implementation of various support measures. However, the absence of a standalone integration law in Hungary highlights a broader policy approach in which migrant integration is not considered an independent policy domain. Following the enactment of the Nationality Act which permitted dual nationality for individuals belonging to the Hungarian minority, there was a substantial increase in the number of individuals from Ukraine. This dynamic subsequently resulted in their favourable treatment, particularly in terms of employment opportunities.

The situation of Hungarian-Ukrainian dual citizens residing in Ukraine has become a matter of significant concern, particularly in the context of the ongoing war. Consequently, the TP Decree, which activated the application of the TPD and the Council Decision, introduced a special provision concerning dual citizens. This provision stipulates that all benefits and advantages granted to beneficiaries of temporary protection are to be extended to Hungarian citizens who possessed permanent residence in Ukraine and arrived in Hungary on or after February 24, 2022, unless they are granted more favourable treatment on account of their Hungarian citizenship.

In times of emergency, the government may issue a decree that suspends the application of certain laws, derogates from legal provisions, and takes other extraordinary measures, as provided for in a cardinal law. This legislative development is particularly relevant to TP holders, given that a substantial portion of the government decrees governing their rights have been enacted as emergency decrees. Consequently, should the state of danger not be extended, these decrees would automatically expire.

Hungary's response to migration, particularly in the context of the Ukrainian crisis, reflects a complex interplay between humanitarian obligations, economic pragmatism, and political strategy. The country has provided sanctuary to a significant number of displaced persons, yet its broader migration policies remain restrictive. Although immediate relief measures have been shown to be effective, the long-term integration remains an unresolved issue. As Hungary navigates future migration challenges, the balance between national interest and international cooperation will shape the trajectory of its policies and the experiences of those seeking refuge within its borders.

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