

ENTRY FOR LONG STAY (period exceeding 90 days)

Regulations on a stay exceeding 90 days fall within the competence of national authorities, therefore there is no uniform routine among the Schengen Member States. Foreign nationals requesting entry to Hungary with a purpose of a long stay may submit a residence permit application. In case of successful application, s/he will get a visa authorizing him/her to a single entry for receiving a residence permit and to stay for maximum 30 days in Hungary. The decision on the residence permit falls within the competence of the regional directorates of the Office for Immigration in Hungary.

Concerning the regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 (Schengen Borders Code) as regards movement of persons with a long-stay visa, a person who possesses a long-term stay (D) visa issued by any of the Member States Representations may travel in the Schengen Area 3 months in every 6 months period under the same conditions regarding holders of a residence permit.

Family members of EU/EEA nationals with the right of free movement may enter Hungary with a short-stay uniform visa (C), even if they intend to stay in Hungary more than 90 days. In such cases, within 93 days from the entry, the family member shall apply for a residence card at the competent regional directorate of the Office for Immigration and Nationality.

Third-country nationals who are exempted from visa requirement (listed in Annex II of 539/2001/EC Council Regulation) may lodge their applications for a residence permit in Hungary, directly at the regional directorate of the Office for Immigration and Nationality in Hungary.

Besides the above mentioned categories third-country nationals residing in Hungary may also lodge their applications for a residence permit at the regional directorate of the Office for Immigration and Nationality if there are special circumstances such as:

- the applicant can prove the exceptional reasons of the request, among others, family reunification or medical treatment;
- the purpose of stay is research;

Attention! As of 20 May 2011 applicants for residence permits are required to give fingerprints. Children under the age of 6 years are exempt from this requirement.

General requirements:

1. a wholly and legibly completed, signed "residence permit" application form (can be downloaded from the website of the Hungarian Ministry of Foreign Affairs (<http://konzulizsolgalat.kormany.hu/visa-application-forms>));
2. valid passport (the validity of which has to exceed that of the requested visa by at least 3 months);
3. 1 passport-size colour photo (not older than 6 months);
4. supporting documents of the purpose of stay;
5. justification of the permit of return or further travel;
6. supporting documents of the accommodation;
7. the documents certifying subsistence in Hungary;
8. health insurance or equal financial means.

Depending on the purpose of entry, minimum the following documents are needed for the application for residence permit:

In the case of a residence permit for the purpose of paid activity:

1. a work permit,

2. a contract of employment,
3. a document certifying occupancy in Hungary, and
4. a certificate on how the person will make a living until he receives his first salary (bank account statement, employer's certificate that he will pay an advance to the person, etc.)

or,

5. a certificate on the character of the gainful activity (the articles of association),
6. the resolution on the court registration of the enterprise,
7. a document certifying occupancy in Hungary,
8. a certificate on the acquisition of the qualification necessary for filling the position,
9. a declaration, certificate on the (expected) yearly income,
10. a certificate of the amount of money at the person's disposal in Hungary,
11. the simplified balance sheet of the previous year (for a firm already operating),
12. a certificate that the firm has no public debt (for a firm already operating),
13. if the firm has Hungarian employees: their employment contracts,
14. in case of a new enterprise: a brief business plan.

In the case of a residence permit for educational purposes:

1. a certificate of school attendance,
2. a document certifying occupancy in Hungary (the document certifying accommodation in a student hostel or the tenancy contract with a duplicate of the title deed), and
3. the documents certifying subsistence in Hungary (bank account statement; or the declaration of the parents that they assume coverage of all costs of the stay in Hungary; or the document certifying the scholarship).
4. Attestation of the school that the applicant is exempt from the payment of school fees or that he/she has already paid the tuition fees.

In the case of a residence permit for family reunification:

1. a document certifying occupancy in Hungary,
2. a document certifying subsistence in Hungary,
3. a marriage certificate / birth certificate (duplicate)
4. a copy of the passport of the Hungarian relative.

In the case of a residence permit for visit:

1. an official letter of invitation countersigned by the OIN, or an invitation included in a notarial document,
2. a certificate of the average income of the inviting party,
3. a duplicate of the title deed, and
4. a copy of the passport or the personal identification document of the inviting party.

In the case of a residence permit for medical treatment:

1. the name and address of the health institution providing the treatment,
2. a certificate of the character and the expected duration of the medical treatment,
3. a certificate of the financial coverage for the medical treatment and the stay in Hungary,
4. the certification of occupancy in Hungary provided that the applicant does not stay in the medical institution,
5. in case of a minor child or a family member in need of help: the certification of the accommodation and the subsistence of the accompanying person.

In the case of a residence permit for research:

1. contract with an accredited research institute
2. if the researcher does not have sufficient financial means the research institute must assume an obligation, that in case of expulsion (due to the overstay of the researcher) all costs will be refund by the institute.

In the case of a residence permit for voluntary work:

1. contract with a Hungarian receiving institution, organization (church, library, town hall, etc.)

Attention!

- **The consul may request further documents in addition to those listed above.**
- **The original documents shall be attached to the applications. If the applicant wishes to get it back, the copy of the original document also should be attached.**
- **The consulate reserves the right to examine the authenticity of the presented data and the submitted documents. Presentation of false data will lead to the refusal of the visa application.**

The fee for the residence permit application is **EUR 60**.

As a general rule, the regional directorate of the Office for Immigration and Nationality processes the application within **30 days**.

The following applications shall be evaluated immediately within not more than **8 days**:

1. applications of minors and their accompanying legal guardians for a residence permit, if the substantiated purpose of travel is medical treatment for the minor;
2. applications for a residence permit of persons with custody of an unaccompanied minor who are arriving to escort the minor home;
3. applications for a residence permit, if the entry and stay of the applicant is desired on the grounds of substantial national interest of Hungary in the field of economics, culture, science or sports.

The directorates shall make a decision within **15 days** if the purpose of entry of the third country nationals is:

1. study or
2. research.

In case of refusal, the applicant may lodge an appeal within 8 days from the receipt of notification thereof. The appeal shall be submitted either to the regional directorate of the Office for Immigration and Nationality which processed the application or to the consular officer. Appeals are decided by the Immigration Office within 30 days.

Seasonal employment visa

Seasonal employment visa entitles the holder for single or multiple entry, and for employment for a longer than three months and maximum six months period. The validity of the visa is maximum one year. The applicant has to dispose a seasonal work permit issued by the competent labour center. The permit has to define the exact place and time of the seasonal work. In case of multiple employments the seasonal employment permit has to define the detailed information of every employment. The decision regarding the seasonal employment visa application is made within **15 days**. The visa fee is **EUR 40**. The visa application should be handed personally by using the official application form.

Records of data, data protection

According to Article 96 (1) of the *Act on entry and stay of third country nationals* (Act II of 2007), the immigration authority shall process the following data of third-country nationals in connection with applications for residence permits and the residence permits issued:

- a) natural identification data;
- b) facial photograph;
- c) travel document particulars;
- d) the purpose of entry and the planned duration of stay, and the country of previous usual residence.
- e) particulars of the documents provided in support of the conditions required for entry and stay;
- f) the fact and reasons for the refusal of a new residence permit or for the extension of an existing one, and for the withdrawal of a residence permit;
- g) the number, serial number and validity period of the residence permit issued (extended);
- h) the date of first entry and final exit, and the country of next usual residence.

- i) address of the place of accommodation.
- j) facial images and fingerprint images taken in accordance with Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals.

The immigration authority may disclose data of the type of data specified by law from the immigration sub-registers to the following bodies to the extent required to discharge their duties conferred upon them by legal regulation: law enforcement agencies; investigation authorities; national security services; the refugee authority; tax authorities; the authorities participating in immigration proceedings; the customs authority; the authority handling citizenship-related duties; the body operating the register of personal data and address records of citizens; the employment and labor authority; the occupational safety authority; and the public health authority; the pension insurance administration agency; the bodies of municipal governments vested with regulatory capacity; and document bureaus.

The consulate may disclose data from its register to law enforcement and criminal investigation agencies, the national security agencies and the refugee authority, to agencies specified by law or international agreement within the type of specific information defined therein, furthermore to Schengen / EU consulates in the jurisdiction.

If requested by the applicant, the consulate and the Office for Immigration and Nationality within its jurisdiction shall provide information regarding his/her data on record, unless the Aliens Act prohibits the disclosure of such data. If the consulate determines, whether by the initiative of the applicant or ex officio, that any particular data on record is incorrect or has changed, it takes prompt measures to have such incorrect data corrected or removed from the records, whichever is appropriate.

The attached photograph of the visa procedure has to meet to the following requirements:

1. not older than 6 months
2. colour
3. passport-size (35-40 mm in width)
4. sharp, good quality
5. entire face
6. one coloured, bright background
7. shawl is not allowed except for religious purposes
8. photo made in the face of the camera

Wearing glasses is allowed, if the eyes still visible easily and the light does not reflect back from the lenticle. Wearing shawl is not allowed except for religious purposes and if the face remains visible. The photo has to meet the above mentioned requirements.

If the photo does not correspond to the prescribed requirements the applicant shall hand another photo with the required conditions, or a photograph may be taken in place by the consulate.