
**Information on practical knowledge and closely related
issues concerning the entry and stay of foreigners in
Hungary exceeding 90 days**

For organisations employing and hosting third country nationals

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1. Residence permits to be issued for employment purposes

1.1 GUEST WORKERS (for people staying as employees in jobs requiring no qualifications or basic/secondary education)

- residence permit for **SEASONAL employment**
- **employment** for the purpose of **INVESTMENT**
- residence permit for the purpose of **employment**
- residence permit for **GUEST WORKERS**

1.2. Employment requiring a HIGH level of qualification

- **HUNGARIAN CARD**
- **EU BLUE CARD**

1.3. **NATIONAL CARD (Ukrainian and Serbian citizens)**

1.4. **Residence permit for INTRA-CORPORATE TRANSFER (transfer from an employer established outside the EEA to an organisation in Hungary within the same group of companies)**

LONG-TERM MOBILITY (entitles the intra-corporate transferee to reside and work in the territory of a second Member State)

1.5. **Residence permit for POSTING**

1.6. **Residence permit for the purpose of FAMILY REUNIFICATION**

2. General information on the process of application

A residence permit is required for stays exceeding 90 days within a 180-day period for third-country nationals. It is important that the residence permit is always linked to a specific purpose. The purpose of residence must be specified by the applicant before submitting the application, and depending on the purpose, must be verified (e.g. for employment purposes, as a guest worker, the applicant must prove which employer he/she wishes to work for, in which job, in what position and for what salary). How to prove the purpose of residence for each type of residence permit is described in details for each purpose of residence. In this information note, we focus on the procedures for the different types of permits for employment in Hungary.

In order to facilitate the processing of residence cases, the National Directorate-General for Aliens Policing (hereinafter: NDGAP) operates an electronic system for receiving applications and processing cases electronically. Foreign nationals applying for a permit (or their authorised representative) are entitled to submit applications electronically, as well as employers, in certain cases, instead of foreign clients.

When applying electronically, the foreign client only needs to appear once before the authority to complete the necessary administrative tasks and to record his/her biometric data.

The system is available at enterhungary.gov.hu.

If the application is approved, the regional directorate shall always issue a residence permit with a fixed validity period. The foreigner is entitled to enter Hungary (with unlimited number of entries and exits) and to stay in Hungary for the purpose and until the date indicated on the permit.

If the application does not comply with the requirements of the legislation, the authority shall decide to refuse the application and, if it is established that the third-country national residing in Hungary has no longer the right to stay, in its decision rejecting the application for a residence permit or revoking the residence document, the authority shall expel the third-country national from the territory of the Member States of the European Union and the other Schengen Member States. An appeal may be lodged against the decision of the regional directorate (both in the case of refusal and revocation).

2.1. Submission of the application for a residence permit (the "first" application)

- As a general rule, the application for a residence permit must be submitted to a diplomatic or consular foreign mission of Hungary in the country of your nationality or your habitual place of residence prior entry into Hungary. The application is called *an application for a residence permit/visa for the purpose of obtaining a residence permit (visa application type "D")*.
- Third-country nationals who are legally residing in Hungary and who have the nationality listed in *Annex II to Regulation (EU) 2018/1806 of the European Parliament and of the Council* may submit their application for a residence permit in Hungary (for guest workers only for the first time) provided that they meet the general residence conditions. The application may be submitted in person, at the competent regional directorate of the client's place of accommodation or via Enter Hungary.
- The employer/receiving organisation may also submit applications for
 - a residence permit for the purpose of investment, residence permit for guest worker,
 - a National Card,
 - an intra-corporate transfer residence permit,
 - an EU Blue Card,
 - a Corporate Card

in case:

- the third-country national has not yet entered the territory of Hungary, or
- the third-country national legally resides in Hungary, and

the Act XC of 2023 allows the submission of an application for the issuance of a residence permit by a third-country national residing in Hungary, furthermore

- applications of family members applying together with a third-country national (if the law allows for an additional residence title to be based on the third-country national's stay).

The application for a permit must be accompanied by a written declaration of consent from the worker that the employer/host organisation shall submit the application for a residence permit. The person acting on behalf of the employer/host organisation must provide proof of his/her right to represent the applicant when submitting the application.

Important! To use the Enter Hungary system, the employer or host organisation needs to register, which the employer or host organisation can initiate via its Company Portal (a guide on how to use the system is available at <https://enterhungary.gov.hu/eh/assets/hu-enter-hungary.pdf>).

In all cases, the regional directorate shall assess the application so it is possible that the authority shall contact the Hungarian employer/host organisation in connection with unclear issues of fact.

Way of issuing the document according to the application:

- 2.1.1 If the applicant has submitted the application before a diplomatic or consular foreign mission of Hungary and the application is approved, the diplomatic mission or consular post shall issue the applicant a type "D" visa valid for 3 months, entitling him/her to a single entry and a maximum stay of 30 days. The residence permit document is delivered by the Hungarian Post Office (Magyar Posta) to the address indicated in the application or, failing this, to the registered accommodation of the applicant.
- 2.1.2 If the applicant has submitted the application before a diplomatic or consular foreign mission of Hungary (and no visa is required for entry - a list of visa-waived countries is annexed to this information note or can be found on the NDGAP website by **clicking here**), the foreigner is allowed to enter the Schengen area visa-free and stay for a maximum of 90 days in any 180-day period if the application is approved. The residence permit document shall be delivered by the Hungarian Post Office to the address indicated in the application or, failing this, to the customer's registered accommodation.
- 2.1.3 If the application of the applicant staying outside of Hungary is submitted by the employer at the regional directorate and a visa is required for entry, the applicant must go to the diplomatic mission of Hungary to receive the visa entitling him/her to receive the residence permit after the application has been approved. The diplomatic or consular foreign mission shall issue a type "D" visa valid for 3 months, which entitles the applicant to a single entry and a stay of 30 days. The residence permit document is delivered by the Hungarian Post Office to the client's employer.

Please note that if the foreigner does not enter Hungary within 3 months of the date of issue of the residence permit and does not commence his/her authorised stay, the residence permit is invalid and the right of entry and stay will cease.

- 2.1.4. If the applicant has submitted his/her application in Hungary, the residence permit document shall be delivered by the Hungarian Post Office to the address

indicated in the application, or, failing this, to the registered accommodation of the client.

2.1.5. If the application of the applicant residing in Hungary is submitted by the employer, the residence permit document shall be delivered by the Hungarian Post Office to the employer of the client.

2.2. Application for extension of residence permit

Residence permit extensions can **only** be applied for in Hungary, via the **Enter Hungary platform**. The application can also be submitted via the employer/host organisation in case of a *residence permit issued for the purpose of investment, residence permit for guest workers, National Card, residence permit for intra-corporate transfer, EU Blue Card and Corporate Card* as described above. The application for extension of the residence permit must be submitted at the latest 30 days prior to the expiry date of the residence permit.

2.3. General conditions for issuing a residence permit

Regardless of the purpose for which the residence permit is requested for, there are conditions that must be met in all cases.

- *valid travel document and permit for return or onward travel*

It is important that the applicant has a valid travel document, and not only at the time of the application but also for at least 3 months after the end of the period of the intended stay, and that he or she has a permit or visa, -if required-, and other conditions for travel, to travel to his or her home country or to another country to which he or she wishes to travel after his or her stay in Hungary has ended.

- purpose of entry and residence - possible ways of proving this condition are detailed in the next section for each purpose.

- *accommodation in Hungary*

To be granted the application, the applicant must prove that he/she has accommodation for the duration of his/her stay in Hungary and must register his/her accommodation or any change of accommodation after his/her entry (within 3 days) on the electronic immigration case management platform - after pre-registration on the Enter Hungary platform. Proof of accommodation can be provided in several ways: the applicant must prove that he/she is entitled to use the apartment, either on the basis of ownership, lease or other legal ground. In this case, in addition to the proof of the specific legal relationship, a so-called accommodation declaration form must be attached, signed by the person who has the right to dispose of the property (the landlord).

- *Documents in proof of means of subsistence in Hungary, to earn a living and travel home*

In addition to proof of available savings from a financial institution, proof of regular income legally earned/to be earned in Hungary is required to prove financial coverage for those who are gainfully employed. This can be done by providing an employment

contract, a prior agreement, an employer's certificate of earnings or a tax authority's income certificate.



3. Provisions for certain purposes of residence

3.1. **GUEST WORKER** (for those who wishes to reside here as employees in jobs requiring no qualifications or basic or intermediate qualifications)

3.1.1. Residence permit for seasonal employment

A single permit which entitles the applicant to establish an employment relationship with an employer and reside in Hungary and to be employed for seasonal work.

- **validity period:** up to 6 months
- **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - administrative service fee,
 - preliminary agreement/employment document,
 - proof of accommodation (document proving the title to use the accommodation: e.g. rental contract)

The document proving accommodation **must include:**

- ✓ the number of persons staying in the accommodation at the time of application,
- ✓ the number of additional persons accommodated and who may be accommodated in the accommodation during the period of the applicant's stay, and
- ✓ a declaration from the accommodation provider that the accommodation is suitable for habitation (property listed in the land register as a dwelling house or flat or other property suitable for habitation; based on the number of persons staying in the property, the living room area per person is at least 6 square metres).

If the accommodation is **provided by the employer**, the accommodation in Hungary will only be considered certified if:

- ✓ the rental contract or equivalent document clearly indicates the terms and conditions of the rental of the accommodation,
- ✓ the rent is not disproportionately high in relation to the wage of the seasonal guest worker and the quality of the accommodation, and
- ✓ the accommodation meets general health and safety standards.

The accommodation of a seasonal guest worker may be provided by the employer only if the absence of the above conditions has not been established against him within 6 months prior to the submission of the application. .

- Time period of procedural administration: 21 days, but within 70 days from the date of the application.

3.1.2 Residence permit for employment for the purpose of investment

A single residence permit which entitles the applicant to establish an employment relationship with an employer in Hungary, to reside in Hungary and to be employed for the purpose of carrying out an investment.

Realisation of the investment: preparation, construction, commissioning and start-up of the project to be carried out by the subcontractor with the approval of the general contractor, assisting contractor and the minister responsible for the employment of third-country nationals in Hungary.

- **validity period:** up to 3 years
- **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - payment of an administrative service fee,
 - a preliminary agreement on establishment of an employment relationship
 - preliminary group employment authorisation issued to the employer,

Preliminary group employment authorisation: an official promise to employ a specified number of guest workers for a specified period of time in order to carry out a project, prior to the residence permit procedure for the purpose of the project.

- certificate of the agreement or of the acceptance of the offer of support in order to implement the investment, issued by the minister responsible for foreign economic affairs,
- proof of accommodation (in the case of accommodation provided by the employer separated from local residents, a certificate of accommodation issued by the employer, an official permit for the establishment of the accommodation, proof of the number of persons the property is suitable for, otherwise a document proving the title of use of the accommodation: e.g. a residential lease contract),
- time period of procedural administration: 21 days, but within 70 days from the date of the application.

3.1.3 Residence permit for purposes of employment

A single residence permit which entitles the applicant to establish an employment relationship with an employer in Hungary and to reside in Hungary, or which entitles the applicant to be employed in Hungary on the basis of an employment relationship with an employer established in a third country in order to fulfil an agreement with a Hungarian employer (BUT the enterprises party to the agreement do not belong to a group of enterprises).

- **validity period:** up to 2 years (up to the period specified in the government agency's resolution), which may be extended by up to 1 year, but not exceeding 3 years.
- **documents to be attached:**
 - valid travel document (passport)
 - application form

- payment of an administrative service fee,
- a preliminary agreement on the establishment of an employment relationship
- an agreement between an employer in Hungary and an employer established in a third country,
- if necessary (depending on the job), a certified translation of the professional qualification
- proof of accommodation (document proving the right to use the accommodation: e.g. residential lease contract),
- time period of procedural administration: 21 days, but within 70 days from the date of the application.
- As a general rule, the employer must have a valid labour shortage.

3.1.4 Guest worker residence permit

A single permit for residence which may be issued to a third-country national:

- whose employer is a registered preferential employer or a registered qualified temporary work agency (i.e. lender of labour force),
- who is a national of a third country as defined in a decree of the minister responsible for the employment of third-country nationals in Hungary issued with the approval of the Defence Council, and
- who wishes to work in an occupation not excluded by the Minister responsible for employment policy.

Preferential employers are:

- ✓ strategic partners of the Government of Hungary,
- ✓ employers who are carrying out an investment of outstanding significance for the national economy of, and,
- ✓ employers who qualify as a partner under the Outstanding Exporter Partnership Programme.

Qualified temporary work agencies (i.e. lenders of labour force): employers who are registered in the Registry of qualified temporary work agencies as defined in Government Decree.

Please note that an employer is only considered to be a preferential employer or a qualified lender if the registration and employment fees have been paid. The Budapest City Government Office has the competence and jurisdiction to carry out the registration procedure.

- **validity period:** up to 2 years, which may be extended by up to 1 year, but not exceeding 3 years.
- **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - payment of an administrative service fee,
 - a preliminary agreement on establishment of an employment relationship
 - if necessary (depending on the job), a certified translation of the professional qualification
 - proof of accommodation (document proving the right to use the accommodation: e.g. residential lease contract),

- time period of procedural administration: 21 days, but within 60 days from the date of the application.

3.2 Employment in higher professional qualifications

3.2.1 Hungarian Card

A single permit which may be issued to a third-country national who(se)

- purpose of residence is to perform actual work for or under the direction of others, for remuneration, under contract for employment relationship, or
- as the owner or managing director of a company, association or other - established for gainful activities - legal entity, performs actual work in addition to the activities falling within the scope of this activity, or
- is employed in Hungary on the basis of an employment relationship with an employer established in a third country in order to fulfil an agreement with a domestic employer (BUT the enterprises party to the agreement do not belong to a group of enterprises)
 - ✓ and, in the above cases, has a higher vocational qualification determined by the Minister responsible for higher education in agreement with the Minister responsible for vocational education, the Minister responsible for adult education, the Minister responsible for employment policy and the Minister responsible for the employment of third-country nationals in Hungary, or
- is a professional sportsperson or professional coach, or
- a performer, or
- a person actually working for a film production company registered in Hungary.
 - **validity period:** up to 3 years (up to the period specified in the government agency's resolution), which may be extended for up to 3 years at a time.
 - **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - payment of an administrative service fee,
 - a preliminary agreement on establishment of an employment relationship
 - an agreement between an employer in Hungary and an employer established in a third country,
 - higher professional qualifications (diploma) with certified translation (National Translation and Translation Certification Office)
 - proof of accommodation (document proving the right to use the accommodation: e.g. residential lease contract)
 - time period of procedural administration: 21 days, but within 70 days from the date of the application.

3.2.2 EU Blue Card

A residence permit that entitles its holder with a high level of qualification to reside in Hungary and at the same time to work for a Hungarian employer requiring a high level of qualification.

- **validity period:** up to 4 years, which may be extended for up to 4 years at a time
- **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - payment of an administrative service fee,

- a preliminary agreement on establishment of an employment relationship
- Attention! The monthly remuneration may not be less than one and a half times the average gross monthly earnings in the national economy of the second year preceding the year in question, as published by the Central Statistical Office; for general practitioners, medical specialists, pharmacists, pharmacotherapists, optometrists, dieticians and nutritionists, physiotherapists, paramedics, nurses (related to higher education), midwives (related to higher education), not less than 1,2 times the average gross monthly wage in the national economy, as published by the Central Statistical Office, in the second year preceding the reference year.
- higher professional qualifications (diploma) with certified translation (National Translation and Translation Certification Office)

time period of procedural administration: 21 days, but within 70 days from the date of the application.

Long-term mobility for EU Blue Card holders:

A third-country national who holds a residence permit issued by a Member State of the European Union for the purpose of highly qualified employment shall be issued with an EU Blue Card if she/he

- has been legally resident in the Member State issuing the EU Blue Card for at least eighteen months and
- meets the conditions laid down by law
 - has a valid travel document,
 - justifies the purpose of his/her entry and stay,
 - there are no grounds for exclusion,
 - his/her employment is supported by law and in the interest of domestic employment policy,
 - is insured for the full range of health benefits or has applied for it for all periods during which he/she is not insured by virtue of the employment relationship, and
 - has declared a real address as accommodation in Hungary.

3.3 National Card

A National Card is issued to a **Serbian or Ukrainian citizen** whose purpose of residence is to carry out actual work for or under the direction of another person, including employment lending, on the basis of an employment relationship for remuneration.

- **validity period:** up to 2 years, which may be extended for up to 3 years at a time
- **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - payment of an administrative service fee,
 - a preliminary agreement on establishment of an employment relationship
 - if necessary (depending on the job), a certified translation of the professional qualification (diploma) (National Translation and Translation Certification Office)
 - proof of accommodation (document proving the right to use the accommodation: e.g. residential lease contract)
- time period of procedural administration: 21 days, but within 70 days from the date of the application.

3.4 Residence permit for the purpose of intra-corporate transfer

Executive employees, experts and trainees residing outside the territory of the Member States of the European Union may apply for a residence permit for intra-corporate transfers where they are **posted** from a **business established in a third country** to a host organisation belonging to the same business or group of companies, i.e. where **the applicant is bound by a work contract with the sending organisation established in a third country before and during the period of the transfer.**

Executive employee: A senior person who primarily performs managerial functions in the host organization and over whom general supervision or direction is exercised primarily by the board of directors or shareholders of the enterprise or their equivalent body or persons; this post includes the management of the whole of the host organisation or of a department or division of the host organisation, the supervision and control of the work of other employees performing supervisory, professional or administrative duties, the exercise of the power to recommend the recruitment and dismissal of employees, or the exercise of the power to perform other personnel functions.

Expert: a person with exceptional knowledge of the field of activity, methods or management of the host organisation, working within the group of businesses; in assessing such knowledge, account should be taken not only of knowledge relevant to the host organisation but also of whether the person concerned has a high level of qualification appropriate to the type of work or activity requiring specialised knowledge, including appropriate professional experience and, where appropriate, membership of a licensed profession.

Trainee employee: a person with a diploma certifying higher education qualifications who is transferred to a host organisation for the purpose of career advancement or training in business procedures or methods and who receives a salary for the duration of the transfer.

- **validity period:**
 - in case of executive employees and experts up to 3 years,
 - in case of trainee employees up to 1 year,
- **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - payment of administrative service fee,
 - an employment contract or letter of assignment between the applicant and the company established in the third country, stating that the intra-corporate transfer was immediately preceded by three months of continuous service in the same company or group of companies,
 - a document proving that the host organisation in Hungary and the company established in the third country belong to the same company or group of companies,
 - evidence of higher education or professional qualifications in the case of an executive employee or expert, or higher education qualifications in the case of a trainee,
 - a statement from the host organisation in Hungary that the executive employee or expert has the necessary experience to be transferred within the company, and

- a declaration by the company established in the third country of the period of intra-corporate transferee's intention to stay in the Member States of the European Union (to prove that Hungary is the country with the longest period of intra-corporate transferee's stay in the Member States of the European Union).

Long-term mobility permit: special case of intra-corporate transfer

An applicant residing in Hungary who already holds a residence permit issued by a Member State of the European Union for the purpose of intra-corporate transfer may apply for a long-term mobility permit if he/she intends to stay in Hungary for more than 90 days. Such an applicant and the family member legally residing with him/her in Hungary may also apply for a residence permit in Hungary, provided that the residence permit issued by the first Member State is valid.

- the application must be submitted 20 days before the start of the long-term mobility,
- the documents to be attached are the same as those required for an intra-corporate transfer.

Intra-corporate transfers for a period not exceeding 90 days - notification requirement

A third-country national **who holds a valid residence permit and a valid travel document issued by another Member State of the European Union for the purpose of an intra-corporate transfer** and whose entry or stay does not harm or endanger public policy, public security or national security or public health interests in Hungary, **is entitled to**

- move freely within the territory of the Member States of the European Union, **enter and stay in Hungary for a period not exceeding 90 days,**
- **to work in the host organisation** in Hungary in the framework of an intra-corporate transfer without special permission.

The host organisation is obliged to **notify** the regional directorate of the third-country national's place of accommodation **no later than five days after the start of employment** if a third-country national holding a residence permit issued by a Member State of the European Union for the purpose of intra-corporate transfer is to work in Hungary for the host organisation for an intended period of not more than ninety days.

The notification must include

- the natural identity data of the third-country national,
- the planned duration of the intra-corporate transfer,
- the affiliation of the host entity to the group of companies.

3.5 Residence permit for the purpose of posting

A third-country national may be issued a residence permit for the purpose of posted work if

- holding a valid residence permit issued by a Member State of the European Union for the purpose of employment, and
- intends to work in Hungary for a limited period of time on the basis of an employment relationship with the posting company

- a) on behalf and under the control of the posting enterprise/business, on the basis of the contract concluded between the posting employer and the Member State who is the recipient of the service,
- b) at a site or business owned by the group of posting enterprises/businesses, or
- c) posted by the posting enterprise/business or temporary work agency to a business established or operating in Hungary.

Important: the posting enterprise/business and the worker must have an employment relationship during the period of posting.

- **validity period:** up to 2 years,
- **documents to be attached:**
 - valid travel document (passport),
 - application form,
 - payment of administrative service fee,
 - a copy of a valid residence permit issued by a Member State of the European Union entitling to work
 - certificate of employer-employee relationship with the posting company or employment contract,
 - a certificate on the posting and its duration issued by the posting enterprise/business,
 - in addition to the above, you must also submit one of the following:
 - the contract concluded between the posting employer and the Hungarian employer who is the recipient of the service,
 - proof of ownership of the posting business or business group regarding the employer's work premises or business in Hungary,
 - proof that the posting is from a temporary work agency (i.e. lender of labour force) or labour supply business to a business established or operating in Hungary.
 - proof of accommodation (a document proving the right to use the accommodation, for example: residential lease contract).
- time period of procedural administration: 21 days.

3.6 Residence permit for the purpose of family reunification

3.6.1. A family member is:

- the third-country national or the spouse of a Hungarian national (including registered partner under Act XXIX of 2009),
- the minor child (including adopted and foster children) of a third-country national with his/her spouse,
- the dependent minor child (including adopted and foster children) of a third-country national where this third-country national has parental custody,
- the dependent minor child (including adopted and foster children) of the spouse of a third-country national where the spouse has parental custody,
- a person having and exercising parental custody of a minor Hungarian child and living in the same household with the minor.

3.6.2 The **employer may also submit** an application for a residence permit for the purpose of family reunification if the **sponsor** holds or has applied for an **EU Blue Card, National Card or** a residence permit for the purpose of **intra-corporate transfer**.

3.6.3 A residence permit for the purpose of family reunification may not be issued to a third-country national if the sponsor:

- does not hold a residence permit for the purpose of guest self-employment for at least a year,
- holds a residence permit for the purpose of seasonal employment,
- holds a residence permit for the purpose of employment for the purpose of investment,
- holds a residence permit for the purpose of employment,
- holds a residence permit for guest workers,
- is a holder of a White Card,
- holds a residence permit for the purpose of studies, training,
- holds a residence permit for the purpose of traineeship,
- holds a residence permit for the purpose of voluntary service,
- the other spouse of the sponsor is a holder of a residence visa or a residence permit issued for the purpose of family reunification.

4. Single application procedure

Single application procedure is a procedure for authorising a third-country national's stay in Hungary for more than ninety days within a period of one hundred and eighty days and the establishment of an employment relationship between the applicant and a specific employer.

Single permit: Single application procedure is a procedure for authorising a third-country national's stay in Hungary for more than ninety days within a period of one hundred and eighty days and the establishment of an employment relationship between the applicant and a specific employer.

4.1 A single application procedure takes place for the issuance or the extension of a residence permit if the third-country national submitted an application for the purpose of the following reasons:

- residence permit for seasonal employment,
- residence permit for employment for the purpose of investment,
- residence permit for the purpose of employment,
- residence permit for guest workers,
- National Card,
- Hungarian Card,
- EU Blue Card,
- residence permit for intra-corporate transfer,
- residence permit for research,
- long-term mobility residence permit for the purpose of research
- short-term mobility certificate of researchers
- Corporate Card (for the purpose of employment)
- residence permit for reasons of Hungarian national interest (for the purpose of employment)

- residence permit for the purpose of family reunification (for the purpose of employment)

4.2 In the following cases the Government Office not involved as a specialised authority if a third-country national:

- applies for a residence permit as a guest worker,
- applies for the issuance or extension of a residence permit for employment for the purpose of investment,
- applies for the issuance or extension of a National Card,
- performs work within the framework of post-doctorate related employment, or under the Bolyai János Research Scholarship as part of the tender or within the framework of the scholarship program,
- is a clergyman as defined by law,
- is a researcher working within the framework of an international agreement - verified by a certificate issued by the Hungarian Academy of Sciences - between Hungary and another State,
- conducts research in Hungary under a hosting agreement with an accredited research organisation
- is a professional athlete,
- is a professional trainer,
- is a close relative of a member of the armed forces and of civilian staff deployed in Hungary on the basis of NATO-SOFA Agreement,
- a family member of a third-country national sponsor as defined by law provided that holding a valid residence permit issued for the purpose of family reunification, (s)he has resided in the territory of Hungary legally for at least one year prior to the submission of an application, and employment of the sponsor is an exempt from work permit requirement,
- a family member of a refugee or a person who is granted subsidiary protection or a parent or a guardian in the absence of a parent of an unaccompanied minor recognised as a refugee, in case he/she has a valid residence permit issued for the purpose of family reunification prior to application submission,
- applies for a residence permit pursuant to Article 95(16) of Act I of 2007 on the Entry and Residence of Persons with the Right of Free Movement and Residence,
- applies for a residence permit as a family member of a Hungarian citizen,
- applies for a residence permit for reasons of Hungarian national interest (for the purpose of employment).

5. Obligations of employers/host organisations to notify foreign nationals

5.1 Obligations concerning the residence permit of third-country nationals

The employer or the host organisation must ensure that, at the latest on the day the third-country national starts working, the third-country national is in the possession of a valid residence permit authorising him/her to work for the employer or the host organisation.

The employer or the host organisation must keep a copy of the residence permit presented by the third-country national for the duration of employment.

The immigration authority may ask you to present the above mentioned during an official inspection.

5.2 Notification obligation

5.2.1 Notification about the beginning of employment

The employer must notify the immigration authority of the start of the employment of a third-country national within the following deadlines:

- if the employer or host organization has applied for a work permit, **within 5 days of receipt of the work permit** issued to the third-country national,
- if the employer or the host organization has applied for a work permit, but the third-country national – within a reasonable time from the expected start date agreed in the preliminary agreement – enters Hungary **after the date of receipt, within 5 days of the date of entry,**
- in cases not covered by the previous two cases, **within 5 days of receipt of the work permit** issued to the third-country national;
- for third-country nationals holding a residence permit for the purpose of studies, **within 5 days of the beginning of the work.**

5.2.2 Notification of non-start of employment

The employer or the host organization must notify the immigration authority if the third-country national does not start the authorized work within the following deadlines:

- **if the employer or the host organization has applied for a residence permit** for the purpose of employment and the employer or the host organization becomes aware that the third-country national will not start working for the employer or the host organization, **immediately and at the latest within 5 days of becoming aware of this;**
- **if the employer or the host organization has not applied for the residence permit** for employment but becomes aware that the third-country national will not start working for the employer or the host organization within a reasonable period of time after the expected starting date specified in the prior agreement for the employment relationship, **immediately, but no later than 5 days after the expected starting date specified in the employment contract.**

5.2.3 Notification of termination of employment

The employer or the host organisation must notify the immigration authority **within 5 days of the occurrence of the fact or circumstance on which the notification is based** that the work will cease within the period of validity of the residence permit.

The employer or the host organization must provide the following information **on the commencement, non commencement or termination of employment:**

- employer's or host entity's particulars (name, address, registered address, place of business, company form, registered number),

- particulars of the third-country national worker or intra-corporate transferee,
- number of the residence permit of the third-country national worker or intra-corporate transferee,
- job description,
- the date of commencement of employment, or the actual date of transfer within the company, or failure to do so on the scheduled date, or the date of termination of employment before the expiry of the work permit or single permit.

The employer completes the above mentioned notification electronically via **Enter Hungary platform** after electronic identification.

5.2.4 **Legal consequences of failure to notify the commencement, non commencement or termination of employment**

An employer or host organization that fails to notify the start, non-start or termination of employment or fails to comply with its obligation to provide a residence permit shall **be subject to a fine for the protection of public policy by the immigration authority, in proportion of the number of third-country nationals employed, in an amount up to HUF 1.000.000 (one million) per employee.**

The employer or the host organization is **exempted from the obligation** to pay the fine **if it can be proven that – as detailed above – the employer or the host organization has complied with its obligations to check and report.**

The employer or the host organization is **not exempted** from the obligation to pay the fine **if the employer or the host organization knew or could have known with due diligence that the document** presented as a valid residence permit or other residence authorization **was false.**

The main contractor and any intermediate subcontractor shall be jointly and severally liable with the subcontracting employer or the host entity for the payment of the fine **if the employer or the host organization knew or could have known with due diligence that the subcontracting employer was employing a third-country national without a residence permit.**

5.2.5 **Notification of an intra-corporate transfer of less than 90 days**

At the latest within 5 days of starting work, the host organization must declare that if a third-country national holding a residence permit issued by a Member State of the European Union **for the purpose of intra-corporate transfer is to work in Hungary for the host organization for an intended period not exceeding ninety days.**

The notification must include

- natural identification date of the third-country national,
- the planned duration of the intra-corporate transfer and
- the affiliation of group of companies of the host organization.

The employer completes the above mentioned notification electronically via **Enter Hungary platform** after electronic identification.

5.2.6 Notification of changes to employment conditions in the case of a residence permit for guest workers

An employer employing a foreigner with a residence permit for guest workers, if there is a change in the terms and conditions of employment of the guest worker it employs, must notify the National Directorate-General for Aliens Policing **within 5 days of the change via the Enter Hungary platform**, by providing the following information

- employer's or host entity's particulars (name, address, registered address, place of business, company form, registered number),
- particulars of the guest worker
- number of the residence permit of the guest worker
- the name and FEOR number of the authorized and changed profession
- the address of the authorized and changed place of work in Hungary.

5.3 Specific obligations for the employer of the guest worker

The employer must ensure that **the guest worker** holding

- a residence permit issued for the purpose of investment,
- a residence permit issued for the purpose of employment or
- a residence permit issued for guest workers

shall leave the territory of Hungary not later than 6 days after the termination of the employment relationship in the event of termination or cessation of the employment relationship.

If the employer does not comply with this obligation, the immigration authority will **impose a fine of HUF 5,000,000**.

The employer is **exempted** from paying the **fine if it is proven that the employer has acted in accordance with the normal behaviour expected in the circumstances in fulfilling the above mentioned obligation**.

In particular, the employer **fulfils the requirement of conduct normally expected in the given situation** if it fully complies with its obligation to notify the immigration authority and can prove that

- the guest worker was informed, in a language which (s)he understood, of the legal consequences of termination of employment in the context of aliens, and on the obligation and penalties for leaving the country;
- the employer had a flight ticket under the name of the guest worker to the country of origin or to the country of departure indicated in the declaration in the application, or to whom the guest worker has presented such a flight ticket and can provide documentary proof of this, and
- the reason why the guest worker did not leave as
 - the guest worker left his/her registered accommodation for an unknown destination before the day of departure and could not establish contact with her/him, or
 - the guest worker has an employment relationship with another employer, and the employer is aware of the change of employer and can provide documentary evidence of it.

The employer must reimburse the costs of expulsion, removal and detention in custody advanced by the aliens policing authority and the body established for general police duties if

- the expelled guest worker does not have the costs covered and
- the expulsion was ordered because the guest worker
 - does not fulfill the conditions of residence,
 - has worked without authorization, or
 - the entry and stay of the person is harmful or dangerous to public health.

If the employer or the host organization, in the event of termination or cessation of the employment of the guest worker, **is responsible for the guest worker's obligation to leave the country or fails to comply with its obligation to report the non-start or termination of employment of a guest worker in the case of 30% of the number of guest workers** brought to Hungary by the guest worker in a calendar year, the employer or the host organization **may not employ any more guest workers beyond the existing guest workers for 2 years from the date of the fine.**

6. Transitional rules related to the entry into force of the new legislation on aliens, Act XC of 2023 on the General Rules for the Entry and Right of Residence of Third-Country Nationals (hereinafter: Act XC of 2023)

6.1 Validity of the residence documents

Visas, residence permits, temporary residence certificates, immigration permits, or permanent residence permits, interim, national and EC permanent residence permits and travel documents **issued before 1 January 2024 shall entitle the holder to reside for the period of validity specified therein.**

A residence permit or a permanent **residence permit issued with a validity period between 1 January 2024 and 29 February 2024** shall be valid **until 30 April 2024** and shall be deemed to have been issued with a validity period of 30 April 2024.

6.2 Submission of the first application under the Act XC of 2023 for holders of a residence permit valid on 1 January 2024

A third-country national who is a **holder of a valid residence permit in the territory of Hungary on 1 January 2024 may apply for the issue** of his/her residence permit **under one of the legal titles provided for in the new legislation on aliens, the Act XC of 2023.** When submitting the application, **the procedural fee for the issue** of the residence permit **must be paid.**

The application **can be submitted not earlier than 45 days before the expiry date of the residence permit.** An exception to this rule is made if an application for a new residence permit is necessary due to a change in the occupational conditions.

Due to the late submission of the application for the residence permit, **a request for verification cannot be submitted** beyond the period of validity of the residence permit.

The period of validity of the residence permit document – as defined in the Act XC of 2023 – **shall be deemed to start with the submission of an application for a residence permit on the basis of the Act XC of 2023 after 1 January 2024.** This means that the maximum length of

residence – as defined in the Act XC of 2023 – for a given purpose of residence will not include the period of residence up to that date.

The following residence permits are exceptions to the calculation of the validity period above:

- residence permit for seasonal employment,
- residence permit for intra-corporate transfer,
- White Card,
- residence permit for traineeship,
- the residence permit for the purpose of seeking a job or starting a business,
- the temporary residence permit,
- residence permit for the purpose of voluntary service,
- the mobility certificate,
- mobility residence permit.

If the third-country national holds one of the listed residence permits, **the authority will also take into account the period of residence already granted by the previous permit(s)**. Therefore, the application **can only be granted if the period of validity of the residence permit** to be issued under the Act XC of 2023 **does not exceed the total duration of the applicant's residence in the territory of Hungary**, taking into account the previous residence permits.

Applications for residence permits expiring between 1 March 2024 and 1 April 2024 must be submitted not later than the last day of the period of validity of the residence permit.

Before submitting the application, it must be ascertained whether **the activity** for which the third-country national is residing in the territory of Hungary **complies to one of the purposes of residence regulated by the Act XC of 2023**, and an application in accordance with it must be submitted.

If the third-country national holds a residence permit **for the purpose of employment**, the residence permit may be requested on the following **legal basis entitling him/her to work** under the Act XC of 2023:

- residence permit for employment purposes,
- a residence permit for guest workers,
- Hungarian Card,
- EU Blue Card,
- National Card.

From the above listed, the applicant must apply for the type of permit **for which the conditions of employment or nationality of the third-country national are fulfilled**.

A person holding a residence permit valid on 1 January 2024 for the purpose of family reunification shall have the rights and obligations of family reunification under the Act XC of 2023.

A person holding a residence permit valid on 1 January 2024 for the purpose of family reunification shall have the rights and obligations of family reunification under the Act XC of 2023.

The residence permit for the purpose of family reunification **may also be extended** if the family member with whom the person wishes to continue to reside in Hungary holds a residence permit

for which the purpose of family reunification under the Act XC of 2023 would not be possible. In such a case, an application for **the extension of the residence permit** must be submitted and the **procedural fee** for the extension must be paid.

In this case, the applicant **must declare** – through his/her legal representative in the case of a minor – that if the residence permit of the family member with whom he/she is joining becomes invalid, **he/she will leave** the territory of the Member States of the European Union and other Member States of Schengen **voluntarily within 8 days of the date of the invalidity**.

If, after 1 January 2024, a person wishes to join, for the purpose of family reunification, a family member who holds a residence permit issued under the previous legislation on aliens, Act II of 2007 on the Entry and Residence of Third-Country Nationals (hereinafter: Act II of 2007), **the residence permit for the purpose of family reunification shall be issued under the Act II of 2007 also after 1 January 2024** and the rules of the Act II of 2007 shall apply.

6.3 The provisions of the Act II of 2007 shall apply **in the procedure relating to applications for visas and residence permits submitted before 1 January 2024**, and the provisions of the new Aliens Act, **Act XC of 2023** shall apply **in the repeated procedure**.