

Act On Hungarians Living In Neighbouring Countries

The Parliament

In order to comply with its responsibilities for Hungarians living outside the borders as enshrined in article (3) of § 6 of the Constitution of the Republic of Hungary;

In order to promote the preservation of their relations with Hungary;

Having regard to the universally accepted norms of international law, as well as to the international legal obligations of the Republic of Hungary;

Taking into account the aims of the Republic of Hungary in European integration, as well as the basic principles of the Law of the European Union regarding the respect for human rights and respect for the rights of national minorities and the rule of law;

Having regard to the development of regional relations within the region of Central Europe,

In order to ensure special relations of the Hungarians living in neighbouring countries to the Hungarian nation as a whole, the promotion and preservation of their well-being and national identity within their home country;

Without prejudice to the preferences and support provided by law for persons of Hungarian nationality living outside the Hungarian borders in other parts of the world;

Herewith creates the following Act:

CHAPTER I

GENERAL PROVISIONS

Scope

§ 1

(1) The Act covers those persons of Hungarian nationality who are not Hungarian citizens and reside in the Republic of Croatia, the Federal Republic of Yugoslavia, the Republic of Austria, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine, who

a. have lost their Hungarian citizenship for reasons other than voluntary declaration of renunciation, and

b. are not in possession of a permanent residence permit in Hungary,

c. are in possession of an identification document as specified in § 20.

(2) This Act also applies to the spouse living together with the person identified in article (1) and to the children of minor age being raised in their common household even if these persons are not of Hungarian nationality.

(3) This Act also applies to organisations as identified in § 5, § 18 and § 19 in respect to their contents.

§ 2

(1) Subjects of the Act are entitled for certain preferences and certain kinds of assistance on the territory of the Republic of Hungary, as well as on their permanent place of residence of their home countries under the conditions specified in this Act.

(2) Provisions regarding certain preferences and entitlement for certain assistance should be applied in accordance with the international obligations of the Republic of Hungary.

(3) The preferences and the entitlements for assistance under this Act do not affect the preferences and support ensured by Hungarian legislation in force to non-Hungarian citizens of Hungarian national identity living in other parts of the world.

§ 3

The Republic of Hungary, in order to

a. maintain permanent contacts,

b. provide for the applicability of preferences and entitlements for assistance as contained in this Act,

c. ensure undisturbed cultural, economic and family relations,

d. uphold the free flow of persons and ideas, provides for the most preferential treatment possible with regard to the entry and residence on its territory for the subjects of this Act, without prejudice to the international obligations.

CHAPTER II

PREFERENCES AND ASSISTANCE AVAILABLE FOR PERSONS UNDER THE SCOPE OF THE ACT

Education, Culture, Science

§ 4

(1) In the field of culture, persons under the scope of this Act are entitled to rights identical to those of Hungarian citizens in Hungary. Accordingly, the Republic of Hungary ensures for them, in particular,

- a. the right to use institutions of public education and the possibility to use the services they offer,
- b. availability of cultural assets for the purpose of publicity and research,
- c. availability of objects of cultural heritage and the related documentation,
- d. research of archive materials containing protected personal data for scientific purposes, if the neighbouring state where the Hungarian individual living outside the borders has a permanent residence, is party to the international convention on the protection of personal data.

(2) Persons under the scope of this Act are entitled to make use of services of any state-run public library and to the free-of-charge use of the following basic services:

- a. visit of libraries,
- b. on-the-spot use of certain collections of the library,
- c. use of stock-exploring means,
- d. information on the services provided by the library and the librarian system,
- e. in case of subscription, lending of printed library material, in accordance with the code of conduct of the library.

(3) Further preferences for individuals under the scope of this Act, with respect to the availability of services offered by state-run museums and other establishments of public education, will be regulated by specific legislation.

§ 5

Non-profit organisations operating legally in a neighbouring state, pursuing the following activities may apply to a public foundation established to this end for support for their activities. Procedural regulations on evaluation of applications are contained in § 26. Referred activities are:

- a. Preservation and promotion of Hungarian language, literature, culture and folk art;
- b. Preservation, support and research of Hungarian traditions;
- c. Other educational, cultural or scientific activities beneficial to the preservation of national identity.

§ 6

Hungarian scientists under the scope of this Act may become external members or members of the public board of the Hungarian Academy of Sciences.

State Awards, Scholarships

§ 7

(1) The Republic of Hungary ensures that persons under the scope of this Act, in recognition of their outstanding activities in the service of the Hungarian people and in enriching the Hungarian and universal human values, may receive state awards of the Republic of Hungary, or receive titles, prizes and diplomas of recognition established by the ministers.

(2) In the process of determining conditions for state scholarships, possibility to receive such scholarships should be ensured for persons under the scope of this Act.

Social Security and Health Provisions

§ 8

(1) Persons under the scope of this Act pursuing work under § 16 - unless otherwise provided by international agreements - shall contribute to the Hungarian social security system according to the relevant legislation. Those contributions entitle the persons to health and pension benefits, as relevant legislation provides.

(2) Persons under the scope of this Act not obliged to contribute to the health insurance and pension systems as stipulated in article (1), have the right to apply for reimbursement of the costs of self-pay health care services in advance. Applications should be submitted to the specific public foundation established to this end.

(3) In cases requiring immediate medical assistance, persons under the scope of this Act are entitled to such assistance in Hungary, as foreseen by bilateral social security (social policy) agreements.

Travelling benefits

§ 9

(1) Persons under the scope of the Act are entitled to travelling benefits in Hungary on scheduled, domestic, local and long-distance lines of public transportation. With regard to railways, 2nd class fares are applicable.

(2) Free-of-charge transportation shall be provided for:

a. children up to six years

b. persons over sixty-five years

(3) 90 % travelling benefits on means of domestic, long-distance public transportation shall be provided for:

a. persons identified in article (1), for four journeys a year,

b. a group of at least 10 persons under eighteen years of age who are travelling as a group and are under the scope of the Act, and two adults accompanying them, once a year.

- (4) Only one of the travelling benefits is applicable at a time.
- (5) Detailed rules of travelling benefits shall be regulated by specific legislation.

Education

§ 10

(1) Persons under the scope of the Act, as stipulated in this paragraph, are entitled to participate in the following programmes of the institutions of higher education of the Republic of Hungary:

- a. full or partial, basic or specialised university or college training,
- b. in PhD or DLA training programmes,
- c. in general types of post-graduate training
- d. accredited post-secondary specialised training

(2) Participants of state-financed regular (not evening or correspondance) training are entitled to student allowances provided by the Act on Higher Education, financial and other allowances, as well as to reimbursement of detailed health insurance contributions. Further benefits shall be regulated by the Minister of Education in specific legislation.

(3) Within the framework of state-financed training, a fixed number of students annually determined by the Minister of Education may attend the higher education institutions of the Republic of Hungary.

Student Identification Document

§ 11

(1) Persons under the scope of this Act being registered students of a public education institution in a neighbouring country and studying in Hungarian or being students of any higher education institution of that country, are entitled to student identification document (Student ID). Benefits related to Student IDs are regulated by specific legislation.

(2) Student status in the neighbouring country may be demonstrated by registration of such status in the appropriate section of the Hungarian Identification Document.

Post-graduate Training for Hungarian Teachers Living Outside the Borders

§ 12

(1) Hungarian teachers living outside the borders teaching in Hungarian in the neighbouring countries (hereafter referred to as Hungarian teachers living outside the borders) are entitled to participate in regular post-graduate training in Hungary, as well as to receive the benefits laid down in article (2). Post-graduate training and benefits are applicable for a fixed number of teachers set annually by the Minister of Education.

(2) For the duration of the post-graduate training and to the extent stipulated by legislation, persons identified in article (1) are entitled to request the Hungarian educational institution of the postgraduate training:

- a. to reimburse accommodation costs,
- b. to reimburse travel expenses, and
- c. to contribute to the costs of registration.

(3) Detailed rules on post-graduate training of teachers living outside the borders are contained by specific legislation.

§ 13

(1) Hungarian teachers under the scope of the Act are entitled to Hungarian teachers identification document (Teacher's ID), while those teaching in Hungarian in higher education institutions of the neighbouring countries are entitled to Hungarian tutors' identification card.

(2) Benefits related to the teachers' or tutors' identification documents are identical to the benefits related to the Hungarian teachers' identification document provided for teachers with Hungarian citizenship.

(3) Detailed rules on issuing and registration of the teachers' and tutors' card shall be regulated by specific legislation.

Training Delegated Outside the Borders.

§ 14

(1) The Republic of Hungary promotes the preservation of mother tongue, cultural and national identity of Hungarians living outside the borders also by supporting the delegation, organisation and operation of accredited Hungarian higher education institutions to neighbouring countries. Relevant financial resources are identified as targeted allocations in the budget of the Republic of Hungary. According to specific legislation, the Minister of Education makes actual decisions on allocations of the resources.

(2) The Republic of Hungary supports the establishment, operation and development of higher education institutions (faculties, chairs, etc.) teaching in Hungarian and seeking accreditation in the neighbouring countries. Financial resources required for implementation may be applied from a competent public foundation.

Education Assistance Available in the Native Country

§ 15

(1) Persons under the scope of the Act may apply to the competent public foundation for educational assistance, if at least two of their children of minor age, living in their household attend

kindergarten or an educational institution with Hungarian as language of instruction operating in the neighbouring country where those persons are residents.

(2) Persons under the scope of the Act may apply to the competent public foundation for assistance for books and learning materials, if their child of minor age living in their household, attends an educational institution with Hungarian as language of instruction operating in the neighbouring country where those persons are residents.

§ 16

Employment

(1) Persons under the scope of the Act may be employed on the territory of the Republic of Hungary by permission. Work permits shall be issued under the general provisions related to the permission of employment of foreign nationals in Hungary, with the exception that in these cases prior assessment of the situation on the labour market is not necessary.

(2) Work permit may be granted for a maximum duration of three months in the given calendar year. Work permit may also be granted for a longer period of time by specific legislation.

§ 17

(1) Individuals concerned may apply to the competent public foundation for reimbursement of expenses related to fulfilment of conditions for employment. These expenses are, in particular, costs of procedures required to certify the necessary degree of education, specialised training and fulfilment of health requirements.

(2) Procedures on work permits and detailed rules of registration are regulated by specific legislation.

Tasks of the Public Service Media

§ 18

(1) The Hungarian public service media shall provide regularly for the gathering and transmission of information on Hungarians living outside the borders and shall transmit information on Hungary and the Hungarian community to Hungarians living outside the borders. These information serves the purpose of

- a. transmission of Hungarian and universal spiritual and cultural values,
- b. creation of a balanced image of Hungary and the Hungarian community,
- c. preservation of national identity, mother tongue and culture of Hungarian minority communities.

(2) The Republic of Hungary provides for the creation and broadcasting of public television programmes for the Hungarian communities living outside the borders through the establishment and operation of a public institution. Financial resources are ensured by the state budget.

Assistance for Profit-oriented Economic Operators

§ 19

(1) The Republic of Hungary supports the establishment and operation of profit-oriented enterprises operating in neighbouring states and promoting the goals of the Hungarian national communities living in the neighbouring states.

(2) Profit-oriented enterprises pursuing the following aims may apply to a public foundation legally established and operated to this end for assistance. The referred aims should be, in particular:

a. Promotion of local population in settlements of disadvantageous situation populated by the Hungarian community living outside the borders, and the development of rural tourism;

b. Preservation and promotion of the Hungarian language, literature, culture and folk arts (i.e. publication of books, newspapers and magazines, development of the folk art industry);

c. Establishment and development of infrastructure for maintaining contacts with the Republic of Hungary (Internet-connection, conditions of communication techniques, etc.);

d. Restoration and maintenance of monuments that are part of the Hungarian cultural heritage;

e. Pursue other economic activity to promote the goals enlisted in article (1).

CHAPTER III

ORDER OF PROCEDURE OF RECEIVING PREFERENCES AND BENEFITS

Hungarian Identification Document

§ 20

(1) Persons wishing to receive the preferences and benefits regulated in this Act may request the identification document referred to in article (2) from a Hungarian public administrative organ assigned by the Government of the Republic of Hungary to this end (further on: evaluating authority).

(2) The evaluating authority will issue a "Hungarian Identification Document" (further on: ID) with a photograph and a "Hungarian Dependent Identification Document" (further on ID) for his or her spouse of non-Hungarian nationality and their children of minor age living in the same household, provided that

a. the applicant complies with the requirements set out in article a)-b) of § 1,

b. the recommending authority identified in § 21 has issued the recommendation,

c. neither expulsion order nor prohibition from entry or residence is in force against the applicant in Hungary. Reasons for such orders issued by the competent Hungarian authority are in specific

legislation. The applicant should have a clean criminal record and there should not be criminal proceedings against him/her in Hungary.

§ 21

(1) The evaluating authority will issue the ID, if:

a. the applicant has a recommendation issued by an organisation representing the Hungarian communities in that particular neighbouring state and being recognised by the Government of the Republic of Hungary as a recommending organisation,

b. the recommendation certifies that the applicant is of Hungarian nationality and includes the followings,

ba. application of the individual,

bb. name, place and date of birth, permanent residence, and maiden name of the mother of applicant,

bc. the name, the print of the official seal of the recommending organisation, and the signature of the person acting on behalf of this organisation,

bd. the place and date of issue of the recommendation.

(2) Recommendation issued for the spouse of non-Hungarian nationality and for the child of minor age of the person under this Act (see article (2) of § 1), only certifies the family relationship between the applicant and a Hungarian person living outside the borders.

(3) The Government of the Republic of Hungary will recognise an organisation representing the Hungarian communities in a given country as a recommending organisation, that is able to

a. represent the Hungarian community in its entirety living in a given country,

b. provide for organisational and human resources for receiving and evaluating applications for recommendations.

§ 22

(1) The ID is an official public document that entitles the bearer to receive preferences and to submit requests (applications) for assistance listed in this Act,

(2) The validity of the ID is

a. expiring on the day of the 18th birthday in case of minors,

b. 5 years in the case of persons between 18-60 years,

c. indefinite in the case of persons over 60.

(3) If an ID expires, the procedure that stipulated in § 20-21 has to be repeated upon request.

(4) The evaluating authority withdraws the ID, if

a. the recommending organisation has withdrawn its recommendation due to false data submitted by the bearer of the ID in the application,

b. its bearer has received a permanent residence permit in Hungary or Hungarian citizenship,

c. its bearer has been expelled from the territory of the Republic of Hungary, or an entry and residence prohibition has been issued against this him/her,

d. there is a criminal proceeding against him/her in Hungary

e. upon request by the bearer of the document.

(5) The evaluating authority is obliged to inform the bearer of the ID and the recommending authority about the legally binding resolution on the withdrawal of the ID.

§ 23

(1) Procedures of the evaluating authorities will be based on the provisions of Act No. IV/1957 on the general rules of public administration procedures.

(2) The applicant may appeal to Court against a legally binding public administration resolution on the appeal against the first instance decision regarding the issuing and withdrawal of an ID by the evaluating authority.

(3) Detailed regulations on the procedures of the evaluating authority and the order of registration of the issued IDs, as well as the data content and shape of the ID are regulated by specific legislation.

Use of Preferences on the Territory of the Republic of Hungary

§ 24

(1) Hungarian persons living outside the borders are eligible to enjoy the preferences set out in § 4, in article (1) of § 8, in § 9 and § 11 and in article (2) of § 12 as well as in § 13 under the relevant conditions and by presenting his ID (§ 20) during his or her legal stay in the Republic of Hungary.

(2) Public organisations and institutions providing the preferences (article (1)) receive the financial resources for funding these preferences from the central state budget.

Rules of Procedures for Applications for Benefits Available in the Republic of Hungary

§ 25

(1) The Government will establish public foundations in order to evaluate applications of and

distribute benefits for persons (organisations) under the scope of this Act.

(2) The founding document of the public foundations, taking into account the provisions of Act No. CLVI/1997, contains the goals of activities, the range of applications to be considered and defines its leading decision-making body.

(3) Applications (open call) for benefits under the Act may be submitted to the respective public foundations.

(4) Data and documents required by the respective public foundation should be attached to the applications.

(5) In case of favourable decision, the applicant and the public foundation will conclude a contract under private law containing the conditions of the assistance and the amount of the benefit, as well as determining the purpose of the use of benefits and the rules of accounting.

(6) The financial resources required for the activities of such public foundations will be ensured in specific group of allocations in the central state budget on an annual basis.

Rules of Procedure for Application for Benefits Available in Neighbouring Countries

§ 26

(1) Requests (applications) for benefits regulated in this Act may be submitted by persons (organisations) under the scope of this Act to legally functioning, non-profit organisation established in the neighbouring country to this end. (Further on foreign non-profit organisations.)

(2) The private law contract concluded between the Hungarian public foundation and the foreign non-profit organisation in order to evaluate and allocate benefits will contain the required range of data proven by documents, declarations, planning documentation, etc.

(3) The public foundation operating in Hungary will evaluate the application based on the data included in the private law contract as defined in section (2) as well as based on the opinion of the foreign non-profit organisation.

(4) The benefit will be allocated to the applicant by the Hungarian public foundation/ public service company on the basis of a private law contract. This contract determines the conditions of the assistance and the amount of the benefit as well as determines the purpose of the use of such benefits and the rules of accounting.

CHAPTER IV

Final Provisions

§ 27

(1) This Act shall enter into force on January 1, 2002.

(2) Provisions granting preferences, benefits and entitlements shall apply to citizens of the member states of the European Union in accordance with the Act of Accession of the Republic of Hungary, as from the date of accession of the Republic of Hungary to the European Union.

§ 28

(1) The Government is empowered to regulate by decree:

a. the provisions related to assignment of the national public administration authority entitled to issue, withdraw and register the IDs as well as the assignment of its superior authority and the description of their competencies,

b. the detailed rules of travel preferences of persons under the scope of this Act,

c. the detailed rules related to Student Card issued for the persons described in § 11 article (1) of this Act.

(2) The Government will ensure the establishment of Hungarian public foundation(s) for evaluating applications and allocating benefits under this Act. The Government will also ensure the co-ordination of activities of public foundations already existing to this end, the appropriate modification of their founding documents and the reallocation of benefits in this regard.

§ 29

(1) In a joint decree, the Minister of the Interior and the Minister for Foreign Affairs shall determine the detailed regulations on issuing, withdrawal, registration and requirements for content and appearance of the IDs.

(2) The Minister of Economics shall,

a. determine - in a joint decree with the Minister for Foreign Affairs – the rules of procedure and registration related to work permits for Hungarians living outside the borders, as well as assign the organ of public administration responsible for carrying out these tasks,

b. be empowered to regulate by decree the conditions for issuing work permits for a period longer than identified in § 16 of this Act with regard to employees falling under the scope of the present Act, or of a given circle of these employees - in consensus with the Minister for Youth and Sports Affairs in case of issues related to professional athletes.

(3) The Minister for Foreign Affairs is empowered to substitute the recommendation identified in § 20 of this Act with his declaration during the administrative procedures defined in § 21. This substitution can take place in cases where exceptional treatment is considered as reasonable, or in order to ensure continuous handling of the matters in cases when the procedure identified in article (1) of § 21 can not be carried out.

(4) The Minister of National Cultural Heritage determines in a decree the detailed rules of preferences with regard to the services provided by public libraries, museums and public educational institutions for Hungarians living outside the borders.

(5) In consensus with the Minister for Foreign Affairs, the Minister of Education shall determine the detailed rules on post-graduate training of Hungarian teachers living outside the borders, as well as detailed rules on the preferences set out in § 10, § 12 and §13, article 1 of § 14 and § 15 of this Act, including the extent of certain benefits.