Recommendation Note

Access to Alternative Residency Pathways and Solutions for Refugees from Ukraine with Temporary Protection in Hungary

Refugee Coordination Forum Hungary, 29 May 2025

Background

Temporary protection (TP) has been a crucial response mechanism in the European Union, currently benefitting over 5 million people displaced following the escalation of the international armed conflict in Ukraine. TP has enabled individuals fleeing conflict to access safety, basic rights, and essential services. While the situation in Ukraine remains precarious due to ongoing safety and security concerns, necessitating continued protection arrangements, there is an increasing need to consider long-term legal solutions for displaced people, beyond the current validity of TP.[1]

While TP continues to offer effective protection, it is temporary in nature. At the same time, there are increasing reports across host countries, including Hungary, that support systems associated with TP are gradually being reduced, impacting the ability to address the needs of displaced populations – especially with regard to individuals with specific needs or vulnerabilities. Therefore, while the temporary protection arrangements are being extended, there is a pressing need to facilitate, in parallel, transitions to alternative forms of legal status and other solutions, which provide stability and inclusion, including for those who may not meet the typical residency criteria under existing frameworks.

Instruments that promote legal certainty for refugees are essential to ensure stability and well-being until conditions allow for safe, dignified, and sustainable returns.[2] Hungarian legislation currently in force, specifically Act XC of 2023, on the entry and residence of third-country nationals (TCN Act), provides several important opportunities for residency status, that may be considered relevant in the context of longer-term solutions, subject to specific conditions.

This note presents a general overview of both existing opportunities and challenges, as well as practical recommendations identified through the Refugee Coordination Forum in Hungary, within the framework of the Regional Refugee Response Plan for the Ukraine Situation.[3] The note further encourages further cooperation between government stakeholders, humanitarian actors and civil society organizations to develop and implement programmes that support the transition from TP to alternative forms of legal status.

This note was informed by discussions held on 29 May 2025 within the Refugee Coordination Forum, with participants from UNHCR, the National Directorate-General for Aliens Policing (NDGAP), OPL Gunnercooke law firm, and participants from 15 RRP partner organizations.

Specific observations on accessing alternative residency pathways

General considerations. Many refugees who have fled from Ukraine are extremely **vulnerable**, including older persons, persons with disabilities or limited mobility and individuals with serious medical conditions. Given their vulnerable situation, these refugees may face significant challenges in meeting certain eligibility requirements for alternative forms of residency, particularly those related to employment or income.

[1] On 13 June 2025, the European Council unanimously expressed its support for a proposal to extend TP until 4 March 2027: https://www.consilium.europa.eu/en/press/press-releases/2025/06/13/eu-member-states-agree-to-extend-temporary-protection-for-refugees-from-ukraine/

[2] UN High Commissioner for Refugees (UNHCR), *UNHCR Recommendations on the continued use of Temporary Protection arrangements and Guiding Principles for Transition in relation to the Ukraine Refugee Situation*, May 2025, available at: https://www.refworld.org/policy/countrypos/unhcr/2025/en/150064

[3] Regional Refugee Response Plan for the Ukraine Situation 2025-2026, available at: https://data.unhcr.org/en/documents/details/113657

Moreover, beneficiaries of TP may encounter **procedural and practical difficulties** when seeking to transition to other forms of legal stay. For example, in Hungary **individuals are required to renounce their TP status to be able to apply for a new type of residence permit** – whether for work, family reunification, study, or self-employment.[4] This requirement may **increase uncertainty**, particularly regarding rights and entitlements during the application period. Addressing this procedural challenge could significantly ease pathways to alternative solutions for those seeking greater stability.

According to the general rules of the TCN Act, applications for most permit types can be submitted while applicants are still within their country of origin. For non-Ukrainian refugees from Ukraine, this requirement is often unattainable. Ukrainian nationals are authorized to stay in Hungary on a visa free basis, therefore they can **apply for permits from within Hungary**. However, third-country nationals who are family members of Ukrainian refugees are not entitled to visa free stay in Hungary and are consequently required to leave the territory of Hungary to submit their application.

Additionally, **technical requirements**, among others, related to diplomatic certification or Apostille, and certified Hungarian translations of foreign documents pose further difficulties, both in terms of complexity and cost. Harmonizing and simplifying administrative practices across different regions and providing clear, accessible guidance for applicants as well as service providers, remains a crucial outstanding need.

Access to the National Residence Card. The National Residence Card offers a **stable long-term residency status with access to work** (unrelated to a work contract) and access to a broad range of social services and benefits on an equal footing with Hungarian nationals.

TP holders are eligible to apply for a National Residence Card, provided they can demonstrate at least three years of continuous residence in the country prior to submitting their application. As practice shows, some aspects of **financial, language and integration-related requirements add layers of complexity in accessing this status**. For instance, applicants may be required to demonstrate disproportionately high levels of savings per person, with thresholds that vary by region. These financial criteria complicate access to the National Residence Card.

Moreover, the application procedure includes a **mandatory cultural knowledge exam**, while the required level of Hungarian language proficiency remains unclear. Free, tailored language courses are not systematically provided to support prospective applicants. While it is a welcome development that NDGAP and the Government Office has published study materials, clear and comprehensive guidance on the content and structure of the exam remains limited, which may hinder adequate preparation and negatively impacts access to such alternative residency options.[5]

Finally, unlike in naturalisation procedures, particularly **vulnerable persons** - such as children, older persons, persons with serious medical conditions and individuals with limited or no legal capacity - are **not exempt** from these language and cultural knowledge requirements, which raises concerns regarding consistency across legal procedures and may compromise accessibility for vulnerable individuals.

Access to the National Card. Access by Ukrainian nationals to a work-related residence permit in the form of National Card is facilitated by law.[6] The validity period of the National Card contributes toward eligibility for long-term residency (National Residence Card), thereby supporting durable integration pathways. In addition, the National Card **facilitates family reunification** and allows for subsequent change of permit. Therefore, the National Card **appears** to represent the **most suitable form of residency for employment purposes** for Ukrainian refugees in Hungary.

[4] The obligation stems from the interpretation of Article 7(1) of the TCN Act, which stipulates that a foreign national may hold only one legal status at a time in Hungary. However, the application is only the start of the procedure; it does not mean that the applicant will receive and hold the new status they applied for. Also, the renunciation requirement is not deductible from the Act LXXX of 2007 on asylum.

[5] Information on the cultural knowledge exam is available at: https://oif.gov.hu/factsheets/hungarian-cultural-knowledge-exam

[6] Government Decree 179/2024 of 8 July on the list of countries for which third-country nationals may be employed with a National Card

However, **access** to the National Card remains **challenging** due to stringent eligibility requirements, particularly those related to demonstrating sufficient means of subsistence and comprehensive health insurance coverage.

Access to self-employment. Beneficiaries of TP are **not eligible to register as private entrepreneurs or sole proprietors** under Hungarian law, as they fall outside the personal scope of Act CXV of 2009 on Private Entrepreneurs and Sole Proprietorships. As a result, TP holders wishing to start their own small business are required to change their legal status to a residence permit for the purpose of self-employment, giving up their TP status.

At the same time, obtaining the **residence permit for the purpose of self-employment**, is tied to a formal procedure and conditions which may be difficult for refugees to meet (for example, meeting an annual income threshold of 24 months' minimum wage).[7] Additionally, unlike TP, the residence permit for the purpose of self-employment does not address refugees' protection needs and does not provide a pathway to long-term residency, such as the National Residence Card. Therefore, the lack of facilitated access of TP holders to self-employment presents challenges for refugees from Ukraine seeking flexible working arrangements, including female-headed households and individuals with family responsibilities.

Recommendations for supporting access to alternative residency pathways

Looking ahead, with the EU Temporary Protection mechanism currently set to expire in March 2027, it is important that national systems prepare, in parallel, transitions to alternative forms of legal status with a view to offer more sustainable solutions for those who are unable to return safely to Ukraine. By adopting a coordinated, flexible and rights-based approach, Hungary can contribute meaningfully to regional efforts in promoting protection, stability and access to solutions for those who need them.[8]

Several key recommendations and opportunities emerged from the discussions held during the workshop of the Refugee Coordination Forum, grounded in both legal analysis and practical experience shared by stakeholders. These recommendations are intended to address the identified legal and practical barriers and support a more inclusive and sustainable approach to transition to alternative forms of legal status for beneficiaries of temporary protection.

1. Facilitate in-country transitions from temporary protection to other residence permits without the requirement of prior renunciation of TP status. Enabling in-country transitions to other types of residence permits – without requiring individuals to first renounce their temporary protection status or requiring non-Ukrainians to leave the country – would contribute to legal continuity and stability.

2. Ensure that before revocation or non-renewal of residency permits, individuals fleeing the international armed conflict in Ukraine are provided by law with the opportunity to apply for temporary protection or other forms of protection status. Depending on individual circumstances, this may include an individual assessment of *refoulement* risks. Additionally, consideration may be given to improving access to judicial review by extending the deadline for appeals in residency application cases in order to strengthen procedural safeguards.[9]

3. Ensure flexible interpretation of eligibility criteria for alternative permits. In view of the socio-economic realities of beneficiaries of TP, it is recommended that authorities consider applying flexible interpretations of eligibility criteria. Applying a flexible approach for TP beneficiaries and considering lower thresholds when assessing general eligibility criteria (such as full health insurance, housing and means of subsistence) would support broader access to alternative forms of legal status.

[7] Government Decree 35/2024 of 29 February 2024, Article 12.
[8] UN High Commissioner for Refugees (UNHCR), *UNHCR Recommendations on the continued use of Temporary Protection arrangements and Guiding Principles for Transition in relation to the Ukraine Refugee Situation*, May 2025. See under Note 2 above.
[9] As prescribed by TCN Act Article 210 (2).

Flexibility also includes easing requirements for self-employment, interpreting income and savings thresholds favourably in cases of hardship, and where financial vulnerability is demonstrated. Also, waiving application fees in case of non-Ukrainians. Additionally, applicants should not be required to provide a declaration of voluntary return upon the expiry of a given permit, where international protection needs are present.

4. Facilitate access to solutions. Exempting children under 14, adults over 60 years of age, persons with serious medical conditions and individuals with limited or no legal capacity from the current cultural knowledge requirements would facilitate access to alternative residency arrangements and ensure consistency with exemptions already applicable in naturalisation procedures. Authorities are encouraged to facilitate access to free, tailored language courses and to provide clear and comprehensive guidance on the structure and content of the exam, enhancing applicants' ability to prepare effectively.

5. Expand access to self-employment by extending the personal scope of Act CXV of 2009 on Private Entrepreneurs and Sole Proprietorships to include beneficiaries of TP. Including beneficiaries of temporary protection within the personal scope of the relevant Act could support their access to self-employment without requiring a change in legal status. Such a measure would empower individuals pursuing small-scale business activities, particularly female-headed households, and reduce administrative burdens for both applicants and authorities.

6. Simplify administrative procedures and improve access to information. It is important to provide clarity and information provision on the practical application of rules. It is recommended that administrative procedures are adapted to the specific circumstances of beneficiaries of TP, with simplified evidentiary requirements such as waiving the requirement for diplomatic certification of documents issued abroad, as well as the potential waiving of administrative fees in case of financial hardship.

7. Strengthen institutional capacity and communication channels. Regular capacity building for frontline workers and service providers, counselling for applicants, and the establishment of two-way communication channels between beneficiaries of TP and the government administration across the country would significantly improve the accessibility of alternative pathways. The establishment of a dedicated client service contact point (e.g., via phone or email) within the NDGAP could enable applicants and support organizations to access individualized guidance on procedural matters.

Resources and Contacts

- UNHCR Policy Brief - Forecasting refugee return to Ukraine amid ongoing war and uncertainty, available at: https://data.unhcr.org/en/documents/details/117421
- UNHCR Recommendations on the continued use of Temporary Protection arrangements and Guiding Principles for Transition in relation to the Ukraine Refugee Situation, May 2025, available at: https://www.refworld.org/policy/countrypos/unhcr/2025/en/150064
- Information on the Hungarian cultural knowledge exam, available at: https://oif.gov.hu/factsheets/hungarian-cultural-knowledge-exam

For more information, please reach out to the Refugee Coordination Forum in Hungary: hunbuiac@unhcr.org.