



Changes in immigration status and purpose of stay: an overview of EU Member States approaches

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The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.



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1 Executive Summary (Synthesis Report)

Modernization of migration system is also necessary for effective action. It is very important to improve the coherence of migration law and strengthen legal security.

In the study, several problems will be recorded and investigated, which at first sight are not related to status changes. Nevertheless, later it will turn out that Hungarian policy allows the change of status with few strings attached. It is also worth examining the status changes problems associated with typical first status obtaining as well. All this would point out that the implicit migration status policy approach used by Hungary, will lead us to take stock of the problems related to obtaining the status.

This conclusion explicates that the previously mentioned liberal policies can be dangerous because it also leads to problems that are typically used to connect to the first status obtaining. In addition, of course it also brings benefits if the appropriate status in the future can be reconsidered by the third country national. Therefore it brings social and economic benefits as well.

Immigration authorities managed by the Ministry of the Interior, such as the Office of Immigration and Nationality and the Police have a significant role in law enforcement. It is also important to mention international and nongovernmental organizations working in the field of migration and asylum. For example such organizations among others are the UN, the UNCHR, the ICMPD, or many civil organizations and NGOs.

The current Hungarian situation can be described as there is easily accessible, relevant and up-to-date information about migration status requests and permits, but the information about status changes are insufficient. There is no difference in statistics between registering and changing migration status. The only available information is the number of migration status requests and providing authorization for a given period, but we have no data of cases, when the given migration status is the result of the change of another status. Data on migration status changes should be transparent and simple, easy to manage and accessible by both the Hungarian authorities and migrants.

The process of obtaining the status illegally sometimes happens within the legal framework, therefore it is important to act carefully and effectively against abuses.

Modernization of the migration system is also necessary for effective action. It is very important to improve the coherence of migration law, strengthen legal security and build capacity of the redress scheme to have proper access to classified information.

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In Section 1: Overview of national migration system in place regarding changes of status, the current Hungarian situation can be described as a system providing easily accessible, relevant and up-to-date information about migration status requests and permits, but the information about status changes are insufficient. There is no difference in statistics between registering and changing migration status. The only available information is the number of migration status requests and authorization for a given period, but we have no data of cases, when the given migration status is the result of the change of a previous status. Data on migration status changes should be transparent and simple, easy to manage and accessible by both the Hungarian authorities and migrants.

In Section 2: Overview of admission criteria, the Study shows the available residence categories, its definitions and the admissions criteria.

In Section 3: National legal framework on change of status whilst remaining on the territory of the (Member) State, the Study will show the possible status changes. This section is the core of the Study. The relevant legal background and the advantages/disadvantages of the different status can be found in this section. It must be mentioned that the legal background and the practical experiences are very complex; therefore, the Study can provide only a simplified explanation in these tables. It would be useful to prepare case studies about every status change since there are status changes, which are legally possible but do not make sense in practice. In the given way, the Study can focus on only the legal possibilities. It also should be mentioned that the enhancement or reduction of the rights are not always clear. The Study strives to highlight the practical factors in these comparisons.

Section 1: Overview of national migration system in place regarding changes of status

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i. General overview of national migration system in relation to status changes¹:

Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals entered into

¹ Amendments, supplements

On **11th December 2012**, by the Parliament the Act's has been supplemented.

The adaptation of **Act CCXX. of 2012** can be viewed at:

(Please note, that there is no official English translation, therefore only the Hungarian version is available:

<http://www.complex.hu/kzldat/t1200220.htm/t1200220.htm>

On its assembly at **10th June 2013** by the Parliament has accepted some alterations

The alterations of **Act XCIII of 2013** regarding Act II. 2007 can be viewed at:

(Please note, that there is no official English translation, therefore only the Hungarian version is available.)

http://www.complex.hu/kzldat/t1300093.htm/t1300093_7.htm#kagy23

The Parliament has accepted some alterations on **16th December 2014**.

The alterations of **Act CVIII of 2014** regarding Act II. 2007 can be viewed at:

(Please note, that there is no official English translation, therefore only the Hungarian version is available)

<http://www.complex.hu/kzldat/t1400108.htm/t1400108.htm>

Last time the Act has been modified on 6th July 2015. The Act concerning the setup of a temporary border lockdown for security reasons, and regulations related to migration is **Act CXXVII. 2015**

The alterations of **Act CXXVII. of 2015** regarding Act II of 2007 can be viewed at:

(Please note, that there is no official English translation, therefore only the Hungarian version is available)

<http://www.complex.hu/kzldat/t1500127.htm/t1500127.htm>

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force on 1st July 2007. The Hungarian Parliament, with a view to partaking in the progressive establishment of an area of freedom, security and justice, and to promoting the social and economic development and advancement of countries within and outside the borders of the European Union, adopted the Act concerning the admission and residence of third-country nationals.²

Government Decree 114/2007 (V. 24) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals.³**ii-iii. Brief overview of national debate in the Member State and main drivers / reasons behind changes of status promoted by legislators**

In the case of international migration, there is a country of origin state and a "host" state. Migration takes place between developing countries in 60 percent. There is a wide range of social and political debates about the usefulness or harmfulness of migration. When emphasizing the advantages of migration the most frequently mentioned factor is the economic benefits. A high percentage of active employees take a job in a foreign country for better living. It can alleviate labour shortages in the host country. International migration affects the economy, demographics, politics, national security, culture, language and even religion as well. Exploring labour market needs is a very important social and political migration issue. High or low demand for skilled labour in some countries can affect the immigration policy of the country as well. Migration can be an important issue in major economic sectors, such as service sector, heavy industry and agriculture. Countries, where the population is aging, are also trying to attract immigrants. This can be explained by needs of the country to compensate the lack of employees in its labour market; on the other hand taxation of migrants in host countries will help maintaining the social welfare system.

"If migration takes place in a safe, legal and voluntary framework it can fight against poverty as the oldest instrument of development"(William Lacy Swing 2014). Critics say the free movement of labour is the exploitation of developing countries. According to them, the solution of the poor countries would rather be to close their borders to keep highly educated citizens in their home country.

If we assume that migration is beneficial and has many advantages, then it would be a good idea to make migration status changes more available, easily manageable and transparent for the migrants as well.

² The text of the Act in an unofficial translation by the Ministry of Interior/ Hungarian National Contact Point of the European Migration is available written in **bold** on the following page, see the link below:

<http://www.refworld.org/docid/4979cae12.html>

³ The text of the Government Decree is available written in normal on the following page, see the link below:

<http://www.refworld.org/docid/4979cae12.html>

The Hungarian version of the Act and the Government decree can be found in an integrated form on the following page:

http://helsinki.hu/wp-content/uploads/Harmtv_Vhr_egyseges_szerkezetben.pdf

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Analysing the current situation in Hungary in the recent years showed that there is no significant presence of foreign workers in the Hungarian labour market. Although there are statistics and information on the Hungarian labour market shortages and demands, the economic potential of migration and labour market benefits in migration do not appear in the Hungarian practice. In addition, Hungary's aging society may result in the collapse of the social system, so maybe immigrants could help with their contribution to the social security system. The demand and the supply in Hungarian labour market are well-known, but the activities of migration policy do not create incentives to fill the labour shortages with immigrants.

„Eastern opening”

After the elections in 2010, the new government announced new politics in foreign trade and economy, the so-called „Eastern opening”. The aim of this new political approach to renew the old commercial, economical connections with Asia, mainly with the People’s Republic of China, and with Azerbaijan, Kazakhstan and Saudi Arabia too.

Investors

One of these arrangements is the so-called Settlement State Bonds, or **Hungary State Special Debt Fund**, which helps investors acquiring permanent resident status since 2012. Those people whose entry and residence is a national economic interest, can subscribe and purchase an amount of treasury bonds specified by the law (currently at least a nominal value of 300.000 Euro), then they acquire a residence permit, and after 6 months they are eligible to apply for a national permanent residence permit (with Reference to National Economic Interest), so they can freely travel within the Schengen area. The validity of the permanent residence is indefinite, and family members also become eligible if they submit an application for family reunification.

According to the statistics, mainly Chinese citizens (almost 90%) applied for this kind of permit, the rest, roughly 10% are Russians. The scheme of the Settlement State Bonds received many criticisms since the beginning, mostly for the intransparent, government friendly, offshore backed mediator companies, that are authorized to sell the bonds, and they made a very big profit out of the extra administrative fees. The other typical critic is that while the poor migrants and refugees from the Arab world are considered to be a threat because of their culture and religion by the politicians, the wealthy investors, who are from the same area, are the „good Muslims”.⁴ The third significant critic is that the besides the current monetary politics the state from this form of financing gains its sources much more expensive than with ordinary state bonds. This means the state gives extra profit for the mediating companies.

Education

Beside the Investors, the Government supports students as well, therefore there are many scholarships for students from the eastern area. In 2013, the so-called **„Global Opening Scholarship Program”** was

2. More information about the residence permit: <http://www.trusthungary.com/hu/ugyfel-tajekoztato.html>
Statistics: <http://www.portfolio.hu/cimke/leteleped%C3%A9si%20%C3%A1llamk%C3%B6tv%C3%A9ny>

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issued for students from African countries,(for example South Sudan, Ethiopia, Nigeria); but also students from China, Mongolia, and Vietnam are welcomed in the framework of the program The program constitutes around 4.5 billion HUF expenditure for the years 2013-16. The project is coordinated by the Balassi Institute that announced some other courses as well, which help the integration of students by familiarizing them with the Hungarian culture and language.

The project does not take away the chances from Hungarian students, in addition, Hungarian students can also travel to the „East“. The explicit aim of the projects is to build bilateral connections with remote countries, to strengthen the bond between the foreign students and Hungary in order to make them committed towards Hungary in the future.⁵

Other

Up against the attractive projects listed above, the Government does not support the other statuses as much. The tightening of the regulations in 2015 connected to the migration crisis, affects mainly asylum seekers and illegally staying migrants negatively – see the alterations of Act II of 2007. In the press they show these people, namely who are migrating on humanitarian grounds or the refugees, in a negative connotation, and statistics tell us, that they are not that important as the wealthy investors, paying in the budget, or the students. Latest statistics show us, that between January 1st and December 9th 2015 , the Office of Immigration and Nationality acknowledged 138 persons as refugees, 330 got subsidiary protection, 5 persons authorized to stay, while 2527 have been rejected, and 141520 cases have been discontinued.

To sum up, we can say, according to the official press statements, the Government supports the more attractive statuses, or the ones with financial benefits, while the problematic ones are discriminated, however, this cannot be proved in a concrete way, because they move between legal frames.

⁵ Official sources:

<http://www.scholarship.hu/P%C3%81LY%C3%81ZATOK/%C3%96szt%C3%B6nd%C3%ADjk%C3%BClf%C3%B6ldiek%C3%A1m%C3%A1ra/tabid/81/language/hu-HU/Default.aspx>

http://eduline.hu/felsooktatas/2013/3/15/Kulfoldi_diakok_tanulmanyait_finanszirozna_FW7WBj

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Section 2: Overview of admission criteria

Q1. How does the national legislation of your (Member) State define the categories of third-country nationals covered by this study? Please complete the table below by listing also the admission criteria for each category listed.

Category	National definition	Admission criteria
Family	<p>'family member' shall mean:</p> <p>a) the spouse of a third-country national; he/she can be the same-sex partner as well.</p> <p>b) the minor child (including adopted children) of a third-country national and his/her spouse;</p> <p>c) the minor child, including adopted and foster children, of a third-country national where this third country national has parental custody and the children are dependent on him/her;</p> <p>d) the minor child, including adopted and foster children, of the spouse of a third-country national where the spouse has parental custody and the children are dependent on him/her;</p> <p>e) The following relatives of sponsors, the spouses of sponsors or persons with refugee status may be granted a residence permit on the grounds of family reunification:</p> <p>a) their parents who are dependants;</p> <p>b) their brothers and sisters, if they are unable to provide for themselves due to health reasons.</p>	<p><u>The general criteria:</u></p> <p>For entry into the territory of Hungary and for stays in the territory of Hungary for a period of longer than three months the entry conditions for third-country nationals shall be the following:</p> <p>a) they are in possession of a valid travel document; The travel document shall be valid during the residence plus 3 months;</p> <p>c) they are in possession of the necessary permits for return or continued travel;</p> <p>d) they justify the purpose of entry and stay;</p> <p>e) they have accommodations or a place of residence in the territory of Hungary;</p> <p>f) they have sufficient means of subsistence and financial resources to cover their accommodation costs for the duration of the intended stay and for the return to their country of origin or transit to a third country;</p> <p>g) they have full healthcare insurance or sufficient financial resources for healthcare services;</p> <p>h) they are not subject to expulsion or exclusion, they are not considered to be a threat to public policy, public security or public health, or to the national security of Hungary;</p> <p>i) they are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry.</p> <p>(2) In the event of non-compliance with the requirements set out in Subsection (1), the entry and stay of</p> <p>third-country nationals shall be authorized only on humanitarian grounds, on grounds of national interest</p> <p>or because of international obligations.</p> <p>(3) The third-country nationals holding either of the permits listed under Paragraph b) of Subsection (1) are not required to certify at the time of entry the requirements specified under Paragraphs c)-g) of</p> <p>Subsection (1).</p>

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Category	National definition	Admission criteria
		<p><u>Further specific criteria for family reunification:</u></p> <ul style="list-style-type: none"> A residence permit may be issued on the grounds of family reunification to a third-country national who is relative of a third-country national who is in possession of a residence permit, immigration permit, permanent residence permit, interim permanent residence permit, a national or EC permanent residence permit, or - under specific other legislation - in possession of a residence card or permanent residence card (for the purposes of this Section hereinafter referred to as "sponsor"). Family ties need to be proven by submitting the relevant registry certificate, or in any other credibly ways. In case of refugees, DNA test can be used. <p><u>In addition to the submitting of an application for a residence permit at the place specified in the main rule (diplomatic and consular missions of Hungary), the Hungarian law regulates the possibility of the submission of an application for a residence permit in Hungary, thus a third country citizen staying in the territory of Hungary can also submit his/her application for a residence permit at the regional directorate of the OIN competent on the basis of his/her place of accommodation if domestic application is justified by an exceptional circumstance, in particular, by family reunification or medical treatment, or the purpose of stay for more than 90 days within 180 days is research, or he/she lawfully stays in the territory of Hungary as a citizen of a country included in Annex II to Regulation (EC) No 539/2001, or as a family member together with a citizen of such a third country.⁶</u></p>
Education	An establishment of secondary or higher education accredited in Hungary and admitted to the territory of Hungary to pursue as the applicant main activity a full-time course of study, or to attend a course	<p><u>The general criteria are the same like above. Further specific criteria for the purpose of studies:</u></p> <ul style="list-style-type: none"> The applicant third-country national may verify compliance of the education

⁶ http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=54&Itemid=808&lang=en
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Category	National definition	Admission criteria
	in an establishment of higher education, which may cover a preparatory course prior to such education, if they are able to verify the linguistic knowledge required for the pursuit of studies.	(see on the left side) by the following: a) a certificate from the relevant educational institution; b) a document to verify his/her student status; or c) other reliable means. A third-country national may prove language skills (see on the left side) defined in Section 21(1) of Act II of 2007 in particular by the following: a) an official language school certificate proving language skills; b) an official certificate proving the completion of studies in a foreign language; or c) other evidence
Research	The purpose of research can be certified with an agreement signed with an accredited scientific organization. Thus the research means an activity which is based on a research agreement with an accredited scientific organization. The Government Decree 181/2007 defines exactly the research activity: Research: Creative work in order to increase the knowledge systematically, included cultural-, sociological-, natural science-, technical science; Furthermore, elaborating the adaptation of this knowledge for new applications. ⁷	<u>The general criteria are the same like above with one exception: the travel document has to be valid only for the period of the residence in Hungary.</u> <u>As for procedural rules the application can always be submitted in the territory of Hungary as well.</u> <u>Further specific criteria for the purpose of studies:</u> <ul style="list-style-type: none">• Research agreement with a state accredited research organization. The criteria concerning research organizations are set out in Gov. Dec. 181/2007.• The research organization provides a written commitment for reimbursing the costs of expulsion in cases where the researcher remains in the territory of Hungary past the period authorized - if the researcher does not have the financial means necessary.•
Blue card	The authorization entitling its highly qualified holder to reside and work in highly qualified employment in the territory of a Member State. Highly qualified person: a person who has the required adequate and specific competence, as proven by higher professional qualifications.	<u>Criteria:</u> 1) a) applicants are in possession of a valid travel document; The travel document shall be valid during the residence plus 3 months; b) they justify the purpose of entry and stay; c) they register a real address in Hungary; d) they are not subject to expulsion or exclusion, they are not considered to be a threat to public policy, public security or public health, or to

⁷ See in Hungarian: 181/2007. (VII. 6.) Korm. rendelet a harmadik országbeli állampolgár kutatókat fogadó kutatószervezetek akkreditációjáról, valamint a fogadási megállapodásról, 4.§ 2. The original definition is: 2. *kutatás*: az ismeretanyag növelése érdekében szisztematikusan végzett alkotómunka, beleértve a kulturális, társadalmi, természettudományos és műszaki ismeretek növelését, valamint ezen ismeretanyag új alkalmazásokra való használatának kidolgozását; (22/11/2015)

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		<p>the national security of Hungary; e) they are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry.</p> <p>2) a) whose employment is justified in line with specific guidelines laid down by the relevant legislation (Gov. Dec. 445/2013), or on grounds of domestic employment policy considerations; It means that labour authorization, including market test is necessary; b) who has full healthcare insurance or applied for coverage for healthcare services with respect to all periods when his contract for employment relationship carries no insurance; and c) who has notified the real address of his accommodation in the territory of Hungary.</p> <p><u>Furthermore:</u> An EU Blue Card shall be refused, and shall not be issued:</p> <p>a) to any third-country national who has applied for refugee status to the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority;</p> <p>b) to any person who has been granted any subsidiary form of protection or temporary protection in Hungary;</p> <p>c) to exiles;</p> <p>d) to any third-country national holding a residence permit for the purpose of carrying out scientific research;</p> <p>e) to any person authorized under specific other legislation to exercise the right of free movement and residence;</p> <p>f) to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union;</p> <p>g) to any third-country national who enter the territory of Hungary under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons;</p> <p>h) to any third-country national who has been admitted to the territory of Hungary with seasonal employment visa, or who has been admitted to the territory of any Member State of the European Union as a seasonal worker;</p> <p>i) to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, as long as he/she is posted on the territory of</p>

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Category	National definition	Admission criteria
		Hungary.
Highly qualified workers	Workers who obtain higher education qualifications or professional qualifications.	<p>Two kinds of residence permits may be issued: EU Blue Card, or residence permit for the purpose of gainful activities. The latter one covers those both being employed and self-employed.</p> <p>As for the residence permit for gainful activities the general criteria are same as above. Further specific criteria: A residence permit may be issued for the purpose of gainful employment to third-country nationals whose nature of stay is: to perform work for or under the direction and/or supervision of others, for remuneration, under contract for employment relationship. The employment relationship can be proved by:</p> <p>a) a document verifying the employment relationship; b) a temporary employment book; b) other reliable means.</p> <p>Gov. Dec. 445/2013 regulates the way of the labour market test and other details (e.g. documentation of qualifications).</p>
Employee	'Employment' shall mean the exercise of activities covering whatever form of labour or work performed under employment relationship for or under the direction and/or supervision of an employer; The employee is who exercises the activities.	<p><u>The general criteria see above.</u> <u>Further specific criteria:</u></p> <p>A residence permit may be issued for the purpose of gainful employment to third-country nationals whose nature of stay is: to perform work for or under the direction and/or supervision of others, for remuneration, under contract for employment relationship. The employment relationship can be proved by:</p> <p>a) a document verifying the employment relationship; b) a temporary employment book; b) other reliable means.</p> <p>Gov. Dec. 445/2013 regulates the way of the labour market test and other details (e.g. documentation of qualifications).</p>
Self-employed	To lawfully perform work in a self-employed capacity for remuneration.	<p><u>The general criteria see above.</u> <u>Further specific criteria:</u></p> <p>A residence permit may be issued for the purpose of gainful employment to third-country nationals whose nature of stay is: to lawfully perform work in a self-employed capacity for remuneration. The self-employed status can be proved by:</p> <p>d) a private entrepreneurial license; e) a small-scale agricultural producer's license; f) a personal service contract, contract for professional services or an exploitation contract entered into as a private individual; or</p>

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Category	National definition	Admission criteria
		g) other reliable means.
Business owner	Being the owner (or director) of a business association, cooperative or some other legal entity formed to engage in gainful employment, or is a member of the executive, representative or supervisory board of such entity.	<p><u>The general criteria see above.</u></p> <p><u>Further specific criteria:</u></p> <p>A residence permit may be issued for the purpose of gainful employment to third-country nationals whose nature of stay is: The purpose of entry and residence is business activity.</p> <p>It shall be considered verified if:</p> <p>a) the business association, cooperative or other legal entity established to engage in gainful operations (for the purposes of this Subsection hereinafter referred to collectively as "business association") has been employing for at least six months at least three Hungarian citizens or persons with the right of free movement and residence in full time employment; or</p> <p>b) the stay of the applicant third-country national in Hungary is essential for the business association, and the business plan enclosed with the application contains sufficient information to ascertain that the business association will prosper to ensure the applicant's subsistence.</p> <p>The contents of the business plan shall have to be substantiated in particular by attaching a copy of the service contract, agency contract, sales or purchase contract.</p>
Seasonal worker	Seasonal work can be undertaken in the fields of agriculture, horticulture, animal husbandry, and fishing, in possession of a work permit or temporary employment booklet and a seasonal work visa.	<p><u>General criteria:</u></p> <p>Applicants are in possession of a valid travel document; The travel document shall be valid during the residence plus 3 months;</p> <p>They are in possession of the necessary permits for return or continued travel;</p> <p>They are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry.</p> <p><u>Furthermore:</u></p> <p>The applicant is required to have the seasonal work permit issued by the competent employment centre before applying for a seasonal work long-stay visa.</p>
ICT	No special regulation regarding ICT.	See above. There is no special regulation regarding intra-corporate transferees. They can be admitted under the general scheme for persons carrying out gainful activities.
Investor	<p>A) See Business owner</p> <p>B) The third country national, whose entry and stay is, because of his/her investments, national economic interest of</p>	<p><u>A) See above</u></p> <p><u>B) General criteria:</u></p> <p>Applicants are in possession of a valid travel document;</p> <p>They are in possession of the necessary</p>

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	<p>Hungary.</p> <p>In this case the investment is at least 300.000 EUR minimum of five-year-term acquisition of national security bond.</p>	<p>permits for return or continued travel;</p> <p>They are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry.</p> <p><u>Furthermore:</u> In case of national economic interest, the purpose of residence can be certified by:</p> <ul style="list-style-type: none"> • a credible document certifying the acquisition of ownership of a security by the third country national applicant or by a company majority-owned by him/her, where the security has a minimum of five-year-term and a minimum nominal value of 300.000 Euro, and is issued by an enterprise defined by law, and • a deed issued by the enterprise defined by law, in which the enterprise certifies that treasury bond for at least a nominal value of 300.000 Euro will be subscribed from payment of the applicant within 45 days upon issuance of his/her residence permit, or • if the national economic interest is not established by the purchase of treasury bond, the purpose of entry and stay must be underlined by credible document.
D-type holder visa	<p>Who obtains residence visa - marking of the visa "D". This visa is entitling the holder for single or multiple entry and for a stay exceeding ninety days but not exceeding one year for a specified purpose in Hungary without any additional permit.</p> <p>There are three types of long-term visa:</p>	<p>See the admission conditions of a seasonal employment visa above (seasonal worker).⁸</p>

⁸ Applications for visas for a validity period of longer than three months may be submitted to any consulate officer of Hungary, or at any other place authorized to accept such applications located in the country where the applicant's permanent or temporary residence is located, or in the applicant's country of origin.

Application may also be submitted at consular posts situated in a country other place authorized to accept such applications located in a country where the applicant lawfully resides, provided that:

- a) Hungary does not have a consular post or another place authorized to accept such visa applications; or
- b) the applicant is able to justify the reasons for submitting the application in a country other than where his/her permanent or temporary residence is located; or
- c) the entry and stay of the applicant is desired on the grounds of substantial national interest of Hungary in the field of economics, culture, science or sports.

Generally, the validity period of the travel document must exceed the planned date of exit from the territory of Hungary by at least three months and must have at least one suitable page where the visa can be installed.

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	<ul style="list-style-type: none"> National visa in order to enter the territory for receiving the National Residence Permit; Entry visa in order to enter the territory for receiving the first time applied residence permit; Seasonal employment visa entitles the holder for single or multiple entry, and for employment for a longer than three months and maximum six months period. The validity of the visa is maximum one year. <p>The seasonal employment visa can only be evaluated as D-type visa in Hungary, since the other two categories have to be handled as entry visas.</p>	
Asylum seeker	The person who seeks asylum in Hungary.	N/A (Receives residence permit on humanitarian grounds with limited territorial validity for the time of the procedure.)
Victim of trafficking	A victim of trafficking in human beings is a person who has been subjected to an offence as defined under section 192 of Act C of 2012 on the Criminal Code and that the status of victim and the provision of assistance are linked to the ongoing criminal proceedings. The status of victim will remain in effect if trafficking was established but no conviction was imposed because of the death of the perpetrator or for reasons of insanity, statutory limitations or a grant of clemency	According to Section 29(1)e) and f) of Act II of 2007 in the absence of the requirements for a residence permit specified in this Act the following persons shall be granted a residence permit on humanitarian grounds: e) for substantial national security or law enforcement reasons – by initiative of the prosecutor, the court, the national security or law enforcement agency or the National Tax and Customs Office – to any third-country national, or other affiliated third-country nationals on his/her account, who has cooperated with the authorities in a crime investigation and has provided significant assistance to gather evidence; f) by initiative of the court the third-country national who was employed under particularly exploitative work conditions, or the minor third-country national who was employed without a valid residence permit or other permit authorizing to reside.
Other Purposes	Third country nationals can obtain a residence permit for other purposes if they wish to stay in the territory of Hungary for purposes other than the purposes listed in 19-28 § of Act. II. of 2007.	Any third-country national who is able to satisfy the general requirements set out above, may have a residence permit issued in the absence of the objectives listed above for eligibility for a residence permit. In case of residence for other purposes the applicant may submit a document supporting the purpose of residence. The general conditions of admission apply. Residence permit is issued for other purposes also for high net worth investors (see above).
Residence permit on	1) the person recognized by Hungary as a stateless person;	N/A

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Category	National definition	Admission criteria
humanitarian grounds	<p>2) the person recognized by Hungary as an exile;</p> <p>3) any third-country national who applied to the refugee authority for asylum, or who applied to the refugee authority for any subsidiary form of protection or temporary protection;</p> <p>4) any third-country national who was born in the territory of Hungary who has been removed from the custody of his guardian having custody according to Hungarian law, and also unaccompanied minors</p> <p>5) or substantial national security or law enforcement reasons - by initiative of the relevant public prosecutor, court, national security or law enforcement agency, or the investigating arm of the National Tax and Customs Authority - to any third-country national, or other affiliated third-country nationals on his/her account, who has cooperated with the authorities in a crime investigation and has provided significant assistance to gather evidence</p> <p>6) by initiative of the court, to third-country nationals who have been subjected to particularly exploitative working conditions, or to third-country national minors who were employed illegally without a valid residence permit or other authorization for stay</p>	
Residence Permit for the Purpose of Visit	Residence permit for the purpose of visits can be issued to third country nationals, who obtain an official letter of invitation of a duly authorized unit.	Residence permit for the purpose of visit can be issued to third country nationals, who obtain an official letter of invitation of a duly authorized unit. ⁹ During the issuance of the letter of invitation the competent immigration authority preliminary verifies if the inviter is able to provide both the sufficient resources and accommodation for the invited person.
Arrangement on a Working Holiday Scheme between the Government of Hungary and other countries	Citizens of New Zealand may apply for temporary residence permit in accordance with Act LIV of 2012 declaring the <i>Arrangement on a Working Holiday Scheme between the Government of Hungary and the</i>	Specific regulations are recorded in the bilateral international agreements promulgated by the acts on the left.

⁹ http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=64&Itemid=818&lang=en (22/11/2015)

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Category	National definition	Admission criteria
	<i>Government of New Zealand</i> , citizens of Republic of Korea under Act LXIV of 2013, and citizens of Taiwan under Act LIII of 2014.	
Stateless person	'stateless person' shall mean a person who is not recognized as a citizen by any country under his/her national law;	<p>The request for statelessness can be submitted by a third country national residing legally in the territory of Hungary.</p> <p>The request for statelessness shall be rejected if the applicant</p> <p>a) is under the effect of the Article 1(2) of the Final Act of the United Nations Conference on the status of stateless persons, established in New York, on 28 September 1954, which was promulgated in the Act II of 2002, namely:</p> <p>(aa) persons, who receive at present protection or assistance from the organizations or organs of the United Nations - except for the United Nations High Commissioner for Refugees – as long as such protection or assistance exist;</p> <p>(ab) persons who are eligible for the rights and obligations associated with the possession of the nationality of that country in which they are domiciled by the competent authorities of the country;</p> <p>(ac) persons concerning whom there is serious reason to presume that:</p> <ul style="list-style-type: none"> -they have committed crimes against peace, war crimes or crimes against humanity according to the concepts defined in international instruments; - they had committed serious non-political crimes outside the state of residence, before they gained admittance in the respective state; - they have been guilty of acts against the objectives and principles of the United Nations. <p>or</p> <p>b) they have terminated their nationality deliberately, in order to obtain stateless status.¹⁰</p>

¹⁰ http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=466&Itemid=1235&lang=en
(22/11/2015)

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Category	National definition	Admission criteria
Voluntary activities	<p>A third country national is eligible for residence permit for voluntary activities if he/she has a contract with a host organization determined in the Act LXXXVIII of 2005 for engaging in voluntary activities of public interest.</p> <p>Voluntary activity: according to Article 2(1) of Act LXXXVIII of 2005 on voluntary activity of public interest a work is considered as voluntary activity of public interest at a host organisation if it is carried out without reward, except</p> <ul style="list-style-type: none"> • the activity carried out by the person serves his/her own, or his/her close relative's interest; • the activity is based on a legal obligation or a final court decision; • the parties agree on carrying out the activity within other legal relationship, in particular in frame of a civil legal relationship, as a member of an association or a church, or as a member of a foundation or public foundation or as a clergy.¹¹ 	<p>A third country national is eligible for residence permit for voluntary activities if he/she has a contract with a host organization determined in the Act LXXXVIII of 2005 for engaging in voluntary activities of public interest.</p> <p>This purpose of entry and residence may be verified by the voluntary service agreement concluded between the third-country national and the hosting organization.</p> <p>General admission criteria stated above apply in their case, as well.</p>
Medical treatment	<p>A third country national may receive a residence permit for medical treatment, if they</p> <p>a) wish to stay in the territory of the Hungary to receive a medical treatment,</p> <p>b) are accompanying their underage child or family member being unable to take care of themselves to the territory of Hungary for medical treatment.</p>	<p>A third country national may receive a residence permit for medical treatment, if they wish to stay in the territory of the Hungary to receive a medical treatment,</p> <ul style="list-style-type: none"> • are accompanying their underage child or family member being unable to take care of themselves to the territory of Hungary for medical treatment.¹² <p>General admission criteria stated above apply in their case, as well.</p>
Official purposes	<p>A residence permit for official purposes may be issued to those, who wish to stay in the territory of Hungary.</p> <p>a) as a person (or his/her family member) who is a diplomat or privileged by international law; b) as a member of an official delegation of a foreign state, state office or international organization; c) as a press reporter; d) for study, educational or scientific activities, training or advanced training carried out in the confines of</p>	<p>General admission criteria stated above apply in their case, as well.</p>

¹¹ http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=68&Itemid=822&lang=en (22/11/2015)

¹² http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=60&Itemid=814&lang=en (22/11/2015)

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Category	National definition	Admission criteria
	an international contract, or international cultural, educational or scientific cooperation, or international government level aid program; e) as a member of the staff of scientific, educational or cultural institutions operating in Hungary based on an international contract, or as a person travelling to Hungary participating in the activities of these institutions.	

Section 3: National legal framework on change of status whilst remaining on the territory of the (Member) State

Section 3.1: Legal possibilities to changes status from within the (Member) State

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Q2a. Does your (Member) State allow third-country nationals holding any of the immigration status within the scope of this study to change into any of the other ones whilst remaining on the territory of the (Member) State?

It should primarily be set out that allowing the change of status does not primarily depend on the nature of the change of purpose of stay, but on what immigration document the third-country national holds during the first status, and what is to be issued for the next purpose of stay. According to this division, the following two scenarios exist:

1. For the first purpose of stay the third-country national holds a D-type national, long-stay visa, while the next purpose of stay requires an application for a first residence permit;
2. For the first purpose of stay the third-country national already holds a residence permit, and the change of purpose of stay only requires the extension/modification of the residence permit, but for a different purpose of stay.

In the second case, there are very rare limitations as the main principle is that the change of the purpose of a residence permit can be modified while staying on the territory of Hungary in case the admission conditions are still met. On the other hand, in case the third-country national holds a long-stay visa, but wishes to ask for a residence permit on the territory of Hungary, the application is considered as an application for the first residence permit, that can only exceptionally be done on the territory of Hungary. Such exceptional cases are defined in various ways: in certain cases according to the purpose of stay, as if the purpose of stay is research, it can always be applied for in Hungary; in certain cases according to the citizenship of the applicant, as those exempted from visa requirement and their family members can always apply from Hungary; and finally, in certain cases the personal circumstances and the purpose of stay are considered together as in exceptional equitable condition, e.g. in case of family reunification or medical treatment, the application can be submitted in Hungary.

Taking the above described into consideration, the following table does not necessary describe all the applicable conditions, and therefore reflects only the situation of not exceptional cases, but the primarily applicable rules. Nevertheless, the more detailed tables below try to describe the exceptional cases, as well.

Into From	Family	Education	Research	Blue cards	Highly qualified worker	Employee	Self-employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking
Family		Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes	No	Yes	Yes
Education	Yes		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes	No	Yes	Yes
Research	Yes	Yes		No	Yes	Yes	Yes	Yes	No	N/A	Yes	No	Yes	Yes
Blue card	Yes	Yes	Yes		N/A	Yes	Yes	Yes	No	N/A	Yes	No	Yes	Yes
Highly qualified worker	Yes	Yes	Yes	N/A		Yes	Yes	Yes	No	N/A	Yes	No	Yes	Yes

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Into From	Family	Education	Research	Blue cards	Highly qualified worker	Employee	Self-employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking
Employee	Yes	Yes	Yes	Yes	Yes		Yes	Yes	No	N/A	Yes	No	Yes	Yes
Self-employed	Yes	Yes	Yes	Yes	Yes	Yes		Yes	No	N/A	Yes	No	Yes	Yes
Business owner	Yes	Yes	Yes	Yes	N/A	Yes	Yes		No	N/A	Yes	No	Yes	Yes
Seasonal worker	Yes	No	Yes	No	No	No	No	No		N/A	Yes	No	Yes	Yes
ICT	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A
Investor	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		No	Yes	Yes
D-type visa holder	Yes	No	Yes	No	No	No	No	No	No	N/A	No		Yes	Yes
Asylum	Yes	No	Yes	No	N/A	N/A	N/A	N/A	No	N/A	N/A	No		Yes
Victim of trafficking	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes	No	Yes	

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Q2b. If changes of status without leaving the territory of the (Member) State are allowed (Q2a), EMN NCPs are asked to fill in the table below by adding the requested information for each possible switch (and add as many rows as possible switches.).

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
Seasonal worker	Family	Act II of 2007 and Government Decree 114/2007 (V.24)		No. The application from inland is possible only in accordance with the following regulation:		
Seasonal worker	Education	Act II of 2007 and Government Decree 114/2007 (V.24)		Third-country nationals residing in the territory of Hungary may lodge their applications for a residence permit at the regional directorate of jurisdiction by reference to their place of accommodation if:		
Seasonal worker	Research	Act II of 2007 and Government Decree 114/2007 (V.24)		a) there are special circumstances to justify submission of the application in Hungary, such as on the grounds of family reunification or medical treatment;		
Seasonal worker	Employee	Act II of 2007 and Government Decree 114/2007 (V.24)		b) the purpose of residence for a period of longer than three months is research;		The threshold is based on the 19/2015 (VII.3.) Decree of the Ministry for National Economy that sets out the calculation method of the highest number of third-country nationals that could be employed with employment authorisation. The threshold depends on the number of the labour-demand of previous year, thus it is not fix as it is defined
				c) lawfully residing in Hungary as nationals of the states listed in Annex II of Council Regulation or as a family member accompanying such person.		

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From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						annually.
Seasonal worker	Self-employed	Act II of 2007 and Government Decree 114/2007 (V.24)				
Seasonal worker	Business owner	Act II of 2007 and Government Decree 114/2007 (V.24)				
Seasonal worker	Investor	Act II of 2007 and Government Decree 114/2007 (V.24)				
D-type visa holder¹³	Family	Act II of 2007 and Government Decree 114/2007 (V.24)		No. The application from inland is possible only in accordance with the following regulation:		
D-type visa holder	Education	Act II of 2007 and Government Decree 114/2007 (V.24)		Third-country nationals residing in the territory of Hungary may lodge their applications for a residence permit at the regional directorate of jurisdiction by reference to their place of accommodation if:		
D-type visa holder	Research	Act II of 2007 and Government Decree 114/2007 (V.24)		a) there are special circumstances to justify submission of the application in		
D-type visa holder	Employee	Act II of				The threshold

¹³ See the definition of D-type visa in Q1.

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From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
		2007 and Government Decree 114/2007 (V.24)		<p>Hungary, such as on the grounds</p> <p>a) of family reunification or medical treatment;</p> <p>b) the purpose of residence for a period of longer than three months is research;</p> <p>c) lawfully residing in Hungary as nationals of the states listed in Annex II of Council Regulation or as a family member accompanying such person.</p>		is based on the 19/2015 (VII.3.) Decree of the Ministry for National Economy that sets out the calculation method of the highest number of third-country nationals that could be employed with employment authorisation. The threshold depends on the number of the labour-demand of previous year, thus it is not fix as it is defined annually.
D-type visa holder	Self-employed	Act II of 2007 and Government Decree 114/2007 (V.24)				
D-type visa holder	Business owner	Act II of 2007 and Government Decree 114/2007 (V.24)				
D-type visa holder	Investor	Act II of 2007 and Government Decree 114/2007 (V.24)				

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Q2c. If any of the change of status provided in the tables above alters the level of rights of the third-country national concerned (enhanced or reduced), please fill in the table below, providing a short overview / analysis of the specific situation in your (Member) State. If rights enjoyed are not subject to changes, EMN NCPs are simply asked to enter "no change".

From	Into	Employment	Social security	Education	Duration of stay ¹⁴¹⁵	Legal assistance	Mobility ¹⁶	Family reunification	Political rights
Family	EU Blue card	Enhanced rights: Eligibility for work if the salary threshold is achieved. (Employment is also possible with residence permit for family reunification if this permit was issued in a single application procedure.) After two years employment with EU Blue Card, the	Enhanced rights: Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.	Enhanced rights: Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.	Residence permit for family reunification can be issued for a maximum of 3 years and can be renewed (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-	No Changes	Enhanced rights: After 18 months of legal residence, they may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).	Enhanced rights: Family member may enter the national labour market without further authorisation.	No Changes

¹⁴ The Study generally notes that the duration of the given permit does mean that the permit has to be renewed in the given term. Therefore, these deadlines are not final ones these regarding only the validity primary.

¹⁵ The Study indicates the maximum term of the duration. The real terms depend on relevant reasons but the comparison is not possible abstractly. It would be possible only in concrete cases.

¹⁶ „Holders of a long-stay visa or a residence permit from one of the 22 EU countries that are in the Schengen area, can move freely in this area for up to 3 months during a six-month period of time on the basis of their long stay visa or residence permit and a valid travel document, and subject to the presentation of supporting documents." [Intra-EU Mobility of third-country nationals. EMN Study, 2013. p:18. See: http://ec.europa.eu/dgs/home-affairs/doc_centre/immigration/docs/studies/emn-synthesis_report_intra_eu_mobility_final_july_2013.pdf (06/12/2015)]Only the recognized refugees (asylum) have different possibilities because of European Agreement on the "Abolition of Visas for Refugees of 20 April 1959" elaborated by Council of Europe. This speciality will be indicated in the proper fields.

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		applicant can change employer.			term residence permit). EU Blue Card can be issued for a maximum of 4 years and can be renewed.				
Family	Education	Enhanced rights: People with residence permit of purpose of studying have a right to work without prior authorization, but only within a limited period. On the contrary, the employment of family members should primarily be authorized in a single application procedure, but there is no further limit to their employment.	No Changes	No Changes	Residence permit for family reunification can be issued for a maximum of 3 years and can be renewed (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit). Residence permit for the purpose of studies can be issued for a maximum of 2 years and can be	No Changes	No Changes	No Changes	No Changes

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					renewed, but it strongly depends on the duration of the given education program.				
Family	Research	<p>Enhanced rights:</p> <p>Researcher can undertake educational activity in 20% of her work time beyond their research activity without additional permit.</p> <p>Although, persons with residence permit for the purpose of family reunification can also work if they received their permit in a single application procedure.</p>	No Changes	No Changes	<p>Residence permit for family reunification can be issued for a maximum of 3 years and can be renewed (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit).</p> <p>Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but it strongly depends the</p>	No Changes	<p>Reduced rights:</p> <p>Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.</p>	No Changes	No Changes

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					duration of the given research program.				
Family	Investor	<p>Reduced rights. Persons with residence permit for purpose of family reunification also can work if they received their permit in a single application procedure..</p> <p>(It should be mentioned that investors can obtain a national settlement permit very easily with which employment is possible without any further authorisation.)</p>	No Changes	No Changes	<p>Residence permit for family reunification can be issued for a maximum of 3 years and can be renewed (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit).</p> <p>Investors defined by the above already mentioned law can obtain residence permit for other purpose which card can be issued for a maximum of</p>	No Changes	No Changes	<p>Enhanced rights:</p> <p>Favourable admission regulation regarding family members.</p>	No Changes

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					5 years.				
Family	Victim of trafficking	No Changes	Enhanced rights: Victims of trafficking are entitled to social assistance.	No Changes	Residence permit for family reunification can be issued for a maximum of 3 years and can be renewed (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit). Card for Victim of trafficking can be issued for a maximum of 6 months and can be renewed.	No Changes	No Changes	No Changes	No Changes
Family	Asylum	Enhanced rights. Recognized refugees and people under subsidiary protection can access the labour market without further permission.	Recognized refugees and people under subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they are also	Enhanced rights: High education is possible free of charge.	Residence permit for family reunification can be issued for a maximum of 3 years and can be renewed (4	No Changes	No Changes. (It should be mentioned that refugees are entitled to a travel document, which is suitable to travel the member states of the Council of	Refugees have a possibility for family reunification without proving sufficient resources, accommodation and health insurance	Enhanced rights: Refugees and people under subsidiary protection have the right to vote in local

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			entitled to the general social minimum (by the Act III of 1993 on social benefits and social administration if they are in need.		years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit). People who granted asylum can settle in the Member State without time limit. People under subsidiary protection have permit only for 5 years and it can be renewed.		Europe without visa.)	within 6 months from the recognition. People under subsidiary protection do not have this advantage. Furthermore: A decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	elections and referendum
Family	Employee/self-employed/business owner	No changes, since persons with residence permit for the purpose of family reunification can also work if they received their permit in a single application procedure.	No Changes	No Changes	No changes Residence permit for family reunification can be issued for a maximum of 3 years and can be renewed (4 years in case the sponsor is	No Changes	No Changes (However there is shorter procedure deadline applied.)	No Changes	No Changes

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					a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit). In the meantime, residence permit for gainful activities can be issued for a maximum of 3 years and can be extended.				
EU Blue card	Family	<p>Reduced rights/No changes</p> <p>In case the residence permit was issued as a single permit, the family members also have the right to work.</p>	No Changes	No Changes	Residence permit for family reunification can be issued maximum for 3 years and can be renewed (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit). EU Blue Card can	No Changes	<p>Reduced rights:</p> <p>After 18 months of legal residence EU Blue Card holders may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).</p>	No Changes	No Changes

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					be issued maximum for 4 years.				
EU Blue card	Education	<p>Reduced rights/Enhanced rights:</p> <p>The work time is limited but the possibilities in available jobs are wider.</p>	<p>Reduced rights:</p> <p>EU Blue Card guarantees equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p> <p>Education does not.</p>	No changes	<p>EU Blue Card can be issued maximum for 4 years and can be renewed. Residence permit for the purpose of studies can be issued maximum for 2 years and can be renewed, but it strongly depends on the duration of the given education program.</p>	No Changes	<p>Reduced rights:</p> <p>After 18 months of legal residence, EU Blue Card holders may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).</p>	No Changes	No Changes
EU Blue card	Research	<p>Enhanced rights:</p> <p>Researcher can undertake educational activity in 20% of their work time beyond their research activity without additional permit.</p>	<p>Reduced rights:</p> <p>EU Blue Card guarantees equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational</p>	<p>EU Blue Card guarantees equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational</p>	<p>EU Blue Card can be issued maximum for 4 years and can be renewed. Residence permit for the purpose of scientific research can be issued maximum for 5 years and</p>	No Changes	<p>Enhanced rights:</p> <p>Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the</p>	No Changes	No Changes

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			<p>training.</p> <p>Researchers do not have such a wide range of equal treatment rights.</p>	<p>training.</p> <p>Researchers do not have such a wide range of equal treatment rights</p>	<p>can be renewed, but it strongly depends on the duration of the given research program.</p>		<p>territory of another Member State. After 18 months of legal residence, EU Blue Card holders may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).</p>		
EU Blue card	Investor	<p>Reduced rights: No eligibility for work. It should be mentioned that investors can obtain a national settlement card very easily; with this employment is possible without further authorisation.</p>	<p>Reduced rights:</p> <p>EU Blue Card guarantees equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p> <p>Investors do not have such a wide range of equal treatment rights.</p>	<p>Reduced rights:</p> <p>EU Blue Card guarantees equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p> <p>Investors do not have such a</p>	<p>EU Blue Card can be issued maximum for 4 years and can be renewed. Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for</p>	No Changes	<p>Reduced rights:</p> <p>After 18 months of legal residence, EU Blue Card holders may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).</p>	<p>Enhanced rights:</p> <p>Favourable admission regulation regarding family members.</p>	No Changes

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				wide range of equal treatment rights.	a maximum of 5 years.				
EU Blue card	Victim of trafficking	Reduced rights: He needs additional permit for work.	Enhanced rights: Victims of trafficking are entitled to social assistance.	Reduced rights: EU Blue Card guarantees equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training. Such rights for victims of trafficking are not guaranteed	EU Blue Card can be issued for a maximum of 4 years and can be renewed. Residence permit for Victim of trafficking can be issued for a maximum of 6 months and can be renewed.	No Changes	Reduced rights: After 18 months of legal residence, EU Blue Card holders may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).	No Changes	No Changes
EU Blue card	Asylum	Enhanced rights: Recognized refugees and people under subsidiary protection can access the labour market without further permission.	Enhanced rights: Recognized refugees and people under subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they also	No changes: High education is possible free of charge for both of the groups.	Enhanced rights: EU Blue Card can be issued for a maximum of 4 years, but it is renewable. People who granted asylum can	Asylum seekers receive free legal assistance during their recognition procedure.	Changes: different types of enhancement of their mobility. EU Blue Card holders are entitled to practice intra-EU mobility right after an 18-	Enhanced rights: Refugees have a possibility for family reunification without proving sufficient resources, accommodation and health	Enhanced rights: Refugees and people under subsidiary protection have the right to vote in local elections and

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			entitled to the general social minimum if they are in need.		be settle the Member State without time limit. People under subsidiary protection have permit only for 5 years.		months sty in the first member State. In case of asylum, it should be mentioned that refugees are entitled to a travel document which is suitable for travelling to the member states of the Council of Europe without visa.)	insurance within 6 months from the recognition. People under subsidiary protection do not have this advantage. Furthermore: A decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	referendum
EU Blue card	Employee/self-employed/business owner	Reduced rights/Enhanced rights No salary threshold (other than the minimum wage) in the case of Employee/self-employed/business owner. (Enhanced right)	No Changes	No Changes	EU Blue Card can be issued for a maximum of 4 years and can be renewed. The residence permit for gainful activities can be issued for	No Changes	Reduced rights: No intra-EU mobility right.	Family members of EU Blue card holders get instant access to the national labour market without employment authorisation.	No Changes

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		<p>It is necessary to obtain work permit after two years employment as well. (Reduced rights)</p> <p>No tolerated unemployment in the cases of Employee/self-employed/business owner.</p>			a maximum of 3 years (but employees usually get a maximum of 2-year-long permit) and can be renewed.				
Education	Family	<p>Enhanced rights/Reduced rights</p> <p>In case the residence permit was issued as a single permit, the family members also have the right to work. Nevertheless, without receiving authorisation in a single application procedure they cannot even undertake a limited hours of work as they could do during their education.</p>	No Changes	No Changes	<p>Residence permit for family reunification can be issued for a maximum of 3 years. and it can be renewed</p> <p>Residence permit for the purpose of studies can be issued for a maximum of 2 years and it can be renewed, but the validity strongly depends the duration on the given education</p>	No Changes	No Changes	No Changes	No Changes

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					program.				
Education	EU Blue card	<p>Enhanced rights:</p> <p>Eligibility for work if the salary threshold is achieved.</p> <p>After two years of employment with EU Blue Card, the applicant can change employer without further authorisation.</p>	<p>Enhanced rights:</p> <p>Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p>	<p>Enhanced rights:</p> <p>Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p>	<p>Residence permit for education can be issued for a maximum of 2 years. EU Blue Card can be issued for a maximum of 4 years. But both are renewable.</p>	No Changes	<p>Enhanced rights:</p> <p>After 18 months of legal residence, EU Blue card holders may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).</p>	No Changes	No Changes
Education	Research	<p>Changes:</p> <p>Researchers can undertake educational activity in 20% of their work time beyond their research activity without additional permit.</p> <p>On the other hand, residence permit for the purposes of studies entitles its holder for a limited period of work without any further authorisation: 24 hours per week in the study period and</p>	No Changes	No Changes	<p>Residence permit for the purpose of studies can be issued for a maximum of 2 years and it can be renewed, but it strongly depends the duration of the given education program. Residence permit for the purpose of scientific research can</p>	No Changes	<p>Enhanced rights:</p> <p>Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.</p>	No Changes	No Changes

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		90 days or 60 working days per year out of the study period.			be issued maximum for 5 years and it can be renewed, but it strongly depends the duration of the given research program.				
Education	Investor	Reduced rights: No eligibility for work.	No Changes	No Changes	Residence permit for the purpose of studies can be issued for a maximum of 2 years and it can be renewed, but the validity strongly depends the duration of the given education program. Investors defined by the above already mentioned law can obtains residence permit for "other" purpose which can	No Changes	No Changes	Enhanced rights: Favourable admission regulation regarding family members.	No Changes

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					be issued for a maximum of 5 years.				
Education	Victim of trafficking	Reduced rights: Victims of trafficking need additional authorisation for work that can be gained in a single application procedure.	Enhanced rights: Victims of trafficking are entitled to social assistance.	No Changes	Residence permit for the purpose of studies can be issued for a maximum of 2 years and it can be renewed, but it strongly depends the duration of the given education program. Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.	No Changes	No Changes	No Changes	No Changes
Education	Asylum	Enhanced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission.	Enhanced rights: Recognized refugees and people under subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they also	Enhanced rights: High education is possible free of charge.	Enhanced rights: Residence permit for the purpose of studies can be issued maximum for 2 years, but it strongly depends the	No Changes	No Changes. (It should be mentioned that refugees are entitled to travel document which is suitable for travelling to the member states of the Council of Europe without	Enhanced rights: Refugees have a possibility for family reunification without proving sufficient resources, accommodation and health	Enhanced rights: Refugees and people under subsidiary protection have the right to vote in local elections and

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			entitled to the general social minimum if they are in need.		duration of the given education program. People who granted asylum can be settle the Member State without time limit. People under subsidiary protection have permit only for 5 years.		visa.)	insurance within 6 months from the recognition. People under subsidiary protection do not have this advantage. Furthermore: A decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	referendum
Education	Employee/self-employed/business owner	Enhanced rights: Employee/self-employed/business owner is entitled to gainful activities without limitation, yet their employment requires prior authorisation, while that is not required in case of students.	No Changes	No Changes	Residence permit for the purpose of studies can be issued for a maximum of 2 years and can be renewed, but it strongly depends the duration of	No Changes	No Changes (However there is shorter deadline in the procedure)	No Changes	No Changes

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					the given education program. The residence permit for gainful activities can be issued for a maximum of 3 years (but employees usually get a maximum of 2-year-long permit) and can be renewed.				
Research	Family	Reduced rights/Enhanced rights: Researchers can work in the framework of their research agreement. Family members shall obtain employment authorisation in a single application procedure.	No Changes	No Changes	Residence permit for family reunification can be issued for a maximum of 3 years (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit) and can be renewed. Residence	No Changes	Reduced rights: Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.	No Changes	No Changes

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					permit for the purpose of scientific research can be issued for a maximum of 5 years, but it strongly depends on the duration of the given research program.				
Research	EU Blue card	<p>Enhanced rights:</p> <p>Eligibility for work if the salary threshold is achieved.</p> <p>After two years of employment with EU Blue Card, the applicant can change employer without further authorisation.</p>	<p>Enhanced rights:</p> <p>Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p>	<p>Enhanced rights:</p> <p>Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p>	<p>EU Blue Card can be issued for a maximum of 4 years and can be renewed. Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but the validity strongly depends on the duration of the given research program.</p>	No Changes	<p>Reduced rights:</p> <p>Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State. EU Blue Cards:</p> <p>After 18 months of legal residence, they may move to another Member State to take up highly qualified employment</p>	<p>Enhanced rights:</p> <p>Family members of EU Blue card holders get instant access to the national labour market without employment authorisation.</p>	No Changes

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							(subject to the limits set by the Member State on the number of non-nationals accepted).		
Research	Education	Enhanced rights: Education: There is a limited right to work. Researchers have right to teach 20 % of their work time apart from carrying out their research activities.	No Changes	No Changes	Residence permit for the purpose of studies can be issued for a maximum of 2 years and can be renewed, but it strongly depends on the duration of the given education program. Residence permit for the purpose of scientific research can be issued for a maximum of 5 years, but it strongly depends on the duration of the given research program.	No Changes	Reduced rights: Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.	No Changes	No Changes
Research	Investor	Reduced rights	No Changes	No Changes	Residence	No	Reduced rights:	Enhanced	No Changes

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		Researchers have right to teach in 20% of their work time apart from their research activities.			permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but it strongly depends on the duration of the given research program. Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum of 5 years.	Changes	Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.	rights Favourable admission regulation regarding family members.	
Research	Victim of trafficking	Enhanced rights/ Reduced rights Researches have the right to teach in 20% of their work time apart from their research activities.	Enhanced rights: Victims of trafficking are entitled to social assistance.	No Changes	Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be	No Changes	Reduced rights: Researchers have certain preferential rules during their intra-EU mobility: no further hosting	No Changes	No Changes

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		Victims of trafficking can obtain right to work in a single application procedure.			renewed, but it strongly depends on the duration of the given research program. Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.		agreement required for a research not exceeding 3 months on the territory of another Member State.		
Research	Asylum	Enhanced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission.	Enhanced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they also entitled to the general social minimum if they are in need.	Enhanced rights: High education is possible free of charge.	Enhanced rights: Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but it strongly depends on the duration of the given research program. People who are granted asylum can settle in the Member State	Asylum seekers receive free legal assistance during their recognition procedure.	Enhanced rights: It should be mentioned that refugees are entitled to a travel document which is suitable for travelling to the member states of the Council of Europe without visa.	Enhanced rights: Refugees have a possibility for family reunification without proving sufficient resources, accommodation and health insurance within 6 months from the recognition. People under subsidiary protection do not have this advantage. Furthermore: A	Enhanced rights: Refugees and beneficiaries of subsidiary protection have the right to vote in local elections and referendum.

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					without time limit. Beneficiaries of subsidiary protection have permit only for 5 years.			decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	
Research	Employee/self-employed/business owner	Enhanced rights: Employee/self-employed/business owner are entitled to carry out gainful activities only with employment authorisation gained during a single application procedure. Researchers have the right to teach in 20% of their work time apart from carrying out research activities.	No Changes	No Changes	Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but it strongly depends on the duration of the given research program. Residence permit for gainful activities can be issued for a maximum of 3 years (but	No Changes	Reduced rights: Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.	No Changes	No Changes

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					employees usually get a maximum of 2-year-long permit) and can be renewed.				
D-type visa	Family	Enhanced rights/reduced rights: D-type visa owner (practically: seasonal worker) can only undertake the allowed job. Family member can undertake jobs if she/he obtained the permit in a single application procedure.	No Changes	No Changes	Residence permit for family reunification can be issued for a maximum of 3 years (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit) and it can be renewed. D-type visa can be issued for a maximum of 5 years. However, D-type visa owner is practically seasonal worker, which visa type is valid only for	No Changes	No Changes	Enhanced rights: D-type visa holder is not entitled to family reunification.	No Changes

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					six months within 12 months and cannot be renewed.				
D-type visa	EU Blue card	Enhanced rights: Eligibility for work and change of employer if authorisation is provided in a single application procedure.	Enhanced rights: Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.	Enhanced rights: Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.	EU Blue Card can be issued for a maximum 4 years and can be renewed. D-type visa can be issued for a maximum of 5 years. However, D-type visa owner is practically seasonal worker, which visa is valid only for six months within 12 months and cannot be renewed.	No Changes	Enhanced rights: EU Blue Cards: After 18 months of legal residence, they may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).	Enhanced rights. See EU Blue Cards above. D-type visa holder is not entitled to family reunification	No Changes
D-type visa	Education	Enhanced rights: There is a right to work without permission, but limited in terms of time	No Changes	No Changes	Residence permit for the purpose of studies can be issued for a maximum of 2 years and can be renewed, but it strongly	No Changes	No Changes	Enhanced rights: D-type visa holder is not entitled to family reunification.	No Changes

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					depends on the duration of the given education program. D-type visa can be issued for a maximum of 5 years. However, D-type visa owner is practically seasonal worker, which visa is valid only for six months within 12 months and cannot be renewed.				
D-type visa	Research	Enhanced rights: Researchers have the right to teach in 20% of their work time apart from their research activities.	No Changes	No Changes	Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but it strongly depends on the duration of the given research program. D-type visa can be issued for	No Changes	Enhanced rights: Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.	Enhanced rights: D-type visa holder is not entitled to family reunification.	No Changes

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					a maximum of 5 years. However, D-type visa owner is practically seasonal worker, which visa is valid only for six months within 12 months and cannot be renewed.				
D-type visa	Investor	Reduced rights: Investor does not have the right to work.	No Changes	No Changes	Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum of 5 years. D-type visa can also be issued for a maximum of 5 years. However, D-type visa owner is practically	No Changes	Enhanced rights: It should be mentioned that investors can obtain a national settlement permit very easily.	Enhanced rights: D-type visa holder is not entitled to family reunification.	No Changes

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					seasonal worker, which visa is valid only for six months within 12 months and cannot be renewed.				
D-type visa	Victim of trafficking	<p>Changes regarding the nature of job that can be taken.</p> <p>D-type visa is only issued for seasonal workers.</p> <p>Victims of trafficking can obtain work authorisation for any post in a single application procedure.</p>	Enhanced rights: Victims of trafficking are entitled to social assistance.	No Changes	<p>D-type visa can be issued for a maximum of 5 years.</p> <p>However, D-type visa owner is practically seasonal worker, which visa is valid only for six months within 12 months and cannot be renewed.</p> <p>Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.</p>	No Changes	No Changes	Enhanced rights: D-type visa holder is not entitled to family reunification.	No Changes
D-type visa	Asylum	Enhanced rights: Recognized refugees and beneficiaries of	Enhanced rights: Recognized refugees and beneficiaries of	Enhanced rights: High education is possible free of	Enhanced rights: D-type visa	Asylum seekers receive	No Changes. (It should be mentioned that	Enhanced rights: Refugees have	Enhanced rights: Refugees a

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		subsidiary protection can access the labour market without further permission.	subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they also entitled to the general social minimum if they are in need.	charge.	can be issued for a maximum of 5 years. However, D-type visa owner is practically seasonal worker, which visa is valid only for six months within 12 months and cannot be renewed. People who are granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection have permit only for 5 years and it can be renewed.	free legal assistance during their recognition procedure.	refugees are entitled to a travel document which is suitable for travelling in the member states of the Council of Europe without visa.)	a possibility for family reunification without proving sufficient resources, accommodation and health insurance within 6 months from the recognition. Beneficiaries of subsidiary protection do not have this advantage. Furthermore: A decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	beneficiaries of subsidiary protection have the right to vote in local elections and referendums
D-type visa	Employee/self-employed/business owner	Enhanced rights: Employee/self-employed/business owner are entitled to	No Changes	No Changes	D-type visa can be issued for a maximum of	No Changes	No Changes	Enhanced rights: D-type visa holder is not	No Changes

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		carry out gainful activities only with employment authorisation gained during a single application procedure.			5 years. However, D-type visa owner is practically seasonal worker, which visa is valid only for six months within 12 months and cannot be renewed. Residence permit for gainful activities can be issued for a maximum of 3 years (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit) and it can be renewed.			entitled to family reunification.	
Investor	Family	Enhanced rights: The employment of family members	No Changes	No Changes	Residence permit for family reunification	No Changes	Reduced rights: It should be mentioned that	Reduced rights: Investor has favourable admission	No Changes

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		<p>should primarily be authorized (it is possible in a single application procedure), but there is no further limit for their employment.</p> <p>Investors do not have the right to work.</p>			<p>can be issued maximum for 3 years. Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which card can be issued maximum for 5 years.</p>		<p>investors can obtain a national settlement permit very easily.</p>	<p>regulation regarding family members.</p>	
Investor	EU Blue card	<p>Enhanced rights: Eligibility for work. (It should be mentioned that investors can obtain a national settlement permit very easily; with this the employment is possible.)</p>	<p>Enhanced rights: Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p>	<p>Enhanced rights: Enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.</p>	<p>EU Blue Card can be issued for a maximum of 4 years and can be renewed. Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum</p>	No Changes	<p>Enhanced rights: After 18 months of legal residence, they may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).</p>	<p>Reduced rights: Investor has favourable admission regulation regarding family members.</p>	No Changes

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					of 5 years.				
Investor	Education	Enhanced rights: There is a limited right to work, while investors have no right to work.	No Changes	No Changes	Residence permit for the purpose of studies can be issued for a maximum of 2 years and can be renewed, but it strongly depends on the duration of the given education program. Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum of 5 years.	No Changes	No Changes	Reduced rights: Investor has favourable admission regulation regarding family members.	No Changes
Investor	Research	Enhanced rights: Researchers have the right to teach in 20% of their work time apart from carrying out their	No Changes	No Changes	Residence permit for the purpose of scientific research can be issued for a maximum	No Changes	Enhanced rights: Researchers have certain preferential rules during their intra-EU	Reduced rights: Investor has favourable admission regulation regarding family	No Changes

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		research activities.			of 5 years and can be renewed, but it strongly depends on the duration of the given research program. Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which card can be issued for a maximum of 5 years.		mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.	members.	
Investor	Victim of trafficking	Enhanced rights: Victim of trafficking can obtain work authorisation in a single application procedure.	Enhanced rights: Victims of trafficking are entitled to social assistance.	No Changes	Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum	No Changes	Reduced rights: It should be mentioned that investors can obtain a national settlement permit very easily.	Reduced rights: Investor has favourable admission regulation regarding family members.	No Changes

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					of 5 years. Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.				
Investor	Asylum	Enhanced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission.	Enhanced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they also entitled to the general social minimum if they are in need.	Enhanced rights: High education is possible free of charge.	Enhanced rights: Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum of 5 years. People who granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection have permit only for 5	Asylum seekers receive free legal assistance during their recognition procedure.	No Changes. (It should be mentioned that refugees are entitled to travel document which is suitable to travel the member states of Council of Europe without visa.)	Enhanced rights: Refugees have a possibility for family reunification without proving sufficient resources, accommodation and health insurance within 6 months from the recognition. beneficiaries of subsidiary protection do not have this advantage. Furthermore: A decision rejecting an application for family reunification with a person	Enhanced rights: Refugees and people under subsidiary protection have the right to vote in local elections and referendum

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					years, but it can be renewed.			with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	
Investor	Employee/self-employed/business owner	Enhanced rights: Employee/self-employed/business owner are entitled to gainful activities in case they obtain a single permit.	No Changes	No Changes	Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum of 5 years. Residence permit for gainful activities can be issued for a maximum of 3 years (but employees usually get a maximum of 2-year-long permit) and can be	No Changes	No changes	Reduced rights: Investor has favourable admission regulation regarding family members.	No Changes

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					renewed.				
Victim of trafficking	Family	No Changes: they can both work if authorisation is gained in a single application procedure.	Reduced rights: Victims of trafficking are entitled to social assistance.	No Changes	Residence permit for family reunification can be issued for a maximum of 3 years (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit) and it can be renewed. Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.	No Changes	No Changes	No Changes	No Changes
Victim of trafficking	EU Blue card	Changes: they can both work if authorisation is gained in a single application procedure; yet EU Blue Card can only	No changes: Victims of trafficking are entitled to social assistance. EU Blue card holders enjoy equal treatment	Enhanced rights: Enjoy equal treatment with nationals as regards, for example, working	EU Blue Card can be issued for a maximum of 4 years and can be renewed. Residence	No Changes	Enhanced rights: After 18 months of legal residence, EU Blue Card holders may move to another	No Changes	No Changes

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		be issued for highly-skilled and if the salary threshold is provided. Nevertheless, EU Blue card holders may change employer after two years without further authorisation needed.	with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.	conditions, social security, pensions, recognition of diplomas, education and vocational training.	permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.		Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).		
Victim of trafficking	Education	Enhanced rights: There is a limited right to work without additional permit in case of students.	Reduced rights: Victims of trafficking are entitled to social assistance.	No Changes	Residence permit for the purpose of studies can be issued for a maximum of 2 years and can be renewed, but it strongly depends on the duration of the given education program. Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.	No Changes	No Changes	No Changes	No Changes

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Victim of trafficking	Research	Enhanced rights/reduced rights: Victims of trafficking can obtain a work authorisation in a single application procedure. Researchers have the right to teach in 20% of their work time apart from carrying out their research activities.	Reduced rights: Victims of trafficking are entitled to social assistance.	No Changes	Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but it strongly depends on the duration of the given research program. Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.	No Changes	Enhanced rights: Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State.	No Changes	No Changes
Victim of trafficking	Investor	Reduced rights: Victims of trafficking can obtain a work authorisation in a single application procedure, while investors do not have the right to work.	Reduced rights: Victims of trafficking are entitled to social assistance.	No Changes	Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a	No Changes	No changes	Enhanced rights Favourable admission regulation regarding family members.	No Changes

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					maximum of 5 years. Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed.				
Victim of trafficking	Asylum	Enhanced rights: Recognized refugees and Beneficiaries of subsidiary protection can access to the labour-market without plus permission.	Enhanced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond them they also entitled to the general social minimum if they are in need.	Enhanced rights: High education is possible free of charge.	Enhanced rights: Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed. People who are granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection have a permit only for 5 years and it can be renewed.	No Changes	No Changes. (It should be mentioned that refugees are entitled to a travel document which is suitable for travelling to the member states of the Council of Europe without visa.)	Enhanced rights: Refugees have a possibility for family reunification without proving sufficient resources, accommodation and health insurance within 6 months from the recognition. Beneficiaries of subsidiary protection do not have this advantage. Furthermore: A decision rejecting an application for family reunification	Enhanced rights: Refugees and beneficiaries of subsidiary protection are entitled to vote on local elections and referendum

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								with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	
Victim of trafficking	Employee/self-employed/business owner	No changes: They are all entitled to work in case work authorisation is provided in a single application procedure.	Reduced rights: Victims of trafficking are entitled to social assistance.	No Changes	Enhanced rights: Residence permit for victims of trafficking can be issued for a maximum of 6 months and can be renewed. Residence permit for gainful activities can be issued for maximum of 3 years (but employees usually get a maximum of 2-year-long permit) and can be renewed.	No Changes	No Changes	No Changes	No Changes
Asylum	Family	Reduced rights: Recognized refugees	Reduced rights: Recognized refugees	Reduced rights: High education is	Reduced rights:	Asylum seekers	No Changes. (It should be	Enhanced rights:	Reduced rights:

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		and beneficiaries of subsidiary protection can access the labour market without further permission.	and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond them they also entitled to the general social minimum if they are in need.	possible free of charge for refugees.	Residence permit for family reunification can be issued for a maximum of 3 years (4 years in case the sponsor is a Blue Card holder, 5 years in case the sponsor has EC long-term residence permit) and it can be renewed. People who are granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection have a permit only for 5 years, but it can be renewed.	receive free legal assistance during their recognition procedure.	mentioned that refugees are entitled to travel document which is suitable for travelling to the member states of the Council of Europe without visa.)	Refugees have a possibility for family reunification without proving sufficient resources, accommodation and health insurance within 6 months from the recognition. Beneficiaries subsidiary protection do not have this advantage. Furthermore: A decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.	Refugees and beneficiaries of subsidiary protection are entitled to vote on local elections and referendum
Asylum	EU Blue card	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection	Reduced rights: Recognized refugees and people under subsidiary protection	No changes: High education is possible free of charge for both of	Reduced rights: EU Blue Card can be issued for	Asylum seekers receive free legal	Enhanced rights: After 18 months of legal residence, EU		Reduced rights: Refugees and people

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		can access the labour market without further permission.	can sign an integration contract with OIN. Based on this they can get personal social services. Beyond them they also entitled to the general social minimum if they are in need.	the group.	a maximum of 4 years and can be renewed. People who are granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection have permit only for 5 years, but it can be renewed.	assistance during their recognition procedure.	Blue Card holders may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted). (It should be mentioned that refugees are entitled to a travel document which is suitable for travelling to the member states of the Council of Europe without visa.)		under subsidiary protection are entitled to vote on local elections and referendum
Asylum	Education	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission.	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond them they also entitled to the general social minimum if they are	Reduced rights: High education is possible free of charge for refugees.	Reduced rights: Residence permit for the purpose of studies can be issued for a maximum of 2 years and can be renewed, but it strongly depends on the duration	Asylum seekers receive free legal assistance during their recognition procedure.	No Changes. (It should be mentioned that refugees are entitled to travel document which is suitable for travelling to the member states of the Council of Europe without visa.)		Reduced rights: Refugees and people under subsidiary protection are entitled to vote on local elections and referendum

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			in need.		of the given education program. People who are granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection have a permit only for 5 years, but it can be renewed.				
Asylum	Research	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission.	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond them they also entitled to the general social minimum if they are in need.	Reduced rights: High education is possible free of charge for refugees.	Reduced rights: Residence permit for the purpose of scientific research can be issued for a maximum of 5 years and can be renewed, but it strongly depends on the duration of the given research program. People who are granted asylum can	Asylum seekers receive free legal assistance during their recognition procedure.	Changes: Researcher: It is Researchers have certain preferential rules during their intra-EU mobility: no further hosting agreement required for a research not exceeding 3 months on the territory of another Member State. (It should be mentioned that refugees are		Reduced rights: Refugees and people under subsidiary protection are entitled to vote on local elections and referendum

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					settle in the Member State without time limit. Beneficiaries of subsidiary protection have a permit only for 5 years, but it can be renewed.		entitled to travel document which is suitable for travelling to the member states of the Council of Europe without visa.)		
Asylum	Investor	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission.	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they also entitled to the general social minimum if they are in need.	Reduced rights: High education is possible free of charge for refugees.	Reduced rights: Investors defined by the above already mentioned law can obtain residence permit for "other" purpose which can be issued for a maximum of 5 years. People who are granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection	Asylum seekers receive free legal assistance during their recognition procedure.	No changes. (It should be also mentioned that refugees are entitled to a travel document which is suitable for travelling to the member states of the Council of Europe without visa.)		Reduced rights: Refugees and people under subsidiary protection are entitled to vote on local elections and referendum

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					have a permit only for 5 years, but it can be renewed.				
Asylum	Victim of trafficking	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission, while victims of trafficking need to gain work authorisation in a single application procedure.	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond them they also entitled to the general social minimum if they are in need.	Reduced rights: High education is possible free of charge for refugees.	Reduced rights: Residence permit for victims of trafficking can be issued for a maximum of 6 months and it can be renewed. People who are granted asylum can settle in the Member State without time limit. Beneficiaries	Asylum seekers receive free legal assistance during their recognition procedure.	No Changes. (It should be mentioned that refugees are entitled to a travel document which is suitable for travelling to the member states of the Council of Europe without visa.)		Reduced rights: Refugees and beneficiaries of subsidiary protection are entitled to vote on local elections and referendums.

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					of subsidiary protection have permit only for 5 years, but it can be renewed.				
Asylum	Employee/self-employed/business owner	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can access the labour market without further permission, while employees/self-employed persons/business owners need to gain work authorisation in a single application procedure.	Reduced rights: Recognized refugees and beneficiaries of subsidiary protection can sign an integration contract with OIN. Based on this they can get personal social services. Beyond these they also entitled to the general social minimum if they are in need.	Reduced rights: High education is possible free of charge for refugees.	Reduced rights: Residence permit for gainful activities can be issued for a maximum of 3 years (but employees usually get a maximum of 2-year-long permit) and can be renewed. People who are granted asylum can settle in the Member State without time limit. Beneficiaries of subsidiary protection have permit only for 5 years, but it can be	Asylum seekers receive free legal assistance during their recognition procedure.	No Changes. (It should be mentioned that refugees are entitled to a travel document which is suitable for travelling to the member states of the Council of Europe without visa.)		Reduced rights: Refugees and people under subsidiary protection are entitled to vote in local elections and referendums.

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					renwed.				
Employee/s elf- employed/ business owner	Family	<p>All of these changes can be found above. It should be find from xy to "Employee/self-employed/business owner" but the advantages/disadvantages are the same.</p>							
Employee/s elf- employed/ business owner	Education								
Employee/s elf- employed/ business owner	Research								
Employee/s elf- employed/ business owner	Investor								
Employee/s elf- employed/ business owner	Victim of trafficking								
Employee/s elf- employed/ business owner	Asylum								

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Employee/s elf- employed/ business owner	EU Blue Card	
Seasonal worker: Changes into all other status practically correspond with D- type visa status changes. Therefore see the details above.		

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Q3. If the criteria to change status from within the territory of the (Member) State allowed by your national system differ from those of first time applicants, please list the procedural facilitations in place (in comparison with criteria for first time applicants listed in Section 1) by filling in the table below.

From	Into	Procedural facilitations when compares with first time applicants from the country of origin
There are no specific differences regarding status change. (There are differences between people who are already legally in the territory of Hungary and who are not.)		

Q4. What is/are the main actor(s) and institution(s) involved in the development of such measures? If multiple authorities are involved, how are they coordinated?

Immigration issues, including the change of status, belongs to the competence of the Ministry of Interior. The Office of Immigration and Nationality under the Ministry of Interior is primarily responsible for drafting the immigration legislation as well as for the implementation.

As the application for the first residence permit and for the visas shall primarily be done at the Consular Services, the Ministry of Foreign Trade and Foreign Affairs is also involved in policy-making.

Given that certain admission conditions and/or rights connected to various statuses belong to the competence of the Ministry for National Economy and the Ministry of Human Resources, such Ministries are also involved in policy-making and legislation in the relevant field.

Inter-ministerial consultation always takes place in case a modifications area proposed, during which all the relevant Ministries and institutions are consulted. The coordination of such consultation is carried out by the Ministry being primarily responsible for immigration issues, that is the Ministry of Interior.

Q5. Do specific institutional communication channels (i.e. Migration Agencies' websites) offer information on the possibility to change status?

Information on the possibility to change status is available only at the website of the Office of Immigration and Nationality (OIN), although there is no specific information for changing status only about the statuses individually. Nevertheless, the OIN provides practical help by offering personal consultation at its client administration offices, as well as providing information through phone and e-mail.

Section 3.2: Aims of national policies to permit changes of status without leaving the territory of the (Member) State

Q6a. Have the measures in place in your Member State been driven by any specific policy goals (i.e. addressing labour shortages, reducing unemployment, retaining talents, harnessing entrepreneurial skills of third-country nationals, tackling bottleneck occupations, general economic performance targets, etc.)?

Yes/ no

Q6b. If yes, please explain the rationale behind their design/implementation, whether such decision were based on a needs assessment and if specific indicators/target were identified.

In case a report/publication exists, please summarise the main findings here and include a reference to the assessment in an annex to your national report. If no, please provide also any other evidence/indicator that may

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be available in your Member State in this regard (media reporting, media debates, assessment by experts/academics, etc.).

The Hungarian regulation is a liberal one compared to the policy of other Member States. Therefore, Hungary has an implicit policy regarding status changes, which means that Hungary basically does not restrict the status changes. This sort of liberal approach may be based on two factors: 1. The number of status changed persons are not too high, therefore it does not reach the sensor threshold of the policy makers. 2. Hungary would like to increase the status mobility of TCNs in order to help them find their most appropriate place in the society.

Among the legal migrants those coming with purposes of employment, family reunification, long-term migration, or those coming due to other incentives, such as entrepreneurs, business people, tourists, students, athletes, scientists, culture and arts representatives, can all be found in Hungary. Among the types of residence documents provided for persons with the right to free movement the most significant one is the registration certificate provided for EU citizens most frequently for the purpose of employment.

It should be set out that allowing the change of status does not primarily depend on the nature of the change of purpose of stay, but on what immigration document the third-country national holds during the first status, and what is to be issued for the next purpose of stay. According to this division, the following two scenarios exist:

1. For the first purpose of stay the third-country national holds a D-type national, long-stay visa, while the next purpose of stay requires an application for a first residence permit;
2. For the first purpose of stay the third-country national already holds a residence permit, and the change of purpose of stay only requires the extension/modification of the residence permit, but for a different purpose of stay.

In the second case, there are very rare limitations as the main principle is that the change of the purpose of a residence permit can be modified while staying on the territory of Hungary in case the admission conditions are still met. On the other hand, in case the third-country national holds a long-stay visa, but wishes to ask for a residence permit on the territory of Hungary, the application is considered as an application for the first residence permit, that can only exceptionally be done on the territory of Hungary. Such exceptional cases are defined in various ways: in certain cases according to the purpose of stay, as if the purpose of stay is research, it can always be applied for in Hungary; in certain cases according to the citizenship of the applicant, as those exempted from visa requirement and their family members can always apply from Hungary; and finally, in certain cases the personal circumstances and the purpose of stay are considered together as in exceptional equitable condition, e.g. in case of family reunification or medical treatment, the application can be submitted in Hungary.

The Hungarian Migration Strategy and the seven-year strategic document related to Asylum and Migration Fund established by the European Union for the years 2014-20 was elaborated in 2013. The Migration Strategy lays down the action trail and the tools for achieving the goals in the field of admission, residence, integration, international protection and return policies and in a comprehensive manner.

The Strategy frames objectives concerning legal migration to Hungary.¹⁷

The objectives aim to (i) provide supplement to the Hungarian labour market in shortage occupations, (ii) enhance the efficiency of procedures and (iii) improve the national security by the procedures. These three

¹⁷ See in Hungarian: http://belugyialapok.hu/alapok/sites/default/files/MMIA_.pdf (08/11/2015) 31-37.

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factors probably shape the explicit and implicit policy regarding status changes.

According to the rank order of the last MIPEX result (2014), Hungary is in the middle among EU Member States. It can be a good standard to measure the general environment in Hungary. The most important key indicators as education and labour market mobility are specifically low.¹⁸ Thus, there is a discrepancy between the national migration strategy and the reality. From the viewpoint of this Study it can be assessed that there is no consequent policy regarding status changes apart from keeping it liberal.

Q7a. Have any evaluations or studies in your Member State considered the effectiveness of national measures allowing third-country nationals to change status from within the territory of the (Member) State? Did the evaluations or studies investigate how (Member) States have addressed the change in / loss of rights?

Yes / No

Q7b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics, etc.).

n/a

Q8a. Have any evaluations or studies in your (Member) State considered the impact of such national measures to national economy?

Yes / No

Q8b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics etc.).

n/a

Q9. How are such changes of status perceived in your (Member) State? Please support your argument based on existing evidence (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.).

As the Study has already touched upon in the Q6b, the Migration Strategy contains several relevant points regarding legal migration to Hungary, but there is no specificat element concerning status changes. It indicates that status changes are not distinguished from the first status issue or the extension of status. Only refused asylum-seekers' status aspirations are interesting to a few NGOs in concrete cases, but policy or crystallized opinions do not exist concerning this topic either.

Q10a. Is there any evidence or are there any indications that such changes of status contribute to the prevention of irregular stays or to reduce irregularity in your (Member) State?

¹⁸ See the results here: <http://www.mipex.eu/hungary> (08/11/2015) and the methodology here: <http://www.mipex.eu/methodology> (08/11/2015)

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Yes / no

Q10b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics etc.).

Experts, policy makers or broader public are not concerned about this topic. Probably the number of persons concerned is too small to reach the thresholds. It has to be mentioned that in accordance with tacit liberal policy this question does not emerge at all. It could be a further question that beyond the low number of persons concerned what the reason of this sort of liberal policy is.

Section 4: Challenges, good practices and lessons learned

Section 4.1: Challenges and obstacles to measures to enable third-country nationals to change status whilst remaining on the territory of the (Member) State

Q11. What are the main challenges/obstacles related to the change of status for third-country nationals whilst remaining on the territory of your (Member) State?

As Hungary has quite a liberal approach to the changes of status, it is not more problematic in administrative terms to change the purpose of stay compared to a simple extension of the already existing status. Nevertheless, there can be challenges, especially from the following two perspectives.

Firstly the change of status is excluded in certain cases, mainly when the third-country national arrives to Hungary as a seasonal workers, or as a C-type visa holder. In such cases, the submission of application for a residence permit for other purposes, such as employment, family reunification or studies, requires the third-country national to leave the country and submit the application at one of the competent consular offices. Nevertheless, even in such cases, exceptions apply (e.g. if the purpose of stay is research, or if exceptional circumstances are proven).

Secondly, even if the third-country national already possesses a residence permit and wishes to change to a different purpose of stay, it is not necessarily administrative obstacles, but the requirement of substantive conditions is what may cause difficulties for the applicant. In other words, already 30 days before the expiration of the residence permit issued for the original purpose of stay, the third country national needs to submit his/her application for extension and verify that he/she fulfils the conditions of the changed purpose of stay. Consequently, there is practically no intermediary period in which the third-country national may get the chance to look for a research institution or a future employer, or establish a company; and the documents verifying the new purpose of stay shall be prepared and collected by the applicant already while fulfilling the original purpose of stay. Nevertheless, it should be noted, that residence permit may be issued for "other" purpose as well, which for instance can be used for such intermediary period stays if the applicant still can prove the fulfilment of general conditions of stay, such as sufficient means of subsistence.

In practical terms, the most typical purpose of stay of third-country nationals wishing to stay in Hungary for a longer period is gainful activities. In this regard, it is also worth mentioning obstacles that concern employees and self-employed persons, including business owners. As for employment of third-country nationals, according to the primary rule work authorisation needs to be acquired most typically in a single application procedure, during which a 15-day-long labour market test is also carried out by the competent employment authorities. As for those, whose primary purpose of stay is to manage their own company, the proper functioning of the firm as well as the need for their personal contribution to its management shall be verified in details.

In certain cases, it is not national law, but requirements set out in EU law that constitute an obstacle in terms of change of status, as well. Such obstacle is for example the condition of a salary threshold that needs to be met in case a third-country national wishes to gain an EU Blue Card. Consequently, we see extremely few cases in Hungary when EU Blue Card is issued either as a first permit or as a result of change of status.

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At the levels of law making and implementation of law in line with migration, organizations, and institutions have to cooperate. The different authorities and functions results unequal power relations and it often leads to conflicts between the institutions. The Office of Immigration and Nationality and the Police as immigration authorities managed by the Ministry of the Interior, have a significant role in law enforcement.

It is also important to mention international and nongovernmental organizations working in the field of migration and asylum. For example such organizations among others are the UNCHR, the ICMPD, the IOM or many civil organizations and NGOs.

Visa policy

CONCEPTION

In the visa policy, as well we can distinguish legal and illegal migration. Illegal migration has various forms.

On the one hand, illegal migration is when the immigrant person consciously misleads the authorities during the visa procedure. It has to be added, that if the authorities fail to reveal such misleading behaviour, that person still counts as an illegal migrant.

On the other hand illegal migration is when the immigrant person migrate into the country with a valid visa, but stay longer in the country than the period of validity of a visa.

Legal migration is when the immigrant fulfils all the conditions of the visa policy and comply with the requirements. Immigrants who staying legally in the territory of Hungary can be several kinds of migrant status "owners". These various statuses provides different rights and obligations.

PRACTICAL FRAMEWORK

The inflexible provisions and regulations of EU causing many difficulties in visa policy. Hungary as part of the European Union and member state of the Schengen area coordinate visa policy that it complies the EU and Schengen conditions. Hungary acts in accordance with the objectives and existing instruments of the European Union in the field of visa policy, legal immigration and mobility, international protection and the development aspects of migration and mobility. However it is really important to Hungary to make visa policy in the way bearing in mind the interests of Hungarian citizens. In visa policy cooperation between authorities has many difficulties which redound many problems, for example it leads to increase in the number of visa abuses. Because of the often misunderstanding and conflicts between the authorities, the visa policy development is frequently bogged down.

Migration in legal and illegal sense

FREEDOM OF MOVEMENT

Domestical regulation provides free movement and residence for the citizens of the EU and their third country national family members, and the citizens of Hungary and their third country national as well. Favourable provisions provided for both EU citizens and their family leads the utilization of the legal migration channels. A substantial number of abuses of legal migration channels is also related to the attempt to acquire the right to free movement. There are two typical forms acquiring the right to free movement and residence illegally, such as the abuses are marriages of convenience, or false statement of paternity. If a third country national gives a statement of paternity in reference to a spouse of a citizen of Hungary, as a person considered to be the father he can acquire residence permit invoking the right of free movement and residence. Defined by the law, if the father is a citizen of Hungary, the child

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involved in the false statement should be considered as a citizen of Hungary as well, and the mother should invoke the right of free movement and residence.

In Hungary - followed by the accession to the Schengen Agreement to the European Union – the number of mixed marriages are constantly growing, which are based on fictive or nominal partnership. This so called „pseudo-marriages“, or „false marriages“ are common in the other member states as well, not just in Hungary. Primarily African, Asian or middle-eastern persons try to acquire visa or residence permission by „false marriages“. Most of them attempt to establish a relationship on the internet, which then soon leads to a marriage. Organized forms are known as well, if it's achieved by a middleman or negotiator and a specially chosen (typically under privileged people) person for remuneration or compensation.

Guaranteeing the unity of a family is a primary directive in the European Union, so it is very hard to prove whether the required conditions are real, and the establishment of the relationship have any underlying intentions.

The status gained by the marriage can legalize their residence in the territory of the EU, and after gaining the right to freedom of movement and residence they can freely travel to other member states of the EU, which can have an effect on security, because persons involved in criminal activities, and radicals as well can live with the opportunity, which poses security risk for Hungary and the EU as well.

This means, in favour of revealing the cases, an international cooperation is necessary for the success of the investigation.

BLUE CARD

Third-country nationals mostly come to our country for employment purposes. To start money earning activities in Hungary immigrants need to have work permit. If they receive a work permit, they can seek for residence permit. Currently, only highly skilled workers may apply for combined permit. In their case, the European Union Blue Card is an easy and simple opportunity to get combined permit. According to the law (see in 2007. II. 2. § (f)) the EU Blue Card is a residence permit which is available to highly qualified workers and which entitle to stay in the territory of a Member State and to eligible for employment. It must comply with the uniform format of the decree (2002.06.13. 1030/2002/EK) residence permits for third-country nationals

Thus for the low qualified persons it is more complicated procedure to acquire employment and residence permit. Therefore Blue Card is a good idea, but unfortunately, in practice, very few use its opportunities.

Right of residence based on running a company or a business organization is controlled and checked in order that legal migration channels to be accessed to real and legal immigrants. Analyses of recent years showed that there is no significant presence of foreign labour in the Hungarian labour market. Although there are statistics and information on the Hungarian labour market shortages and demands, the economic potential of migration and labour market benefits in migration do not appear in the Hungarian practice.

STUDENT MIGRATION

Among migrants with different purposes there are different levels of abuse as well. Thus checks, prevention tactics, and the sanction system must also adapt to the different trends. Therefore it is necessary to create the legal framework (for example: establish properly installed, trustworthy agency/recruiter network for evolve uniform admission requirements) and effective cooperation with the higher education institutions (consultations, review of norms).

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In the case of student migration, it is very important to involve higher education institutions, because they have to be interested in alert the state if the student does not fulfil its study obligations. In the process, higher education institutions have crucial role in reduce the number of abuses. It is useful for the education institution as well, because it helps to preserve its good reputation and can increase its security too. The immigration authorities can act effectively against abuse through collaboration with these institutions. Following the detection of abuses, modernization in the migration system of norms and procedures is also necessary for effective action. It is very important to improve the coherence of migration law, strengthen legal security and build capacity of redress scheme to receive classified information.

ILLEGAL MIGRATION

Illegal migrant is that third country national, who does not fulfil the obligation of entry or stay. Hungary's EU membership resulted that Hungary has become a transit country because of the attractiveness of other EU Member States. After Hungary has joined the Schengen area, protection of the external border of the EU and the Schengen area became responsible for our country. Check and control of the border entails a big responsibility. This responsibility requires continuous analysis and law enforcement approaches in control and in combating organized illegal migration.

"In order to access the Schengen area illegal immigrants use an increasing variety of methods to circumvent the control systems. Their inventory includes the abuse of legal migration channels, particularly the use of fake or counterfeit immigration or employment documents; carrying out fictitious business activities (establishment, temporary agency work); or to confirm enrolment in foreign language studies by paying the tuition fee, but without the real intention of pursuing studies." (Migration Strategy –English version, page 12.).

Illegal immigration nowadays has quite diverse forms. It is becoming increasingly frequent when immigrants intentionally misleads authorities to get migrant status. Thus, in addition to the typical, traditional forms of illegal migration, the abuse of legal framework of migration appeared as well. There are many abuses when false family relationships are mentioned as real.

Abuses of migrations statuses are dangerous, not only for Hungary, but for the whole public and national security of European Union. The right to free movement gained in Hungary can be used in every EU member state, so illegal migrants can practice their illegal activity throughout the whole EU. Makes many difficulties that the competent authorities in informatics are not harmonized because the migration methods are based on different registers. It prevents the explicit combat against the illegal migration.

There is a lack of information flow and cooperation among institutions and authorities that deal with migration. The bureaucratic systems generally respond inflexibly to changing circumstances, thus the revision of arrest and deportation is ineffective and weak. Coherent, effective cooperation between EU Member States do not work, between the Hungarian authorities neither. Thus there is lack of progress of effective negotiations with third countries to readmit their own nationals. Target is the effective implementation of control and sanction system and modernization, expansion of migration systems.

HUMAN TRAFFICKING

Human trafficking networks play an extremely large role in the illegal migration. Significant proportion of illegal migrants arriving to Hungary by international human trafficking networks. Generally mainly Hungarian, Albanian, Kosovo, Romanian, Moldovan and Ukrainian citizens deal with Hungarian human trafficking. Hungary has three main human trafficking route passes through. Today, the largest number of migrants arriving by human trafficking come through Balkan countries. The second popular direction is the illegal migration channel of Russia and Ukraine which transport mostly people from Asian and African countries. In addition it is important to note human trafficking routes through Romania where mostly come Turkish and Moldovan citizens. Among the illegal migrants is still a significant number of Afghan and Serbia (Kosovo Albanian) citizens. They arrives in larger groups to the territory of the country

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(mostly to the Hungarian-Serbian border) and later some of them will be transported by car in the direction of Western Europe. Most of arrested persons in illegal border crossings recourse for refugee status.

International protection

Refugees, migrants and asylum seekers can be applicant for international protection as well. In Hungarian law the LXXX. law (made in 2007) and the number 301/2007. governmental regulation dispose about the asylum. The law modulate the content of asylum and the recognition of the refugees, as migrants, refugees or asylum seekers as well as the withdrawal of them. The duty of the asylum authorities is provided by the Office of Immigration and Nationality (OIN), which was come into being in 2000. 01.01, as a privy of the Asylum and Migration Office.

Over the last few years, there have been significant changes in the number of applicants for international protection. Over the last ten years, the average number of asylum seekers has ranged between 2,000 and 3,000 annually. However, there have been remarkable changes in the main countries of origin of applicants: Vietnam, China, then Serbia and Kosovo, and currently Afghanistan and Pakistan. This has posed and continues to pose an important challenge for the institutional system applying the law and receiving applicants.

The Migration Strategy's agenda is to maintain the EU's international protection. To reach this aim the needed legislation happened in the first half of 2013, and this legislation is still in effect and works nowadays as well. However, this system is often inflexible, and sometimes it adapts hardly to the new changes of the circumstances, that is why in many cases it is not able to handle the migration flows. On average annually citizens from 50 different countries seek asylum in Hungary.

Accordingly, those migrants, who come from crisis or conflict zones, are treated differently than those who arrive from a peaceful country in order to abuse the system. The most important challenge of mixed migration is to filter out those in need of international protection from other migrants (who are generally economic refugees). In order to conduct a correct authority process it is very important to get to know every detail about the escaping story. But comparing these stories and ranking them is very problematic because valuing them is very subjective. Since there is no developed system ranking and grouping the migrant's stories and statuses, in many cases the assessment of the asylum depends on the authorities. The appropriate interpreting is essential during these procedures, however it seems to be the biggest problem sometimes. Many of the migrants do not talk any other languages besides their mother tongue, hence the communication can conflict a lot of barriers. The provisions of the Law on Refugees (2007) must be applied to those vulnerable groups who have special needs. These groups with needs include children without company. Their placement meant a problem for a long time, but since 2011 the child protection takes care of them. In a lot of cases some trespass with their application for asylum in order to gain time. That's why some of the migrants apply for asylum or migrant status instead of applying for residence. However thanks to the particular role of Hungary, being a transit country, most of the submitted applications for asylum are in order to gain time to organize the further travelling.

From	Into	Challenges for national authorities in the design and implementation of measures allowing third-country nationals to change status. <i>If possible studies should be included (sourced as appropriate)</i>	Challenges for applicant to change status at both application stage (e.g. requirements, waiting times, fees, etc.) <i>If possible, the views of the immigrant community and studies should be included (sourced as appropriate)</i>
Select	Select		
Select	Select		
Other (please	Other (please		

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From	Into	Challenges for national authorities in the design and implementation of measures allowing third-country nationals to change status. <i>If possible studies should be included (sourced as appropriate)</i>	Challenges for applicant to change status at both application stage (e.g. requirements, waiting times, fees, etc.) <i>If possible, the views of the immigrant community and studies should be included (sourced as appropriate)</i>
specify)	specify)		
Please add as many rows as necessary!			

Section 4.2: Good practices and lessons learned

In the Hungarian legal system, there is no direct regulation to make the change of migration statuses easier (or to make it more difficult). In practice, certain status types can be obtained while already staying in country- as well as from abroad – based on the same regulations, although the fact that the new statuses can be obtained without leaving the country already makes mobility easier for third-country nationals. As part of our best practices, we would like to show how the Hungarian state indirectly contributes to certain types of status changes, and what aims and strategies govern these contribution methods.

Between 2007 and 2013, the European Integration Fund was mentoring several different programs that involved changing the status of third country nationals.

Until 2010 the Ministry of Justice and Law Enforcement, and after that the Ministry of Interior managed the so-called Solidarity Funds based on Council Decision 2007/435/EC of 25 June 2007.

The Asylum, Migration and Integration Fund of the European Union operates under the title of Migration and Home Affairs which contains the following rules and regulations:

Government Decree 135/2015. (VI. 2.) on the usage of funds by the Asylum, Migration and Integration Fund and the Internal Security Fund, between the program period of 2014 and 2020

Ministry of Interior Decree 19/2015. (V. 29.) and Ministry of Interior Decree 8/2015. (V. 29.) on the usage of centrally regulated plans

Ministry of Interior Decree 18/2015. (VII. 21.) on the Project program of the Asylum, Migration and Integration Fund between the program period of 2014 and 2016

The Fund's personal effect scope covers third country nationals who have more than 3 months of residence and live in Hungary legally, and also in some cases ones with the intention of legally staying in the country for more than 3 months.

In the following two years the involvement of 800-1000 more immigrants in the same actions was supported, which indirectly or directly helped the participation of those in the labor market, who intended to stay in Hungary for other reasons, mostly study or family reasons. Consequently, these programs will be the reason of future migration status changes.

To help the program development during evaluation, project plans that include at least one of the following actions besides individual ideas are preferred:

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- gathering and analyzing information, surveying the needs, and based on these needs developing department policy proposals about the enterprise activity of third country citizens;
- development and evaluation of different training programs that help training enterprise activity
- provision of e.g. legal consulting, image building, and business consulting for starting enterprises
- building and running a migrant contractor network
- helping the participation of vulnerable groups, with special attention on supporting the participation of women while providing child care services
- gathering and analyzing information, surveying the needs, and based on these needs, developing proposals about the integration of third country citizens who study in Hungarian higher education
- Building up general Hungarian language training programs, and bringing them into effect for third country citizens who study in Hungarian higher education;
- Developing learning material connected to Hungarian language education;
- Programs for gaining work experience – for example internships, volunteer programs;
- Projects and services helping to enter the labor market;
- Giving information about the labor market, providing labor and career consulting;
- Special consulting to help the successful integration in higher education, personal consulting with mentors;
- Developing and running migrant-specific intercultural training projects
- Providing interpretation for trainings;
- Developing and qualifying trainings providing elementary qualifications and offering them to third country citizens who don't have elementary qualifications
- Developing and qualifying trainings to reach intermediate qualifications and offering them to third country citizens who don't have intermediate qualifications;
- Surveying the knowledge, abilities and competences necessary for entering the labor market – integrating into the labor market, and developing projects that help these needs;
- Services helping entering and integrating into the labor market
- Giving and gathering information about the labor market- job, career and rehabilitation consulting and labor exchange;
- Supporting the mechanism that helps accepting the professional qualification acquired outside the EU among migrants from a third country;

The Government accepted important documentation – the Migration Strategy and the 7-year strategy documentation of the Asylum, Migration and Integration Fund for the 2014–2020 cycle, established by the European Union. In the preface of the document, one of the first strategic points listed is as follows: supporting and facilitating all forms of legal migration, by its legal instruments, Hungary provides opportunities for long-term or permanent residence and the acquisition of Hungarian nationality (naturalization). In the latter area, Hungary pays special attention to the simplified naturalization of members of the Hungarian diaspora without obliging them to tear away from their birthplace; (principle of safeguarding free movement).

By clearly defining our country's national interests, values and aims, the strategy explains the path to follow in the area of international defense, integration and rehabilitation policies, as well as providing a system of tools.

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The strategy also defines tasks generated by the positive and negative effects of migration, which creates an opportunity to take advantage of social, economic and demographic benefits.

It serves as a strategy that establishes long term migration steps to follow. It also points out the directions to take at government and at a more specific department level – on how to handle the migration flows effectively, and to prioritize the necessary development areas.

Although there is no trace at legislative level whether changing the status of migrants who stay in the country get easier or more complicated than usual, practice and the Migration Strategy show that there are cases and situations which are privileged or get specially strict treatment.

The state would like to encourage and support migration in a legal way. In Hungary there are many groups of legal migrants, employees, those who are seeking family reunion, those who wish to settle permanently, tourists, students, athletes, scientist, representatives of culture and arts.

Getting a work permit is a good example of changing status, which is complicated and expensive to obtain from abroad, because finding a job, going to the job interview, signing the contract is mostly done face to face. Because of this, future employees enter the country as tourists as the Migrations Strategy mentions it as well:

Visa policy and visa issuance are the first elements of migration policy. In fact in order to legally stay for a long term, undertake a job or found a business legally in Hungary it might be necessary for a third-country national to enter the country beforehand for a shorter period of time, to participate in a job interview or to size up the market. This is usually done by obtaining a Schengen visa (C-type) for tourists even though the real reason of entry is not tourism. This is how a tourist becomes an employee.

Migrants are already encouraged and welcomed in Hungary, in their 'pre-tourist' stage. According to the Migration Strategy: Although the number of tourists is constantly increasing year by year, this ratio is still meagre compared to neighboring countries with similar environmental and cultural attributes (Czech Republic, Slovakia, Austria, etc.); nevertheless with tourism not only may the culture of a country be experienced but other purposes of visit (study, work, investments, etc.) may make Hungary attractive, too.

Visa issuing practice in many cases determines the first impressions of third country nationals about Hungary, so it is of utmost importance to carry out applicant friendly, modern and transparent visa procedures with highly qualified and trained consular officers and other staff members, thus to contributing to strengthen Hungary's economic and cultural relations outside of Europe.

Visa policy is the most important tool in Hungary to handle and regulate migration. One of its important elements is to **provide simpler and faster visa** procedures for the bona fide travelers. Non-EU member states, Ukraine and Serbia are the most concerned areas here: in relation to visa policy it is a priority for Hungary that the members of the Hungarian minority living in Ukraine and Serbia may enter the territory of the motherland without a visa. At present Serbian nationals can cross the common state border without a visa, all efforts should therefore be made in order to avoid reaching a decision by the EU, which would – even temporarily – introduce a visa requirement for Serbia.

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It would be important for Hungary to help to get the proper migrant status for those legal migrants who bring their own quality knowledge or business opportunities. In some cases, this can even result in cross movements. About this, the Migration Strategy says the following: because of national economic and demographic reasons it is necessary to stimulate the arrival of those coming with the economic purposes and purposes of carrying out gainful activities, as well as the range and number of incoming knowledge-based migration, but it is crucial to enforce safety aspects as well. For the safety of Hungary and the European Union, it is essential that a particular emphasis is given to the "controlled openness". It is necessary to take advantage of economic development opportunities of migration more efficiently by welcoming third-country national migrants that contribute to economic development by their investments, creation of jobs.

It is important to outbalance the lack of labor force caused by Hungarian nationals migrating from their country. This mainly concerns the skilled and unskilled manual labor force and the highly trained professions – in these segments of domestic labor force, we can see permanent shortage in an increasing tendency. In order to stimulate the domestic labor market motivation of those arriving for the purpose of work can primarily be achieved by simplifying and facilitating the rules of employment, and in order to support this, by the on-going review and transformation of rules of entry and stay of foreigners continuously adjusted to the current labor market situation – states the Migration Strategy chapter about the labor market

The lawmakers of the European Union wish to establish harmonized rules regarding managers, experts and seasonal workers who are assigned to new roles within the same company. On the one hand, with the more beneficial rule system the Union is paying special attention to attract highly qualified migrants, as well as migrants who help maintain the competitiveness of member states. On the other hand, the presence of semi-skilled and unskilled workers also calls the attention to the need for establishing harmonized rules at a union level – in order to outrule illegal migration and to protect the rights of migrants. However, so far these rules and regulations have not resulted in any considerable changes in the Hungarian practice.

Analyzing the aims of migration, we can find many people who follow their family members to Hungary and would like to work or study here. The Hungarian government's view on this is the following:

A large percentage of third country nationals who choose our country to be their country of residence will continue to come together with their family members. Major barriers should continue not to be rolled in front of family reunification, as it contributes to the successful integration of migrants. The drafting of guidebook for the application of Council Directive 2003/86/EC on the right to family reunification is in progress in order to provide effective family reunification, this future guidebook needs to be taken into account during the practical implementation.

The so-called knowledge-based migration is an important element of the Hungarian strategy- though this appears at European level too: the proposal for a common recast of the Directive 2004/114/EC on the conditions of entry and residence of third-country nationals for the purposes of research, and the Directive 2005/71/EC on studies, student exchange, unremunerated training and voluntary service may have an effect on the purposes and actions set out in this strategy. Nonetheless, attracting knowledge-based migration should be set as a goal - that is providing increased chances of entry and stay for those arriving for the purposes of study and research as well as

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establishment and operation of effective recruitment/selection processes with the involvement of ministries responsible for education and education institutions.

Apart from the above, the Migration Strategy aims to ease the status of highly skilled migrants, as well as attracting this type of migration - that is, creating opportunities for those arriving in our country with study or research aims. It also aims to establish an effective recruitment system with the involvement of the Ministry of Human Resources and with several education institutions

The other highlighted aim as a part of legal migration, is that Hungary still offers stimulating regulation for family reunion. Helping the reunion will promote that 'family' as an important value contributes to the easier and more effective integration and well-being of those who enter the country. That is why we find these regulations justified and they should continue.

In the EU, as well as in Hungary, the Blue Card has a key role and excels all best practices

According to the legislation (Act II of 2007. 2. § f), the EU Blue Card is a permit entitling its possessor with advanced skills to reside in the territory of any of the Member States and, at the same time, to employment requiring advanced skills according to legal conditions listed at section 20/C.

The Council of the European Union having regard to the proposal from the Commission, and to the opinion of the European Parliament, after consulting the European Economic and Social Committee, after consulting the Committee of the Regions has adopted a directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. The directive came into force at 19 June 2009. The object of this directive is to improve the European Union's (EU) ability to attract highly qualified workers from third countries to compensate the losses caused by emigration at once, limit the „brain drain“ effect of other, non-EU countries and to enhance competitiveness within the context of the Lisbon strategy.

The criteria of eligibility for the Blue Card are the following:

Third country national non-Hungarian citizens and stateless persons except persons with the right of free movement and residence (EEA nationals and accompanying family members of EEA citizens and Hungarian citizens).

To maintain or to introduce new national residence permits for any purpose of employment stayed in the competence of the Member States. Moreover, it does not limit the right of the Member States to determine the volumes of admission of third-country nationals entering their territory for the purposes of highly qualified employment. This right should include also third-country nationals who seek to remain on the territory of a Member State, thus in Hungary for other purposes, for example in order to exercise a paid economic activity. A Member State can also determine the volumes of admission of students having just completed their studies or researchers, **persons staying** for the purposes of pupil exchange, unremunerated training or voluntary service, those who do not enjoy consolidated access to the labour market of the Member State under Community or national law.

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Reference may be made to ISCED (International Standard Classification of Education) 1997 levels 5a and 6. Professional qualifications acquired by a third-country national in another Member State should be recognized in the same way as those of Union citizens.. **Furthermore** Qualifications acquired in a third country should be taken into account in conformity with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

The Directive applies the issue of residence permits for family members as well. Favorable conditions for family reunification and for access to work for spouses should be a fundamental element of this Directive, which aims to attract highly qualified third-country workers. Specific derogations to Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification should be provided for in order to reach this aim. The Directive does not preclude Member States from maintaining or introducing integration conditions and measures, including language learning, for the members of the family of an EU Blue Card holder.

The format of the EU Blue Card should be in accordance with Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, thus enabling the Member States to refer to the information, in particular, under which conditions the person is permitted to work.

In order to be allowed into the EU, the applicant must produce: a) work contract or binding job offer with a salary of at least 1,5 times the average gross annual salary paid in the Member State concerned (Member States may lower the salary threshold to 1,2 for certain professions where there is a particular need for third-country workers). Furthermore b) a valid travel document and a valid residence permit or a national long-term visa, c) proof of sickness insurance, d) or regulated professions, documents establishing that s/he meets the legal requirements, and for unregulated professions, the documents establishing the relevant higher professional qualifications.

In addition, the applicant must not pose a threat to public policy in the view of the Member State. S/he may also be required to provide his/her address in that Member State. When submitting the application to the authority, the applicant is required to appear in person, unless the foreigner is unable to appear due to his/her state of health.

Member States are free to decide whether the application for an EU Blue Card has to be made by the third-country national and/or his/her employer. If the candidate fulfils the above conditions and the national authorities decide to admit him/her, s/he is issued an EU Blue Card, which is valid for a standard period of one to four years. The application will be accepted or rejected within 90 days of filing. If the application is accepted, the applicant will be given every facility to obtain the requisite visas.

Third-country nationals and their families can: a) enter, re-enter and stay in the issuing Member State and pass through other Member States; b) work in the sector concerned; c) enjoy equal treatment with nationals as regards, for example, working conditions, social security, pensions, recognition of diplomas, education and vocational training.

Besides, after two years of legal employment, they may receive equal treatment with nationals as regards access to any highly qualified employment. After 18 months of legal residence, they may move to another Member State to take up highly qualified employment (subject to the limits set by the Member State on the number of non-nationals accepted).

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However, they can freely enter and stay in a second Member State, but they must notify the authorities there within one month of their arrival. The second Member State may decide not to allow the third-country national to work until a positive decision on his/her application has been taken. However, the application may already be presented to the authorities of the second Member State while the EU Blue Card holder is still residing and working in the first Member State.

Section 5: Conclusions

Based on the analysis of the legal background the Study could describe the basic framework of status changes. However, basically there is no special regulation for changing. It can be found in the Section 2 and 3 what the corner stones of the admission procedures and the status changes are. As a conclusion it should be highlighted that since Hungary has quite a liberal approach to the changes of status, it is not more problematic in administrative terms to change the purpose of stay compared to a simple extension of the already existing status. It should be set out that allowing the change of status does not primarily depend on the nature of the change of purpose of stay, but on what immigration document the third-country national holds during the first status, and what is to be issued for the next purpose of stay.

It also should be noted that the Hungarian alien-policing system does not focus on the status changes; it focuses on the legal residency. Therefore, the Study could not provide detailed response to all the questions. Furthermore, the Study - because of the same reason - cannot provide data concerning several tables of the Annex. It reinforces that the status changes are not in the focus of the Hungarian migration policy.

Laws related to migration recently entered into force have shown that Hungarian migration actions have gone through a significant development. The full acceptance of migrants and the integration of migrants is unfortunately often a failure because of many difficulties.

The conditions of migration status change can be different. Elementary requirements of gaining several statuses are the registered place of living, constant employment or sufficient means of subsistence. These cannot be easily provided by people arriving from third countries, thus they are trying loopholes. Beside abuse of the visa policy, there are many ways to take advantage of migration statuses. For example: falsification of documents, fictitious business establishment (company formation, employment agency), using false work permits and non-genuine family relationships.

As part of our best practices, we introduced the efforts that were made towards integration, with special emphasis on the activities supported by the Asylum, Migration and Integration Fund of the European Union. Among these activities, there are many that indirectly contribute to the status changes and long term integration of migrants. Here, we also described the goals set out by the Migration Strategy that show Hungary's idea on what migration to support.

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ANNEX 1: Statistics

Table A1: Applicants for international protection (2010-2014)

	2010	2011	2012	2013	2014
<i>Austria</i>					
<i>Belgium</i>					
<i>Bulgaria</i>					
Hungary	2.104	1.693	2.157	18.900	42.777

Source: Statistics of Office of Immigration and Nationality data; extracted 01. 12. 2015

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Table A2: All valid residence permits by reason on 31 December (2010-2014)

Year	Reason	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	I T	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
2010	Total													1616															
	Family reasons													298															
	Education reasons													526															
	Remunera ted activities reasons													165															
2011	Total													1336															
	Family reasons													240															
	Education reasons													403															
	Remunera ted activities reasons													174															
2012	Total													1208															

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Year	Reason	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	I T	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
	Family reasons													245															
	Education reasons													403															
	Remunera ted activities reasons													142															
2013	Total													829															
	Family reasons													136															
	Education reasons													270															
	Remunera ted activities reasons													112															
2014	Total													1036															
	Family reasons													169															

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Year	Reason	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	I T	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
	Education reasons													321															
	Remunera ted activities reasons													135															

Source: Eurostat (migr_resvalid), data extracted 01.12.2015.

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Table A3: Number of “EU Blue Cards” granted (2010-2014)

(Member) State	2010	2011	2012	2013	2014
<i>Austria</i>					
<i>Belgium</i>					
<i>Bulgaria</i>					
Hungary	N/A¹⁹	2	1	4	8

Source: Eurostat (migr_resbc1), data extracted 2015.12.01 10:06:32 corrected by statistics of the Office of Immigration and Nationality

Table A4: Issued skilled or highly skilled national labour permits (2010-2014)

(Member) State	2010	2011	2012	2013	2014
Hungary	N/A	N/A	N/A	N/A	N/A

Source: National data is not available

¹⁹ The Blue Card Directive was implemented in 1st of August 2011.

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Table A5: Total number of victims of trafficking (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits (2010-2012)

(Member) State	2010	2011	2012
<i>Austria</i>			
<i>Belgium</i>			
<i>Bulgaria</i>			
Hungary	N/I.	N/I	N/I

Source: Eurostat (2015) Trafficking in Human Beings, Table A12: Number of victims (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits

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Table A6: Change of immigration status permits by reason (2010-2014)

Year	Change from:	Change to:	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU ²⁰	I	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
2010	Family status	Education													34															
		Remunerated activities													221															
	Education	Family													17															
		Remunerated activities													260															
	Remunerated activities	Family													95															
		Education													13															
2011	Family status	Education													21															
		Remunerated activities													181															
	Education	Family													15															
		Remunerated activities													194															
	Remunerated activities	Family													93															
		Education													21															
2012	Family status	Education													23															
		Remunerated activities													173															
	Education	Family													12															
		Remunerated activities													174															
	Remunerated activities	Family													66															
		Education													15															
2013	Family status	Education													10															
		Remunerated activities													102															
	Education	Family													9															
		Remunerated activities													102															
	Remunerated activities	Family													44															
		Education													17															
2014	Family status	Education													18															
		Remunerated activities													106															
	Education	Family													9															

²⁰ The data based on national statistics provided by OIN.

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		Remunerated activities														90														
	Remunerated activities	Family														71														
		Education															13													

Source: Office of Immigration and Nationality, data extracted 21.12.2015

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Table A7: Change of immigration status permits by reason (2010-2014)

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
Family status	Research	NI ²¹							
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Education	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Research	Family								
	Education								

²¹ The registered datas are not detailed enough to fulfill the Table. Based on the information of OIN.

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Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: Blue card	Family								
	Education								
	Research								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: highly qualified worker	Family								
	Education								
	Research								
	Blue card								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								

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Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: Employee	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: Self- employed	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Business owner	Family								
	Education								

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Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: Seasonal worker	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: ICT	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								

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Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Investor	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
D-type visa holder	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Asylum	Family								
	Education								

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Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Victim of trafficking								
	Other (please specify)								
Victim of trafficking	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Other (please specify)								
Other (Please specify)	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								

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Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								

According to the information provided by the Office of Immigration and Nationality, the authority does not register more detailed data than the ones stored in the EUROSTAT.

Table A8: Number of persons who have changed immigration status 2 times by type of switch (2010-2014)

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
		NI ²²	NI ²³	NI ²⁴	NI ²⁵	NI ²⁶			

²² The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

²³ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

²⁴ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

²⁵ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

²⁶ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

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Table A9: Number of persons who have changed immigration status 3 times by type of switch (2010-2014)

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
		NI ²⁷	NI ²⁸	NI ²⁹	NI ³⁰	NI ³¹			

Table A10: Number of persons who have changed immigration status more than 3 times by type of switch (2010-2014)

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
		NI ³²	NI ³³	NI ³⁴	NI ³⁵	NI ³⁶			

Box A1: Is the processing time set in the national legislation? If yes, does it differ for different groups of migrants – in legislation and/ or in practice?

There are deadlines in the Act II of 2007 and Gov. Dec. 114/2007 but these are referring to the residence permit application not the status changes and they do not reflect the practice.

²⁷ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

²⁸ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

²⁹ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

³⁰ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

³¹ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

³² The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

³³ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

³⁴ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

³⁵ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

³⁶ The registered data are not detailed enough to fulfill the field. Based on the information of OIN.

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Table A11: The average processing time to change the status (the time span between the application for change of status and the granting of the change of status), by purpose of stay in 2014

Into From	Family	Education	Research	Blue cards	Highly qualified worker	Employee	Self-employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking	Other (please specify)
Family		NI	NI	NI	NA	NI	NI	NI	NA	NA	NI	NA	NI	NI	NI
Education	NI		NI	NI	NA	NI	NI	NI	NA	NA	NI	NA	NI	NI	NI
Research	NI	NI		NI	NA	NI	NI	NI	NA	NA	NI	NA	NI	NI	NI
Blue card	NI	NI	NI		NA	NI	NI	NI	NA	NA	NI	NA	NI	NI	NI
Highly qualified worker	NA	NA	NA	NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employee	NI	NI	NI	NI	NI		NI	NI	NA	NA	NI	NA	NI	NI	NI
Self-employed	NI	NI	NI	NI	NI	NI		NI	NA	NA	NI	NA	NI	NI	NI
Business owner	NI	NI	NI	NI	NI	NI	NI		NA	NA	NI	NA	NI	NI	NI
Seasonal worker	NI	NI	NI	NI	NI	NI	NI	NI		NA	NI	NA	NI	NI	NI
ICT	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA	NA	NA
Investor	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI		NA	NI	NI	NI
D-type visa holder	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI		NI	NI	NI
Asylum	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI		NI	NI
Victim of trafficking	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI		NI
Other (please specify)	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	