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Terms of electronic administration services

of the National Directorate-General for Aliens Policing
provided via the case initiation interface of the immigration authority

Issuing body: National Directorate-General for Aliens Policing

Scope of application: Procedures under the competence of the National Directorate-General for Aliens Policing that can be managed via the electronic case initiation interface of the immigration authority

Date of entry into force: 10 November, 2024

Valid: From the date of issuance up until its withdrawal

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I. General provisions

1. The National Directorate-General for Aliens Policing (hereinafter referred to as NDGAP) designated as immigration authority shall provide certain digital services pursuant to Act CIII of 2023 on the Digital State and Certain Rules for the Provision of Digital Services (hereinafter referred to as Act CIII of 2023), as specified in Point 2, in accordance with this Terms of Services (hereinafter referred to as ToS). This ToS contain the general provisions on electronic administration provided by NDGAP, as well as the rights and obligations under the legal relationship between NDGAP and the user of the interface EnterHungary (hereinafter referred to as Client).
2. NDGAP shall provide services to be provided by means of the case initiation interface of the aliens policing authority under
 - a) Act XC of 2023 on General Rules for the Admission and Right of Residence of Third-country Nationals (hereinafter referred to as Act XC of 2023),
 - b) Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence (hereinafter referred to as Act I of 2007), andshall provide services to be provided via the electronic interface operated by the asylum authority under
 - c) Government Decree no. 86/2022 on Rules Applicable in State of Danger Related to Persons Recognized as Eligible for Temporary Protection, and on Derogations from the Rules of Act CVI of 2011 on Public Employment and on the Amendment of Acts Related to Public Employment and of Other Actsby utilisation of the EnterHungary interface available on the www.enterhungary.gov.hu website.
3. NDGAP provides only the electronic services referred to in Section 39(2) of Act CIII of 2023 via the EnterHungary interface. NDGAP shall not provide repository services under Act CIII of 2023.
4. This ToS under Act CIII of 2023 is available
 - a) on the www.enterhungary.gov.hu/eh/ website provided by NDGAP for electronic case administration, and
 - b) on the website of NDGAP, at www.oif.gov.hu.
5. The use of the services under Point 2 is subject to accepting this ToS, and, to this end, in addition to NDGAP, the scope of this ToS also covers the persons using the electronic administration service. Upon using the electronic administration service, the Client accepts the provisions of the ToS and acknowledges that (s)he is bound thereby, as well as that following the use of the electronic administration service, by accepting the ToS, (s)he is subject to the obligations associated with the use of the electronic administration service, without entering into an individual contract.
6. NDGAP facilitates electronic administration for the types of cases listed in Annex 1.
7. NDGAP provides the services under Point 2 free of charge, regardless of the Client's geographical location.

8. Accessibility of NDGAP's electronic administration service is available 7 days a week, 24 hours a day, subject to the derogations set out in Chapter III (i.e., in case of force majeure).
9. For the use of EnterHungary, in particular for registration, completion of documents, as well as attaching documents therethrough, NDGAP publishes a general user guide on the www.enterhungary.gov.hu/eh/ webpage. Further general information on the operation, excluding technical failures, data processing issues and deletion requests is available via NDGAP's Call Centre, from Monday to Thursday between 8:00 and 16:00; on Friday between 8:00 and 13:30. The contact details of the Call Centre can be found on the website of NDGAP.
10. Reporting failures, requesting technical support concerning the operation of EnterHungary shall take place via the enterhungary@oif.gov.hu email address.
11. When using electronic administration, NDGAP and the respective Client are obligated to act in mutual cooperation, taking into account interests of one another.

II. Specific rules of use

12. In case of the types of cases listed in Annex 1, administration is carried out via the EnterHungary interface. In case of electronic administration, the form under relevant legislation does not need to be downloaded for completion; the platform for completion is directly accessible via the EnterHungary interface. To complete and submit the forms, no supporting framework program is required to be downloaded separately.
13. In case types for which legislation prescribes electronic administration, sending documents outside of the EnterHungary interface, i.e., in particular by electronic mail or ePaper Services, does not result in an application submission and has no legal effect.
14. If electronic administration is not mandatory in a given case type, by using the EnterHungary interface, the Client accepts that communication during the procedure will take place through the case initiation interface of the immigration authority.
15. If the person submitting the electronic form acts as an attorney-in-fact, (s)he must attach a power of attorney to the submission in accordance with the sectoral legislation and refer to it during the procedure in accordance with Section 187(3) of Act XC of 2023.
16. Completion of the application form and adding the attachments per se do not result in the submission of an application or a report.
17. Upon submission by the Client, the completed electronic form and its attachments become directly available to NDGAP. The EnterHungary interface sends an automatic notification of the date of the correct submission, the receipt ID to the Client's EnterHungary account, concerning which a system notice will be sent to the email address specified by the Client.
18. If legislation prescribes submission of a credible copy, i.e., an original or a duly authenticated duplicate copy, as an attachment to be submitted by the Client for electronic administration, the Client must attach a document that has been authenticated in

accordance with the document authentication standards specified in Act CIII of 2023 and the Government Decree.

19. The parameters of the files to be attached are to be chosen according to the purpose of use. The total size of attachments that can be uploaded for a case must not exceed 80 MB.
20. If the documents attached to the submitted electronic form are not in the correct file format or are not submitted in a legible format, a notification in the form of a call for remedying deficiencies will be sent out to the Client.
21. The presumption of delivery service of documents within the context of electronic administration shall be governed by pieces of legislation that establish the specific rules of the respective procedure applicable.
22. Notifications and receipts of confirmations related to the electronic administration shall be stored under Chapter V in the Client's EnterHungary account for a limited period of time.
23. Receipts of confirmations and documents sent through the EnterHungary interface are sent by NDGAP in a form(at) that can be directly displayed by widely used office or browser programs and whose data content is human-readable and interpretable.

III. Change due to extraordinary situation (force majeure)

24. An unforeseeable, unavoidable external event that prevents or limits from providing electronic administration temporarily constitutes an extraordinary situation. In particular, the following constitutes an extraordinary event: a malfunction of the services outlined in the ToS that cannot be directly prevented by NDGAP, a failure of the Internet network, other technical issues beyond the control of NDGAP and natural disasters or other circumstances preventing or restricting the operation of the service.
25. In case of an extraordinary situation, without delay, NDGAP shall implement the required measures to maintain the continuity of electronic administration, as well as and publish information on its website and on the www.enterhungary.gov.hu/eh/ website regarding the extraordinary situation, its impact on the accessibility of electronic administration and the anticipated time for resuming full compliance with legislative obligations and the ToS.
26. NDGAP may suspend electronic administration for the purpose of carrying out maintenance, restoration, software replacement, upgrades or other related activities on its systems, provided that Clients are informed in advance. NDGAP shall carry out any planned maintenance work in a manner that minimises the impact on the availability of the electronic administration interface. At least five days prior to the scheduled interruption, NDGAP shall publish information on planned service downtimes on its website and on www.enterhungary.gov.hu/eh/.

IV. Report and complaint management policy

27. Malfunctions related to the operation of the EnterHungary interface may be reported by sending an email to enterhungary@oif.gov.hu.

- 28.** Complaints and reports under Act XXV of 2023 on Complaints, Notifications of Public Interest and Rules on the Notification of Abuse may be submitted to the panasziroda@oif.gov.hu email address. An application that is subject to a judicial or administrative procedure does not qualify as a complaint.
- 29.** Detailed information regarding the complaint management procedure of NDGAP is available on NDGAP's website (<http://oif.gov.hu/panasziroda>). Examination of a complaint is to be completed within a period of 30 days from the date the complaint is received.
- 30.** A Client may initiate a supervisory examination concerning electronic administration at the Electronic Administration Supervisory Authority on grounds of violation of his/her rights under Act CIII of 2023 as specified in the Government Decree.

V. Provisions on data processing

- 31.** The persons authorised to process the personal data provided on the EnterHungary interface by the Client are assigned staff members of NDGAP with responsibilities related to the processing of the case.
- 32.** NDGAP shall process personal data in accordance with the provisions of the following pieces of legislation:
- a) Act XC of 2023,
 - b) Act I of 2007,
 - c) Act LXXX of 2007 on Asylum,
 - d) Act CIII of 2023,
 - e) Government Decree,
 - f) Act XXXIV of 1994 on the Police,
 - g) Act CXII of 2011 on the right to informational self-determination and on the freedom of information,
 - h) Act L of 2013 on electronic security of state and local government bodies (Information Security Act),
 - i) General Data Protection Regulation (hereinafter referred to as GDPR) of the European Parliament and of the Council.
- 33.** Data provided on the EnterHungary interface by the Clients and the documents generated during the course of administration process shall be processed in accordance with the legislation referred to in Point 32, as well as with regard to the data minimisation specifications of the GDPR, in its own records by NDGAP.
- 34.** With regard to provisions of Point 3 and 33, as well as for the protection of the data of Clients, NDGAP shall delete
- a) user accounts from which no application has been submitted after 90 days from the date of registration;
 - b) the attachments of the cases, including uploaded attachments and consignments sent by NDGAP, in which no document has been submitted to the EnterHungary interface by the Client or no procedural act has been recorded

by NDGAP in 180 days after the closure of the case. Deletion will not affect metadata of the case.

35. NDGAP shall notify the Client of the deletion the first time 15 days prior to the deletion, the second time 5 days prior to the deletion.
36. The deletion according to Point 34 shall only affect the EnterHungary account, as well as the data and attachments of the cases uploaded there. However, it shall not affect other data processing of NDGAP, under applicable legislation.
37. A Client may request the deletion of his/her EnterHungary account and all its contents in case no official procedural act has taken place after registration. Deletion may be initiated by an enquiry request sent via Client Gate ('Ügyfélkapu') or Company Gate ('Cégkapu') or by an email sent to enterhungary@oif.gov.hu from the email address that the Client used to initiate his/her registration to EnterHungary. The Client may not request individual deletion of certain data, attachments or messages from his/her EnterHungary account.
38. NDGAP shall comply with a deletion request within 15 days at the latest. This deletion shall not include deletion of data contained in the records kept by NDGAP based on legislation and the file management system. Recovering deleted data is not possible.
39. Correction or deletion of the data recorded in the EnterHungary account by the Client can be carried out by the Client himself/herself.
40. By using the EnterHungary interface, the Client agrees that all data, facts and information which others have an interest in keeping confidential (in particular in case of misdirected deliveries), shall be treated confidentially, as well as kept confidential, and shall not be disclosed to unauthorized third parties. Confidentiality binds the Client for an indefinite period of time. The Client shall notify NDGAP of any misdirected delivery by sending an email to adatvedelem@oif.gov.hu. In case the Client breaches his/her obligation of confidentiality, (s)he shall be liable to compensate others for the resulting damage.
41. Information on Privacy Policy regarding the processing of personal data is available on the website of NDGAP (www.oif.gov.hu).
42. In case of a complaint regarding the processing of personal data, Clients may contact the Hungarian National Authority for Data Protection and Freedom of Information (www.naih.hu).

VI. Final provisions

43. This ToS shall enter into force on 1 November 2024.
44. The ToS shall also be made available on the website of NDGAP and on the www.enterhungary.gov.hu/eh/ website on the working day following the entry into force.
45. NDGAP reserves the right to make unilateral amendments to the ToS in accordance with the requirements of good faith and fair dealing and the principle of proper exercise of rights as per their purpose. NDGAP shall publish amendments on its website at least 15 (fifteen) days before their entry into force.

Mandatory Procedures Initiated Through the Electronic Case Initiation Interface of the Immigration Authority

Case types	Application submission is available exclusively via EnterHungary	Application submission is also available in person
<p>Issuance of a Residence Permit under Transitional Rules of Act XC of 2023</p> <p>(Application for the issuance of a residence permit by a third-country national holding a valid residence permit at the time of entry into force of Act XC of 2023 based on one of the grounds listed in Act XC of 2023 [except for a permit facilitating family reunification, where an application for extension is to be requested])</p>	x	
<p>Issuance of a Residence Permit if the third-country national is staying visa-free as a citizen of a state listed in Annex II of Regulation (EU) 2018/1806 of the European Parliament and of the Council</p>		x
<p>Issuance of a Residence Permit if the third-country national is lawfully residing in Hungary together with another third-country national as a family member, who is staying visa-free as a citizen of a state listed in Annex II of Regulation (EU) 2018/1806 of the European Parliament and of the Council</p>		x
<p>Issuance/Extension of a Residence Permit for a residence permit issued for employment for the purpose of investment, for intra-corporate transfer, for research, for guest workers; for a National Card, for an EU Blue Card, and for a Corporate Card, and – where Act XC of 2023 allows for the establishment of an additional residence title based on the third-country national's</p>	x	

<p>residence – for a family member applying together with the third-country national, if the client consents to it in a unilateral written declaration and</p> <p>a) the third-country national has not entered the territory of Hungary yet, or</p> <p>b) the third-country national is lawfully residing in Hungary, and Act XC of 2023 allows for the submission of the application for a residence permit, by the third-country national who is residing in Hungary, within the territory of Hungary</p>		
Extension of a Residence Permit	x	
Extension of a Permanent Residence Permit		x
Extension of an Immigration Permit		x
Issuance of a Registration Certificate		x
Issuance/Extension of a Residence Card		x
Issuance/Extension of a Permanent Residence Card for an EEA national's third-country national family member		x
Issuance of a Permanent Residence Card		x
Issuance/Extension of a National Residence Card	x	
Issuance/Extension of an EU Residence Card	x	
Issuance/Extension of an Interim Residence Card		x
Replacement or Substitution of a Permit Entitling Residence	x	
Application for an Official Certificate	x	

Reports

Case types	Report submission is available exclusively electronically	Report submission is also available by other means
Reporting a change of place of accommodation	x	
Report on starting employment	x	
Report on not starting approved work (failure of employment relationship)	x	
Report on termination of employment (employment relationship)	x	
Report on birth of a third-country national child born in Hungary to a third-country national holding a visa entitling to residence for a period not exceeding ninety days, a visa entitling to residence for a period exceeding ninety days within a 180-day period, or a residence permit, or holding a permanent residence permit		x
Report in case of student mobility	x	
Notification in case of short-term mobility of researchers (including family members)	x	
Notification of starting employment in case of beneficiaries of temporary protection	x	
Report on termination of employment in case of beneficiaries of temporary protection	x	
Report of guest investors on fulfilment of undertaken investment	x	
Report of guest investors on change in data of the report of fulfilment of undertaken investment by guest investor	x	

Procedures that can be initiated through the electronic interface maintained by the asylum authority

Case types	Application Submission	Application for an extension
application for recognition as beneficiary of temporary protection*	x	-

* Applications for recognition as a beneficiary of temporary protection can be submitted in person as well.