

Hungary: A Case of Ethnic Preference in Citizenship Law

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Hungarian citizenship¹ and migratory movements have been based on ethnic principles, at least in part. What are the major elements of these provisions in force?

- i. *Issuing visa.* Although the list of states and criteria of *visa obligations* became part of the Community competence, bilateral agreements on visa-free travelling were maintained up to the accession. Further on, issuance of visa, including national visa (in the terminology of the Schengen regime) has just been reformed in favour of Hungarian minorities living in adjacent, third countries. The text of visa agreements is neutral but an intention for reforming them can reflect certain ethnical, national priorities towards Romania, Ukraine and Serbia-Montenegro². In brief, the visa policy has to serve as much as possible the free visit of kin-minority entry Hungary in order to compensate the EC law and security requirement.
- ii. Bilateral agreements ensure preferential preconditions of residence in Hungary, on the basis of minority protection, in general, and in order to provide lawful study and work of minority members in Hungary. Similarly to visa regulations, the residence permit authorisation³ is ethnically neutral, but practically *commuting workers, seasonal workers, trans-border, informal traders, as well as youth attending secondary schools and universities* in Hungary are recruited from ethnic minorities living across the borders. For instance, all forms of the authorisation procedure are available only in Hungarian (with exception of visa questionnaire which is available in foreign languages). Acquis under preparation for a small border crossing for inhabitants in the border zone that provides frequent entry and limited period of residence has been basically endorsed by Hungary and Poland in the EU Commission working group.⁴
- iii. The set of *benefits and allowances for minorities* across the borders. Despite stormy political debates, in 2001 the Parliament adopted an Act that

¹ Act LV of 1993 on Hungarian Citizenship, its executive rules (Government decree 125 of 1993, 22 September) entered into force on 1st October 1993. The Act was amended by the Act XXXII of 2001 and LVI of 2003 while the Government decree was modified by the Government decree 103 of 2001, and 128 of 2003, respectively.

² Before accession Hungary had agreements on visa-free travelling to six neighbours, and a voucher system was defined with Ukraine. Due to legal harmonisation agreements were modified introducing visa requirement to Ukrainian, Serbian citizens, while agreement with Romania was restricted.

³ Act XXXIX of 2001 on entry and residence of aliens in Hungary, its executive rules (Government decree 170 of 2001, 26 September) together with further technical and procedural provisions by Decrees of Ministers of the Interior, Foreign Affairs, Justice and Public Health.

⁴ Before accession Hungary terminated these agreements with Ukraine and Romania.

introduces a specific certificate for ethnic Hungarian living in Slovakia, Romania, Ukraine, Slovenia, Serbia-Montenegro and Croatia. Because of constitutional and international inconsistency, the law was modified in 2003 ceasing some individual benefits (employment, social insurance and public health) in Hungary that were available in the possession of the Ethnic Hungarian Certificate.⁵ In December 2004 a further support system for community building was adopted.⁶ Naturally, this set of direct ethnically based assistance of Diaspora law can legalise and inspire migratory movements toward Hungary.

- iv. *Long-term resident status*⁷. Instead of three years continuous, lawful stay in Hungary prior to submission of the application, a former Hungarian citizen or the foreigner who had an ancestor in possession of Hungarian citizenship can submit the request for the long-term resident permit on the basis of a non-defined but shorter previous, lawful residence. The discretionary power of the immigration office means evaluation of ethnical membership of the applicant, too.
- v. *Preferential naturalisation*. Family reunification as preferential treatment has been developed not only in immigration (visa, residence permit and long term resident authorisation) but in citizenship law as well. More preferential naturalisation may be granted to a person whose ancestor was a Hungarian citizen as long as s/he makes a declaration of Hungarian ethnical membership. In this case, the applicant has to reside continuously in Hungary for at least a period of one year in possession of the long-term resident permit instead of a period of eight years preceding the submission. Another harsh political debate on ex lege or discretionary naturalisation of all ethnic Hungarians living in adjacent states without long-term resident status occurred last autumn. From a legal point of view the genuine link to the state of requested citizenship was endangered by the referendum on “dual citizenship” on 5th December 2005. At long last, the motion failed. The majority of voters rejected the ex lege, super-preferential naturalisation of ethnic Hungarians living across the borders. However, new cleavages in political community, between the government and the opposition, domestic Hungarians and those abroad, as well as patriots and cosmopolitans could be visible.
- vi. *Never-ending citizenship*. There are millions of hidden Hungarian citizens all over the world because of the *never-terminated legal bondage to Hungary*.

⁵ Act LXII of 2001 on Ethnic Hungarians living in neighbouring states, it was amended by the Act LVII of 2003. Its executive rules on financial, technical and procedural issues can be found about in ten Government and Ministerial decrees.

⁶ Act II of 2005 on the Homeland Fund that covers various community-building projects for minorities living in adjacent states.

⁷ Foreigner having an open-ended, permanent residence permit is subjected to numerous national regulation, rights and obligations. For instance, eligible to employment, accession to free public education, family allowances.

Although the deputies have urged the reform of citizenship of expatriated persons and their descendants numerous times, regardless either in absence social, economic, family contacts, or of formal registration, Hungarian citizenship has been inherited by *ius sanguinis* smoothly in emigration since 1929.

There are some further components of migration and citizenship law which may trump the ethnical principle.

- i. The existence of *multiple citizenship* has been tolerated purely in favour of the Diaspora to a great extent (expatriated, emigrated nationals and loss of population due to peace agreements). Successful applicants for Hungarian citizenship are thus not required to forego their previous citizenship. Since the first Act on Hungarian Citizenship in 1897 this principle has been continuous with exception of bilateral agreements on exclusion or prevention of dual citizenship that were concluded on the basis of socialist friendship. These agreements were terminated and discontinued in 1993 by the Hungarian party.
- ii. As in many countries, *re-naturalisation* is a preferential naturalisation for prior citizens: the period of residence in possession of a long-term resident status is practically absent, and s/he is exempt from the examination on constitutional knowledge. Naturally, these applicants are ethnic Hungarians.
- iii. *EU citizens* also benefit in naturalisation, although this introduction has been totally unknown according to public opinion. It is wrapped into a technical provision of the Act modified just before accession to the EU⁸. For the purpose of the Act on Citizenship the “resident” shall mean a foreigner who resides in Hungary and has been granted a long-term immigrant or refugee status or as a national of another Member State of the EU who has an EEA residence permit. (Section 23). This interpretative regulation opened the door for EU citizens to naturalize much more than for third country nationals. In practice, Hungarian citizenship is attractive as second citizenship for ethnic Hungarians who have citizenship in one of the Member States of the EU – such as expatriates, emigrants, expelled Hungarian nationals, or “honourable Hungarians” living with a Hungarian spouse or family members. Furthermore, this gesture could mean a nation building policy toward kin-minorities living in candidate or newly accessed countries in the neighbourhood.
- iv. *Recognised refugees* have also received preferential naturalisation since 1989. The starting point is formally related to the Geneva Convention in which the naturalisation is noted as an instrument of durable solution. In the case of Hungary this provision was also an ethnically motivated gesture due to the fact that a majority of recognised refugees in 1989-1993 came from

⁸ Art 4 of the Act LVI of 2003, and it entered into force with the Act promulgating the Treaty on the Accession of the Hungarian Republic to the European Union.

kin-minority across the borders. Gradually, the composition of asylum seekers has changed and this benefit has survived not independently from a decrease in the number of recognised refugees in recent decades. There are some opinions that asylum could legalise the “law of return” to the motherland.⁹

- v. The continuous principle regarding migrants’ integration has been the *ethnic approximation*. The long-term residence permit and naturalisation are accessible for Hungarian speaking, working, self-sufficient and non-dangerous persons. Who are they? In 90-95 percent of all applicants, these applicants come from the neighbourhood. They are ethnic Hungarians and bilingual family members.¹⁰
- vi. The well-known principles of naturalisation (such as no one shall be arbitrarily deprived of his nationality or his right to change nationality, respecting the freedom of the individual, unity of the family, and the reduction of cases of statelessness and protection of personal data) are systematically ensured in regulation as well.

Conclusion: The term nation has been interpreted and inserted into regulation as part of the cultural/ethnic/linguistic community, and its substance is not definable by law¹¹. This is the basis of the contradictions between the laws and the Constitution. On one side, Art.6 of the Constitution refers to the kin-state’s responsibility for kin-minority living across the borders¹². However, the definition of membership in the minority or ethnic community is vague, and various preferential provisions legally discriminate others despite the fact that the state is party to dozens of international treaties. Furthermore, minorities living in Hungary are a distinct component of state power in possession of subjective and collective rights in the Constitution, although verification of their membership in the given ethnic or national entity cannot be defined through. Due to this logic neither statistics on membership of minorities living in Hungary, nor hard data analysis of immigrants coming to and enjoying legal preferences¹³ in Hungary are available. “Historic traditions and the distinction between ethnic and civic

⁹ Maryellen Fullerton: Law of Return? in: Refugees and Migrants: Hungary at a Crossroads - Yearbook of the Research Group on the International Migration, the Inst.for Political Science of HAS), Eds: Fullerton-Sik-Tóth, Budapest, (1995) 110-123, and Tóth Judit: Egy amerikai kutató írásának margójára.(To the margin of an American reseracher’s paper) In: Migráció és politika. (Migration and Politics) Sik E.-Tóth J. (Szerk.) MTA Politikai Tudományok Intézete, Budapest (1997) pp. 137-139.

¹⁰ J. Tóth: Who are the Desirable Immigrants in Hungary under the Newly Adopted Laws? (in: Refugees and Migrants: Hungary at a Crossroads - Yearbook of the Research Group on the International Migration, the Inst.for Political Science of HAS), Eds: Fullerton-Sik-Tóth, Budapest, (1995) pp.57-68

¹¹ Judit Tóth: Diaspora in Legal Regulations: 1989-1999 (In: New Diasporas in Hungary, Russia and Ukraine: Legal Regulations and Current Politics) Kiss, I. and McGovern, C. (Eds.) Open Society Institute/COLPI, Budapest, 2000, pp.42-95

¹² The Hungarian Status Law: Nation Building and/or Minority Protection. Edited by Kántor - Majtényi - Ieda - Vizi and Halász. Slavic Research Center, Hokkaido University, Sapporo, 2004.

¹³ Judit Tóth: Diaspora Politics: Programs and Prospects. (In: New Diasporas in Hungary, Russia and Ukraine: Legal Regulations and Current Politics) Kiss, I. and McGovern, C. (Eds.) Open Society Institute/COLPI, Budapest, 2000., pp.96-141

nationhood are increasingly irrelevant for explaining legislative changes”- said R. Bauböck. Despite a standard level of immigration, in the case of Hungary this visible irrelevance takes a longer time in the EU¹⁴. The recent and failed referendum (5 December 2005) on ex lege citizenship being granted to ethnic Hungarian minorities living in adjacent states provides clear evidence of this.

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¹⁴ Tóth, Judit and Sik, Endre: *Joining an EU identity. Integration of Hungary or the Hungarians?* (In: *Europeanisation, National Identities and Migration. Changes in Boundary Constructions between Western and Eastern Europe*. Edited by Spohn, W. and Triandafyllidou, A.) *Routledge Advances in Sociology*. *Routledge* (2003) pp.223-244

Appendix 1: Requirements for Naturalization or Re-naturalization

- Permanent residence in Hungary for 8 years
 - Clean Criminal Record and no Current Criminal Proceedings
 - Proven means of livelihood and residence
 - Naturalization doesn't violate national interest of Hungary
 - Knowledge of Hungarian language and basic constitutional facts
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- ❖ Permanent residence requirement can be reduced to 3 years if:
 - applicant has been married to a citizen for 3 years or
 - applicant has a minor child who is a citizen or
 - applicant has been adopted by an Hungarian citizen or
 - applicant is an officially recognized refugee

 - ❖ Permanent residence requirement can be reduced to 5 years if:
 - applicant was born in Hungarian territory or
 - established residence in Hungary before reaching legal age or
 - is stateless

 - ❖ Permanent Residence Requirement can be waved if:
 - applicant is a minor and his/her application was submitted along with a qualified parent
 - applicant is a minor and has been adopted by an Hungarian citizen

President or Minister of Foreign Affairs determined the applicant is of “overriding interest” to the Republic of Hungary

Appendix 2: Principles of the law in force

In order to clarify the current discourse on nationality and substance of citizenship, the applicable principles from the international and domestic law are summarised here. The relevant international legal principles are as follows:

- i. *The equality of rights of citizens* which ensures that they should have the same legal standing irrespective of the legal title of the acquisition of citizenship. The European Convention on Nationality of the Council of Europe¹⁵ obligates the participating states to refrain from discrimination against their citizens, irrespectively of their aquisition of citizenship by birth or by any other means (Paragraph (2) Article 5). For example, in Hungarian law, before 1945 suffrage and membership of the Upper House could only be granted ten years after naturalisation, in opposition to native-born Hungarian citizens.
- ii. *The prohibition of discrimination* is a requirement concerning both citizens as well as future citizens or those discontinuing their citizenship. Since, in accordance with the European Convention mentioned above, nationality “means the legal bond between a person and a State and does not indicate the persons ethnic origin” (Article 2). Moreover, discrimination and practice based upon gender, religion, race, colour (of skin), national or ethnic origin are forbidden in accordance with Article 5.
- iii. In accordance with the *right to preserve citizenship*, arbitrary deprivation is forbidden, as declared by the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights¹⁶ as well as the Convention of the Council of Europe. That does not mean that the citizenship of persons regarded seriously disloyal, who violate the interests of the state or have not kept actual contact with the country for a lengthy period as a result of emigration, defined by the law, must be preserved as well. The exemptions include, in accordance with the European Convention of the Council of Europe (Article 7), the following: if the citizen
 - a) has acquired another citizenship voluntarily,
 - b) has acquired his citizenship by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant (thereby he may even become stateless),
 - c) has undertaken a voluntary service in a foreign military force (it may only refer to the individual in question),
 - d) has behaved in a way seriously violating the vital interests of the state (it may only refer to the individual in question),

¹⁵ Act III of 2002 on the publication of the European Convention on Citizenship, dated November 6, 1997, within the framework of the Council of Europe.

¹⁶ Published by Law-decree 8 of 1976.

- e) has no genuine link to the state on account of residing abroad habitually,
- f) does not meet the requirements of ex lege acquisition of citizenship while a minor because of the law in force,
- g) by adoption obtains the citizenship of one or both of the adopting parents or possesses it already.

The aforementioned articles are the exemptions from cessation by the state. The question arises here whether we can talk about the right to citizenship as a human right. Article 15 of the Universal Declaration of Human Rights and Article 4 of the European Convention point out that every human being has the right to a nationality. That is a human right which is only manifested if there is at least one state to accept the individual in question as its citizen. In actual fact, however, in respect to the preservation of existing citizenship we may speak about a universal, though not unlimited right.

- iv. The *right to change citizenship* includes the waving of citizenship, its reinstatement at a later time or a choice from among several citizenships. In accordance with Articles 8-9 of the European Convention, the state is obligated to permit the waving of citizenship unless someone becomes stateless thereby. On the other hand, the state may prescribe that only those nationals who are customarily staying abroad are entitled to wave their citizenship. It is a further obligation of the state to assist those persons who were citizens earlier and are staying legally on its territory in once again acquiring their nationality (reinstatement, repatriation). The succession of the state, the sovereignty over the territory, as well as changing the borders of the state have raised the (obligation and) right to opt: the citizen may obtain/keep the citizenship of the old or the new state. However, the inhabitants of the annexed territories have the right to decide, provided by international law, whether they wish to maintain their connection to the old state or whether they wish to become citizens of the new state (right to option).¹⁷ Initially, the states enabled the inhabitants of the territory surrendered to emigrate within a definite period of time and transport their movable property (1713. Peace of Utrecht). Later, (e.g. 1860. Treaty between France and Sardinia, 1864. Peace of Vienna) they permitted those choosing the new citizenship to keep their landed property on the territories surrendered too. In the case of changes of sovereign power on territories, the following principles were followed in respect to the granting of nationality:
 - a) the place of residence,
 - b) the origin of the individual,
 - c) the place of residence and the origin of the individual together (1871. Treaty of Frankfurt), and

¹⁷ Albert Irk: Az új nemzetközi jog /The New International Law/ 1922.

d) the place of residence or the origin of the individual (1860. Treaty of Turin) were taken into account.

For example, the Peace Treaties in Paris which ended World War I looked upon the place of residence (e.g. Belgian, Czechoslovak treaties), then the place of residence and the origin of the individual combined (e.g. Polish, Romanian, Yugoslav treaties) as a guiding principle. Articles 18-20 of the European Convention provide that in cases of *state succession* all concerned states are obligated to respect the fundamental principles of the rule of law, the standards relating to human rights, the fundamental principles of the Convention as well as the avoidance of statelessness with regards to citizenship. In making decisions about the granting or retention of nationality, the following points are to be specifically taken into account:

- a) the genuine and effective link of the persons concerned to the state,
- b) the habitual residence of the person concerned at the time of state succession,
- c) the will of the person concerned,
- d) the territorial origin of the person concerned,
- e) the circumstance that multiple citizenship is to be tolerated as well in case the renunciation or loss of (the former) citizenship is not possible or it may not be reasonably demanded on account of disproportionate difficulties.

The European Convention also declares that states are obligated to attempt the regulation of affairs related to citizenship via agreements between each other. In the wake of the succession of the state, in case the citizen chooses the nationality of the predecessor state, he shall continue to go on living as a foreigner in his original place of residence. More simply, there is no compulsion to move. In such cases, treatment equal to that of the citizens of the legal successor state is to be ensured with respect to the social and economic rights. Public service applications are exempt from this rule.

- v. The treatment of *women and children as independent subjects of the law* from the point of view of citizenship, legal standing and bondage. That requirement concerns the acquisition, preservation as well as other provisions of citizenship in a non-derivative legal manner. Article 24 of the International Covenant on Civil and Political Rights provides for the right of children to the acquisition of citizenship by birth. According to the UN Convention on the Rights of the Child¹⁸, the participating states are obligated to enable children in possession of their discretionary power to reveal their opinions in cases of citizenship. The UN Convention on the Legal Standing of Women in Marriage provides the status of citizenship for married women as their own right.¹⁹ Consequently, neither the marriage of a woman to a man of another citizenship, nor its annulment, nor a change in the citizenship of the man during her marriage to him has an automatic bearing on the

¹⁸ Published by the Act LXIV of 1991.

¹⁹ Published by the Law-decree 2 of 1960

citizenship of the wife. While for one and a half centuries the woman followed the citizenship of her husband, under the Convention she may keep her citizenship even in case of the loss or cessation of the citizenship of her husband. In a similar manner, Art.4 of the European Convention on Nationality excludes the conclusion of marriage, dissolution of a marriage, cases of changes in the citizenship of the spouse from the circle of automatic modifications of citizenship of the other spouse.

- vi. The *prevention of statelessness*, which has been referred to in several examples above, restricts both the right of the individual to self-determination and the sovereignty of the state (successor state) in accordance with the conventions of the UN and the Council of Europe. In actual fact, there is only one legitimate reason for withdrawal of citizenship: if it was acquired in a (manifestly) fraudulent manner. The UN endorsed a separate Convention on the Reduction of the Cases of Statelessness (1963) since it may occur in a wide range of situations and its elimination is not simple.
- vii. The *principle of effective link* requires a factual, genuine and close relationship between the state and its citizen, and it has been deeply discussed with regards to dual citizenship and the cessation of expatriated Hungarians or Diaspora members nowadays. The International Court transformed a well established principle into an international standard by declaring that, in the case of doubt, only formally existing citizenship may be neglected. It is used not only when judging double citizenship but also when judging citizenship in foreign relations. The relationship between the citizen and the government includes the protection of the citizen by the state when staying abroad as well. Citizenship is a kind of legal relationship, the basis for which is an actual social bond, a relationship bound to a real way of life, interests, emotions, coupled with mutual rights and obligations. It is a legal expression of the fact that the individual who obtains this citizenship - directly through the law or as a result of the action of the authorities - is in actual fact more closely related to the people of the state whose citizen he is than to the people of any other state.²⁰
- viii. In cases where *multiple citizenship* is tolerated, it has to be handled in such a manner that the sovereignty and regulation of one state does not clash with those of another state. To remedy this problem, internal and mainly international agreements are to be applied (e.g. on consular protection or international private law). Hungarian law generally accepted multiple citizenship, it did not make obligatory - except for the period in 1949-1989 - the cessation of the existing other citizenship in naturalisation. In the case of children it was never an issue whether they were granted citizenship also on the basis of the territorial principle. However, the infamous Nottebohm-case

²⁰ Lichtenstein v. Guatemala, 1995 WL 1 (ICJ) is known as Nottebohm case

provides assistance only in judging nominal citizenship, and it demonstrates how difficult it is to simultaneously closely belong to two countries, let alone extremely closely, in an effective way. Therefore the provision of the European Convention on Nationality, otherwise neutral on the issue at hand, has increased in value. For it indicates in an indirect manner that no state was able to rule out the emergence of multiple citizenship through its internal regulation. Therefore the minimum expectations (Articles 14-16) of the state legally allowing the existence of multiple citizenship are that

a) the children automatically acquiring different citizenships at birth should be able to keep them,

b) their citizens could also have a different citizenship as well in case they legally acquired it automatically through marriage.

But that does not mean that multiple citizenship is to be tolerated in each and every case. However, the state must only remain within the rules of termination discussed above in order to terminate it. It may only demand the forfeiture of the other citizenship as a condition of keeping citizenship if it is possible and reasonable.

ix. The *bilateral agreements regulate several legal relationships with respect to persons of multiple citizenship* (aiming at exclusion or treatment). The European Convention of the Council of Europe (in 1997 and 1963), for example, settles the military service of persons of double citizenship and, as a general provision, it declares (Article 17) that persons having another citizenship are entitled to the same rights and obligations on the territory of the participating country where they stay as any citizen of the participating state, except for diplomatic and consular protection as well as the application of the rules of international private law.

The above mentioned principles are fully respected with the exception of neutral definition of nationality in the meaning of European Convention. The genuine link (effective relationship) to the country of citizenship, as well as multiple citizenship, which is hardly separate.

i. The Constitution only contains a few provisions of *guarantee* relating to Hungarian citizenship²¹, while the other rules pertaining to formation and cessation are settled in the act adopted by a two-thirds voting majority. That represents the compulsion of *consensus* which makes regulation²² difficult to amend (it happened on four occasions in the course of twelve years). Strangely enough, there is no such restriction relating to international agreements pertaining to citizenship.

²¹ Act XX of 1949 on the Constitution of Hungarian Republic, as it was deeply reformed by the Act XXXI of 1989 establishing the rule of law including an Article on Hungarian citizenship, too.

²² Act LV of 1993 on Hungarian Citizenship in accordance with the Constituion. In entered into force on 1st October 1993 since it was amended four times.

- ii. *Discrimination is forbidden* among Hungarian nationals, irrespective of the legal title under which their citizenship was granted. The Act on Hungarian Nationality differentiates only one exception in the field of the withdrawal of citizenship, for it may not be applied to persons who acquired their citizenship by birth. For, in the course of the procedure, they could hardly commit frauds or behave in a wild manner in order to obtain citizenship in a fraudulent way.²³
- iii. The *prohibition of arbitrary deprivation* of citizenship and the prohibited withdrawal of the *right to change* citizenship are included in the Act on Hungarian Nationality and in the Constitution. It expresses the relative respect of the freedom of individual will and includes the human right to the preservation of citizenship. Therefore, the withdrawal of citizenship is an exemption, whereas the more common procedure is waving citizenship if one lives abroad, and thus would presumably not become stateless²⁴.
- iv. Domestic law insures the granting of citizenship to *children* by birth (*ius sanguinis*) as well as the legal standing of *married women* and children of the appropriate maturity as their own right, by declaration. Hungary stands up against the termination of statelessness by preferential naturalisation, by granting citizenship, just like with respect to *refugees*, it encourages the prevention of statelessness as well. Moreover, the Act on Nationality assists family reunification (in respect to legal standing) by different preferences of naturalisation.
- v. The regulatory *principles* and the citizenship system in Hungary are in harmony with international legal theories, as the aforementioned points demonstrate. Hungary is a signatory to all the conventions of great significance which define the framework of the development of the law.
- vi. Hungarian regulation is specific to the extent that it grants *preferences* to the persons of former Hungarian nationals and ethnic Hungarians in acquiring citizenship. On the other hand, it tolerates *multiple citizenship*, and the state strives for elaborating rules and concluding agreements on treatment of various legal systems.
- vii. Hungarian citizenship shall be certified with a *valid document* (identity card, passport, citizen's certificate). In case of doubt, attestation is done by the authorities or a certificate is issued. Upon request, the Minister of the Interior issues a citizen's certificate on the existence of citizenship, its cessation or that the person in concern has never been a Hungarian national. The certificate is valid for one year from the date of issuance. A lawsuit disputing the certificate's assertions may be initiated before the Municipal Court (by the person interested, his lawful representative, the public prosecutor as well as the guardian authority). If doubt is raised in a legal procedure as to whether the person in

²³ Act LX of 1993 on Hungarian Nationality, 9.§

²⁴ The Act of Nationality was liberalised in 2001 thus even the criminal proceedings under way represent no obstacle to resignation (Act XXXII of 2001).

question is a Hungarian citizen, the competent authorities request verification from the Minister of the Interior.²⁵

²⁵ Act on Hungarian Nationality 10-12. §