

## **INFORMATION NOTE**

### **on order of application for residence permit with reference to national economic interest**

#### **First time application for the residence permit**

- 1.) The application for residence permit should be submitted prior to entry at the consular officer or other place authorized to reception of application for residence permit operating at the permanent or regular place of residence, or in the country of nationality of the applicant. In case of unavoidable obstacle, taking into consideration that entry and stay of the third country national can be subject to significant national economic interest, the application can be lodged at any representation or officer authorized for takeover.
- 2.) In case the third country national stays lawfully with visa or visa free at the territory of the country in regard to his/her investment, the application for the issuance of residence permit may be lodged also at the regional directorate being competent according to quarters of the applicant.

The application for residence permit shall be lodged personally. At the time of application the proceeding authority records the biometric data (fingerprint, photograph) of the applicant.

The administrative service fee of the procedure aiming the issuance of the residence permit is 60 EUR, which shall be paid at the foreign representation in EUR or other convertible currency, or exceptionally in the legal currency of the country where the application is lodged. The administrative service fee of the application for residence permit lodged in Hungary is 18,000 HUF, which shall be discharged in form of duty stamp.

In case of application for residence permit with other purpose by referring to national economic interest, which is submitted at foreign representation, the decision is made by the Regional Directorate of Budapest and Pest County.

#### **Extension of validity period of the residence permit**

The application for extension of validity period of the residence permit should be lodged personally by filling a form at the Regional Directorate of Budapest and Pest County at least 30 days prior to the expiry date of the validation period of the residence permit.

The administrative service fee for extending the residence permit is 10.000 HUF, which shall be paid in form of duty stamp at the time of application.

#### **Rules to meet, when applying for issuing or extending the residence permit**

The application for the issuance of residence permit and extension can be submitted by using the application form.

One shall enclose to the application:

- the documents justifying the purpose of entry and stay
- power of attorney,
- two facial images, and
- the valid travel document must be presented at the time of application

At the time of application for the extension of residence permit, the third country national must declare whether, in case of denying his/her application, he/she undertakes the voluntary leave from the territory of the European Union Member States.

Moreover the third country national shall make a statement on his/her exact place of accommodation in Hungary. The third country national shall announce his/her place of accommodation to the regional directorate being competent according to the place of accommodation on the available format, unless being accommodated at commercial accommodation, three days upon arrival, even if the place of accommodation will be chosen upon arrival.

### **Rules of legal representation in procedures for issuing and extending the residence permit**

In the procedure of application for issuance and extension of residence permit with other purpose by referring to national economic interest, with the exemption of obligatory personal appearance laid down by law, the legal representation is obligatory. The third country national is obliged to attach valid power of attorney to the application for residence permit.

For power of attorney the rules of Act on Attorney shall be applied, which says that power of attorney shall be put in writing. The power of attorney shall be signed by the principal and the attorney their own selves. Under power of attorney the attorney is entitled to take all actions that results in proper doing of tasks consigned, like takeover of deed, money or other asset. The empowered attorney shall attach his/her original power of attorney or its certified copy at the time of submitting the application. The power of attorney shall be put in public deed or private document with full force of proof. There is no need the use witnesses, if the power of attorney was signed by the client him/herself. Power of attorney issued abroad shall be put in public deed or certified private document, and must have apostille on it.

### **Deadline for proceeding the application**

When it is clarified that Hungary has a significant economic interest for the applicant's entry or stay, the Regional Directorate of Budapest and Pest County makes the decision about the application for the issuance of residence permit and extension out of turn, but at the very latest within 8 days after receiving the application.

### **Conditions of issuance and extension of residence permit applied for by referring to national economic interest:**

The third country national, whose entry and stay is, because of his/her investments, national economic interest of Hungary, and there is no reason for exclusion defined by law, can obtain residence permit with other purpose.

### **How can the purpose of residence with national economic interest be justified?**

In case of national economic interest, the purpose of residence can be certified by:

- 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 250.000 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 250.000 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.

### **Takeover of the residence permit**

When the Regional Directorate grants the application for the residence permit, it simultaneously authorizes the foreign representation to issue the visa entitling for taking over the residence permit.

The visa entitling for taking over the residence permit entitles for single entry so that the residence permit can be taken over and stay for not more than 30 days in the territory of Hungary. Possessing this, the third country national is allowed to enter into the Schengen area, so thus also into Hungary, and can takeover the permit document at the Regional Directorate of Budapest and Pest County.

At the time of submission of his/her application for issuance of residence permit, the third country national has the possibility to ask the delivery of residence permit document to the legal representative or to the foreign representation.

### **Validity period of the residence permit**

The validity period of the residence permit with other purpose issued by referring to national economic interest, is a maximum of five years, which can be extended by a maximum of five years case by case.

When determining the period of validity of the residence permit, the authority also takes into consideration the period of validity of the travel document, presented by the third country national. The duration of stay will be determined in a manner that the travel document should be valid at least 3 months in addition to the authorized period of stay.

### **Use of residence permit with other purpose**

The third country national, in the possession of a residence permit with other purpose, may enter and, within its validity period, may stay in the territory of Hungary. Such residence permit entitles the third country national for a stay of three months within a period of six months in the territories of the Schengen countries.

If the third country national possessing residence permit with other purpose wishes for un business activity, the changing of residence purpose shall be announced to the regional directorate being competent according to his/her place of accommodation. If the third country national wishes to work in Hungary, simultaneously with announcing the changing of residence purpose, the deed certifying the legal relation on employment or, if it is required under the employment rules for allowing the foreigner to work in Hungary, the work permit shall be attached.

### **Rules to meet, when entry and residence of a family member is applied for**

Simultaneously with the application of a third country national by referring to national economic interest, spouse and minor child are also entitled to apply for a residence permit with the purpose of family unification. In their case there is no need to prove the national economic interest, however, deed certifying the existance of family relation and support declaration certifying conditions of living allowance, housing, and health care shall be attached to application.

Other family members, like parent, brother/sister, direct relative, can apply for authorised entry and stay with the goal of family unification under the general rules. In such a case document certifying proper financial asset for the duration of stay applied for, and deed certifying accommodation in

Hungary shall be attached, unless there is a national economic interest on their own right (e.g. he/she is in possession of treasury bond for at least a nominal value of 250.000 Euro).

In case of any family member, the application must be accompanied by

- two facial images, and
- the valid travel document must be presented at the time of application.

The public deed certifying the family relation and issued abroad have only power of evidence under the Hungarian law, if authority at Hungarian foreign representation in the state where the deed was issued put diplomatic appostile on it, unless law, international agreement or practice of reciprocity of that specific group of cases rule different. Deed issued in foreign language can only be accepted together with certified Hungarian translation.

The administrative service fee of the procedure for the issuance of residence permit to the family member is 60 EUR, which must be paid at the foreign representation mainly in EUR or in other convertible currency, exceptionally in legal currency of the country in which the application was submitted. The administrative service fee of the procedure for the issue of residence permit applied for in Hungary is 18.000 HUF, which must be paid in the form of duty stamp.

The applicant must declare on paper „A” about the data listed of his/her minor child indicated in the investor third country national's or his/her spouse's passport and travelling together with him/her, moreover he/she has to attach two photos about his/her child. There is no specific procedural fee for the minor indicated on paper „A”. If the minor has his/her own passport, he/she has to submit a separate application with fee.

### **In case of national economic interest, the conditions of preferential application for national permanent residence**

The third country national can get national permanent residence permit to settle in Hungary if he/she has residence permit or temporary residence permit and

- he/she has a residence permit with other purpose applied for by referring to national economic interest at least six months right before the application,
- he/she has a residence permit at least six months right before the application and there is a national economic interest to let him/her settle.

In case of spouses, if they had got married at least two years right prior to submitting the application, the spouse and the minor child may, together with the third country national, apply for national permanent residence. Other family members can apply for national permanent residence according to general rules, unless there is a national economic interest on their own right.

If the third country national staying legally in Hungary buy treasury bond for a nominal value of 250.000 Euro, there is no need to change his/her residence permit with any purpose, and after six month of stay he/she is entitled to apply for preferential national permanent residence. In such a case, the spouse and the minor child are, provided that they have valid residence permit, benefiting from the same preferential treatment indicated above.

The application for national permanent residence permit may be submitted only in Hungary at the regional directorate being competent according to the future place of residence, under general rules for national permanent residence.