

## DEFINITIONS

**Family life:** considered to exist when the third-country national applicant lives in the same household as a third-country national who has been granted immigrant, permanent resident or refugee status.

**Family member:**

- the spouse of an EEA national;
- the spouse of a Hungarian citizen;
- the direct descendants of an EEA national and those of the spouse of an EEA national who are under the age of 21 years or are dependents;
- the direct descendants of a Hungarian citizen and those of the spouse of a Hungarian citizen who are under the age of 21 years or are dependents;
- the dependent direct relatives in the ascending line of an EEA national and those of the spouse of an EEA national;
- the direct relatives in the ascending line of a Hungarian citizen and those of the spouse of a Hungarian citizen;
- the person who has parental custody of a minor child who is a Hungarian citizen;
- any person whose entry and residence has been authorised by the competent immigration authority on grounds of family reunification;
- the partner with whom the EEA national entered into a registered partnership before the relevant Hungarian authority or the authority of another Member State of the European Union;
- the partner with whom the Hungarian citizen entered into a registered partnership before the relevant Hungarian authority or the authority of another Member State of the European Union.

**EEA national:** the citizens of Member States of the European Union – other than Hungarian citizens – and citizens of any State that is a party to the Agreement on the European Economic Area (citizens of the European Union, Switzerland, Norway, Iceland, and Liechtenstein).

**First Member State:** Member State of the European Union which first issues

- a third-country national an intra-corporate transferee permit,
- a third-country national a permit under Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

**EU Blue Card:** a residence permit entitling its highly qualified holder to reside and work in highly qualified employment in the territory of a Member State under the terms set out the relevant legislation.

**Host entity:**

- the entity to which the intra-corporate transferee is transferred and that is established, regardless of its legal form, as a legal person in accordance with national law,

- a research organisation, higher education institutions, education establishment, organisation responsible for a voluntary service scheme or an entity hosting trainees.

**Trainee:** a third-country national who holds a degree of higher education or is pursuing a course of study in a third country that leads to a higher education degree and who is admitted to the territory of Hungary for a training programme for the purpose of training.

**Traineeship:** the activity pursued by a trainee for the purpose of gaining practice in his/her studies or by a trainee holding higher education qualification within a training programme for the purpose of gaining knowledge, practice and experience in a professional environment.

**Trainee employee:** a person holding a certificate evidencing higher education or a university degree who is transferred to a host entity for career development purposes or in order to obtain training in business techniques or methods, and is paid during the transfer.

**Student:** a third-country national who has been accepted by a Hungarian higher education institution and is admitted to the territory of Hungary to pursue as a main activity a full-time course of study leading to a higher education qualification recognised by Hungary, including diplomas, certificates or doctoral degrees in a higher education institution, which may cover a preparatory course prior to such education, in accordance with Hungarian law, or compulsory training.

**Third-country national:** non-Hungarian citizens and stateless persons except for persons having the right of free movement and residence (EEA nationals and family members accompanying or joining an EEA national or a Hungarian citizen).

**Household:** the community of persons living with a Hungarian citizen under the same roof, and using this address as the registered permanent or habitual residence.

**Stateless person:** a person who is not considered as a national by any State under the operation of its law.

**Permit for long-term mobility:** a residence permit entitling the holder of a residence permit issued to the intra-corporate transferee to reside and work in the territory of the second Member State under the terms of national law.

**Lawful residence means** any stay in the territory of Hungary with:

- a visa for stays exceeding ninety days within a one hundred and eighty day period;
- a residence permit;
- an interim permanent residence permit;
- a certificate of temporary residence issued under Article 30(1)(a) of the Act II of 2007.
- a residence card granted under specific other legislation.

**Preferred employer:**

an employer having signed a strategic partnership agreement with the Government

- any employer that plans to employ in Hungary a third-country national from a country neighbouring Hungary in any of the professions provided for in a communication by the Ministry of National Economy
- any employer who implements an investment project of preferential status for national economy considerations.

**Shared household:** the community of persons living with an EEA national or a Hungarian citizen under the same roof, and using this address as the registered permanent or habitual residence.

**Research organisation:** a research organisation accredited under specific other legislation.

**Second Member State:** any Member State other than the first Member State,

- in which the intra-corporate transferee intends to exercise or exercises the right of mobility within the meaning of national law,
- in which the third-country national intends to exercise or exercises the right of mobility Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

**Letter of invitation:** the host undertakes a commitment in a letter of invitation – with an official endorsement affixed – to provide room and board and financial support for the invited third-country national during his stay in the territory of Hungary, and, unless an international treaty provides otherwise, to cover the costs of medical care and the costs of exit of such third-country national.

**Uninterrupted residence:** residence in the territory of Hungary shall not be considered interrupted by temporary absence from the territory of Hungary of less than four consecutive months at any given time, if the combined duration of the foreign national's absence does not exceed two hundred and seventy days over a period of three years before the application is submitted.

**Agriculture:** covers the crop production, forestry, farming and fishing sectors.

**National visa:** a visa for single or multiple entry and for stays exceeding ninety days within a one hundred and eighty day period in the territory of Hungary under international agreement.

**Volunteer activity:** according to Article 2(1) of Act LXXXVIII of 2005 on Voluntary Activities of Public Concern, voluntary activity of public concern means work performed at a host entity without being remunerated, except if

- the activity is carried out by a person for his/her own benefit, or for the benefit of his/her close relative provided for in the Civil Code;
- the activity is based on a legal obligation or final court decision, or if ordered by an authority;
- the parties agree on carrying out the activity within the framework of other legal relationship, such as a civil relation, as a member of an association or church, or as a member of the managing body of a foundation or public foundation or a religious community.

**Single permit:** a residence permit allowing a third-country national to enter into a contract for employment relationship with an employer and to reside legally in the territory of Hungary for the purpose of work.

**Single application procedure:** any procedure leading, on the basis of a single application made by a third-country national, to a decision ruling on that application for residence exceeding ninety days within a one hundred and eighty day period and for entering into an employment relationship with an employer in the territory of Hungary.

**Specialist:** a person working within the group of companies possessing specialised knowledge essential to the host entity's areas of activity, techniques or management; in assessing such

knowledge, account shall be taken not only of knowledge specific to the host entity, but also of whether the person has a high level of qualification including adequate professional experience referring to a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession;

**Seasonal work:** an activity performed in agricultural sectors of employment.

**Intra-corporate transfer:** the temporary secondment for occupational or training purposes of a third-country national who, at the time of application for residence authorisation for an intra-corporate transferee, resides outside the territory of the Member States of the European Union, from a company established outside the territory of a Member State of the European Union and to which the third-country national is bound by a work contract prior to and during the transfer, to an entity belonging to the company or to the same group of companies which is established in that Member State, and, where applicable, the mobility between host entities established in one or several second Member States.

**Intra-corporate transferee:** any third-country national who resides outside the territory of the Member States of the European Union at the time of application for an intra-corporate transferee permit and who is subject to an intra-corporate transfer.

**Intra-corporate transferee permit:** a residence permit entitling its holder to reside and work in the territory of the first Member State and, where applicable, of second Member States, under the terms of national law.

**Group of companies:** two or more companies recognised as linked under national law in the following ways: a company, in relation to another company

- directly or indirectly, holds a majority of that company's subscribed capital,
- controls a majority of the votes attached to that company's issued share capital,
- is entitled to appoint more than half of the members of that company's administrative, management or supervisory body, or
- the companies are managed on a unified basis by the parent company.

**Manager:** a person holding a senior position, who primarily directs the management of the host entity, receiving general supervision or guidance principally from the board of directors or shareholders of the business or equivalent; that position shall include: directing the host entity or a department or subdivision of the host entity; supervising and controlling work of the other supervisory, professional or managerial employees; having the authority to recommend hiring, dismissing or other personnel action.