

**Preliminary Agreement  
for the establishment of employment relationship  
(recommended template)**

concluded by and between

..... (employer's name) at ..... (employer's address, tax ID, NACE code) represented by ..... (person authorized to represent) as the **Employer**, and

..... (family name of the third-country national),  
..... (first name), ..... (place and date of birth),  
..... (passport no.), ..... (gender), ..... national  
(citizenship) as **third-party national**

on the day and at the place specified below and subject to the following terms:

Having regard to Article 7 (7)–(9) of Act IV of 1991 on the promotion of employment and unemployment benefits (hereinafter: Employment Act), the Parties conclude the following preliminary agreement

1. The Parties agree that third-country nationals are persons subject to Act II of 2007 on the admission and right of residence of third-country nationals (hereinafter: TCN) eligible for employment in Hungary based on the residence permit issued under the single application procedure stipulated in Article 7(1)(a) of the Employment Act (hereinafter: single permit).
2. The Employer intends to employ the third-country national under the terms and conditions in this preliminary agreement and within the context of the legal relationship specified in Section 5 below, and the Parties agree to have the single application procedure carried out for this purpose.
3. In the event Government Decree 445/2013 (XI.28.) requires a review of the labour market before the specific permit is issued, the Employer undertakes the obligation to submit, before or at the same time the single permit application is submitted but no later 60 days thereafter, to the competent district office of the Budapestor county government office responsible for the area where the Employer intends to employ the third-country national a labour demand report for the position to be taken by the third-country national. If the nature of the work may involve more than one country or labour centre, the labour demand must be submitted to the labour centre responsible for the area where employment is planned to start. If such employment may take place at more than one of the Employer's sites that belong to more than one county or district office, the labour demand is to be submitted to the district office responsible for the area where the Employer's registered office is located.

4. The Parties agree that in the event the single permit is issued, the term of the employment relationship specified in Section 5 is expected as follows:  
from ..... (day) ..... (month) ..... (year), but not earlier than the date when the single residency permit is issued, to ..... (day) ..... (month) ..... (year).  
**(The maximum term of employment relationship may not be longer than 2 years with the exception of the following:**  
— up to 5 years if a residency permit is issued to provide for family cohabitation,  
— up to 4 years if an application is submitted for the EU Blue Card,  
— up to 3 years for residency permits issued for humanitarian purposes as stipulated in Article 29 (1) (a) of TCN,  
— up to 6 months for residency permits issued for humanitarian purposes as stipulated in Article 29 (1) (e)–(f) of TCN,  
— up to 1 year for residency permits issued for humanitarian purposes as stipulated in Article 29 (1) (a) of TCN,  
for the establishment of fixed-term employment relationships.)

The Parties agree that the employment relationship will be established in accordance with the term specified in the single permit. Any agreement by the Parties contrary to the above shall be null and void.

5. The Employer plans to employ the third-country national in the legal form of ..... (type of legal relationship, e.g. employment, civil servant employment, agency, posting, secondment).

In the event of posting or secondment:

Employee providing for the posting or secondment of the third-country national:

Name: .....

Address: .....

The country where the registered office is

located:.....

6. Description of the activity and job to be performed by the third-country national: ..... , its Hungarian Standard Classification of Occupations (FEOR) code: .....
7. Professional qualification(s) required to perform the activity identified in Section 6 above: ..... , post-secondary qualification(s) for employment under the EU Blue Card: .....
8. Monthly remuneration to be paid to the third-country national: HUF ..... Any change in the remuneration amount in the employment contract shall benefit the third-country national. The Parties agree not to deviate from the remuneration specified in the labour demand report to be submitted by the Employer
9. The place(s) of employment: .....  
.....
10. Weekly working hours: ..... hours/week

11. The third-country national hereby states that he/she is submitting the application for the single permit based on the following provisions of Government Decree 445/2013 (XI.28.):<sup>1</sup>
- a. - without assessment of the labour market situation (item ..... of Section 9 (1) based on Section 18), or
  - b. - based on license-exempt employment (item ..... of Section 15 (1) based on Section 18), or
  - c. - based on labour demand report with assessment of the labour market situation (ref. no. of the certificate issued for the labour demand report: .....)).

This section has been completed based on the Form instructions made available to this preliminary agreement by the authority.

12. The Employer hereby represents that the occupational health and safety, professional and technical conditions of the employment are granted at its site.

13. The Employer hereby represents that at the time the application is submitted, there is no strike in progress pertaining to the activities to be carried out by the third-country national.

In witness whereof, the Parties have duly executed this preliminary agreement as a true reflection of their will and signed it in .... copies, the receipt of one of which is certified by the third-country national's signature.

Dated in ....., on the ..... day of .....month 20..... year.

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Third-country national

\_\_\_\_\_

## **Instructions for the completion of Section 11 of the preliminary agreement**

### **a. Application for the single residence permit without assessment of the labour market situation (cases specified in Section 9 (1) based on Section (18) of Government Decree 445/2013 (XI.28.)):**

1. within the framework specified in an international convention,
2. for the employment of a third-party national as a key staff member,
3. for the employment of a third-country national from a country whose citizens did not constitute more than 5% of the business organisation's labour force as of 31 December of the previous year,
4. for the employment of a close relative of a member of a diplomatic or consular mission of a foreign state in Hungary in the event there is no reciprocity between the states,
5. for the educational, research or artistic work in excess of 10 workdays per calendar year by an internationally acknowledged third-country national invited by academic institutions, research institutes, public cultural or arts facility,
6. for the employment of a relative of a third-country national employed in Hungary for a minimum of 5 years and with no EU Blue Card, which relative is not eligible for a residency permit to be issued based on the principle of family cohabitation,
7. for the work of the accompanying spouse of a person recognised as a refugee, foreign national beneficiary of subsidiary protection status, asylum seeker, immigrant or resident alien where the spouse has lived with this person in Hungary for a minimum of one year,
8. for the work of the widow of a person recognised as a refugee, foreign national beneficiary of subsidiary protection status, asylum seeker, immigrant, resident alien or person with the freedom of movement and residence where the widow had lived with the deceased in Hungary for a minimum of one year prior to the death of that person,
9. for the performance of installation, warranty, service and guarantee activities based on a private law contracts with a business registered in a third-country for over 15 consecutive days within a 30-day period,
10. for the work of a third-country national whose employment in Hungary has been authorised by the immigration authority based on the prevailing immigration laws,
11. for the work of an admitted refugee outside the refugee station, whose employment in Hungary is supported by the immigration authority for humanitarian reasons,
12. for the work of a third-country national to be employed by an international organisation, a diplomatic or consular mission or any other organisation/staff of a foreign

state where the third-country national is not a member of their staff, nor a delegated member of the sending state,

13. for the work of a third-country national to be employed by a film production business registered under the Hungarian motion picture act by the Hungarian Motion Picture Authority,

14. if the third-country national will be employed within the context of a targeted training (by a trainer) designed to acquire the required experience for the specific job, and the period of such training does not exceed three months,

15. for an educational activity in Hungary performed by a third-country national in addition to the hosting agreement concluded with the accredited research organisation in accordance with the government decree on the accreditation of research organisations hosting third-country national researchers and on the hosting agreement,

16. if the employer submits the application for the permit extension specified in Section 2 (12) no later than the 15th day before the expiration date of the work permit, and

17. for the work of a family member of a third-party national without an EU Blue Card subject to family cohabitation law.

**b. Exemption from the application for the single residency permit is granted in the following cases as per Section 15 (1) based on Section 18 of Government Decree 445/2013 (XI.28.):**

1. in the event of a provision of an international treaty in that regard,

2. for the work of a head of branch or mission of a business organisation registered abroad and identified in an international treaty,

3. for the work of a staff member delegated by the sending state of a diplomatic (consular) mission or other organisation of a foreign state, and, based on the existing international reciprocity, for the work of a close relative of staff member of a diplomatic or consular mission of a foreign state,

4. for the employment of a staff member (or their close relative) by an international intergovernmental organisation operating in Hungary based on an international convention or an organisation operating in Hungary and recognised by Hungary as an international organisation (hereinafter: international organisation),

5. for the employment of the persons delegated by state parties establishing the international organisation or the joint body that does not qualify as an international organisation (hereinafter: delegates) by the international organisation or the joint body and, based on the reciprocity of state parties, the delegate's close relative,

6. for the performance of installation, warranty, service and guarantee activities based on a private law contracts with a business registered in a third-country up to 15 consecutive days within a 30-day period,
7. for employment by an employer registered in any state party of the EEA Agreement for the performance of its cross-border services by way of posting or secondment to a Hungarian employer to fulfil its obligations under a private law contract,
8. for employment via outsourcing to a Hungarian employer by an outsourcing business (as employer) registered in a state party of the EEA Agreement,
9. for the employment of an executive officer or a member of the supervisory board of a business organisation with foreign equity holding,
10. for work completed as a research scholar within the context of a post-doctoral employment application or the János Bolyai Research Scholarship,
11. for the employment as part of a vocational training organised by an international student organisation for a third-country national enrolled at a foreign institution of higher education,
12. for the employment of a person enrolled as a full-time student of a vocational school, secondary school, elementary arts school, college or university in Hungary,
13. for educational activities in foreign languages in an elementary, secondary or post-secondary institution which, as evidenced by the certificate issued by the minister responsible for education, are carried out within the framework of the international educational programme signed by the competent ministers of the relevant states,
14. for the activities of a natural person (clergy member) serving under internal church rules, under church law, in special church service relationship, employment or other relationship,
15. for the work activities of a refugee, foreign national beneficiary of subsidiary protection status or asylum seeker or admitted refugee in Hungary outside the refugee station,
16. for educational, scientific or art activities lasting no longer than 10 workdays per calendar year,
17. for any research activity which, based on the certificate issued by the Hungarian Academy of Sciences, is subject to an international treaty by Hungary and any other foreign state,
18. for the employment of a third-country national conducting his or her traineeship within the context of the Comenius, Erasmus, Leonardo da Vinci or Grundtvig programmes,

19. for the employment of a Hungarian national's widow who lived with the deceased in Hungary for a minimum of 1 year prior to his/her passing,

20. for a research activity in Hungary performed by a third-country national based on the hosting agreement concluded with the accredited research organisation in accordance with the government decree on the accreditation of research organisations hosting third-country national researchers and on the hosting agreement,

21. for the sports activities of a professional athlete and for the preparatory activities of the coach for the athlete's sports activities,

22. based on the state parties based on the principle of reciprocity, for the employment of the close relatives of service members of the armed forces and civilian service organisations stationed in Hungary based on Article I (1) (a) and (b) of the Convention between the Parties to the North Atlantic Treaty on the Status of their Forces, signed in London on 19 June 1951 (hereinafter referred to as 'NATO-SOFA Agreement') as announced in Act CXVII of 1999,

23. to the family member lawfully residing in Hungary of a third-country national holding a valid residence permit issued for the purpose of family cohabitation under the family reunification purpose as defined in Article 19 of TCN, provided that the family member may be employed without a family reunification permit, and

24. to the family member of a person recognised as a refugee or foreign national beneficiary of subsidiary protection status, or to a parent of an unaccompanied minor recognised as a refugee, or his/her legal guardian, provided that the person holds a valid residency permit issued for the purpose of family cohabitation.

**c. Application for the single residence permit with assessment of the labour market situation (based on Section 19 of Government Decree 445/2013 (XI.28.)):**

Application for the permit must be submitted based on this provision if none of the circumstances specified in items (a) and (b) above pertain to the employment.