EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

DECISION

Application no. 10102/24
A.G.
against Hungary

The European Court of Human Rights (Fifth Section), sitting on 30 April 2026 as a Committee composed of:

María Elósegui, *President*,
Gilberto Felici,
Diana Sârcu*, judges*,

and Sophie Piquet, *Acting Deputy Section Registrar*,

Having regard to:

the application (no. 10102/24) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 14 March 2024 by a Russian national, Mr A.G. ("the applicant"), who was born in 1957 and lives in Budapest, and was represented by Ms E. Kadlót, a lawyer practising in Budapest;

the decision to give notice of the complaints concerning Articles 8 and 13 to the Hungarian Government ("the Government"), represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice, and to declare the remainder of the application inadmissible;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the decision not to disclose the applicant's name;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns whether the revocation of the applicant's national settlement permit and status on grounds of national security were attended by sufficient procedural safeguards as required under Article 8 of the Convention.

2. The applicant, a Russian national, arrived in Hungary in 1995 with his wife and two children. The couple's third child was born in Hungary in 2002. The entire family has been residing together in Hungary ever since. In 2011 the applicant was granted a national settlement permit.

3. On 21 September 2021 the National Directorate-General for Aliens Policing (*Országos Idegenrendészeti Főigazgatóság*, hereinafter "the NDGAP") revoked the applicant's national settlement permit (*nemzeti letelepedési engedély*) and settlement status (*letelepedett státusz*) under sections 37(2)(g) and 87/B(4) of Act no. II of 2007 on the admission and right of residence of third-country nationals (hereinafter "the Immigration Act"), but it did not concern his expulsion. The decision relied on an authoritative assessment by the Constitution Protection Office (*Alkotmányvédelmi Hivatal*, hereinafter "the CPO"), according to which the applicant posed a threat to national security. Following an appeal by the applicant, the decision was upheld at second instance. Subsequently, he sought judicial review. On 25 October 2022 the Budapest High Court quashed the decision and remitted the case to the NDGAP acting at second instance.

4. In the resumed second-instance administrative proceedings, the NDGAP upheld the first-instance decision. On 1 June 2023 the Budapest High Court dismissed the applicant's action lodged against the administrative decision.

5. Following a petition for review filed by the applicant, on 3 October 2023 the *Kúria* upheld the judgment. The judgment was served on the applicant on 21 November 2023. The applicant did not file a constitutional complaint with the Constitutional Court.

6. The relevant domestic law has been set out in *Trapitsyna and Isaeva v. Hungary* (no. 5488/22, §§ 25-36, 19 September 2024) and in *Szalontay v. Hungary* ((dec.), no. 71327/13, § 22, 12 March 2019).

7. In addition, section 37(2)(g) of the Immigration Act, as in force at the material time, provided, in so far as relevant, that the immigration authority had to revoke any national settlement permit where a third-country national posed a threat to Hungary's national security. Furthermore, Article VI of the Fundamental Law provides for the right to respect for private and family life.

8. The applicant complained that the revocation of his national settlement permit and status and the ensuing inevitable separation of the family had violated his rights guaranteed under Article 8 of the Convention. He further complained that he had had no effective remedy in that connection, as required by Article 13 of the Convention, since he had not been informed of the underlying evidence of the CPO's authoritative assessment and therefore had been unable to produce any relevant submissions in that regard during the proceedings.

THE COURT'S ASSESSMENT

9. The applicant complained that his right to respect for his private and family life under Article 8 of the Convention had been breached by the revocation of his national settlement permit and status and that he had been denied an effective remedy, as provided for by Article 13 of the Convention.

10. The Government submitted that the application was inadmissible for non-exhaustion of domestic remedies, as the applicant had failed to lodge a constitutional complaint with the Constitutional Court. The applicant disagreed. He argued that the Constitutional Court lacked power to override court judgments, the legislative lacuna could not be remedied by constitutional complaint proceedings and that, given the lengthy nature of that procedure, it had not been capable of preventing his potential expulsion.

11. The Court has already held that a constitutional complaint under section 26(1) and/or section 27 of Act no. CLI of 2011 on the Constitutional Court (hereinafter "the Constitutional Court Act") was an effective remedy generally to be exhausted for the purposes of Article 35 § 1 of the Convention in situations where the application concerned Convention rights equally protected by the Fundamental Law of Hungary (see *Szalontay v. Hungary* (dec.), no. 71327/13, § 34, 12 March 2019). In particular, the Court established that in the event that the Constitutional Court found that impugned legal provisions or court judgments, including administrative decisions, were contrary to the Fundamental Law, it could have struck them down (*ibid*., § 35; see sections 41 and 43 of the Constitutional Court Act, as referenced in *ibid*., § 22).

12. The present case concerns the revocation of the applicant's national settlement permit and status, that is to say, an alleged breach of his right to respect for his private and family life, which is enshrined in Article 8 of the Convention and Article VI of the Fundamental Law (see paragraph 7 above).

13. In view of the aforementioned, the applicant did not demonstrate convincingly why a constitutional complaint, arguing that either the applied legislation (that is, sections 37(2)(g) and 87/B(4) of the Immigration Act; see paragraphs 3 and 6-7 above) or the impugned court judgments had violated Article VI of the Fundamental Law, could not have offered a reasonable prospect of success. In view of the potential consequences of constitutional complaint proceedings (see paragraph 11 above), the applicant's arguments to the contrary are dismissed. Moreover, the Court observes that the application before the Court does not concern expulsion proceedings (see paragraph 3 above). Therefore, his submission concerning the lengthy nature of the Constitutional Court proceedings and its presumed impact on a potential expulsion carries no significance in the individual circumstances of the present case. It follows that a constitutional complaint would have been an effective remedy to be pursued in the present case and the Court sees no

circumstances exempting the applicant from having to lodge such complaint in the present case.

14. Since the applicant did not avail himself of the above-mentioned legal avenue, the complaint under Article 8 must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

15. The applicant also complained under Article 13 of the Convention. However, he did not pursue that complaint any further. In these circumstances, the Court considers that the applicant may be regarded as no longer wishing to pursue that complaint, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued consideration of the complaint. Accordingly, this part of the application should be struck out of its list of cases under Article 37 § 1 (c) of the Convention (see *M. v. Ukraine*, no. 2452/04, § 93, 19 April 2012).

For these reasons, the Court, unanimously,

Declares the complaint under Article 8 of the Convention inadmissible;

Decides to strike out the complaint under Article 13 of the Convention.

Done in English and notified in writing on 21 May 2026.

Sophie Piquet Acting Deputy Registrar	María Elósegui President