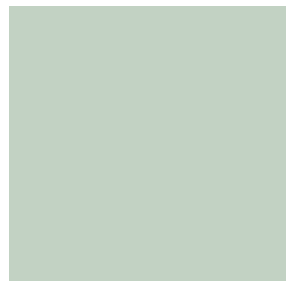


2023 UPDATE

ROMANIA



COUNTRY REPORT

Acknowledgements & Methodology

This 2023 update to the country report was written by Silvia Antoaneta Berbec, as well as JRS Romania and was edited by ECRE. The TPD annex to this report was written by Felicia Nica.

The information in this report draws upon statistics and further information provided by the General Immigration Inspectorate (IGI), Border Police, Romanian courts, Ombudsman Institution, National Employment Agency, International Organisation for Migration (Romania Country Office), UNHCR Romania, Romanian NGOs (JRS Romania, Save the Children, The Romanian National Council for Refugees, AIDROM).

The information in this report is up to date as of 31 December 2023, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 4 non-EU countries (Serbia, Switzerland, Türkiye, and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA) partially funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of the report are the sole responsibility of the author and ECRE and can in no way be taken to reflect the views of the European Commission.



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Glossary & List of Abbreviations

Public custody centre	Detention centre for persons facing removal or transfer under the Dublin Regulation. There are two such centres, located in Otopeni and Arad.
Regional centre	Regional Centre for Accommodation and Procedures for Asylum Seekers ("reception centre"). There are six such centres, located in: Timișoara, Șomcuta Mare, Rădăuți, Galați, Bucharest and Giurgiu.
AIDRom	Ecumenical Association of Churches from Romania Asociația Ecumenică a Bisericilor din România
AJOFM	County Employment Agency Agenția Județeană pentru Ocuparea Forței de Muncă
AJPIS	County Agency for Payments and Social Inspection Agenția Județeană pentru Plăți și Inspectie Socială
AMIF	Asylum, Migration and Integration Fund
ANOFM	National Employment Agency Agenția Națională pentru Ocuparea Forței de Muncă
CAS	Health Insurance House Casa de Asigurări de Sănătate
CJAS	County Health Insurance House Casa Județeană de Asigurări de Sănătate
CNRED	National Centre for Recognition and Validation of Diplomas Centrul Național pentru Recunoașterea și Echivalarea Diplomelor
CNRR	Romanian National Council for Refugees Consiliul Național Român pentru Refugiați
DGASPC	Directorate-General for Social Assistance and Child Protection Direcția Generală de Asistență Socială și Protecția Copilului
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDAL	European Database of Asylum Law
IGPF	General Inspectorate of the Romanian Border Police Inspectoratul General Poliția de Frontieră
ITPF	Border Police Territorial Inspectorate Inspectoratul Teritorial al Poliției de Frontieră
IGI	General Inspectorate for Immigration Inspectoratul General pentru Migrări
IGI-DAI	General Inspectorate for Immigration – Directorate for Asylum and Integration Inspectoratul General pentru Migrări – Direcția Azil și Integrare
IML	Institute of Legal Medicine Institutul de Medicină Legală
IOM ROMANIA	International Organisation for Migration – Romania Office

IPJ	County Police Inspectorate Inspectoratul de Politie Judeţean
ISJ	County School Inspectorate Inspectoratul Şcolar Judeţean
ISR	Social Reference Indicator Indicator Social de Referinta
ITPF	Territorial Inspectorate of the Border Police Inspectoratul Teritorial al Politiei de Frontiera
ITM	Labour Inspectorate Inspecţia Muncii
JRS	Jesuit Refugee Service Romania
LADO	Human Rights Defence League Liga Apărării Drepturilor Omului
LOGS	Social Initiatives Group Grupul de Iniţiative Sociale
NAC	National Authority for Citizenship
NIML	National Institute of Legal Medicine Institutului National de Medicina Legala
ROI	Regulation of Internal Order Regulamentul de Ordine Interioară

Statistics

Overview of statistical practice

Detailed statistics are not available in the annual reports published on the website of the General Inspectorate for Immigration (IGI) Directorate for Asylum and Integration (DAI); they were provided based on the official request of the AIDA expert.

Applications and granting of protection status at first instance: figures for 2023 (1)

Regarding data collection, the system managed by the General Inspectorate for Immigration allows for obtaining statistical information based on the following criteria:

- ❖ Statistics on applicants and pending concern people including children and dependants;
- ❖ Applicants in 2023 refers to the total number of applicants and not only to first-time applicants;
- ❖ Total decisions refer to decisions to admit and to reject the asylum applications (the IGI do not uses as criteria in merit rejection/in merit admission);
- ❖ Total number of persons who were granted refugee status, subsidiary protection by IGI-DAI;
- ❖ “-“ indicates that the authorities did not provide this information.

These numbers present slight divergences with the data presented in Eurostat, which are also provided by the authorities, but these do not lead to any substantial changes. This may be due to correction of data sent to Eurostat, as it is published later than when the expert received the data presented below from the authorities.

	Applicants in 2023 (2)	Pending applicants at end of 2023	Total decisions in 2023 (3)	Total decisions rejecting asylum applications (4)	Refugee status	Subsidiary protection
Total	10,346	1,264	5,561	4,632	491	438
Breakdown by main countries of origin of the total numbers						
Bangladesh	2,824	163	1,997	1,997	-	-
Syria	1,995	393	787	295	199	293
Pakistan	1,241	85	555	541	14	-
Nepal	872	44	601	601	-	-
Sri Lanka	531	33	173	173	-	-
India	372	-	208	208	-	-
Iraq	351	66	108	71	27	10
Egypt	298	45	128	128	-	-

Somalia	290	50	248	-	163	34
Ethiopia	235	70	-	-	-	-

Source: Information provided by the General Inspectorate for Immigration, 18 January 2024.

Note 1: statistics on applicants and pending concern people, including children and dependents. The rest of the columns concern number of decisions as that is usually the (only) data available.

Note 2: “Applicants in year” refers to the total number of applicants, and not only to first-time applicants. If data is available only on first-time applicants, specify this in the source.

Note 3: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

Note 4: Due to lack of disaggregated data, rejections include all rejection decisions, including e.g. inadmissibility decisions.

Applications and granting of protection status at first instance: rates for 2023

The information in the table below is calculated by ECRE on the basis of the raw data provided by the General inspectorate for Immigration presented in the table above.

	Overall protection rate	Refugee rate	Subsidiary protection rate	Overall rejection rate
Total	16.7%	8.8%	7.8%	83.3%
Bangladesh	0%	0%	0%	100%
Syria	62.5%	25.3%	37.2%	37.5%
Pakistan	2.5%	2.5%	0%	97.5%
Nepal	0%	0%	0%	100%
Sri Lanka	0%	0%	0%	100%
India	0%	0%	0%	100%
Iraq	34.3%	25%	9.3%	65.7%
Egypt	0%	0%	0%	100%

Gender/age breakdown of the total number of applicants: 2023

	Men	Women		Adults	Children	
					Accompanied	Unaccompanied
Number	8,999	1,159	Number	9,225	774	159
Percentage	89%	11%	Percentage	90%	8%	2%

Source: Information provided by the General Inspectorate for Immigration, 18 January 2024.

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

First instance and appeal decision rates: 2023

The information presented below was provided to the AIDA expert by the Romanian courts. The courts' statistics were compiled in order to obtain the total number of positive and negative decisions that were issued in 2023. Concerning first appeal decisions, information was provided by Court Baia Mare,¹ Court Galati,² Court Rădăuți,³ Court Bucharest (district 4),⁴ Court Giurgiu⁵ and Court Timisoara.⁶ For the onward appeal decisions, information was made available by Galati Tribunal,⁷ Maramureș Tribunal,⁸ Suceava Tribunal,⁹ Timis Tribunal,¹⁰ Bucharest Tribunal¹¹ and Giurgiu Tribunal.¹² These are the courts competent to rule on matters relating to the asylum procedure, complaints made by asylum seekers against IGI decisions.¹³ The courts have available data only concerning positive and negative decisions on matters

¹ Information provided by the Court Baia Mare, 8 January 2024.

² Information provided by the Court Galati, 3 January 2024.

³ Information provided by the Court Rădăuți, 4 January 2024.

⁴ Information provided by the Court Bucharest district 4, 12 January 2024.

⁵ Information provided by the Court Giurgiu, 28 December 2023.

⁶ Information provided by the Court Timisoara, 05 February 2024.

⁷ Information provided by the Galati Tribunal, 11 January 2024.

⁸ Information provided by the Maramureș Tribunal, 10 January 2024.

⁹ Information provided by the Suceava Tribunal, 12 January 2024.

¹⁰ Information provided by the Timis Tribunal, 3 January 2024.

¹¹ Information provided by the Bucharest Tribunal, 9 January 2024.

¹² Information provided by the Giurgiu Tribunal, 12 January 2024.

¹³ However, since May 2023, when a rejection decision is issued by the GII, a return decision is also issued. If the person wants to file a complaint against the rejection decision, they must also request the suspension of the return decision. In this sense, an appeal is filed against the return decision, the jurisdiction being the Court of Appeals within the territorial scope of the Regional Reception Centre that issued the decision.

directly linked to granting of refugee status or subsidiary protection. From the responses provided, it results that in 2023 the courts did not have cases on other legal matters. Information on first instance decision making was provided by IGI to the AIDA expert and is presented in more detail in the first table of this section.

It should be noted that, during the same year, the first instance and first and onward appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal			
			First appeal		Onward appeal	
	Number	Percentage	Number	Percentage	Number	Percentage
Total number of decisions	5,561		610		149	
Positive decisions	929	16.7%	48	8%	23	15%
• <i>Refugee status</i>	• 491	8.8%	• 20	• 3%	0	• 0%
• <i>Subsidiary protection</i>	• 438	7.8%	• 28	• 5%	23	• 15%
Negative decisions	4,632	83.3%	562	92%	126	85%

Percentages were calculated by ECRE based on the raw data provided by the national authorities or courts.

Please note that in Romanian legislation, first instance refers to the first court appeal, and appeal refers to the second court decision. The terminology used in this table rather refers to common EU standards, and thus first instance refers to the administrative asylum procedure before the asylum authorities.

Overview of the legal framework

Main legislative acts on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (RO)	Abbreviation	Web Link
Act No. 122 of 4 May 2006 on Asylum in Romania <i>Last updated: 08 March 2024</i>	Legea nr. 122 din 4 mai 2006 privind azilul in Romania <i>Formă actualizată: 08 martie 2024</i>	Asylum Act	https://bit.ly/45ONEkW (RO)

Main implementing decrees, guidelines and regulations on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (RO)	Abbreviation	Web Link
Government Decree No. 1251 of 13 September 2006 regarding the Methodological Norms for Applying Act 122/2006 <i>Last updated: 18 March 2022</i>	Hotărârea Guvernului nr. 1251 din 13 septembrie 2006 privind Normele Metodologice de aplicare a Legii 122/2006 <i>Formă actualizată: 18 martie 2022</i>	Asylum Decree	https://bit.ly/4ePg6XL (RO)
Government Emergency Ordinance No. 194 of 12 December 2002 regarding the regime for foreigners in Romania <i>Last updated: 22 March 2024</i>	Ordonanță de urgență nr. 194 din 12 decembrie 2002 privind regimul străinilor în România <i>Formă actualizată: 22 martie 2024</i>	Aliens Ordinance	https://bit.ly/3VSkf4u (RO)
Government Ordinance No. 44 of 29 January 2004 regarding the social integration of foreigners granted international protection or a right of residence in Romania, as well as the citizens of the Member States of the European Union, the European Economic Area and the citizens of the Swiss Confederation <i>Last updated: 10 October 2019</i>	Ordonanța Guvernului nr. 44 din 29 ianuarie 2004 privind integrarea socială a străinilor care au dobândit protecție internațională sau un drept de ședere în România, precum și a cetățenilor statelor membre ale Uniunii Europene, Spațiului Economic European și a cetățenilor Confederației Elvețiene <i>Formă actualizată: 10 octombrie 2019</i>	Integration Ordinance	https://bit.ly/3XR0Pzl (RO)

Decision No. 945 of November 5, 2020 for the approval of the Methodological Norms for the application of the Government Ordinance no.44/2004 regarding the social integration of foreigners who have acquired a form of protection or a right of residence in Romania, as well as of the citizens of the state's members of the European Union and the European Economic Area <i>Last updated: 12 November 2020</i>	Hotărâre nr. 945 din 5 noiembrie 2020 pentru aprobarea Normelor metodologice de aplicare a Ordonanței Guvernului nr. 44/2004 privind integrarea socială a străinilor care au dobândit protecție internațională sau un drept de ședere în România, precum și a cetățenilor statelor membre ale Uniunii Europene, Spațiului Economic European și a cetățenilor Confederației Elvețiene <i>Formă actualizată: 12 noiembrie 2020</i>	Integration Decree	https://bit.ly/4cllwIF (RO)
Ordinance No. 441 of 4 April 2008 for determining the attributions of the authorities responsible for implementing the data in the Eurodac system and for establishing the practical methodology of cooperation in the application of European regulations, with amendments and additions <i>Last updated: 22 July 2015</i>	Ordinul Ministrului Afacerilor Interne nr.441/2008 din 4 aprilie 2008 pentru stabilirea atribuțiilor autorităților responsabile cu implementarea datelor în sistemul Eurodac și pentru stabilirea metodologiei practice de cooperare în vederea aplicării regulamentelor europene în domeniu, cu modificările și completările ulterioare <i>Formă actualizată: 22 iulie 2015</i>	Ordinance 441/2008	https://bit.ly/4bwng0a (RO)
Regulation of Internal Order in the Regional Centres of Accommodation and Procedures for Asylum Seekers of 25 August 2016	Regulamentul de ordine interioară al centrelor regionale de proceduri și cazare a solicitanților de azil din 25.08.2016 Aprobat prin Ordinul Ministrului Afacerilor Interne nr. 130/2016	ROI	https://bit.ly/3RS9MVR (RO)
Regulation of Centres for Aliens Taken into Public Custody of 30 July 2014	Regulamentul centrelor de cazare a străinilor luați în custodie publică din 30.07.2014 Aprobat prin Ordinul Ministrului Afacerilor Interne nr. 121/2014	Public Custody Centres Regulation	https://bit.ly/3XO4Chm (RO)
Decision no. 1.596 of 4 December 2008 regarding the resettlement of refugees in Romania <i>Last updated: 12 February 2024</i>	Hotărâre nr. 1.596 din 4 decembrie 2008 privind relocarea refugiaților în România <i>Formă actualizată: 12 februarie 2024</i>		https://bit.ly/45OaokQ (RO)

Overview of the main changes since the previous report update

The previous update was published in **May 2023**.

International protection

Asylum procedure

- ❖ **Key statistics:** in 2023, according to the authorities, 10,178 asylum applications were made in Romania, the highest number of asylum seekers coming from Bangladesh (2,821) followed by asylum seekers from countries such as Syria, Pakistan, Nepal, Sri Lanka, India, Iraq, Egypt, Somalia, Ethiopia. There were 9,225 adults and 933 minors, of which 159 were unaccompanied minors. 1,016 people were granted international protection, coming mainly from Syria, Somalia, Afghanistan, Iraq (see [Statistics](#)). On average, applications were handled within 30 days, and in general applications by vulnerable applicants were treated with priority, albeit with some exceptions (see [Regular procedure – Prioritised examination](#)).
- ❖ **Legal reform:** In May 2023, the asylum law 122/2006 was amended.¹⁴ The changes introduced limit asylum seekers' right to remain in Romania until the end of the asylum procedure, allow EUAA experts to register, interview and analyse asylum applications, and foresee the issuance of return decisions in the administrative phase of the procedure together with the negative decision on international protection.
- ❖ **Borders:** in 2023, 214 migrants were returned to Serbia, Bulgaria, Ukraine, Republic of Moldova and Hungary under readmission agreements, a sharp decrease from 1,396 in 2022. Allegations of poor treatment at the border continued to be reported by asylum seekers to NGOs, including physical violence (see [Access to the territory](#)).
- ❖ **Interpretation:** availability of interpretation for rare languages remained an issue. Moreover, issues with quality of interpretation remained. Applicants claimed either that they did not understand very well what the translator had translated, or that the interpreters had not translated their answers accurately, had given a different meaning to their statements in the interview, or had a biased attitude towards them. The CNRR pursued specific efforts to ensure training of interpreters (see [Regular procedure – Interview](#)).
- ❖ **Dublin procedure:** in the outgoing procedure, Romania sent 1,288 requests, of which 1,037 were accepted and 99 transfers were implemented, making for a 7.69% outgoing transfer rate; it received 4,851 requests in the incoming procedure, of which 3,675 were accepted and transferred 344 applicants, making for a 7.09% incoming transfer rate (see [Dublin procedure](#)).
- ❖ **Court procedure:** if the IGI-DAI rejects the asylum seeker's application, they may lodge a complaint before a regional court. In 2023, the regional courts received 674 appeals and issued 610 decisions, of which only 20 granted refugee status and 28 subsidiary protection. Cases were handled on average within 60 days. In the case of onward appeals before Administrative County Courts, in 2023, a total of 354 onward appeals were registered and 149 decisions were issued, with no decisions to grant refugee status and only 23 decisions to grant subsidiary protection. Cases were handled on average within 90 days (see [Regular procedure – Appeal](#)).
- ❖ **Accelerated procedure:** in March 2023, a pilot project was launched by the European Commission, in Romania, as a direct follow-up to the EU Action Plan on the Western Balkans,

¹⁴ Emergency Ordinance 35/2023 of 17 May 2023, available in Romanian [here](#).

President von der Leyen's letter to the European Council, and European Council conclusions from February 2023. The pilot aimed at contributing to "an improved and more sustainable migration management in the EU", focusing on asylum, returns, border management, etc. (see [Access to the territory](#) and [Accelerated procedure](#)).

- ❖ **Legal representation of unaccompanied minors:** still in 2023, various actors highlighted issues in the system of legal representation of unaccompanied minors. In some regional centres, the contact between the minors and the legal representatives works quite well, but in several other cases there are deficiencies, which impact the children's asylum procedure and prevent them from receiving adequate support due to the lack of contact. The appointment, role, tasks, training and professional experience for representatives/guardians were specified in a Joint ministerial order adopted in August 2023 (for details see [Legal representation of unaccompanied minors](#)).

Reception conditions

- ❖ **Material reception conditions:** the amount of the monthly financial allowance for food and other expenses granted to asylum seekers was 960 RON / EUR 195, the same as in previous years. Depending on the personal situation of the person, the amount of money could be increased.
- ❖ **NGO support:** This was partially supplemented between June and December 2023 by an AIDRom project financed by UNHCR, providing inter alia for material aid in the form of installation and transfer packages. The programme also foresaw information and social counselling on rights, assistance for cultural-educational integration, Romanian language courses for adults and minors, assistance for the translation of documents (see Activities in the centres). However, in parallel AMIF funded projects were ended in October 2023, preventing several civil society actors from continuing to intervene at the same level as before if at all, and medical assistance has not been covered by any civil society actor since. Only basic counselling could be provided by CNRR under a UNHCR project.
- ❖ **Reception conditions:** compared to 2022, in 2023 the Ombudsman did not carry out visits in the regional centres for accommodation and procedures for asylum seekers. According to the information provided by IGI-DAI, in 2023 a number of improvement/hygienisation works were carried out in some of the centres. Information about the refurbishments was not available from other actors, inter alia because of the lack of Ombudsperson visit (see Conditions in reception facilities).
- ❖ **Specially designed closed space:** the regional centres (except Giurgiu) have also some closed spaces where asylum seekers can be kept for serious reasons (e.g. national security reason), however in 2023 there were no cases of asylum seekers kept in specially designed closed space.
- ❖ **Transfers of asylum seekers between regional centres:** in 2023, according to data provided by IGI-DAI a total of 3,901 asylum seekers were transferred between the regional centres. The main purpose of the transfers was to maintain a balance in terms of accommodation capacity and processing of asylum applications between the regional centres. However, CNRR highlighted that these transfers sometimes caused issues, particularly concerning asylum seekers temporarily accommodated in the Timisoara regional centre and then transferred to other regional centres. Because these transfers often occur very shortly after their arrival in this centre (24h-48h), they are not offered food, hygiene products, clothing or shoes. NGOs had to step in to cover asylum seekers basic needs through the AIDRom transfer packages distributed between June and December 2023 and include food, water, towels, etc. However, local collaboration protocols were established at the Timisoara Centre with the food bank, which provides the necessary food upon the arrival of the applicants. (see [Freedom of movement](#)).

- ❖ **Access to the labour market:** in 2023, according with CNRR the majority of asylum seekers wanted to have a job during the reference period. The main obstacle indicated by the asylum seekers assisted by CNRR was lack of proper knowledge of the Romanian language. However, the ones who spoke English were able to find a job more easily. From the cases identified, asylum seekers did unskilled work in construction, car service, car wash, fast food, delivery services. The National Employment Agency stated it did not have statistics on the number of asylum seekers working under employment contracts (see [Access to the labour market](#)).
- ❖ **Access to education:** in 2023, NGOs such as AIDRom and Save the Children provided education opportunities in the regional centres, in the form of Romanian language classes, support in access to the education system, access to extracurricular activities. Minor asylum seekers are enrolled as 'auditors' in the public schools and they are also following Romanian language classes in the public system. However, NGOs highlight that the Romanian authorities, still do not offer educational programmes tailored to the needs of asylum-seeking children (see [Access to education](#)).

Detention of Asylum Seekers

- ❖ **Statistics:** In 2023 there was a total of 1,316 foreign citizens held in public custody at the Otopeni Centre and Arad Centre. At the Public Detention Centre, 41 detained foreign citizens applied for asylum during their detention at the centre, their countries of origin being Guinea, Sudan, Pakistan, India, Syria, Iraq, Somalia, Russian Federation, Tunisia, Senegal and Sri Lanka. IGI-DAI also stated that 3 Syrian nationals undergoing Dublin procedures had been detained (see [Detention – General](#)).
- ❖ **Detention of vulnerable applicants:** according to IGI-DAI, no children were detained in Arad or Otopeni in 2023. The Public Custody Centre in Arad indicated that in 2023, out of the total of 993 foreigners detained, there were 37 women and 1 person with disabilities (see [Detention of vulnerable applicants](#)).

Content of international protection

- ❖ **Integration programme:** 739 adults newly registered into the integration programme in 2023 and 761 adults who had registered in 2022 continued the programme in 2023. 16 unaccompanied minors followed the integration programme in 2023. The main countries of origin of participants in the integration programme were Syria, Somalia, Afghanistan, Ukraine and Iraq. Moreover, CNRR organised multiple community empowerment activities, also some specifically geared towards children. Until October 2023 (when EU-AMIF funding ended), JRS also provided Romanian / daily language courses, support for minors in the instructional educational process, and cultural and recreational activities within the Gentru Galati and Constanta Regional Integration centres. The Romanian language courses in Galati were organised in a hybrid regime (physical and online) in order to be able to cover beneficiaries of international protection who do not live in the city of Galati, but within the geographical implementation area of the AMIF project.
- ❖ **Travel documents:** IGI-DAI issued a total of 2,981 travel documents for beneficiaries of international protection (refugee status, subsidiary protection).
- ❖ **Cessation of protection status:** in 2023, a total number of 84 cessation of status decisions were issued by the General Inspectorate for Immigration, Directorate for Asylum and Integration, again a slight increase from 2022 and especially from 2021 (34 cessation decisions). In parallel, the IGI-DAI issued two withdrawals of protection status (see [Cessation](#) and [Withdrawal](#)).
- ❖ **Family reunification:** a total of 245 applications for family reunifications were made in 2023, and 192 applications were admitted. On average, applicants waited between 6 and 9 months. The

CNRR specifically flagged issues regarding family reunification for unaccompanied minors. Indeed, the deficiencies in the legal representation of unaccompanied minors impact their family reunification procedures as the legal representative needs to initiate steps for the immediate identification of the minor's family and verifying the possibility of reunification with them. However, in practice, the CNRR is not aware of any ex officio proceedings made by the legal representatives, finding that there is limited proactive behaviour of the legal representatives accompanied by ignorance of the law in some cases (see [Family reunification](#)).

- ❖ **Access to the labour market:** according to CNRR in 2023, beneficiaries of international protection in Romania are mainly employed in the hospitality industry and construction. They are generally paid the minimum wage, which does not allow a decent living, especially in the case of families with several children. Part of the issues highlighted by JRS are the lack of knowledge of the Romanian language, but also the lack of study documents to be able to start procedures of recognition / equivalence of studies. The "Second Chance" educational programme, available for them to complete their studies and to follow vocational training courses, is not accessed by BIPs in practice as they lack the financial resources to support themselves during the programme, and thus prefer to take unskilled jobs. Although access to the labour market is easier for educated people, they still face difficulties especially regarding knowledge of their rights, and are victims of pressure from employers to work overtime or to accept delayed pay, for example (see [Access to the labour market](#)).
- ❖ **Access to healthcare:** According to CNRR, JRS and IOM Romania, many barriers remain in beneficiaries of international protection's access to adequate healthcare, mainly lack of knowledge as to how to access the right, language barriers, arbitrary refusals of care by doctors, long delays in accessing specialists, costs of medical services and lack of medical insurance for certain categories of beneficiaries of protection, etc. Some of these issues (delays in accessing specialised healthcare notably) are not specific to BIPs but are faced also by Romanian nationals; however, most BIPs are not able to afford to consult quicker in private clinics. (see [Health care](#)).

Temporary protection

The information given hereafter constitute a short summary of the 2023 Report on Temporary Protection, for further information, see [Annex on Temporary Protection](#).

Temporary protection procedure

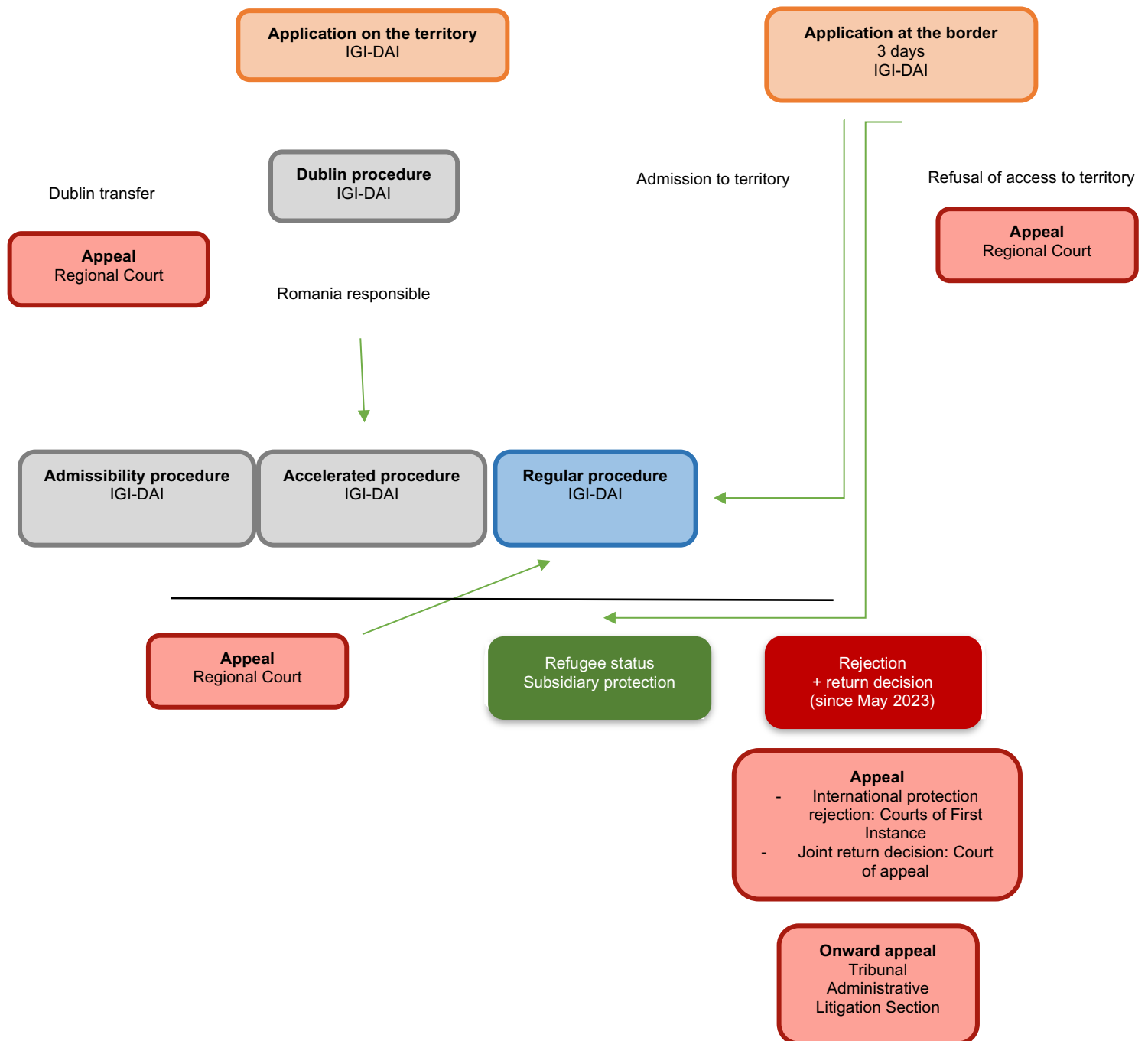
- ❖ **Key temporary protection statistics:** In 2023, a total of 51,984 Ukrainian nationals obtained temporary protection in Romania according to UNHCR, including 611 unaccompanied and separated children, bringing the total number of people having received temporary protection in Romania in 2022 and 2023 to 148,409 according to UNHCR / 149,943 according to the Romanian Government. According to UNHCR, there were 83,675 refugees from Ukraine currently present in Romania in December 2023. In parallel, 60 Ukrainians made an asylum claim in Romania in 2023.
In 2023, the Border Police recorded 2,467,487 entries into Romania from Ukraine and Moldova, out of which 300,808 were third-country nationals and the rest Ukrainians. The authorities also registered a total of 1,872,099 exits from Romania to Ukraine, although it is understood that this number might also include a share of pendular movement.
- ❖ **Unaccompanied and separated children:** 611 unaccompanied and separated children applied for and obtained temporary protection in Romania in 2023. The authorities continued to use the Primero software which helps outreach workers identify and register refugee children, including unaccompanied and separated children, and to refer them to specialised services as needed. By the end of January 2023, 18,782 children had been registered.

- ❖ **Changes to the housing support programme:** Most TPD beneficiaries live in private accommodation within the host communities. As of 1 May 2023, the support programme granting financial assistance to TPD beneficiaries was amended with new amounts, conditions and mechanisms. The period for providing assistance was extended and the amounts set on a monthly rather than daily basis and modified: from the 50 RON / day for accommodation and 20 RON / day for food and subsistence, to 2000 RON / month per family (750 RON / month for single persons) for accommodation and 600 RON / month, per person for food and subsistence. After four months, only the accommodation aid continues, the food and subsistence aid is suspended. UNHCR also provided accommodation assistance, either to access collective accommodation, to find private accommodation and/or cash assistance for renting a private accommodation.
- ❖ **Employment:** In 2023, a lower number of people registered with the regional state employment agencies (544 persons, compared to over 20,000 in the previous year). However, mid-2023, the legal framework was amended and now requires people to register with the employment agency to continue receiving financial aid, so this number is expected to increase. According to the authorities, almost half of all registered active employment contracts for TPD beneficiaries were recorded in Bucharest (2,764 out of 5,271 total). The fields of activity with the highest number of registered employment contracts are: manufacturing industry (1,312), construction (1,146), trade (738), hotels and restaurants (735), information and communications (496), administrative services and support services (459).
- ❖ **Access to education:** according to the authorities, at the end of 2023 78% of the 46,812 Ukrainian children benefiting from temporary protection in Romania were enrolled in the national education system, either as auditors (the majority) or pupils.
- ❖ **Child financial aid:** currently, the state child allowance is not granted to Ukrainian children. In June 2023, a group of MPs put forward a suggestion to modify the Asylum Act in order to allow beneficiaries of temporary protection to receive the state child allowance under the same conditions and up to the same amount as Romanian nationals. Although the draft amendment was discussed in the Economic and Social Council of the Parliament, it did not lead to a change of the Asylum Act.
- ❖ **Access to basic benefits:** Based on a survey conducted by IOM Romania, the main challenges encountered when accessing basic benefits were the language barrier, a lack of information regarding the benefits they were entitled to, the complexity of the system, and having no knowledge on how to apply; moreover, people highlighted that the benefits provided are not enough to cover their needs.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

- Which types of procedures exist in your country?

❖ Regular procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Prioritised examination: ¹⁵	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Fast-track processing: ¹⁶	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ Dublin procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Admissibility procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Border procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Accelerated procedure: ¹⁷	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Other:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
- Are any of the procedures that are foreseen in the law, not being applied in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (RO)
Application <ul style="list-style-type: none"> ❖ At the border ❖ On the territory 	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI)	Inspectoratul General pentru Imigrari – Directia Azil si Integrare (IGI-DAI)
Dublin	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI)	Inspectoratul General pentru Imigrari – Directia Azil si Integrare (IGI-DAI)
Refugee status determination	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI)	Inspectoratul General pentru Imigrari – Directia Azil si Integrare (IGI-DAI)
First appeal	Regional Court	Judecatorie Sectia Civila, materie: Contencios Administrativsi Fiscal
Appeal against return decision issued jointly with the international protection rejection decision	Regional Court of Appeal	Curtea de Apel materie: Contencios Administrativsi Fiscal
Onward appeal (including against the joint return decision)	County Tribunal Administrative Litigation Section	Tribunal Sectia de Contencios Administrativ si Fiscal
Subsequent application	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI)	Inspectoratul General pentru Imigrari – Directia Azil si Integrare (IGI-DAI)

¹⁵ For applications likely to be well-founded or made by vulnerable applicants.

¹⁶ Accelerating the processing of specific caseloads as part of the regular procedure.

¹⁷ Labelled as “accelerated procedure” in national law.

4. Determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI)	41 ¹⁸	Ministry of Internal Affairs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

The General Inspectorate for Immigration (IGI), a government agency under the Ministry of Internal Affairs, is in charge of the asylum procedure through its Directorate of Asylum and Integration (DAI). IGI-DAI is also in charge of operating the Regional Centres for Asylum Seekers (“reception centres”) and specially designed closed spaces within the reception centres.

The competent authority for taking decisions on asylum applications at first instance is the General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI), specifically specialised in the field of asylum.

IGI-DAI may request public institutions, agencies or organisations operating on the territory of Romania, the necessary documentation to analyse the applicant's situation and take a decision, respecting the confidentiality rules. In these cases, the consent of the applicant is not required.¹⁹

The Head of IGI, the general inspector, is appointed by an order of the Minister of Internal Affairs.²⁰ The head is assisted by 2 deputy general inspectors, who are selected after an examination/competition organised by IGI. The examination is organised in compliance with the provisions of Law no. 360/2002 on the Status of the Police Officer, the Order of the Ministry of Internal Affairs no. 140/2016 on the human resources management activity in the Ministry, the General Manager's Order of the General Directorate of Human Resources Management no. II / 1620 / 15.09.2015 on procedures and forms used in human resource management activity by the Ministry of Internal Affairs.

IGI-DAI includes a director and a deputy director. These positions are filled through an exam, the reassignment from a different location or by direct designation, according to Law 360/2002 on the Status of the Police Officer.²¹

Both the institutional structure and the IGI's mandate are prescribed by Government Decision no.639 of 20 June 2007.

At the regional level, IGI-DAI has 6 regional centres for the accommodation of and the legal procedures for asylum seekers. Every regional centre has a director and a deputy director; integration officer(s); officers responsible for fingerprinting and photographing; officers conducting preliminary interviews; case officers conducting interviews and drafting decisions; legal counsellors representing the institution in the court in relation to asylum cases; a logistics department, a financial department and medical personnel. The same case officers conducting the regular procedure conduct the border and accelerated procedure.

¹⁸ Information provided by IGI-DAI, 18 January 2024.

¹⁹ Article 49(2) Asylum Act.

²⁰ Art.2(1) DECISION no. 639 of 20 June 2007 (amended) on the organisational structure and attributions of the General Inspectorate for Immigration.

²¹ Information provided by IGI-DAI, 22 July 2019.

In 2022²² as in 2021 IGI-DAI had 29 case officers²³, in comparison with 2020 when there were 23 case officers²⁴ and 16 officers responsible for the preliminary interviews.²⁵ In 2022, 4 new case officers were hired, another 2 case officers were on maternity leave and 5 case officers' positions remain vacant.²⁶ In 2023 IGI-DAI had 39 case officers qualified to conduct preliminary interviews.²⁷ According to IGI-DAI, all case officers receive specific training, through the organisation of seminars, the processing of guidelines, ad-hoc meetings, monitoring visits and quality assessment.²⁸

Besides, information provided in individual cases if requested, case officers are provided information regularly through the specialised department within IGI-DAI and through the materials developed by UNHCR and EUAA.²⁹

Specialised training on vulnerable groups is provided to all officers through the organisation of seminars, the processing of guidelines, ad-hoc meetings, monitoring visits and quality assessment. Any officer may assess applications made by vulnerable asylum seekers.³⁰

In 2022 IGI-DAI reported that it monitors the quality of the decisions issued through an internal procedure and monitoring visits conducted jointly with UNHCR.³¹ The quality decision is assessed after the decision has been taken.³² In 2023, 4 assessment missions were organised at the level of the IGI regional centres and carried out in cooperation with UNHCR.³³

EUAA involvement in decision making

Starting in May 2023,³⁴ competence to examine asylum applications was extended to the experts of the European Union Agency for Asylum, in accordance with article 16(2)(c) of the EUAA Regulation (EU) 2021/2303, including activities of interviewing and analysing pending asylum procedures. According to the reasoning provided by the initiator of this change, the Ministry of Internal Affairs,³⁵ the proposed addition takes into account the situation generated by the armed conflict in Ukraine, the increase in the presence of people displaced from Ukraine on the territory of Romania and who were registered as beneficiaries of temporary protection pursuant to the Implementing Decision (EU) 2022/382 of the Council (approximately 80,000), and who can at any time request the granting of a form of international protection, either of their own volition or if they had to so following the expiration of temporary protection. In this context, it is necessary to highlight that EUAA experts are not given decision-making tasks or power: they carry out interviewing and file analysis activities, but do not directly take decisions (see further under [Registration of the asylum application and Regular procedure – Personal interview](#)).

²² Information provided by IGI-DAI, 22 February 2023.

²³ Information provided by IGI-DAI, 11 March 2022.

²⁴ Information provided by IGI-DAI, 16 February 2021.

²⁵ Information provided by IGI-DAI, 22 July 2019.

²⁶ Information provided by IGI-DAI, 22 February 2023.

²⁷ Information provided by IGI-DAI, 18 January 2024.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² Information provided by IGI-DAI, 22 July 2019.

³³ Information provided by IGI-DAI, 18 January 2024.

³⁴ On 18 May 2023, article 48 of Section 1, Chapter V was supplemented by Point 4, Article I of Emergency Ordinance no. 35 of May 17, 2023, published in the Official Gazette no. 436 of May 18, 2023, available in Romanian [here](#).

³⁵ Ministry of Internal Affairs, *Notă de fundamentare, Ordonanță de urgență pentru modificarea și completarea unor acte normative privind domeniul străinilor și azilului în România*, available in Romanian [here](#).

5. Short overview of the asylum procedure

Application

Access to the asylum procedure is ensured to any foreign national or stateless person who is on Romanian territory or at the border, from the time the person manifests their intention to request protection from the Romanian state, in writing or orally.³⁶ An asylum application may be made at the border or on the territory.

Apart from IGI-DAI, there are also other authorities competent to receive asylum applications such as the Border Police operating offices, police units including pre-trial detention and detention centres, structures of the National Administration of Penitentiaries within the Ministry of Justice.³⁷ IGI-DAI has to register the asylum application within a maximum of 3 working days if the application was made with the IGI,³⁸ or within a maximum of 6 working days if the application was made with another competent authority. In case of a mass influx of applications for international protection filed with any of the latter competent authorities, the registration can be made within 10 working days from the date when the application was filed.³⁹

First instance procedure

The first instance is an administrative procedure carried out by IGI-DAI. Asylum seekers are photographed, fingerprinted and issued with a temporary identity document,⁴⁰ which includes a personal numeric code.⁴¹ The temporary identity document is extended periodically. After the asylum application is registered, a preliminary interview takes place for the purposes of determining the applicant's personal data, information on family members, relatives or any other persons of interest, the route from the country of origin to Romania, possible previous asylum procedures in another Member State or in a third country, as well as identity or travel documents in their possession.⁴² If there are indications of another Member State's responsibility for assessing the asylum claim, the Dublin procedure is triggered, while the asylum procedure in Romania is suspended.

After the preliminary interview, a case officer of IGI-DAI conducts the personal interview. The law foresees a 30-day deadline to issue a decision, starting from the moment when the file is handed over to the case officer.⁴³ In the event of a negative decision, the applicant may appeal with suspensive effect to the Regional Court within 10 days since the communication of the decision.⁴⁴ Since May 2023, a return decision is issued together with the negative administrative decision in the asylum procedure. If the person wants to file a complaint against the rejection decision, they must also request the suspension of the return decision. In this sense, an appeal is filed against the return decision, the jurisdiction being the Court of Appeals within the territorial scope of the Regional Reception Centre that issued the decision, a different court than the one dealing with the asylum appeal against negative decision. JRS Romania and CNRR have highlighted how this is not in accordance with EU requirements.

³⁶ Article 4 Asylum Act.

³⁷ Article 36¹(2) Asylum Act, citing Article 35 Asylum Act.

³⁸ Article 36¹(1) Asylum Act.

³⁹ Article 36¹(3) Asylum Act, citing Article 35 Asylum Act.

⁴⁰ Article 17(1)(h) Asylum Act. Such a document is not issued to applicants: (i) who have applied for asylum at a border crossing point, as long as they have not been granted access to the territory by a decision of IGI-DAI; (ii) detained in public custody for reasons of national security and public order requesting asylum, as long as this measure is maintained; and (iii) who are taken into public custody due to a "significant risk of absconding" in a Dublin procedure.

⁴¹ Article 17(1¹) Asylum Act.

⁴² Article 43(1) Asylum Act.

⁴³ Article 52(1) Asylum Act.

⁴⁴ Article 55(1) Asylum Act.

Accelerated procedure

In 2023, according with IGI-DAI,⁴⁵ a total of 3,988 asylum applications were analysed in accelerated procedure.

The Asylum Act provides for an accelerated procedure for manifestly unfounded applications, asylum applications of persons who, through their activity or membership of a particular group, pose a threat to national security or public order in Romania and asylum applications of persons coming from a safe country of origin.⁴⁶ The accelerated procedure may be triggered during the regular procedure if the case officer determines the existence of one of the grounds for applying an accelerated procedure.⁴⁷ A decision is issued within 3 days from the start of the accelerated procedure.⁴⁸ A negative decision in the accelerated procedure may be appealed within 7 days from the notification of the decision. If the appeal is filed within the deadline, it has automatic suspensive effect.⁴⁹ The decision of the court is irrevocable.⁵⁰

The accelerated procedure received renewed interest in Romania through the pilot initiated re. crossings at the Serbian-Romanian border (see [The European Commission pilot with Romania and cooperation with Frontex](#) and [Accelerated procedure](#)).

Border procedure

The border procedure concerns asylum and subsequent applications submitted at a border-crossing point. The law provides a 3-day deadline to issue a decision in case of the border procedure.⁵¹ As in the accelerated procedure, a negative decision may be appealed within 7 days from the notification. The decision of the court is irrevocable.⁵²

Appeal

The second phase of the asylum procedure consists of a two-instance judicial review procedure. The Regional Court has jurisdiction as first-instance judicial review. The County Tribunal, Administrative Litigation Section (Administrative County Court), has jurisdiction over the area of the Regional Court whose decision is appealed. These courts are not specialised in asylum.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☒ Yes ☐ No
3. Who is responsible for border monitoring? ☐ National authorities ☒ NGOs ☒ Other (UNHCR)
4. How often is border monitoring carried out? ☒ Frequently ☐ Rarely ☐ Never

⁴⁵ Information provided by IGI-DAI, 18 January 2024.

⁴⁶ Article 75(1) Asylum Act.

⁴⁷ Article 78 Asylum Act.

⁴⁸ Article 79 Asylum Act.

⁴⁹ Article 80(1) Asylum Act.

⁵⁰ Article 81(2) Asylum Act.

⁵¹ Article 82 Asylum Act.

⁵² Article 86(2) Asylum Act.

According to Romanian Border Police reports, asylum seekers arrive in Romania mainly by land through the southwestern border with Serbia,⁵³ through the southern border with Bulgaria,⁵⁴ and through the northern border with Ukraine⁵⁵. In 2022, migrants were also intercepted by the Romanian Coast Guard in the Black Sea; according to Border Police reports 157 persons were rescued.⁵⁶

The Border Police have reported that persons who are detected by border guards in connection with an unauthorised crossing of the state border and who do not make an asylum claim are returned to the neighbouring state, either on the basis of readmission agreements concluded by the European Union with third countries (Ukraine, Moldova, Serbia), or on the basis of bilateral treaties (Bulgaria, Hungary). They receive an entry ban for 5 years which is communicated and includes information on the reason and possibility to challenge the measure. This information is provided with the help of an authorised interpreter.⁵⁷

1.1 Readmissions to neighbouring countries

Over the years, according to the information provided by IGI-DAI,⁵⁸ the Romanian Government has concluded readmission agreements with countries such as: Republic of Moldova, Albania, Lebanon, North Macedonia, Türkiye, Russia Federation, Georgia, Ukraine, India, Iraq, Armenia and China. These agreements were concluded by the Romanian Governmental for a non-determined period of time.

According to CNRR, both returns and readmissions are made based on protocols, so these decisions are based on legal provisions and notified to the persons in question.⁵⁹

⁵³ Border Police, 'Doisprezece migranți din India și Pakistan, sprijiniți de un cetățean român, depistați la granița cu Serbia', 14 February 2022, available in Romanian at: <https://bit.ly/49sNyjY>; 'Doisprezece cetățeni din Afganistan și Pakistan, depistați de polițiștii de frontieră timișeni', 23 April 2022, available in Romanian at: <https://bit.ly/3TgX8yV>; 'Cetățean sârb cercetat în stare de arest preventiv pentru trafic de migranți', 25 November 2022, available in Romanian at: <https://bit.ly/3Tjnnok>.

⁵⁴ Border Police, 'Cetățean libian, depistat ascuns într-un autocamion la PTF Giurgiu', 26 January 2022, available in Romanian at: <https://bit.ly/3LpkjFB>; 'Doi cetățeni străini depistați ascunși în cabina unui autocamion, sub o saltea', 19 January 2022, available in Romanian at: <https://bit.ly/405BUX5>; 'Un migrant în stare de hipotermie, ascuns pe șasiul unui autocamion, salvat de polițiștii de frontieră doljeni', 14 February 2022, available in Romanian at: <https://bit.ly/3LkzvDP>; 'Patru cetățeni afgani ascunși printre covoare, depistați de polițiștii de frontieră doljeni', 26 March 2022, available in Romanian at: <https://bit.ly/3FnEyzm>; 'Trei cetățeni afgani, ascunși într-un TIR încărcat cu piese auto', 09 March 2022, available in Romanian at: <https://bit.ly/3YP5kHO>; 'Cinci cetățeni străini ascunși printre conserve și sucuri, descoperiți în P.T.F. Giurgiu', 06 June 2022, available in Romanian at: <https://bit.ly/3Te5YxD>; 'Șoferul unei autoutilitare arestat preventiv pentru trafic de migranți', 04 June 2022, available in Romanian at: <https://bit.ly/3yLxusB>; 'Doi cetățeni sirieni depistați ascunși în podeaua unui autoturism la PTF Calafat', 08 August 2022, available in Romanian at: <https://bit.ly/3JmJlgi>; 'Șoferul unei autoutilitare cercetat în stare de arest preventiv pentru trafic de migranți', 19 September 2022, available in Romanian at: <https://bit.ly/3ldDXJQ>; 'Opt cetățeni sirieni, ajutați de doi cetățeni români, descoperiți de polițiștii de frontieră giurgiuveni în timp ce încercau să treacă ilegal frontieră', 26 November 2022, available in Romanian at: <https://bit.ly/3YPdvUJ>.

⁵⁵ Border Police, 'Depistați din elicopter când au trecut ilegal frontiera', 21 April 2022, available in Romanian at: <https://bit.ly/3LoLzUo>.

⁵⁶ Border Police, 'Ambarcațiune cu migranți interceptată de polițiștii de frontieră români, în apropierea țărmului românesc al Mării Negre', 19 August 2022, available in Romanian at: <https://bit.ly/3Ftlcl7>; 'Misiune de salvare a vieții omenești pe mare a unor migranți depistați într-o ambarcațiune din apele teritoriale românești la Marea Neagră', 02 June 2022, available in Romanian at: <https://bit.ly/3TeKQas>; '27 de migranți ajutați de două călăuze, cu o ambarcațiune turcească, descoperiți de polițiștii de frontieră din cadrul Gărzii de Coastă', 17 May 2022, available in Romanian at: <https://bit.ly/3mRMrH1>.

⁵⁷ Information provided by Border Police, 3 March 2021.

⁵⁸ Information provided by IGI-DAI, 18 January 2024.

⁵⁹ Information provided by CNRR, 7 February 2023.

The Border Police reported that in 2023, 214 persons were returned to neighbouring countries under readmission agreements,⁶⁰ compared to 1,396 in 2022. The drop mainly concerned returns to Hungary, Serbia, Bulgaria and at the maritime border.

Returns under readmission agreements: 2023	
Border	Number
Bulgaria	120
Republic of Moldova	39
Ukraine	26
Serbia	23
Hungary	6
Total	214

Source: Border Police, information sent to the AIDA expert directly on 16 January 2024.

The Border Police reported that in 2022 1,396 persons were returned to neighbouring countries compared to 831 in 2021, under readmission agreements.⁶¹

However, the number of persons returned to Serbia in 2021 reported by the directors of the two detention centres was higher. According to the director of Arad public custody centre, around 175 foreigners detained in Arad were returned to Serbia under the readmission agreement in 2022. From Otopeni custody centre 78 detainees were returned to Serbia in 2022, according to the representatives of the centre. Moreover, the Timișoara Border Police Territorial Inspectorate (ITPF Timișoara) representative stated that 685 persons were returned to Serbia based on the readmission agreement in 2022, by the institution.

According to a press release of the Romanian Border Police, in 2022 all persons apprehended at the border with Bulgaria were ‘taken over by the Bulgarian Border Police, according to the Romanian-Bulgarian agreement, in order to continue the investigations and to arrange the legal measures that are required’.⁶²

1.2 Access to Romanian territory and asylum: statistics and practices

According to the General Inspectorate of Border Police (IGPF),⁶³ in 2023, at the level of the state border of Romania, the following aspects can be highlighted with regard to irregular migration: 19,793 foreign citizens were involved in irregular migration (6,712 at the entry border, and 12,278 at the exit). Compared to 2022, it was a decrease at the entry by 30% (from 9,944 to 6,712 detected persons), and an increase of 93% with regard to exiting the territory (from 6,357 to 12,278 detected persons). Also, a significant decrease was reported as to the number of persons prevented from entering Romania (called “whose travel direction was interrupted”): from 27,524 in 2022 to 803 in 2023 (representing 97%). The main ways of crossing irregularly the border in 2023 were: 5,755 (85%) were detected at the green border upon entry, while 8,533 (70%) were found hidden in various means of transport while attempting to exit the country. The top five countries of origin for those detected with irregular entries or exits by the border police were Ukraine (4,410), Bangladesh (4,208), Syria (3,184), Pakistan (1,803) and Nepal (1,219).

⁶⁰ Information provided by Border Police, 16 January 2024.

⁶¹ Information provided by Border Police, 6 April 2023.

⁶² Border Police press releases.

⁶³ Romanian Border Police, ‘Analiza activității Poliției de Frontieră Române pe anul 2023’, 13 February 2024, available in Romanian [here](#).

1.2.1 People detected crossing or attempting to cross the border entering Romania and people apprehended for irregular entry

18,903 third-country nationals entered Romania illegally and were detected by the border police in 2023. According to IGI-DAI, they came from the following countries of origin: Afghanistan, Albania, Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, Bolivia, Cameroon, China, Cote d'Ivoire, Comoros, Congo, Cuba, Egypt, Eritrea, Ethiopia, Philippines, Gambia, Georgia, Ghana, Guinea, India, Jordan, Iraq, Iran, Kazakhstan, Kosovo, Lebanon, Libya, North Macedonia, Mali, Morocco, Republic Moldova, Mongolia, Montenegro, Nepal, Nigeria, Pakistan, Palestine, Peru, R.D. Congo, Central African Republic, Dominican Republic, Russia Federation, Rwanda, Senegal, Serbia, Sierra Leone, Syria, Somalia, Sri Lanka, Sudan, South Sudan, Tanzania, Tunisia, Türkiye, Turkmenistan, Ukraine, Uganda, Vietnam, Yemen.

Persons that illegally entered in Romania, detected by the Border Police: 2023	
Persons	Number
Adults	18,010
Minors	893
Total	18,903

Source: Romanian Border Police, 16 January 2024, information provided directly to the authors of the report.

In 2019, 2,048 persons were apprehended for crossing, or attempting to cross the border.⁶⁴ In 2020 this number increased significantly to 6,658 persons apprehended for crossing, or attempting to cross, the border.⁶⁵ In 2021, 9,053 persons were apprehended for attempting to cross the border.⁶⁶ According to the Border Police, a total of 4,966 persons were apprehended for irregular entry in 2022.⁶⁷

Persons apprehended for irregular entry	
2019	2,048
2020	6,658
2021	9,053
2022	4,966
2023⁶⁸	Not available

It is worth mentioning that the number of persons apprehended for illegal entry into Romania through Serbia and Bulgaria in 2022 dropped considerably from 7,665 and 1,077, respectively. The number of persons apprehended for irregular entry through the maritime border increased significantly from two in 2021 to 196 in 2022.

According to the Border police, the countries of origin of those apprehended at the border in 2022 were the following:

Persons apprehended for irregular entry: 2022	
Country	Number
Syria	213
Afghanistan	70

⁶⁴ Information provided by Border Police, 12 February 2020.

⁶⁵ Information provided by Border Police, 13 March 2021.

⁶⁶ Information provided by Border Police, 02 March 2022

⁶⁷ Border Police, Summary of Border Police activities carried out in 2022, 23 February 2023, available in Romanian at: <https://bit.ly/3JFZYKE>.

⁶⁸ Information provided by Border Police, 16 January 2024

Türkiye	61
Iran	24
Morocco	24
Total	522

Source: Border Police. The Border Police only reported persons apprehended at border crossing points.

The **Timișoara** Border Police Inspectorate representative declared that 1,838 persons were apprehended for irregular entry in 2022, of which 950 were Indian nationals (the high number being explained as they are exempted from visa requirements in Serbia), 185 Pakistani nationals, 160 Syrians and 160 Afghan nationals. Out of the total of persons apprehended by the ITPF Timișoara 1,652 made an asylum claim.

A significant decrease (over 60%) of the migratory pressure at the border with Serbia was observed, although the statistics from the last months of 2022 from the relevant European agencies indicated a continuously increasing migratory pressure in the Western Balkans region. The Border Police explained this phenomenon as result of securing vulnerable border areas and increasing response capacity, including FRONTEX support (374 representatives, of whom 239 operated on the ground and the rest on the Danube river), acting in collaboration with Serbian border authorities to prevent the illegal crossing of migrants from the neighbouring country. Thus, in 2022, 27,524 people were prevented from entering the country, the indicator decreasing by 63.6% compared to 2021.⁶⁹

Prosecution of unaccompanied children apprehended trying to cross the border

In 2020, (as in 2019 and 2018), it was reported that unaccompanied children who were apprehended trying to irregularly cross the border from Serbia to Romania, were prosecuted for illegal border crossing and for migrant smuggling. A JRS representative reported eight cases of unaccompanied minors from Afghanistan who were under criminal investigation for illegal border crossing and migrant smuggling. The children were/ are held in pre-trial detention. In 2019 an unaccompanied minor from Afghanistan who admitted that he illegally crossed the state border, but declared no involvement in migrant smuggling criminal activities, was sentenced to 1 year and 2 months of confinement in a re-education centre.⁷⁰ The child was in pre-trial detention for 7 months, from 20 June 2018 to 31 January 2019, when he was transferred to the Buziaș Education Centre. On 18 March 2019 he was released early. The early release was revoked in December 2019 due to non-compliance with the reporting obligations. According to IGI-DAI, he left the reception centre.⁷¹ No cases were reported in 2022.

Two unaccompanied minors had been due before the Court of Appeal Timișoara after being in pre-trial detention since 23 October 2019. They were also indicted for illegally crossing the border and smuggling of migrants. Their attorneys' requests to revoke pre-trial detention to allow house arrest were dismissed by the Tribunal of Caras-Severin.⁷² According to a JRS representative, they applied for asylum a month after their criminal proceedings started. The outcome of the case is not known.

1.2.2 Pushbacks: refusals of entry and people 'prevented from entering' Romania

According to the Border Police 7,640 third country nationals were refused entry into Romania in 2019. In 2020 this number increased significantly to 12,684 persons refused entry into Romania.⁷³ In 2021, 11,232 persons were prevented from entering the country.⁷⁴ According to the Border Police, 9,044 people were

⁶⁹ Ibid.

⁷⁰ Court of Appeal Timișoara, 2270/115/2018, 28.01.2019.

⁷¹ Tribunal of Caras Severin, Decision 80 of 12 December 2019.

⁷² Tribunal of Caras-Severin, Case file 2277/115/2019

⁷³ Information provided by Border Police, 13 March 2021.

⁷⁴ Information provided by Border Police, 02 March 2022

refused entry into Romania in 2022.⁷⁵ In 2023, according to the Border Police, they did not grant access to the territory to 7,089 people.⁷⁶

Persons issued refusals of entry into Romania	
2019	7,640
2020	12,684
2021	11,232
2022	9,044
2023	7,089

However, the ITPF Timișoara provides numbers of people ‘prevented from entering’ Romania (those “whose travel direction was interrupted”) that are much higher than the number of people of issued official refusals of entry. According to the ITPF Timișoara, responsible for 3 counties in border areas (Timis, Caras Severin, Mehedinti) the statistics for persons prevented from entering the country just in this limited area were as follows:

Persons prevented from entering Romania according to the ITPF Timișoara	
2019	6,107
2020	34,938
2021	75,303
2022	27,469

According to the General Inspectorate of Border Police (IGPF),⁷⁷ in 2023, only 803 persons were prevented from entering Romania (called “whose travel direction was interrupted”), down from 27,524 in 2022.

Refusal of entry procedure and appeal

Pursuant to the Aliens Act, refusal of entry is motivated by the Border Police authorities and it is immediately communicated to the person concerned, using the form provided in Part B of Annex V of the Schengen Borders Code and the National Visa Centre within the Ministry of Foreign Affairs.⁷⁸ This form is provided to the person concerned in Romanian and English.⁷⁹

As the Aliens Act does not foresee a special remedy against the decision of refusal of entry, general administrative law applies.⁸⁰ As a result, the person concerned may lodge an action against the decision before the Administrative Court with territorial jurisdiction over the area in which the issuing body of the contested administrative act is located.⁸¹

Prior to lodging an appeal at the Administrative Court, the person, who considers that their rights have been breached by an administrative act issued by a public institution, shall appeal to the issuing public authority within 30 days. The complaint should be addressed to the hierarchically superior body if there still is one (for example when the act had already been taken by a superior there might no longer be a

⁷⁵ Border Police, Summary of Border Police activities carried out in 2022, 23 February 2023, available in Romanian at: <https://bit.ly/3JFZYKE>.

⁷⁶ Information provided by Border Police, 16 January 2024.

⁷⁷ Romanian Border Police, ‘Analiza activității Poliției de Frontieră Române pe anul 2023’, 13 February 2024, available in Romanian [here](#).

⁷⁸ Article 8(4) Aliens Act.

⁷⁹ Information provided by Border Police, 12 February 2020.

⁸⁰ Act 554/2004 on Administrative Litigation.

⁸¹ Articles 6-18 Act on Administrative Litigation.

hierarchically superior body).⁸² The appeal is assessed in 30 days.⁸³ An appeal lodged to the Administrative Court without fulfilling this prior procedural step will be declared inadmissible. The complaint and the appeal to the Administrative Court have no suspensive effect.

The applicant may request the suspension of the administrative act to the competent court, when lodging the prior appeal,⁸⁴ or when appealing to the court.⁸⁵

The Aliens Act prescribes that the foreigner against whom the measure of non-entry to Romania has been taken has the possibility to voluntarily leave the border crossing point within 24 hours. The term is calculated from the time when the measure of non-entry to Romania was ordered.⁸⁶

Upon the expiration of the 24-hour term, the decision of refusal of entry to Romania is enforced by the Border Police, taking into account the state of health of the person concerned. The person is sent to the country of origin or to another destination accepted both by the person and the third state concerned, except Romania.⁸⁷ The consequence of this provision is that the foreigner against whom a decision of refusal of entry was taken has only 24 hours to lodge the appeal against the decision.

If the Border Police needs more than 12 hours to carry out the removal from the border-crossing point, the individual is accommodated in a space arranged for this purpose in the transit area, or, if this is not possible, to another location established outside the border-crossing point with transit area status.⁸⁸

The Aliens Act prescribes a special procedure when the foreigner declares to the Border Police authorities that, in case they were forced to leave the border crossing point, they would have to go to a state where they fear that their life is endangered or they will be subjected to torture, inhuman or degrading treatment and they do not submit an asylum application.⁸⁹ When this occurs the Border Police officers shall immediately inform IGI-DAI, which, within maximum of 10 days, shall analyse the situation of the foreigner and determine whether the declaration is well-founded.⁹⁰ If person's statement is unfounded, IGI-DAI communicates the decision to the border police authorities, which will inform the person concerned in this respect.⁹¹

If the foreigner's declaration is well-founded, IGI-DAI will enforce the decision of refusal of entry to Romania by removal under the escort of the foreigner. The provisions of the Aliens Act on removal under the escort, public custody of foreigners and toleration status on the territory of Romania apply accordingly.⁹²

Reported pushbacks

In parallel, in 2022, UNHCR Serbia reported 1,232 pushbacks from Romania.⁹³ The number has decreased significantly in comparison with 2020, when 13,409 were collectively expelled from Romania to Serbia.

The CNRR representative in **Timișoara** stated that many asylum seekers reported that they entered Romania at their first attempt, while only one person complained that he had tried to cross the border 10 times. The same was reported by the CNRR representative in Giurgiu.

⁸² Article 7(1) Act on Administrative Litigation.

⁸³ Article 7(4) in conjunction with Article 2(1g) Act on Administrative Litigation.

⁸⁴ Article 14 Act on Administrative Litigation.

⁸⁵ Article 15 Act on Administrative Litigation.

⁸⁶ Article 9(1) Aliens Act.

⁸⁷ Article 9(2) Aliens Act.

⁸⁸ Article 9(3) Aliens Act.

⁸⁹ Article 9(5) Aliens Act.

⁹⁰ Article 9(6) Aliens Act.

⁹¹ Article 9(7) Aliens Act.

⁹² Article 9(8) Aliens Act.

⁹³ UNHCR, *Country Reports Serbia*, available at: <https://bit.ly/3XjgWCA>.

CNRR reported that its counsellors did not receive any reports of push-backs or collective expulsions.⁹⁴

As regard the border incidents, UNHCR Romania reported that on three occasions in January, Romanian government authorities at the border with Serbia pushed back refugees and asylum seekers from third countries transiting through Serbia.⁹⁵ The US Department of State 2023 report mentioned that according to NGOs, several incidents of harassment, discrimination, abuses against refugees and asylum seekers, pushbacks, and deviations from asylum procedures at border areas occurred throughout the year. Most incidents were not reported because of fear, lack of information, inadequate support services, and inefficient redress mechanisms. CNRR reported⁹⁶ that persons claimed that potential abuses at the border were notified to the border police, and the institutional response was hesitant, including denial of access to potential beneficiaries at Otopeni Airport, while there were gaps in access to the territory and the asylum procedure, mainly in situations involving other nationals than Ukrainians (Russian Federation or Belarus) who were allegedly 'discouraged entry to Romania' by Border Police officers.

According to UNHCR Romania, in interviews conducted with almost 2,000 asylum-seekers between June 2022 and November 2023,⁹⁷ when asked about attempts to enter Romania, 5% of total respondents declared that they had had at least one failed attempt. Out of this 5%, 77% of people had made more than one attempt to enter, with 20 attempts being the highest number mentioned and 34% of respondents having attempted to cross twice. 95% of respondents reported having been prevented from crossing by the border police. Out of 5% of total respondents who reported at least one failed attempt to enter the country, 80% reported not having been asked by the authorities if they wish to apply for asylum. However, 83% of respondents reported having been informed of the right to seek asylum through NGOs, other refugees/asylum seekers as well as through asylum authorities. While 89% of total respondents reported that they were not subject to any form of violence during the process, 11% reported experiencing incidents including property confiscation / destruction, physical abuse / mistreatment, and unwanted sexual attention. It should be noted that these incidents may be attributable to either authorities (Romanian or Serbian) or private persons on either side of the borders.

1.2.3 Applications for asylum at border crossing points

In 2023, a total of 772 third-country nationals applied for asylum at the border crossing points.⁹⁸ Breakdown of the total number of persons per countries of origin:

Third country nationals applying for asylum at the border crossing points in 2023	
Country of origin	Number
Syria	571
Iraq	101
Ukraine	25
Pakistan	17
Türkiye	11
Morocco	8
Sri Lanka	6
Somalia	5
Afghanistan	4
Cameroon	4

⁹⁴ Information provided by CNRR, 7 February 2023.

⁹⁵ US Department of State, Bureau of Democracy, Human Rights, and Labor, *2023 Country Reports on Human Rights Practices: Romania*, April 2024, available [here](#).

⁹⁶ CNRR (Romanian National Refugee Council), *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

⁹⁷ UNHCR Romania, *Regional protection monitoring report - Romania 2022/2023*, March 2024, available [here](#).

⁹⁸ Information provided by the Border Police, 16 January 2024.

Cuba	4
Guinea	4
Iran	4
Algeria	2
Congo	2
Angola	1
Egypt	1
Gambia	1
Palestine	1

Source: Romanian Border Police, 16 January 2024, information provided directly to the authors of the report.

In 2022, a total of 6,392 **asylum claims** were made at the border police structures, most of them were made at the Romanian-Hungarian border – 2,897⁹⁹ – and 2,520 at IGI-DAI structures.¹⁰⁰

1.2.4 Issues related to exiting Romania

While irregular entry or stay in Romania committed by persons who have been granted a form of protection is not punishable,¹⁰¹ irregular exit from the country is punishable under the Criminal Code by imprisonment from 6 months to 3 years or a fine.¹⁰²

According to the General Inspectorate of Border Police (IGPF),¹⁰³ in 2023, 12,278 foreign citizens were involved in irregular migration exiting Romania. Compared to 2022, it was an increase of 93% with regard to exiting the territory (from 6,357 to 12,278 detected persons). 8,533 (70%) were found hidden in various means of transport while attempting to exit the country. The top five countries of origin for those detected with irregular entries or exits by the border police were Ukraine (4,410), Bangladesh (4,208), Syria (3,184), Pakistan (1,803) and Nepal (1,219).

According to the Border Police, in 2022, 6,357 foreign citizens were detected trying to illegally cross the border into neighbouring states, most of them being detected at the border with Hungary.¹⁰⁴

Up to 2018, asylum seekers or other migrants apprehended trying to irregularly cross the border into Hungary, were sanctioned only with a fine.¹⁰⁵ The situation changed in 2018 when the Regional Court of Chişineu-Criş delivered sentences of six months' imprisonment, coupled with a two-year entry ban from the territory of Romania and, in some cases, even legal expenses of 1,000 RON / €212.¹⁰⁶ At least 19 persons have been convicted, including a family with minor children. The family was apprehended in November 2018 and held in prison, while their four children were taken into care by the Directorate-General for Social Protection and Child Protection (DGASPC). The parents were released on 21 December 2018, after their appeal was admitted. According to the Director of the Regional Centre **Timișoara** there were no such cases in 2022. The same was echoed by the stakeholders interviewed from **Șomcuta Mare, Galați, Rădăuți, Timișoara, Bucharest**.

⁹⁹ Information provided by Border Police, 6 April 2023.

¹⁰⁰ Information provided by IGI-DAI, 22 February 2023.

¹⁰¹ Article 11 Asylum Act.

¹⁰² Article 262(1) Criminal Code.

¹⁰³ Romanian Border Police, 'Analiza activității Poliției de Frontieră Române pe anul 2023', 13 February 2024, available in Romanian [here](#).

¹⁰⁴ Border Police, Summary of the Border Police activities carried out in 2022, 23 February 2023, available in Romanian at: <https://bit.ly/3JFZYKE>.

¹⁰⁵ Only one case of imprisonment for attempt to irregularly cross the border from 2016 was reported by JRS representative.

¹⁰⁶ Regional Court Chişineu-Criş: Decisions 47/2018, 48/2018, 49/2018 and 50/2018, 29 March 2018; Decision 81/2018, 17 May 2018; Decisions 133/2018 and 134/2018, 27 September 2018.

1.2.5 Measures taken by Romanian authorities to “close migration routes” and limit irregular entries

The General Inspectorate of Border Police stated that at the Romanian-Serbian border, several measures were ordered to close migration routes used by migrants, thus preventing the entry of 803 migrants into the country (97.1% decrease compared to 2022, when 27,524 persons entered). At the same time, 11,360 persons from “migrant-producing” countries submitted asylum applications to the border police structures when they were detected crossing / attempting to cross the border “illegally”¹⁰⁷ (an increase by 10.7% compared to 2022). Moreover, 728 people considered to be involved in migrant trafficking (guiding, transporting, facilitating, etc.) were found and detained, an increase by 30.5% compared to the previous year. The series of measures applied by the General Inspectorate of Border Police in order to limit the number of persons who intend to enter the country by “illegally” crossing the border¹⁰⁸ included:

- ❖ strengthening surveillance devices on the border areas with Hungary, Serbia and Bulgaria;
- ❖ aerial surveillance missions in areas of competence, carried out with aircraft made available by the Romanian General Aviation Inspectorate (Ministry of Interior) and FRONTEX;
- ❖ joint actions with representatives from the National Police, the Romanian Gendarmerie, the General Inspectorate for Immigration:
 - identifying in various locations (e.g. the North Station area in the municipality of Timișoara) migrants who entered the country “illegally” and regulate their status on the territory of Romania;
 - transporting / guiding migrants to the designated asylum reception centres, for those who were in the records of the Foreigners Management Information System and who do not justify of their presence in the area in question;
 - establishment of filters in the main areas of interest, near the border;
 - execution of specific missions based on the risk analysis. At the same time, to “combat illegal migration” at the external border of the European Union, the Joint Operation "Terra 2023" was carried out on the territory of Romania, at the border with neighbouring third countries (Serbia, Moldova, Ukraine), with the participation of human and technical resources, placed at provision through the Frontex Agency. In the framework of these operations, additionally, structures of the Romanian Border Police were relocated for surveillance activities, with Frontex funding, human resources and surveillance equipment.

According to the Territorial Inspectorate of Border Police (ITPF) Timisoara,¹⁰⁹ at the border with the Republic of Serbia, between September 2022 and May 2023, a gradual decrease in the migration pressure was observed. While in 2022 1,645 migrants were reportedly detected after irregular entry (decrease by 69% compared to 2021), between 01.01 and 15.05.2023, only 53 migrants were detected (decrease by 92% compared to the similar period of 2022). Starting in 2023, a secondary migration phenomenon was observed: foreign citizens (especially from countries such as Nepal, Bangladesh, Sri Lanka) entered Romania legally and were further detected attempting to irregularly leave towards Serbia. In Timiș County, actions were carried out daily under the coordination of the ITPF Timisoara, to prevent and combat secondary “illegal migration”. Based on the specific activities and actions executed in cooperation with the ITPF Oradea, approximately 1,300 people were found hidden in means of transport trying to leave Romania “illegally” at the border crossing points with Hungary (especially the border crossing point of Nădlac II). In 2023, in the municipality of Timișoara and in the whole area of competence, actions and missions were carried out on daily basis to identify foreigners without legal forms of stay on the territory of Romania, those who do not justify their presence in the area, as well as for the regulation of their legal situation.

The measures adopted both at the border with Serbia and at the border with Hungary also aimed at an intensification of actions to combat migrant trafficking. Thus in 2023, although migration significantly

¹⁰⁷ Literal translation of the press release.

¹⁰⁸ Literal translation of the press release.

¹⁰⁹ Romanian Border Police, ‘Informare privind activitatea I.T.P.F. Timișoara în domeniul gestionării problemei migrației ilegale’, 31 Mai 2023, available in Romanian [here](#).

decreased, the number of detected traffickers increased compared to the similar period of 2022 (from 36 to 64). In March 2023, the Directorate for the Investigation of Organised Crime and Terrorism reported¹¹⁰ detecting a smuggling group considered to engage in migrant trafficking, the “fraudulent crossing” of the state border of Romania and facilitating “illegal stay” in Romania. According to the authorities, the group rounded up, helped, guided and transported several groups of migrants to fraudulently cross the state border between Romania and Serbia, within the Caraş-Severin county. Later, the migrants were transported to Timiş county, from where they were handed over to other people to irregularly cross the border from Romania, with Western European countries as their destination. 29 illegal transports were intercepted and stopped with approximately 300 migrants who intended to cross irregularly the state border of Romania towards EU states identified.

1.2.6 The European Commission pilot with Romania and cooperation with Frontex

Starting in March 2023, Romania implemented a six-month pilot project initiated by the European Commission. The pilot included a “border management and international cooperation” component, given the Terra Joint Operation with Frontex across all of Romania’s external land borders, especially that with Serbia which is “considered of critical importance” by the Commission. The Commission made available EUR 10.8 million to Romania for reinforcement of the management of the EU’s external borders, in addition to Romania’s national allocations under the BMVI, which is of EUR 129.77 million for the period 2021-2027. The Commission considers recent activities at Romania’s border with Serbia to be good practices to be further enhanced through:

- ❖ Continued “successful management” of the external border with Serbia, with “continued activities for prevention of irregular migration” through common patrols with Serbian authorities;
- ❖ Europol continued support to the Romanian Police and Border Police, to be extended;
- ❖ Romania maintaining “maximum hosting capacity for Frontex standing corps officers for border surveillance” at the border with Serbia, and expanding their access to databases for a “more efficient use of the standing corps”
- ❖ Deployment of Frontex mobile surveillance vehicles operation for border surveillance as Frontex aerial surveillance.
- ❖ The Commission is to assess potential needs for funding for more equipment in order to maintain “a high level of border surveillance and control at the Romanian-Serbian border”.

The pilot also included aspects related to asylum, particularly the [Accelerated procedure](#) and a [joint return decision](#) together with the international protection rejection; and other measures to streamline return, the enhancement of voluntary returns.

In October, at the end of the 6-month pilot, the European Commission reported¹¹¹ “solid results” and “best practices identified” in all three aspects of the pilots. Regarding border management specifically, according to the European Commission,¹¹² Romania continued to demonstrate “successful management” of its external borders with Serbia, based on activities for prevention of irregular migration with the Serbian authorities. The following activities, realised in those 6 months, were highlighted as “good practices” by the European Commission:

- ❖ Joint patrol missions: a total of 448 joint patrols on the territory of both States were carried out.
- ❖ Joint “ad hoc” patrols: 140 cases with 422 people were registered and following exchanges of information with the Serbian authorities, 34 migrant smugglers were identified and further investigated by the relevant authorities. Where there is concrete operative information or other indications regarding a border event, the signatory parties can organise joint “ad hoc” patrols.

¹¹⁰ Directorate for the Investigation of Organized Crime and Terrorism, Press release, 21 March 2023, available in Romanian [here](#).

¹¹¹ European Commission, *Reporting on progress made the Pilot Project for fast asylum and return procedures with Romania*, October 2023, available [here](#).

¹¹² European Commission, *Reporting on progress made the Pilot Project for fast asylum and return procedures with Romania*, October 2023, available [here](#).

Supporting the activities in question can also be carried out with the help of some means of aerial surveillance (Frontex surveillance aircraft, helicopter, drones).

- ❖ International cooperation with Serbia: according to agreed procedures, the Romanian and Serbian authorities constantly exchange information about any aspects related to irregular migration, in order to prevent and combat cross-border criminality through Common Contact Point Portile de Fier I. At the same time, Romania is an active host of the Joint Operation Terra by Frontex that covers the entirety of its external land border sections with Serbia, Ukraine and Moldova. The border section with Serbia is considered of critical importance and deployments for green border surveillance "fully meet" the operational needs agreed between Frontex and Romania.

At a public event, an official from the Ministry of Internal Affairs described the pilot as enabling Romanian authorities to identify groups of migrants approaching the Serbian-Romanian border and thus to notify Serbian authorities "long before they reach the border". According to him, the Serbian authorities then have an obligation to intervene, and manage to do so most of the time. These preventive activities contribute to reducing "illegal" flows. According to the statistics presented, only 221 "aliens having entered illegally through Serbia" submitted asylum applications to the border police in 2023, as opposed to 1,455 in 2022, i.e. an over 80% decrease. The project is presented as a "whole of route cooperation" initiative that involved Greece, Bulgaria, Romania, Hungary, Slovakia, Austria and the European Commission. It has allowed for improved cooperation with the Serbian authorities but also with Frontex, whose staff, through a change in legislation in May 2023, can now access all relevant databases.¹¹³

Given the "positive achievements" according to the Commission, continued cooperation in the framework of the pilot project was decided.¹¹⁴

As regards border management, among other things, Romania continued to implement a "strategic approach to apprehensions and border controls" with the aim of addressing irregular migration and preventing secondary movements, to ensure a constant level of preparedness at the external borders, and building on the cooperation established between Romania and Frontex in the context of the pilot project and going forward.¹¹⁵ In June 2023, FRONTEX launched operation Centurion, as a new pilot project in Romania taking into account the rapidly growing number of officers, the agency considered it needs to take steps to reinforce the command in the field and decentralise some of its activities for better coordination and communication with host country authorities.¹¹⁶

1.2.7 III-treatment at the border

2023: For the year 2023, CNRR¹¹⁷ states that, based on discussions its legal counsellors had with asylum seekers, some of them said that they had been hit or had experienced other abusive behaviour on the Romanian territory, for example at border crossings in the western region of Romania. The abuse behaviour described by them consisted in using a high tone of voice, applying strokes (in the abdomen/legs area), not granting permission to use the toilet for a certain period of time. For example, in Timisoara, a Russian citizen, who applied for asylum at the Moravita Border Crossing Point, during the asylum procedure at the border, stated that the Romanian authorities did not show respect towards him, the border police officers displaying a disrespectful attitude.

¹¹³ Presentation by the Head of Risk Analysis Department, Ministry of Internal Affairs, Romania, in Panel 3, 'A new system for the border', at the *EMN Belgium Presidency Conference*, 25 June 2023, video available [here](#).

¹¹⁴ European Commission, *Reporting on progress made the Pilot Project for fast asylum and return procedures with Romania*, October 2023, available [here](#).

¹¹⁵ European Commission, *Cooperation framework between the European Commission, the EU Agencies and Romania*, 2023, available [here](#).

¹¹⁶ FRONTEX, 'Frontex launches new pilot project in Romania', 18 June 2023, available [here](#).

¹¹⁷ Information provided by CNRR, 16 January 2024.

Most of the reported incidents related to Romania were done by various organisations mainly present in Serbia. KlikAktiv¹¹⁸ reported cases of “formalised push-backs” between Romania and Serbia which clearly violated the people’s right to seek asylum and the principle of non-refoulement with deportations of higher numbers of third country nationals, including people seeking international protection, back to Serbia by applying the readmission agreement between the EU and Serbia without an effective assessment of protection needs or asylum claims. One person seeking international protection was deported from Romania to Serbia immediately after he was caught on Romanian territory. Were also documented cases of people transferred back to Romania under Dublin further deported to Serbia based on the readmission agreement. Also, Rosa Luxemburg Stiftung¹¹⁹ reported that several dozen thousand persons were pushed back from Croatia and Romania.

Romanian National Council for Refugees (CNRR) was contacted by persons claiming potential abuses at the border which were notified to the border police. The institutional response to these claims remained hesitant. Such an example is the lack of CNRR access to potential beneficiaries on Otopeni Airport.¹²⁰

2022: According to the Save the Children/CNRR representative in **Timișoara**, no reports of ill-treatment at the border were made by asylum seekers in 2022. They only complained that their phones were confiscated by the Border Police for further investigations. The same was echoed by NGO representatives in **Giurgiu**.

CNRR stated that its counsellors are not aware of any cases of ill-treatment in 2022.¹²¹

However, in October 2022, the Border Violence Monitoring Network (BVMN) observed an increase in violence in the pushbacks perpetrated by Romanian police officers at the Serbian-Romanian border in the “triangle” area, where the Romanian, Hungarian and Serbian borders unite. They collected testimonies from mostly Syrians who declared that they had been beaten (with batons/hands/other), pushed to the ground, insulted, threatened, their money had been stolen and their phones destroyed by two Romanian officers wearing camouflage uniforms.¹²²

1.2.8 International reactions regarding access to the Romanian territory

In 2023, the UN Committee for the Prevention of Torture¹²³ noted that there is a lack of experienced, qualified interpreters to assist in victim identification processes, and in the asylum system more generally and recommended that the authorities ensure access to its territory and sufficient and effective protection from refoulement at borders by making sure that people seeking asylum at the border receive appropriate information about their rights, including information on procedures, appeal mechanisms and legal aid, immediately and in a language that they understand.

In 2022, GREVIO¹²⁴ reported delayed access to legal representatives, NGOs and UNHCR of people apprehended at the border (in some cases, they have received information about people apprehended at the border who may need international protection, only after they had been readmitted to neighbouring countries or denied access to Romanian territory) and asked that the authorities ensure effective provision of accessible, easy-to-understand and gender-sensitive information on protection measures, to persons apprehended at the borders, prior to their application for readmission/return procedures.

¹¹⁸ KlikAktiv, Pro Asyl (Network of German refugee councils), *Formalizing Pushbacks – The use of readmission agreements in pushback operations at the Serbian-Romanian border*, 2023, available [here](#).

¹¹⁹ Nikola Kovačević, Rosa Luxemburg Stiftung, *Human Rights Pushbacks in the Western Balkans*, December 2023, available [here](#).

¹²⁰ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

¹²¹ Information provided by CNRR, 7 February 2023.

¹²² The Border Violence Monitoring Network, *Illegal Pushbacks and Border Violence Reports, Balkan region - October 2022*, available in English at: <https://bit.ly/3lIDqjt>.

¹²³ UN committee for the Prevention of Torture, CAT/C/ROU/CO/3/23.08.2023, *Concluding observations on the third periodic report of Romania*, August 2023, available [here](#).

¹²⁴ Council of Europe GREVIO Group of Experts on Action against Violence against Women and Domestic Violence, *Baseline Evaluation Report Romania [GREVIO/Inf(2022)6]*, June 2022, available [here](#).

1.3 The bipartite agreement on border monitoring

In Romania there is a framework on border monitoring, which takes place under a bipartite agreement between UNHCR and the General Inspectorate of the Romanian Border Police (*Inspectoratul General Politia de Frontiera*, IGPF). CNRR is UNHCR's implementing partner as described in the Memorandum of Understanding. The border monitoring activities include: formal meetings with the authorities, monitoring missions at border crossing points and public custody centres, and counselling sessions on international protection with people who request assistance at the border.

When carrying out monitoring activities, there were no major obstacles. However, when immediate intervention is needed, the access of the counsellors is delayed by formal notifications and prior approvals. CNRR will have further meetings with the Border Police to discuss a quicker way of accessing persons of concern in urgent cases.

Visits are usually conducted at border crossing points where a relevant number of entries or exits was registered. The number of visits conducted depends on the circumstances, such as the number of arrivals, influx of migrants.

In case of regular monitoring visits, the Border Police is notified in advance. In case of emergency interventions regarding specific asylum cases, the Border Police is notified on the same day or shortly before the visit is conducted.

In 2022, a total of 77 monitoring visits were conducted by CNRR at the border, of which 69 visits were conducted at the Serbian, Bulgarian and Hungarian borders, 8 at the Moldovan and Ukraine borders. None of the monitoring visits were conducted jointly with UNHCR. No cross-border monitoring visits were conducted in 2020, 2021 or 2022.

1.4 Information provision, interpretation at the border and NGO access

Information provision

According to the Asylum Act, if there are elements that indicate that a foreigner intends to apply for international protection in Romania in the context of pre-trial detention or detention facilities, penitentiaries, border crossing points or transit area, the competent authorities for the asylum application provide information on the possibility of submitting the request.¹²⁵

As regards the information about the possibility to make an asylum application, the Border Police stated that the territorial structures of the Border Police have leaflets in several international languages in circulation, including Arabic, Kurdish, Pashto, Farsi. The leaflets cover information on the rights and obligations of asylum seekers and information regarding the assistance provided by NGOs.¹²⁶

The Border Police reported that they provide information both orally and in writing. The available leaflets in English, French, Arabic and different dialects of the Arabic are made by UNHCR. No interpreter is present at the information session.¹²⁷

CNRR reported that, following consultations with UNHCR on the information needs at the border with Ukraine and Moldova, 10,000 leaflets with information on the asylum procedure were drafted and translated into Ukrainian and distributed at border crossing points with Ukraine and the Republic of Moldova in order to increase access to accurate information on the RSD procedure.

¹²⁵ Article 35^1 Asylum Act.

¹²⁶ Information provided by Border Police, 2 March 2022.

¹²⁷ Information provided by Border Police, 6 April 2023.

In 2022, leaflets with *DOPOMOHA*¹²⁸ were distributed by CNRR to the people coming from Ukraine. The leaflet promoted the DOPOMOHA platform which contained official and secure information. Also, it indicated contact data for all the relevant Romanian authorities.¹²⁹

CNRR discovered that there were no updated information leaflets on the asylum procedure in other languages. The team started working on a new leaflet on the right to ask for asylum in Romania to disseminate in 2023. Leaflets can only be displayed at border-crossing points with prior approval by the authorities (Border Police), but the authorisation process has started.

CNRR stated that any person detained at the border for illegal crossing or who presents themselves at a border-crossing point, following hearings by the judicial police officer, is informed that they have the right to make an asylum application.

During the author's visit to ITPF Timișoara, representatives from the institution showed what leaflets are available at Moravita crossing point. These were the following: a CNRR leaflet in English on the rights and obligations of foreigners taken into public custody printed under a project implemented in 2018/2019, FRONTEX leaflets on access to asylum procedure in English and in French and a booklet on the right to complain in several languages. The representatives emphasised that the FRONTEX leaflets are the most used.

CNRR counsellors observed that few reports were received regarding the information provision at the Bulgarian, Serbian and Hungarian borders. However, at Otopeni International Airport, three people reported that they did not have access to information during their detention in the transit area. They also stated that the Border Police officers ignored their requests and did not call interpreters when needed.¹³⁰

Interpretation

CNRR mentioned that any interview, hearing or investigation made by the authorities (Border Police) is accompanied by an interpreter.

The director of Timișoara centre reported that the Border Police uses interpreters that IGI-DAI refuses to contract because there were suspicions that they were connected with smugglers.

The representatives of ITPF Timișoara declared that an interpreter is called when foreigners are apprehended. Foreigners are informed about the right to make an asylum application immediately verbally in English or in writing through FRONTEX leaflets. The Border Police has access to interpreters in all languages spoken by apprehended migrants and in case of need they can contact the embassies for guidance.

KlikAktiv¹³¹ reported that asylum seekers do not have access to an effective asylum procedure, nor are they provided with interpretation services or access to legal aid.

Access to NGOs

At this stage, NGOs have access to border-crossing points only once third-country nationals have submitted the asylum application. Furthermore, NGOs need to be informed about the migrant's presence directly by the Border Police, through UNHCR Romania or by the migrant's family or friends or by him/herself. Given the Memorandum of Understanding between the UNHCR and the General Inspectorate of

¹²⁸ DOPOMOHA (means help in Ukrainian) is a web support and information platform for migrants fleeing the war in Ukraine. It is a project created by Code for Romania in partnership with the Department for Emergency Situations (DSU), The UN Refugee Agency, International Organisation for Migration (IOM) and the National Romanian Council for Refugees (CNRR), more information is available on the website: <https://bit.ly/3liRatl>.

¹²⁹ Information provided by CNRR, 7 February 2023.

¹³⁰ Information provided by CNRR, 7 February 2023.

¹³¹ KlikAktiv, Pro Asyl (Network of German refugee councils), *Formalizing Pushbacks – The use of readmission agreements in pushback operations at the Serbian-Romanian border*, 2023, available [here](#).

the Border Police, the representatives will mutually notify each other when immediate intervention is needed at the border crossing-point/transit area, via telephone/e-mail.¹³²

1.5 Legal access to the territory

Romania pledged to resettle 109 refugees in 2018-2019¹³³ from Türkiye (69) and Jordan (40). According to JRS and IOM Romania, 73 persons were resettled (42 from Jordan and 31 from Türkiye).¹³⁴ In addition, 12 migrants rescued in the central Mediterranean were relocated to Romania.¹³⁵ Nine migrants were relocated from Italy and three from Malta.

In 2020, Romania resettled 37 Syrian refugees from Türkiye and 4 migrants rescued in the Mediterranean Sea were relocated from Malta.¹³⁶

According to Government Decision no. 1596/2008 on the resettlement of refugees in Romania,¹³⁷ the resettlement quota set for the period 2022-2023 was 200 refugees in need of resettlement. During 2021, 75 people were resettled to Romania and the operations are to continue in 2022.¹³⁸ In 2022, 81 Syrians were resettled to Romania – 41 from Lebanon and 40 from Türkiye.¹³⁹

According to the information provided by the IGI-DAI, in 2023,¹⁴⁰ 154 Syrian refugees were transferred to Romania - 54 from Türkiye, 25 from Jordan and 78 from Lebanon. In order to integrate in Romania, these refugees have the possibility to access the integration programme. The integration programme is the set of measures and activities necessary to facilitate the social integration of foreigners who have been granted an international form of protection. The measures provided for by Romanian law¹⁴¹ refer to facilitating access to a series of economic and social rights, such as the right to work, to education, to housing, to medical care and social assistance. Each institutional stakeholder (Ministry of Interior, Ministry of Education, Ministry of Labour and Social Justice, Ministry of Health) is responsible for the integration of foreigners in its area of activity; the coordination and monitoring of the policies are the responsibility of the Ministry of Interior through the General Inspectorate for Immigration. The objectives of the integration plan are: participation in the Romanian language course; participation in cultural orientation sessions; counselling and assistance to access education and labour market; medical and psychological counselling and assistance; participation at information sessions on how to obtain housing.¹⁴² No further information is available concerning the resettlement of refugees.

2. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☐ Yes ☒ No
❖ If so, what is the time limit for making an application?
2. Are specific time limits laid down in law for lodging an application? ☐ Yes ☒ No
❖ If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice? ☐ Yes ☒ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☒ Yes ☐ No

¹³² Ibid.

¹³³ Article 3[^]1 (1[^]3) Government Decision 1596/2008.

¹³⁴ IGI-DAI, Annual Activity Report of 2019, available in Romanian at: <https://bit.ly/3cUh1FU>.

¹³⁵ Information provided by IGI-DAI, 20 February 2020.

¹³⁶ Information provided by IGI-DAI, 16 February 2021.

¹³⁷ Available at: <https://bit.ly/49GsYfz>.

¹³⁸ Information provided by IGI-DAI, 11 March 2022.

¹³⁹ Information provided by IGI-DAI, 22 February 2023.

¹⁴⁰ Information provided by IGI-DAI, 18 January 2024

¹⁴¹ Article 20 Asylum Act.

¹⁴² Information provided by the IGI-DAI, 18 January 2024.

5. Can an application be lodged at embassies, consulates or other external representations?

☐ Yes ☒ No

Asylum applications are registered by the General Inspectorate for Immigration – Asylum and Integration Directorate (IGI-DAI) within a maximum of 3 working days if the application is made at the IGI¹⁴³ and within a maximum of 6 days if the application is submitted to another competent authority such as the Border Police operating offices, the police units in which pre-trial detention and detention centres are established and functioning, or the structures of the National Administration of Penitentiaries within the Ministry of Justice.¹⁴⁴

In case of a high number of applications for international protection filed with any of the latter competent authorities, the registration of applications can be made within 10 working days from the date when the application was filed.¹⁴⁵

Asylum applications are recorded in special registers if they are submitted at a border-crossing point, at the units subordinated to the National Administration of Penitentiaries within the Ministry of Justice, and at the pre-trial detention and detention centres within the police units.¹⁴⁶

When a person expresses the intention to seek asylum at one of the structures of the Ministry of Internal Affairs of Romania, the asylum application is sent to the Regional Centres for Asylum Seekers, together with an outline of the asylum seeker's situation. In addition, authorities may also attach documents drawn up after the apprehension or the first submission to the competent authorities.¹⁴⁷

According to the Border Police, a person who expresses the intention to seek asylum at the Romanian border is given a form to fill in in the language they know. The form is registered in a special register of the Border Police structure. After registering the form, the person is informed, through an interpreter, about their rights and obligations. Subsequently, the form is submitted by fax to the territorially competent section of IGI-DAI.¹⁴⁸

Asylum applications made at border-crossing points or airports are transmitted to IGI-DAI together with an information note on the asylum seeker, which includes the hour of arrival, documents in their possession, persons accompanying them and other elements which may contribute to resolve the case in due time.¹⁴⁹

CNRR reported one case where the Border Police refused to register the asylum claim at Otopeni International Airport in 2022. There were two Indian citizens who arrived in Romania on 26 September 2022, with the intention to continue their journey to their final destination, Belgrade, Serbia. They were detained in the transit area of Otopeni Airport without being informed about the reasons. They stated that they had manifested their will to make an asylum claim and that they did not receive any information about whether their requests had been registered. They were eventually returned to Cairo, Egypt (the country from which they had travelled to Romania), and the justification of the Border Police was that they were part of a larger group of Indian citizens who had encountered problems with the airline companies with whom they had travelled and were supposed to continue their journey. The airline company that was supposed to take them from Otopeni to Belgrade refused to board them on the plane due to a misunderstanding between that company and the one which had brought them from Cairo. The Border Police argued that it was not within their competence to intervene in this situation. No further explications

¹⁴³ Article 36^1(1) Asylum Act.

¹⁴⁴ Article 36^1(2) Asylum Act, citing Article 35 Asylum Act.

¹⁴⁵ Article 36^1(3) Asylum Act, citing Article 35 Asylum Act.

¹⁴⁶ Article 38(5) Asylum Act.

¹⁴⁷ Information provided by IGI-DAI, 21 August 2018.

¹⁴⁸ Information provided by Border Police, 27 August 2018.

¹⁴⁹ Information provided by IGI-DAI, 21 August 2018.

were submitted and there was no prompt response to the urgent request from the CNRR counsellors to be granted access to the respective foreigners for assistance in the transit area.¹⁵⁰

According to the information provided by the Border Police,¹⁵¹ in 2023, all applications for asylum made at any border, including at the airport, were accepted and processed. On the other hand, CNRR¹⁵² mentioned that the organisation is aware of situations of refusal to process applications, but it only has the statements of the people in question who have not given their consent for the information on such situations to be further transmitted and detailed.

Asylum seekers are transported by the Border Police to IGI-DAI. If groups of asylum seekers are apprehended, they are transported to IGI-DAI by the Border Police. According to the Director of Regional Centre Timișoara, asylum seekers apprehended at border are transported by the Border Police to IGI-DAI.

There are no time limits set in law for making an application. According to Article 36(3) of the Asylum Act, competent authorities cannot refuse to register the asylum application on the grounds that it was filed at a later stage.¹⁵³ In addition, when assessing an asylum claim, IGI-DAI cannot reject it solely on the ground that it was filed late.¹⁵⁴

According to IGI-DAI, asylum applications are registered in IGI-DAI database on the same day they are received, a registration number is automatically assigned. Simultaneously with the registration of the asylum application, the person is fingerprinted, photographed, and issued a temporary identity document, which is extended periodically.¹⁵⁵

If an unaccompanied minor expressed their intention to apply for asylum, in writing or orally, before the competent authorities, they will be registered as an asylum seeker in a special register, and the asylum application will be filed after a legal representative is appointed.¹⁵⁶ The identification data stated by unaccompanied minor are recorded in the special register.¹⁵⁷

If an unaccompanied child has expressed the intention to seek asylum, in writing or orally, before the competent authorities other than IGI-DAI, the respective authority will immediately inform IGI-DAI, which ensures the applicant's transport to the competent Regional Centre to assess the asylum application.¹⁵⁸

According to IGI-DAI, in 2022, 2,520 asylum applications were submitted with IGI-DAI, 20% of all new asylum applications.

In 2023, the total number of asylum applications was 10,346, of which 10,158 were first-time asylum applications.¹⁵⁹

As of 2022, in **Rădăuți**, asylum seekers still complain about the fact that the Border Police does not use interpreters who speak their native language. According to the legal counsellor of Rădăuți, asylum seekers who make an asylum application directly at the centre are asked if they speak English and the asylum request is written in broad terms, the interpreters are called afterwards. It was observed that the majority of asylum seekers, Syrian nationals, who made an asylum claim directly at the centre were accompanied by relatives or friends who could interpret for them. They also mentioned that when transfers arrive from Timișoara, there was no interpreter present, as they arrive during the night.

¹⁵⁰ Information provided by CNRR, 7 February 2023.

¹⁵¹ Information provided by Border Police, 16 January 2024.

¹⁵² Information provided by CNRR, 16 January 2024.

¹⁵³ Article 36(3) Asylum Act.

¹⁵⁴ Article 13(3) Asylum Act.

¹⁵⁵ Information provided by IGI-DAI, 21 August 2018.

¹⁵⁶ Article 39(3) Asylum Act.

¹⁵⁷ Information provided by IGI-DAI, 21 August 2018.

¹⁵⁸ Article 39(4) Asylum Act.

¹⁵⁹ Information provided by IGI-DAI, 18 January 2024.

As of 2022, in **Șomcuta Mare**, the director of the centre is present when asylum seekers are transferred from Timișoara, and with the help of someone from the group who speaks English, they provide them with general information on the ROI, rights and obligations. In case of asylum applications made directly at the centre there is an interpreter present if the applicant cannot communicate with the officer in charge.

As of 2022, in **Galati**, the majority of asylum seekers were transferred from Timișoara. Because groups arrive late at night, the information session is held the next day by IGI-DAI staff from the integration department, logistics and the psychologist and medical assistant along with NGO representatives. The cultural mediator or interpreter facilitates communication. This continued to be the case in 2023.¹⁶⁰

As of 2022, in **Giurgiu** when asylum applications are made directly at the centre, IGI-DAI ensures the availability of an interpreter, if not physically present then over the phone, according to the director of the centre. Only 38 applications were made directly at the centre in 2022. The majority of asylum seekers (1055) were transferred from Timișoara and at the transfer there is no interpreter. The security officer provides information in writing.

There were no cases where IGI-DAI refused to have the asylum application lodged.

After the asylum application is lodged, the applicant receives a “temporary asylum seeker identity document” (*Document temporar de identitate solicitant de azil*). This is a card containing a photograph, personal details and a registration number.¹⁶¹ The format of the temporary identity document was changed in 2021, and now it is a plastic card, similar to the residence permit.

In 2022, the director of **Timișoara** centre reported that temporary identity documents were issued only for those who remained in the centre. In 2022, 99% of asylum seekers were transferred to other centres, within a maximum of three days from their arrival in the centre.

In **Galati** as of 2022 not all transferred asylum seekers had temporary identity documents at arrival. The same was reported for 2022 also in **Șomcuta Mare**. The director of Galati centre noted that until all elements of the asylum request were determined asylum seekers were not allowed to leave the centre, this meaning the preliminary interview and issuance of the temporary identity documents, which was done the next day after their arrival in the centre. The director of **Giurgiu** centre stated in 2022 that the majority had no identity documents, these were made at the preliminary interview. The JRS/CNRR representative from Giurgiu further mentioned that asylum seekers are not allowed to leave the centre until they are issued an identity document, after the preliminary interview, that takes place within 2-3 days of their arrival. This was still the case in 2022. Only one or two persons from the group were allowed to go outside to buy food. Asylum seekers reported that this practice is problematic because the ones who go outside request a share of the shopping list. This information could not be confirmed for 2023.

In **Rădăuți** as of 2022 the majority of those transferred from Timișoara had temporary identity documents, according to the representatives of the centre.

EUAA involvement

In March 2022, the EUAA signed its first operational plan with Romania, within the context of the full-scale invasion of Ukraine and subsequent displacement. The first phase of the support operations foresees the EUAA providing support with registering beneficiaries for temporary protection, providing Ukrainian nationals and other beneficiaries with information on their rights, and providing training related to the

¹⁶⁰ Practice based observation by JRS Romania, May 2024.

¹⁶¹ A template can be found at: <https://bit.ly/2Q77KQ6>.

TPD.¹⁶² A new operating plan was signed in December 2022 to cover the year 2023.¹⁶³ In December 2023, the 2023-2024 operational plan was amended and covers the period until 31 December 2024.¹⁶⁴

In 2023, the EUAA deployed 60 experts in Romania,¹⁶⁵ mostly external experts (37) and Member State experts (20). The majority of these experts were asylum registration experts (20), asylum information provision experts (15) and case experts (7) as well as other programme and support staff.¹⁶⁶

As of 19 December 2023, there were 32 EUAA experts present in Romania, out of which 12 were asylum registration experts, 7 case experts, 3 members of the roving team and 2 asylum information provision experts.¹⁶⁷

The May 2023 legislation changes also allowed EUAA experts to directly participate in registration and assessment of applications; additional support was given through registration and case experts, and interpreters.¹⁶⁸

In May 2023, the EUAA started activities to support asylum registrations in Romania and, until the end of the year, carried out a total of 2,662 registrations of international protection applications. 90% of these related to the top 10 citizenships of applicants, mainly of nationals from Bangladesh (602), Syria (571), Nepal (351) and Pakistan (255).¹⁶⁹

In 2023, the EUAA delivered 38 training sessions to a total of 227 experts and personnel of national authorities, relevant partners and EUAA contracted personnel.¹⁷⁰

C. Procedures

1. Regular procedure

1.1 General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 30 days
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☒ Yes ☐ No
3. Backlog of pending cases at first instance as of 31 December 2023: 1,264¹⁷¹

The law foresees a 30-day deadline to issue a decision, starting from the moment when the file is handed over to the case officer.¹⁷²

¹⁶² EUAA, 'Ukraine War: EUAA deploys to Romania', 28 March 2022, available at: <http://bit.ly/3ZBaVCO>.

¹⁶³ EUAA, *Operational Plan 2023 agreed by the European Union Agency for Asylum and Romania*, December 2022, available at: <https://bit.ly/3Jr3WH3>.

¹⁶⁴ EUAA, *Operational Plan 2023-2024 agreed by the European Union Agency for Asylum and Romania*, December 2023, available at: <https://bit.ly/43cNIJR>.

¹⁶⁵ EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

¹⁶⁶ Information provided by the EUAA, 26 February 2024.

¹⁶⁷ Information provided by the EUAA, 26 February 2024.

¹⁶⁸ *Ordonanță de urgență nr. 35 din 17 mai 2023 pentru modificarea și completarea unor acte normative privind domeniul străinilor și azilului în România*, published in Official Gazette no. 436 of 18 May 2023, available in Romanian [here](#).

¹⁶⁹ Information provided by the EUAA, 26 February 2024.

¹⁷⁰ Information provided by the EUAA, 26 February 2024.

¹⁷¹ Information provided by IGI-DAI, 18 January 2024.

¹⁷² Article 52(1) Asylum Act.

The timeframe of 30 days provided in Article 52(1) of the Asylum Act shall be suspended during:

- (a) the Dublin procedure for determining the Member State responsible for examining the asylum application;
- (b) the **First Country of Asylum** procedure;
- (c) the **Safe Third Country** procedure; or, where appropriate,
- (d) the European safe third country procedure.
- (e) When the reason for suspension no longer exists, the assessment period cannot be less than 20 days.¹⁷³

The 30-day time limit shall be extended successively with further periods of no more than 30 days, and not exceeding 6 months from the lodging of the asylum application in total¹⁷⁴: if the assessment of the case requires additional documentation, which makes it impossible to carry out the activities necessary to decide on the asylum application or could lead to the non-observance of the guarantees recognised by the law due to causes not imputable to the applicant.

However, if the maximum timeframe of 6 months is exceeded, the applicant should be informed of the delay and shall receive, upon request, information on the reasons of the delay and the time limit for the decision to be taken on their application.¹⁷⁵

The term of 6 months may be extended successively for new cumulative periods, not exceeding 9 months, when:¹⁷⁶

- ❖ The asylum procedure involves complex elements of fact and/or law;
- ❖ A large number of applications for international protection are lodged, making in practice very difficult to assess the claims within 6 months.

Exceptionally, in duly justified cases, a further extension may be applied for a maximum of 3 months.¹⁷⁷

In practice, in 2022 in the Regional Centres for Procedures and Accommodation for Asylum Seekers at **Rădăuți, Galați, Timișoara, Șomcuta Mare** (Maramureș) and **Giurgiu** the 30-day term was respected. In exceptional cases, the 30-day deadline to issue a decision was extended. According to data provided by IGI-DAI, in 2023, the 30-days deadline to process an application and issue the decision was respected. However, in exceptional cases, the term can be extended, thus resulting a 60-days period of time necessary to process the application and issue a decision¹⁷⁸. This was still the case in 2023 at least in **Galați**.¹⁷⁹

IGI-DAI reported that in 2022 the deadline to issue a decision was prolonged in 142 cases. No statistics were provided with regards to the reasons for prolongation or its duration.¹⁸⁰ In 2023 there were situations when the 30-day term had to be extended, as following:

- ❖ 14 cases at the **Galați** Regional Centre for Procedures and Accommodation for Asylum Seekers;
- ❖ 13 cases at the **Rădăuți** centre; 16 cases at the **Timișoara** centre;
- ❖ 19 cases at the **Giurgiu** centre;
- ❖ 9 at the **Bucharest** centre;
- ❖ 21 cases at the **Șomcuta Mare** centre.

According to IGI-DAI, in 2023, the reasons for the extension were: additional interviews, lack of rare language interpreter, analysis of the documentation submitted by the asylum seekers, the need for additional documentation on the evolution of the situation in the country of origin.¹⁸¹

¹⁷³ Article 52(4) Asylum Act.

¹⁷⁴ Article 52(2) Asylum Act.

¹⁷⁵ Article 52(3) Asylum Act.

¹⁷⁶ Article 52(5) Asylum Act.

¹⁷⁷ Article 52(6) Asylum Act.

¹⁷⁸ Information provided by IGI-DAI, 16 January 2024.

¹⁷⁹ Experience of JRS Romania, April 2024.

¹⁸⁰ Information provided by IGI-DAI, 22 February 2023.

¹⁸¹ Information provided by IGI-DAI, 16 January 2024.

This was the situation in 2022:

- ❖ In **Galati** it was reported that in three cases the deadline was extended for additional verifications in two cases and in one case because there was no interpreter for Somali.
- ❖ In **Șomcuta Mare**, the deadline was respected in 2022. There was only one case where the deadline was extended by 15-20 days due to an additional interview. The director of the centre said the asylum seeker was informed why the deadline for the decision had been extended when he had the second interview.
- ❖ In **Bucharest**, the deadline was prolonged in 76 cases for further information or additional interviews. The director of Vasile Stolnicu centre stated that the time period had been extended for 15-30 days and asylum seekers had been informed.
- ❖ In **Timișoara**, there were no cases where the average duration was extended, according to the director of the centre.
- ❖ In **Giurgiu** the term was extended by 30 days in nine cases due to the case officer's holiday or when further information was needed, according to the director. The director mentioned that the respective asylum seekers had been informed about the term extension and reasons verbally when temporary documents were extended.
- ❖ In **Rădăuți**, the deadline was extended in 17 cases. Asylum seekers were informed about the extension when the DTI had to be extended, according to the director of the centre. The reasons for the extension were also communicated.

According to IGI-DAI statistics, in 2022 the average duration was 30-60 days¹⁸² in the regular procedure compared to 45 in 2021,¹⁸³ 30-60 days in 2020 and 50 days in 2018.¹⁸⁴ It was 10 days¹⁸⁵ in the case of an accelerated procedure compared to 3 days in 2020. It was 1 day¹⁸⁶ for the border procedure compared to 3 days reported for 2020.¹⁸⁷

In practice, in 2023, according to IGI-DAI the average length of the asylum procedure from the moment of lodging the application until the first instance decision was taken was exactly the same in all centres, as evidenced by the following table:

Average duration of the asylum procedure by Regional Centre: 2023	
Regional Centre for Procedures and Accommodation for Asylum Seekers	Average duration in days
Timișoara	30
Șomcuta Mare	30
Rădăuți	30
Galați	30
Bucharest	30
Giurgiu	30

Source: IGI-DAI, information provided to the AIDA expert directly, 16 February 2024.

This was the situation reported by centre directors in 2022:

- ❖ **Rădăuți**: the duration of the procedure depended on the declarations made by the asylum seekers at the interview. The procedure could last 5 weeks according to the legal counsellor.
- ❖ **Giurgiu**: the director reported the transferred asylum seekers had a preliminary interview and personal interview scheduled the day after their arrival. This also depended on the availability of interpreters. For example, because there is only one interpret of Bengali language, IGI-DAI had

¹⁸² Ibid.

¹⁸³ Information provided by IGI-DAI, 11 March 2022.

¹⁸⁴ Information provided by IGI-DAI, 5 March 2019.

¹⁸⁵ Information provided by IGI-DAI, 11 March 2022.

¹⁸⁶ Ibid.

¹⁸⁷ Information provided by IGI-DAI, 16 February 2021.

to organise all the interviews with Bangladeshi nationals before the interpreter's one-month holiday. This was also reported by the director in **Rădăuți** where both interviews for Bangladeshi nationals who arrived from Timișoara on Saturday were conducted on a Sunday.

- ❖ **Șomcuta Mare** : the file was handed over to the case officer within seven to ten days from the day the asylum application was made.

According to CNRR in 2022 the average duration was 30 days in Bucharest, Galați, Timișoara and Giurgiu, 45 days in, between 7-30 days in Rădăuți, and 3-7 days in some cases even 30 days in Șomcuta Mare.¹⁸⁸

1.2 Prioritised examination and fast-track processing

According to the law, priority is given to asylum applications lodged by unaccompanied children.¹⁸⁹ IGI takes all the necessary measures for the appointment of a legal representative, who will assist the unaccompanied asylum-seeking child in all stages of the asylum procedure, as soon as possible.¹⁹⁰ In practice, IGI-DAI instructs the Directorate-General for Social Assistance and Child Protection in writing to appoint a legal representative for the unaccompanied child, who will assist them during the asylum procedure. The notification is sent the next day or in a maximum of 3 days after the application is registered and the unaccompanied child has been accommodated in one of the Regional Centres.

In case of vulnerable asylum seekers who are placed in specially designated closed spaces in the Regional Centres (see [Detention of Asylum Seekers](#)), the identity check and the assessment of their applications should be done with priority.¹⁹¹ There have been no reported cases of this situation in practice. In 2023, according with IGI-DAI, there were situations when the examination of the asylum application and issuing the decision took less than 30 days, in special cases of vulnerable persons, but no further details were provided.¹⁹²

According to CNRR, in 2023 most of the asylum applications from vulnerable persons were assessed with priority by the authorities. However, at the Regional Centre for Procedures and Accommodation for Asylum Seekers **Timisoara**, there were cases where applications submitted by unaccompanied minors were not assessed with priority.¹⁹³

This was the situation in 2022:

Șomcuta Mare, the director of the centre mentioned that in general the procedure lasts 30 days for unaccompanied minors.

Rădăuți: The length of the asylum procedure for an unaccompanied child is the same as the procedure for an adult. The assessment of their application depends on the availability of a legal representative and there is only one legal representative for all asylum-seeking children. The interview was scheduled according to the availability of the legal representative. It was reported that unaccompanied minors often left the centre: before and also after the interview, some even after they were granted a form of protection by the first instance court.

Galați: The length of the asylum procedure for an unaccompanied child is the same as the procedure for an adult. This was echoed by the director of the centre. The assessment of their application depended on the availability of a legal representative and interpreter. However, the director stated that the legal representative has two days per week allocated to unaccompanied minors (Tuesday and Thursday). He further mentioned that applications of asylum seekers who presented a risk of illegal migration were

¹⁸⁸ Information provided by CNRR, 7 February 2023.

¹⁸⁹ Article 16(1) Asylum Act.

¹⁹⁰ Article 16(2) Asylum Act.

¹⁹¹ Article 19¹¹ Asylum Act.

¹⁹² Information provided by IGI-DAI, 16 January 2024.

¹⁹³ Information provided by CNRR, 16 January 2024.

assessed as a priority. Applications made by vulnerable asylum seekers were assessed with greater caution. This information could not be confirmed for 2023.

Timișoara: Even though IGI-DAI takes all the necessary measures with priority – in a maximum of three days after the unaccompanied child has been accommodated in the centre – and the legal representative is assigned in two to three weeks, according to the director of the Regional Centre Timișoara, the asylum procedure of unaccompanied children may be delayed due to the bureaucratic procedures carried out by DGASPC. In 2022, the asylum claims of unaccompanied children were assessed in two months due to the lack of legal representatives. Asylum applications of single women and families were processed in 30 days.

Giurgiu: The director of Giurgiu stated that the assessment of applications made by unaccompanied minors lasts longer because it depends on the appointment of a legal representative. However, the procedure did not exceed 30 days.

Bucharest: According to the director of Stolnicu applications made by vulnerable persons and exceptional cases were assessed with priority.

The same was also reported by the director of **Timișoara** centre. Asylum applications made by asylum seekers from Pakistan, Bangladesh and India were assessed with priority, in an accelerated procedure. This practice was still in place in 2022, until the general inspector ordered all asylum seekers from Timișoara to be transferred to other centres.

CNRR stated that in 2022 asylum applications assessed in accelerated procedure and those made by vulnerable persons (with visible vulnerabilities) were analysed with priority. In the case of the latter, the priority consisted in shortening the procedure by conducting the interview swiftly.¹⁹⁴

In 2021, IGI-DAI reported that 1,551 asylum applications were prioritised.¹⁹⁵ For 2022, IGI-DAI invoked the legal provision, but did state the number of prioritised applications.¹⁹⁶

1.3 Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
 - ❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

According to the law, an interview is conducted in order to assess the elements of an application for international protection.¹⁹⁷ Although the general rule is that an interview should be held in order to correctly assess the asylum claim, there are two situations where the interview is not mandatory:¹⁹⁸

- ❖ When IGI-DAI may take a decision to grant refugee status on the basis of evidence in the file;
- ❖ When there are serious doubts about the capacity of the adult asylum seeker.

¹⁹⁴ Information provided by CNRR, 7 February 2023.

¹⁹⁵ Information provided by IGI-DAI, 11 March 2022.

¹⁹⁶ Information provided by IGI-DAI, 22 February 2023.

¹⁹⁷ Article 19⁶(2) Asylum Act.

¹⁹⁸ Article 45(3) Asylum Act.

All personal interviews, assessments of the reasons invoked by the asylum seeker and decisions are conducted by a designated case officer of IGI-DAI.¹⁹⁹

In 2022, 3,696 interviews were conducted, of which 329 were through videoconference. IGI-DAI reported that they had no statistics on the number of asylum applications assessed without an interview.²⁰⁰

For the year 2023, the situation is as follows according to the data provided by IGI-DAI: all interviews were conducted individually. In the case of children, the parent or legal representative was present at the interview. IGI-DAI uses indicators and guidelines that facilitate the identification of vulnerable persons among asylum seekers, but no details on these indicators and guidelines were provided. In 2023, a total of 260 interviews were conducted via videoconference, as follows:

Interviews via videoconference in 2023	
Regional Centre for Procedure and Accommodation for Asylum seekers	Number of interviews done online
Rădăuți	89
Galați	47
Maramureș - Șomcuta Mare	39
Timișoara	32
Giurgiu	28
Bucharest	25

Source: Information provided by IGI-DAI, 16 January 2024.

In October 2023, the EUAA started support activities to first instance processing in Romania. EUAA caseworkers carried out interviews concerning 191 applicants, of which 97% related to the top 10 citizenships of applicants interviewed by EUAA, mainly concerning nationals from Nepal (62), Pakistan (37), Bangladesh (23) and Syria (23).²⁰¹

The EUAA drafted 285 concluding remarks, of which 95% related to the top 10 citizenships of applicants in concluding remarks drafted by the EUAA, mainly concerning applicants from Nepal (73), Pakistan (43) and Syria (41).²⁰²

1.3.1 Interpretation

Article 45(2) of the Asylum Act sets out the rules regarding the right to have an interpreter during the personal interview. At the request of the applicant and when deemed necessary for presenting all the reasons for the asylum application, the interview shall be carried out by the case officer, with the support of an interpreter, in the language indicated by the applicant or in a language they understand and can communicate clearly. As far as possible, if the applicant requests it, both the case officer and the interpreter will be of the same gender as the interviewee.²⁰³

Availability of interpreters and double interpretation

In 2022, in the Regional Centres of Timișoara and Rădăuți, Giurgiu it has been reported that there are not enough interpreters available for the main nationalities of asylum seekers:

Galați: according to the director there was a lack of interpreters. Interpreters of rare languages such as Somali, Tigrigna and other languages from Ethiopia and Eritrea are hard to find, or even non-existent in

¹⁹⁹ Article 48 Asylum Act.

²⁰⁰ Information provided by IGI-DAI, 11 March 2022.

²⁰¹ Information provided by the EUAA, 26 February 2024.

²⁰² Information provided by the EUAA, 26 February 2024.

²⁰³ Article 45(2) Asylum Act.

the country as a whole. There is only one Somali interpreter in Bucharest. Double interpretation (from one language to another and then into Romanian) was not used in 2022. In 2023, there was double interpretation for those who speak Arabic, with one translator from Arabic to English and another from English to Romanian.²⁰⁴

Rădăuți: IGI-DAI frequently uses the same three interpreters – one for Arabic, one for Farsi / Dari / Urdu and Kurdish. In 2021 IGI-DAI also contracted a female Arabic interpreter. The Farsi interpreter is also used in Galați by IGI-DAI and the courts. Double interpretation was used in one to two cases, according to the director of the centre. He also reported that they had interpreters of Tigrigna, Arabic, Turkish, Russian and Ukrainian. However, as reported in Galați, there was a lack of interpreters of rare languages.

Timișoara: The director of the Regional Centre Timișoara mentioned that they have interpreters for all languages, except for Somali language, and when they have no interpreter they conduct the interview through videoconference. However, this was not the case in 2022, as there were no Somali asylum seekers. No new interpreters were recruited in 2022. Double interpretation was not used in 2022.

Giurgiu: The director mentioned that there were 15 contracts signed with interpreters of Arabic, Hindi, Urdu, Pashto, Persian, Turkish, Dhari, Russian, Farsi, Tajik, and Ukrainian. There is still a lack of interpreters at national level, especially for Tamil and Sinhala as for Somali there is only one interpreter in Bucharest. According to the director double interpretation was used in 2022 for asylum seekers from Sri Lanka from Tamil/Sinhala to English and English to Romanian.

Bucharest: According to the director of Stolnicu there are interpreters for Arabic, English, Pashto, Dari, Punjabi, Hindi, Urdu, Farsi, Turkish, Spanish, French, Somali, Kurdish, Sorani, Kurmanji, Persian, Russian, Ukrainian, Sinhala, Tigrinya, Tamil, Amharic, Oromo. Double interpretation was used in 2022 for Sinhala – English – Romanian and Amharic – English – Romanian, according to the director of the centre.

Șomcuta Mare: The Regional Centre collaborates with the same interpreters as last year, in the following languages: Farsi, Dari, Arabic, English and French and they also have Somali, Bengali interpreters. Double interpretation was not used during 2022.

Stakeholders interviewed also reported that there is a limited number of female interpreters in the asylum procedure as of 2022. For example, in the Regional Centre of **Galați**, there is a female interpreter for Arabic, English, French, Russian and Ukrainian and Turkish. In **Giurgiu**, there are female interpreters for Arabic, French, English and Russian, according to the director of the centre. However, the JRS representative stated that there were no female interpreters. In **Rădăuți** there are female interpreters for English/French, Russian and Arabic. In **Șomcuta Mare** there is a female Bengali, English and French interpreter and in **Timișoara** there are female interpreters for Arabic (2-3), French, English, Russian. In **Bucharest** there are 2-3 female interpreters for Arabic and one for English, Tigrinya, French and Russian.

In 2022 the number of female case officers increased in all centres. In **Șomcuta Mare**, during 2022 there were four case officers, two men and two women; at the end of 2022 one of the female officers was moved to another centre. In **Rădăuți**, in 2022, a woman case officer was hired, so there are three male case officers and a woman. In **Timișoara** there are six case officers of whom 3 are female case officers. In **Bucharest**, there are six female case officers out of nine, according to the director of Stolnicu centre. In **Giurgiu** there are four case officers of whom one is a woman and in **Galați** there are two female case officers and four men. However, one woman case officer is on maternal leave. As of 2024, there was only one female decision maker in **Galați**, and two men, so three in total.²⁰⁵

All the stakeholders interviewed stated that asylum seekers may request an interpreter or case officer to be of a specific gender, but in practice this is not possible in most of the cases, due to the lack of interpreters and lack of female case officers in some of the centres.

²⁰⁴ Experience of JRS Romania, April 2024.

²⁰⁵ Experience of JRS Romania, April 2024.

For 2023, the situation was as follows, according to data provided by IGI-DAI:²⁰⁶

Translators receive RON 39.91 / hour (approx. EUR 8.14) for interpreting services foreign languages – Romanian and RON 44.82 / page (approx. EUR 9.14) for translation of documents, according to the legal provisions stipulated in Order no.2907/C/2340/2020.²⁰⁷ These amounts can be increased according to art. 7 of the Law no. 178/1997 for the authorisation and payment of interpreters and translators,²⁰⁸ as follows:

- ❖ by 50% for translations from or into an oriental language (Japanese, Chinese, etc.) or rarely used language;
- ❖ by 50% for translations carried out on an urgent basis (24-48 hours);
- ❖ by 100% when interpreters and translators are required in the weekend, public holidays or between 10 PM and 6 AM.

In 2023 there were situations in which double interpretation had to be ensured²⁰⁹:

- ❖ **Galați** centre: 70 cases. No information was provided on the languages used.
- ❖ **Rădăuți** centre: 11 cases. An Amhara/ Tigrinya interpreter was used to translate into English and then a translation from English into Romanian was ensured.
- ❖ **Timișoara** centre: 42 cases. No information was provided on the languages used.
- ❖ Giurgiu centre: 0 cases;
- ❖ Bucharest centre: 0 cases;
- ❖ **Șomcuta Mare - Maramureș**: 196 cases, with translations from Nepali into English and then from English into Romanian (76 cases), and translations from Bengali into English and then from English into Romanian (120 cases).

Quality and conduct

Several problems regarding the quality of the interpretation and conduct of interpreters have been reported. Interpreters are not sufficiently trained and, therefore, they are not impartial. Related problems were also pointed out:

- ❖ Some interpreters still have private conversations with the asylum seeker and do not translate the conversation, or they express emotions, however not at the same scale as in previous years;
- ❖ Asylum seekers complained that an interpreter selected the documents that the asylum seeker should present at IGI-DAI, and translated only a summary of what is written on the page and not the whole interview (question and answer).
- ❖ Asylum seekers complained that the transcript was not read at the end of the interview in most of the centres.

In 2023, there was also an issue related to the role of interpreters in the interview at **Galați**, which affected how interpretation was done and had a clear impact on the quality of the asylum process. In one of those cases, an appeal is pending.²¹⁰

According to CNRR,²¹¹ in 2023 as in previous years, there were cases in which asylum seekers expressed concern regarding interpretation during their interview to determine a form of protection. During CNRR legal counselling sessions with applicants, some of them claimed that the interpreters did not exactly translate their answers, gave another meaning to statements in the interview, or had a biased attitude towards them. According to the procedure, the interview note must be read at the end, however applicants

²⁰⁶ Information provided by IGI-DAI, 16 January 2024.

²⁰⁷ Order no.2907/C/2340/2020, available in Romanian at: <https://bit.ly/3OLKw1O>.

²⁰⁸ Law no. 178/1997 for the authorisation and payment of interpreters and translators, available in Romanian at: <https://bit.ly/3uFXtn2>.

²⁰⁹ Information provided by IGI-DAI, 18 January 2024.

²¹⁰ Experience of JRS Romania, May 2024.

²¹¹ CNRR, *Input by civil society organisations to the Asylum Report 2024, 2023*, available [here](#).

often declare that this step didn't happen, nor were they given the opportunity to express their will for this to occur. Moreover, there are cases where asylum seekers' interview (in the administrative phase) or hearing (in the judicial phase) are postponed due to the lack of interpreters, mostly in cases of very rare languages or dialects. Besides that, there are also financial reasons for the lack of interpreters. Some of the interpreters are complaining about the small fees or payment delays and in some cases, they claimed they didn't receive the money at all.

In 2022, the situation was the following:

In **Timișoara**, in 2022 no issues were reported with regards to the quality and conduct of interpreters.

Rădăuți: asylum seekers complained that their declarations were not relayed exactly or coherently, after they received a negative decision. Many asylum seekers declared that the interpreter made a summary of the transcript - not only in Rădăuți centre, but also in the other centres.

Giurgiu: the CNRR representative reported that asylum seekers have complained after a negative decision. One asylum seeker complained after the interview that he would like to conduct it again as the interpreter was of another religion and did not understand his problems. He was advised to request this with the IGI-DAI, however, the CNRR representative had no information on the outcome of this case.

Galati: Asylum seekers did not complain about the interviews conducted, quality of the interview or conduct of interpreters. According to the director they only complained when they were rejected. The director stated that interviews should be recorded in order to avoid these claims.

The directors of the Regional Centres of Timișoara, Bucharest, Șomcuta Mare, Rădăuți and Giurgiu said there were no issues reported with the quality and conduct of interpreters.

In relation to problems with the quality of interpretation and conduct of interpreters, CNRR stated that 2022 was like 2021 and there were cases in which asylum seekers expressed concern about the interpretation. They claimed that the interpreters did not translate their answers exactly or gave a different meaning to the statements in the interview.²¹²

It was noted that only CNRR and ICAR Foundation had the funds for the services provided by interpreters.

All the stakeholders interviewed by the author declared that they have never heard about a Code of Conduct for interpreters in the asylum procedure, except one legal counsellor who stated that when JRS signs a contract with an interpreter they also have to sign a Code of Conduct.

According to the director of Vasile Stolnicu there is no Code of Conduct for interpreters. After signing a contract with IGI-DAI a meeting is organised with the interpreters where they are explained the rules of collaboration with the institution and how to behave.

In 2023, CNRR²¹³ made specific efforts to ensure that interpreters received training. In February 2023, CNRR organised a specific training session for the interpreters with which it collaborates in order to respond to the imperative needs of improving language assistance in the asylum procedure. Information materials were also made available on the methods and techniques for interviewing persons undergoing the asylum procedure, the glossary of terminology related to the field and the UNHCR recommendations on communication and interpretation techniques in cases of vulnerable persons, with particular reference to unaccompanied minors.

²¹² Information provided by CNRR, 15 February 2022 and 7 February 2023.

²¹³ Information provided by CNRR, 16 January 2024.

1.3.2 Recording and report

The law does not prescribe audio/video recording of the personal interview. Personal interviews and preliminary interviews are not audio/video recorded.

Court sessions are recorded according to the Civil Procedure Code.²¹⁴ The rules concerning the recording of court hearings are set out in Article 13 of Act 304/2004 on Judicial Organisation, which provides that:

- ❖ The court hearings are recorded by video or audio technical means or recorded by stenography. Recordings are immediately transcribed;
- ❖ The clerk or the stenographer shall record all the affirmations, questions and submissions of those present, including the president of the court panel;
- ❖ Upon request, the parties may receive a copy of the transcript of the Registrars, minutes or notes of the Registrar.

In 2022, 329 interviews were conducted through videoconferencing in total in all the regional centres.²¹⁵ In 2023, 260 interviews were conducted through videoconferencing in total in all the regional centres.²¹⁶

In the 2022, the detailed situation was the following:

- ❖ **Timișoara:** all interviews with asylum seekers who made an application in detention were conducted through videoconference, according to the director of Timișoara centre.
- ❖ **Galați:** IGI-DAI conducted interviews through videoconferencing with interpreters from other regional centres, in cases of asylum seekers who spoke Somali and Bengali.
- ❖ **Rădăuți:** In 2022 interviews were conducted through videoconferencing for Somali and Bangladeshi asylum seekers. No complaints were made by asylum seekers with regards to interviews conducted in this manner, apart from interpreters making a summary of the transcript instead of interpreting it word for word.
- ❖ **Giurgiu:** Videoconferencing was also used to conduct interviews with interpreters from Bucharest for asylum seekers from Sri Lanka, Iraq and Pakistan.
- ❖ **Bucharest:** the director of Stolnicu centre mentioned that videoconference was of all asylum application made from detention centres.

Transcript

The case officer conducting the interview transcribes the questions and the answers/statements *verbatim*. The transcript includes at least the following data: identification data of the applicant, the name of the case officer who performs the interview, the name of the interpreter and, as the case may be, of the legal representative, the counsellor and/or the lawyer assisting the applicant, the language of the interview, the reasons for the request for international protection, as well as the applicant's statement that all the data and information presented at the interview are correct. Where appropriate, the interview note shall also include the applicant's explanations of the failure to present elements to be considered when examining the asylum application and/or clarification of inconsistencies or contradictions in their statements.²¹⁷

At the end of the interview, the transcript of the interview is orally translated by the interpreter to the applicant.²¹⁸ The applicant has the possibility to formulate observations and/or to offer clarifications relating to any errors of translation or misunderstanding, which will be recorded in the interview transcript.²¹⁹ After this, the transcript is signed on every page by all the persons present at the interview.²²⁰

²¹⁴ Article 231(4) Civil Procedure Code: The court will record the court hearings. If the parties are challenging the content of the clerk's notes, it will be verified and, if necessary, supplemented or rectified based on the records of the court hearing.

²¹⁵ Information provided by IGI-DAI, 11 March 2022.

²¹⁶ Information provided by IGI-DAI, 18 January 2024.

²¹⁷ Article 45(5) Asylum Act.

²¹⁸ Article 45(7) Asylum Act.

²¹⁹ Article 45(6) Asylum Act.

²²⁰ Article 45(8) Asylum Act.

A copy of the transcript is given to the asylum seeker or legal representative, their lawyer or counsellor, as the case may be, which assisted them at the interview, after the document was signed.²²¹ If the applicant refuses to sign the transcript, the reasons for their refusal will be mentioned on the transcript. The applicant's refusal to sign the transcript does not prevent IGI-DAI from taking a decision on the asylum application.²²²

In 2022, the situation was as follows:

In **Timișoara**, Asylum seekers from India and Bangladesh were notified of the date of the interview when the asylum claim was made, according to the director of the centre. In case of asylum claims made in detention the interview was scheduled the next day through videoconference.

In **Galati**, the director of the centre reported that asylum seekers are informed in writing of the date of interview when they are accommodated in the centre.

In **Bucharest** According to the director of Vasile Stolnicu centre asylum seekers receive the date of their preliminary interview in writing in their language and at the preliminary interview they receive the schedule of the personal interview.

In **Giurgiu**, the director of the centre said that asylum seekers are informed verbally at the preliminary interview that they will have the personal interview later that day or the next day. Asylum seekers accommodated outside the centre receive this information in writing. The director also mentioned that in general nine interviews were conducted per day.

According to CNRR, although in the vast majority of cases, the transcript is read at the end of the interview, there were also situations when the asylum seekers declared that this did not happen. Such problems were reported in all six centres.²²³

According to the directors of Timișoara, Giurgiu, Rădăuți and Vasile Stolnicu centres the transcript is read in full. If necessary, the case officer may conduct another interview with the asylum seeker.²²⁴

1.4 Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

- | | |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it | <input checked="" type="checkbox"/> Judicial <input type="checkbox"/> Administrative |
| ❖ If yes, is it suspensive | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Some grounds <input type="checkbox"/> No |

2. Average processing time for the appeal body to make a decision:

1-3 months (see a detailed overview per Regional Court below)

The decision taken (admission or rejection) by IGI-DAI is communicated, immediately, to the asylum seeker in writing, through direct communication by the representatives of the IGI-DAI if the asylum seeker lives in the Centre, or by post at the last declared residence of the applicant.²²⁵ The decision may be communicated to the lawyer or NGO representative representing the asylum seeker, if the asylum seeker has expressly requested this.²²⁶

The decision is accompanied by written information, in Romanian and in a language that the applicant understands or is reasonably supposed to understand, related to the admission or rejection of the asylum

²²¹ Article 45(9) Asylum Act.

²²² Article 45(10) Asylum Act.

²²³ Information provided by CNRR, 7 February 2023.

²²⁴ Article 45(11) Asylum Act.

²²⁵ Article 54(1) Asylum Act.

²²⁶ Article 54(1[^]1) Asylum Act.

application and the conditions under which the decision may be appealed, as the case may be.²²⁷ In practice, the justification of the decision is written in Romanian and is translated by NGO representatives.

The decision taken by IGI-DAI may be challenged in a two-instance judicial review procedure.

According to CNRR,²²⁸ asylum seekers face many challenges in the appeal process: bureaucracy, short deadlines, inaccessible information. This makes them heavily reliant on the guidance provided by NGOs in this phase. There are many situations where asylum seekers don't receive the court's notification (due to their own fault or not) and they miss the hearing. An asylum seeker's absence from the hearing is most of the time interpreted by the court as a lack of responsibility, and it may influence the decision to some extent. Accessing the file in court is also very difficult for asylum seekers due to the language barrier. Moreover, they don't benefit from legal representation in court, due to the lack of financial means to hire a lawyer or because they are not aware of their right to ask for a legal aid lawyer or the court rejects their legal aid request.

Joint international protection rejection and return decision

Since May 2023, a return decision is issued together with the negative administrative decision in the asylum procedure. If the person wants to file a complaint against the rejection decision, they must also request the suspension of the return decision.

The European Commission, given Romania's relatively low number of asylum applications in 2022 and the fact that many of those received could be handled under an accelerated procedure, considered Romania a good country to test "innovate practices", as a direct follow-up to the EU Action Plan on the Western Balkans. One of the measures foreseen²²⁹ was promoting legislative amendments for "the issuance of a return decision at the same time as the negative decision on international protection, and for aligning and streamlining the respective appeals procedures". Romania adopted modified legislation foreseeing the issuance of return decisions together with negative decisions on international protection in May 2023. The European Commission says "has contributed to a more efficient return process" and "contributes to limiting absconding and secondary movement". 1,162 joint decisions were issued between 18 May 2023 and 30 September 2023.

However, civil society views on the matter differ from that of the European Commission. CNRR noted²³⁰ that the issuance of the asylum administrative negative decision together with the return decision bring about concerns re. respect of fundamental rights given that it entails different court competencies with two judicial proceedings simultaneously conducted, different deadlines (in contrast with the Commission Recommendation (EU) 2023/682 of 16 March 2023 which rather foresees appeals lodged at the same time before the same court or tribunal or at minimum the same timeframe for both appeals), the non-suspension of the return procedure de facto launched at the time of initial rejection, and all of this especially given that in most cases asylum seekers are not assisted by a lawyer.

Indeed, as mentioned before, in order to enhance the return procedure, on 18 May 2023 the Government passed a new law²³¹ that amends the Law no. 122/2006 regarding asylum in Romania. However, according to CNRR,²³² the law created the opposite effect added significant burdens for asylum seekers. Based on this change, asylum seekers are issued a return decision when their request for international protection is rejected in the administrative phase. Under the Emergency Ordinance of the Government (OUG) no. 194/2002 on the regime of foreigners in Romania, the return decision can be appealed within

²²⁷ Article 54(1) Asylum Act.

²²⁸ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

²²⁹ European Commission, *Joint Pilot Project in Romania annex*, Ref. Ares(2023)2001138-20/03/2023, March 2023, available [here](#).

²³⁰ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

²³¹ *Emergency Ordinance of the Government No. 35/2023 for the amendment and completion of certain normative acts concerning foreigners and asylum in Romania*, 31 August 2023, available [here](#).

²³² CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

a period of 10 days (return decision with a time limit for voluntary leave) or 3 days (return decision under escort). Although the effects of the return decision are suspended until a final decision on the asylum request is issued, the procedure to complain against it is not suspended. OUG 194/2002 establishes different timeframes to appeal the return decision depending on the type of return decision (10 days for return decisions with a timeframe for voluntary return, i.e. the same deadline for appeal as for the international protection decision, but only 3 days in case of return decisions for return under escort; however, it is unclear whether the latter are ever issued as outcomes of asylum procedures), and establishes the Court of Appeal as the competent court, unlike complaints against decisions rejecting asylum requests, which fall within the jurisdiction of Courts of First Instance and are submitted within different time frames depending on the asylum procedure (ordinary or accelerated).

Therefore, in practice, rejected asylum seekers have to engage in two judicial proceedings simultaneously, before two different courts, sometimes in two different cities, with different hearing times and different timeframes for lodging appeals. Taking into account the legal complexity of the two proceedings, which can be difficult for any person lacking legal training, alongside socio-cultural differences, culture shock, language barrier, and the fact that in most cases asylum seekers are not assisted by a lawyer, this situation represents a great challenge for them. CNRR considers that all the barriers mentioned above restrict asylum seekers' access to justice and question the effectiveness of the remedies available to them. The fact that domestic legislation provides for the possibility of appealing a return decision is not sufficient to guarantee this right. One of the conditions of an effective remedy is accessibility, which means that the individual is able to exercise their right in a simple and prompt way, without rendering their personal situation more difficult. Regarding this situation, the Commission Recommendation (EU) 2023/682 of 16 March 2023 on mutual recognition of return decisions and expediting returns when implementing Directive 2008/115/EC of the European Parliament and of the Council (hereinafter "Commission Recommendation")²³³ expressly mentions that when the return decision is issued in the administrative phase of the asylum procedure, Member States should provide asylum seekers with the possibility of submitting appeals against the two administrative acts (the return decision and the decision rejecting the asylum request) at the same time before the same court or tribunal or within the same timeframe.

Moreover, this situation leads to overburdening the Courts of Appeal, the competent court to rule on the complaints against the return decision. In practice, so far, CNRR has observed that some courts prefer to suspend the proceedings on the complaints against return decisions until the end of the judicial phase of the asylum procedure (pursuant to article 413 of the Code of Civil Procedure),²³⁴ which leads instead to a longer return procedure than before the amendments. At the same time, there are national Courts that reject the complaints against the return decision before the final decision on the asylum request. In these cases, if the asylum request were to be admitted by the court, there is this paradoxical situation in which the person will have a form of protection but also a final return decision.

For all these reasons, CNRR considers that the legislative change leads to the opposite effect to the one intended, as the proceedings on the complaints are actually delayed. Moreover, it makes the asylum procedure even more difficult to navigate for the asylum seekers by creating a very confusing system and it overburdens courts with potentially void cases (when the person receives a form of protection). Taking into consideration the Commission recommendation and the new Asylum Procedures Regulation,²³⁵ CNRR considers that the two judicial procedures need to have an interconnected deadline for appeal and

²³³ European Commission, *Commission Recommendation (EU) 2023/682 of 16 March 2023 on mutual recognition of return decisions and expediting returns when implementing Directive 2008/115/EC of the European Parliament and of the Council*, 16 March 2023, available [here](#).

²³⁴ Art. 413 Code of Civil Procedure: (1) The court can suspend the trial: 1. when the solution of the case depends, in whole or in part, on the existence or non-existence of a right that is the object of another judicial proceeding; [...] (2) The suspension will last until the decision adopted in the case that caused the suspension becomes definitive.

²³⁵ See preamble 95: 'To ensure the consistency of the legal review carried out by a court or tribunal on a decision rejecting an application for international protection and the accompanying return decision, and with a view to accelerating the examination of the case and reducing the burden on the competent judicial authorities, such decisions should, if taken as part of the related decision on the application for international protection or decision to withdraw international protection, be subject to common proceedings before the same court or tribunal.' *Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU*, OJ L 2024/1348, 22 May 2024, available [here](#).

the same responsible court to judge the appeals. Furthermore, appeal cases on return decisions are subject to a stamp fee and are not confidential, contrary to cases on the asylum request. Taking into consideration the presumptive vulnerable situation of asylum seekers and that return decisions can also touch upon the personal situation of the asylum seekers, CNRR recommends that the cases against return decisions be exempted from the stamp fee and obey the confidentiality principle.

1.4.1 Appeal before the Regional Court

The Regional Court (*Judecătoria Secția Civilă*) has jurisdiction in asylum cases, as the first-instance judicial review. The Regional Court is made up of a single judge. The judges are not specialised in asylum law. At most they will have participated in national level conferences organised by NGOs or UNHCR.

The appeals, as well as the other procedural acts regarding the resolution of the appeal, are exempt from legal taxes and legal expenses cannot be demanded.²³⁶

In 2022, a total of 678 appeals against IGI-DAI decisions were filed before the Regional Courts.²³⁷ According to the information provided by the Regional Courts the number of appeals in 2022 was 544. This was a significant decrease in comparison with last year, when a total of 1,489 appeals were made.

In 2023, a total of 674 appeals against IGI-DAI decisions were filed before the Regional Courts.

Appeals registered by Regional Courts: 2023	
Regional Court	Number of appeals
Bucharest (District 4)	324
Galați	89
Giurgiu	71
Baia-Mare	69
Timișoara	66
Rădăuți	55
Total	674

Source: Information provided directly to the AIDA experts by the different regional courts: Court of Bucharest (district 4), 12 January 2024; Court Galați, 3 January 2024; Court Giurgiu, 28 December 2023; Court Baia Mare, 8 January 2024; Court Timișoara, 5 February 2024; Court Rădăuți, 4 January 2024.

- ❖ Courts Baia Mare, Galați, Giurgiu and Timișoara keep record of the total number of appeals (respectively 69, 89, 71, 66), but do not have disaggregated data (number of appeals in regular procedure, number of appeals in accelerated procedure, etc.).
- ❖ Court Rădăuți keeps disaggregated data concerning the total number of appeals (55), which consisted of 26 appeals under the regular procedure and 29 appeals under the accelerated procedure.
- ❖ Court Bucharest Bucharest (district 4) keeps disaggregated data concerning the total number of appeals (324), which consisted of 264 appeals under the regular procedure and 60 appeals under the accelerated procedure.

Time limits

The deadline for lodging an appeal is 10 days from the day the decision was communicated.²³⁸ The appeal has automatic suspensive effect, if it was lodged within the term prescribed by law.²³⁹ Since May 2023, a return decision is issued together with the negative administrative decision in the asylum procedure. If the

²³⁶ Article 65 Asylum Act.

²³⁷ Information provided by IGI-DAI, 22 February 2023.

²³⁸ Article 55(1) Asylum Act.

²³⁹ Article 55(2) Asylum Act.

person wants to file a complaint against the rejection decision, they must also request the suspension of the return decision (see above, [Appeal](#)).

The law contains a procedural safeguard in case of appeals lodged after the time limit set out in the law.²⁴⁰ Therefore, in case of filing the appeal or onward appeal after the deadline, the applicant may request the suspension of the execution of the return decision. The request for suspension shall be settled within 7 days from its registration, by the competent court, which shall pronounce the decision in the council chamber, without the parties being summoned, by an irrevocable decision.²⁴¹ While the review is pending, the applicant cannot be removed from the country.²⁴²

If the court admits the request to suspend the execution of the removal decision, the foreigner has the right to remain in the country pending the outcome of the request for reinstatement of the legal term to appeal.²⁴³ The foreigner will benefit from all the rights provided by Articles 17 and 18 of the Asylum Act from the moment the court admits the request for reinstatement of the legal term to appeal.²⁴⁴

The appeal has to be motivated in fact and in law.²⁴⁵ It may be lodged at IGI-DAI, which has issued the decision or directly to the competent court.²⁴⁶ The appeal has to be accompanied by a copy of the IGI-DAI decision and other documents or elements on which the appeal is based.²⁴⁷ The court carries out an assessment of both points of facts and law. The decision of the first instance court incorporates the reasons in fact and law on which it is based.²⁴⁸

In general, there are no problems in appealing a decision, if asylum seekers consult the legal counsellor of an NGO.²⁴⁹ In **Bucharest**, when communicating the decision, IGI-DAI also provides the asylum seeker with the postal address of the Romanian National Council for Refugees (CNRR) in English. Asylum seekers are told by the representative of IGI-DAI who communicates the decision, that they have to go to CNRR for legal counselling and assistance for lodging an appeal. This practice has been in place since 2017.

In 2022, it was reported by the director of the centre, that in **Timișoara**, 95% of the appeals are lodged at IGI and the rest directly at the court. For the year 2023 IGI-DAI did not provide information on the percentage of appeals lodged at IGI and the one directly at courts.

Article 62 of the Asylum Act provides that asylum cases should be dealt with priority before other civil matters.²⁵⁰ The court should take a decision on the appeal within 30 days.²⁵¹ The court has to motivate its decision within 5 days of it being pronounced.²⁵²

In 2020, IGI-DAI statistics refer to 1 to 2 months average duration of the appeal procedure.²⁵³ For 2021, IGI-DAI reported that there are no statistics on the duration of the procedure.²⁵⁴ The same was stated for 2022.²⁵⁵ In 2023, IGI-DAI statistics indicate that on average, appeal procedures lasted 60 days.

²⁴⁰ Article 69 Asylum Act.

²⁴¹ Article 69(1) Asylum Act.

²⁴² Article 69(2) Asylum Act.

²⁴³ Article 69(3) Asylum Act.

²⁴⁴ Article 69(4) Asylum Act.

²⁴⁵ Article 57(1)(c) Asylum Act.

²⁴⁶ Article 56 Asylum Act.

²⁴⁷ Articles 56(1) and 57 Asylum Act.

²⁴⁸ Article 425(b) Civil Code.

²⁴⁹ Information provided by CNRR, 9 January 2018.

²⁵⁰ Article 62(1) Asylum Act.

²⁵¹ Article 64(2) Asylum Act.

²⁵² Article 64(3) Asylum Act.

²⁵³ Information provided by IGI-DAI, 16 February 2021.

²⁵⁴ Information provided by IGI-DAI, 11 March 2022.

²⁵⁵ Information provided by IGI-DAI, 22 February 2023.

Average duration of the appeal procedure by Regional Court: 2023	
Regional Court	Number of days
Bucharest (District 4)	60
Galați	60
Baia-Mare	60
Giurgiu	60
Rădăuți	60
Timișoara	60

Source: IGI-DAI, 18 January 2024.

On the other hand, CNRR²⁵⁶ points out that the average time duration of the case before the court (from the registration of the complaint until the end of the appeal) is in their experience between 6 months and 1 year.

The situation was the following in 2022:

Șomcuta Mare: The Regional Court Baia Mare reported that the decisions were reasoned within one to ten days.²⁵⁷

Galați: According to the director the procedure in first instance court lasts two to three months. In general, the appeal procedure has two court hearings at two weeks or one month apart.

Rădăuți: the legal counsellor noted that the appeal procedure has a maximum of two court hearings, if there is an interpreter the procedure is finalised at the first court hearing. Asylum seekers receive subpoenas within one week and one month after the appeal was lodged. According to the director the average duration of the appeal procedure is 30 days.

Timișoara: According to the director of Timișoara centre, the average duration of the appeal procedure in case of a regular procedure was 60 days and in case of accelerated procedure 30-45 days. Judges generally grant short terms of up to 2 weeks. Postponements are often due to the absence of interpreters. On average there are about 2-3 court hearings for a case.

As in 2020 and 2021 in 2022 in Timișoara the majority of cases examined by the court were examined in accelerated procedures.

Bucharest: the average duration of the appeal procedure is around 3-4 months, according to the director of Stolnicu centre. An attorney reported that in 2021 the duration of the appeal proceedings lasted around 3 months. The reasoned decision was issued in 2-3 months, according to the lawyer. The director of Stolnicu centre stated that there were a few delays in reasoning the decision of the first court (1-2 months for communicating the reasoned decision); they also requested the court ensured the communication of the motivated decision was carried out in a timely fashion.

Regional Court District 4 reported that in case of appeals in accelerated procedures the average duration was 83.65 days, in case of subsequent applications 98.71 days.²⁵⁸

Giurgiu: according to the director of the centre the appeal procedure lasts around 45 days. The CNRR representative stated that the appeal procedure may be longer because interpreters refuse to go to hearings, because they are only paid at the end of the trial. Some interpreters were paid two years later.

²⁵⁶ Information provided by CNRR, 16 January 2024

²⁵⁷ Information provided by Regional Court Baia Mare, 26 January 2023.

²⁵⁸ Information provided by Regional Court District 4 Bucharest, 8 March 2023.

There have been cases when there were four to five hearings due to the absence of an interpreter. The Regional Court Giurgiu failed to provide the average duration of the procedure.²⁵⁹

CNRR reported the same average duration of the appeal in 2022 as in 2021, as follows: in Timișoara was 60-90 days for the ordinary procedure and 15-20 days for accelerated procedures; in Șomcuta Mare it was 30 days for the ordinary procedure; it was 60 days in Galați; and 30 days in Rădăuți, District 4 Bucharest and Giurgiu.²⁶⁰

Hearing

The law establishes that the court may order the hearing of the asylum seeker when it considers that it is useful to settle the case.²⁶¹

According to the data provided by the courts, in 2023, the number of asylum cases in which hearings took place was the following:

- ❖ Court **Baia Mare**: 54 cases,²⁶²
- ❖ Court **Galați**: 53 cases²⁶³
- ❖ Court **Giurgiu**: 26 cases²⁶⁴
- ❖ Court **Rădăuți** did not indicate an exact number; it only stated that the practice of this court is to have hearings of the asylum seekers in each case, if they are present in the courtroom and have not illegally left the IGI-DAI reception and accommodation centre or the residence chosen on the territory of Romania.²⁶⁵
- ❖ Court Bucharest district 4 indicated that it does not keep record of the number of cases with hearings of asylum seekers.²⁶⁶
- ❖ Court **Timișoara**: 27 cases.²⁶⁷

Regarding the hearings, the courts did not provide any further information for 2023.

The situation was the following in 2022:

The Regional Court in **Galați** hears the asylum seeker *ex officio* depending on the case or if the lawyer requests it. In some cases, the judge asks the applicant if they have something to add; in others the judge may ask questions. This remained the same in 2023.²⁶⁸

In the Regional Court of **Baia Mare**, according to the director, the court decides whether to hear the asylum seeker.

In **Giurgiu** it was reported that attorneys request the hearing but judges do not always grant the request. As regards the actual hearing of the applicant, some of the judges ask the applicants if they have anything else to add, others allow the applicants to recount their stories again in a few minutes.

In the Regional Court of **Timișoara**, the hearing of the asylum seeker is requested by the lawyer. A lawyer reported that there is a judge who always hears the asylum seekers *ex officio*. A lawyer interviewed by the author always requests a hearing for her clients.

²⁵⁹ Information provided by Regional Court Giurgiu, 22 February 2023.

²⁶⁰ Information provided by CNRR, 15 February 2022 and 7 February 2023.

²⁶¹ Article 63 Asylum Act.

²⁶² Information provided by Court Baia Mare, 8 January 2024.

²⁶³ Information provided by Court Galați, 3 January 2024.

²⁶⁴ Information provided by Court Giurgiu, 28 December 2023.

²⁶⁵ Information provided by Court Rădăuți, 4 January 2024.

²⁶⁶ Information provided by Court Bucharest district 4, 12 January 2024.

²⁶⁷ Information provided by Court Timisoara, 5 February 2024.

²⁶⁸ Experience of JRS Romania, April 2024.

In **Rădăuți**, asylum seekers are heard if this is specially requested in the appeal. There is no *ex officio* hearing. Some of the hearings consist in asking the asylum seeker if he has something to add, while in other cases all the parties ask questions and, only in few cases, asylum seekers have the opportunity to give full statements.

In the Regional Court of **Bucharest District 4**, the practice witnessed in 2017 of the asylum seekers not been heard in most of the cases, changed in 2018 when some of the judges started hearing the asylum seekers *ex officio*. However, the hearing consists in asking the asylum seeker if he has something else to add or to clarify contradictory aspects. A lawyer reported that in 2018 some of the judges started to exercise an active role, asking questions to the asylum seeker. This was still the case in 2020. In 2021, according to a lawyer there was one judge who was only prepared to hear the appellant if he/she has something new to add, the other judges ask them questions or let them speak freely.

According to a lawyer, the hearing of the asylum seekers depends on the willingness of the judge to clarify some aspects of the interview or the appeal; some of the judges have additional questions and some of them only ask the applicant if they have something else to declare.

According to a lawyer, as a general rule the court conducts a hearing with the asylum seeker, albeit a very brief one. The hearing of the asylum seeker is usually requested by attorneys with expertise in the asylum field and not by attorneys paid from the legal aid scheme, assisting and representing asylum seekers for the first time and with limited knowledge in asylum law.

Hearings in asylum cases are not public.²⁶⁹ This is respected in practice in all the courts.

Decision

The Regional Courts took 347 decisions in 2022, according to IGI-DAI.²⁷⁰

According to data provided by the Regional Courts, apart from the Giurgiu Regional Court, a total number of 467 decisions were issued in 2022, by five of the Regional Courts.

In 2023, the situation was the following:

Decisions by Regional Court: 2023				
Regional Court	Total	Refugee status	Subsidiary protection	Rejection
Bucharest (District 4)	275	12	8	184
Galați	77	1	8	68
Baia-Mare	61	4	2	57
Giurgiu	64	2	6	55
Rădăuți	48	0	4	44
Timișoara	34	1	0	33
Total	559	20	28	441

Source: Information provided directly to the AIDA experts by the different regional courts: Court of Bucharest (district 4), 12 January 2024; Court Galați, 3 January 2024; Court Giurgiu, 28 December 2023; Court Baia Mare, 8 January 2024; Court Timișoara, 5 February 2024; Court Rădăuți, 4 January 2024.

At the national level, there is a court portal available online,²⁷¹ and as of 2022 asylum cases registered at the Regional Court of Giurgiu are no longer published on it.

²⁶⁹ Article 58 Asylum Act.

²⁷⁰ Information provided by IGI-DAI, 22 February 2023.

²⁷¹ Ministry of Justice, *Portalul instanțelor de judecată*, available in Romanian at: <http://bit.ly/2hGMVhM>.

The practice shows that with no support from NGOs or attorneys, it is impossible for asylum seekers to find out the decision of the appeal courts. In certain instances, even for the NGO representatives and attorneys it is a hurdle. This has a direct effect on their access to onward appeal.

The practice regarding the publication of the decisions of the Regional Court varies. Until 2020, the appeals reviewed by the Regional Court of **Rădăuți** and the Administrative Country Court of Suceava were all published on the national portal. In 2020 no information was published on the portal. Thus, in order to learn the decision of the court, the legal counsellor has to go or call the Court's Registry. This was still the case in 2022. The legal counsellor requested to access the electronic file, but these requests were rejected.

The practice has also changed at the Regional Court and the Administrative Country Court of **Giurgiu**, where all the appeals were previously published and included full names, file number and a summary of the decision. As of 2022 no information has been published on the portal. The legal counsellor reported that asylum seekers had no access to the electronic files. Requests were made by the legal counsellor but they were rejected. Asylum seekers are not aware of the first instance court decision, unless the legal counsellor calls the court's registry or if they are aware of the court hearing and inform the asylum seeker to tell their lawyer paid through state legal aid to convey the decision over the phone. Decisions are communicated very late to asylum seekers. Decisions are drafted between two to five months later. It was also reported that subpoenas are communicated very late.

In addition, as of 2022 decisions of the Regional Courts of Rădăuți and Giurgiu are no longer published on a website funded by the Supreme Council of Judges and the National Union of Public Notaries of Romania. Some of the names of the applicants are anonymised while others are not.²⁷²

The Regional Court Baia Mare reported in 2022 that the court ordered *ex officio* the appointment of a lawyer for all asylum seekers. The decision is communicated at the indicated residence. At the same time the court reported 18 cases where the onward appeal was not lodged. According to the director of the centre all asylum seekers are appointed a lawyer paid through state legal aid and they inform them about the decision of the court. The decisions of the first instance court are drafted within one to ten days.²⁷³

In **Timișoara**, though the court communicates the password, the case files of asylum seekers were not recorded on the Court of Appeal portal until 2021. As of 2021 the system works, all the documents in the file are uploaded to the e-file, where the decision of the court is also published. The communication of different procedural acts is also carried out through this electronic file; a notification is sent to the lawyer's email. As for the appellants, they have to submit a request in order to have access to the e-file. The director of Timișoara centre stated that they receive the decision via email or fax from the court and that asylum seekers learn about the decision from NGOs or their lawyers. He was not aware how or if the legal counsellor from CNRR learnt about the decisions. He also stated that the decision of the Regional Court is communicated in 30 days. This was echoed also by the court, which stated that decisions are reasoned in 30 days.²⁷⁴

The decisions of the Regional Court and Administrative Country Court of **Galați** are not, as of 2023, published on the national portal. In order to obtain the decisions or to receive other documents from the case file, the interested parties may file a request at the court's registry and the documents are sent to them via email. The asylum seeker is informed about the decision of the court by the NGO representatives, who are in contact with the legal department of IGI-DAI or who may call the Registry of the Court. Asylum seekers receive a summons with the time of the court hearing. They are also informed that they can access the electronic file. They must inform the court through a standard template that they want to access the e-file. Generally, asylum seekers do not use this system, because it is in Romanian and complicated. For example, the deadlines run from the date the documents are accessed on the system and an asylum

²⁷² Romanian Legal Information Institute (Rolii), available in Romanian at: <https://bit.ly/2PKL4Yw>.

²⁷³ Information provided by the Regional Court Baia Mare, 26 January 2023.

²⁷⁴ Information provided by the Regional Court Timisoara, 16 February 2023.

seeker accessed a document without realising, the deadline for onward appeal could pass. The decision is reasoned in 3.58 days, according to the court. The director stated that if the asylum seeker is present in the centre the legal counsellor of IGI-DAI informs the CNRR legal counsellor who informs the asylum seeker of the court's decision.

The decisions of the Regional Court of **Bucharest District 4** are as of 2022 neither published on any portal nor written in the registers. The decisions may only be accessed through the court's archive. According to an attorney, if the asylum seeker is assisted by a paid lawyer, the respective lawyer informs the asylum seeker about the decision of the regional court; the lawyers paid by state legal aid do not keep in touch with them. If the asylum seeker is accommodated in Stolnicu centre he may receive information from NGOs about how to find out about his decision. In order to find out the decision of the court, the attorney has to call the court archive phone line which is always busy. It was noted by a lawyer, that asylum seekers also receive guidance from the community or cultural mediators who work in the centre. However, it was emphasised that they are only aware of the decision in their case if they are being assisted by an NGO.

The Regional Court of **Bucharest District 4** mentioned that when the asylum seeker is in public custody, in Otopeni, or accommodated at the Bucharest Regional Centre, the decision is communicated by the court's clerk to the representatives of the centre by fax/mail/telephone. And when the applicant is not in one of the previously described situations, the decision is made available to him/her through the court registry. As regards the average duration of drafting the reasoned decision the court shared the following information: 113.3 days - for complaints in regular procedure; 98.7 days - for complaints in the subsequent procedure; 83.7 days - for complaints in the accelerated procedure.²⁷⁵

According to CNRR, in 2022, apart from the Regional Court Galati, where the average duration of drafting the decision was 10 days, the rest of the courts, including the Bucharest District 4 Regional Court, had an average duration of drafting decisions of 30 days, with delays reported of up to 60 days.²⁷⁶

1.4.2 Onward appeal

IGI-DAI reported that, in 2022, there were 303 onward appeals before the Administrative County Courts.²⁷⁷ According to the information provided by the Administrative County Courts the number of onward appeals was 307. In 2023, according to the information provided by the courts, the number of appeals was 354.

Onward appeals by Administrative County Court: 2023	
Regional Court	Total
Bucharest	163
Galați	50
Maramureș	37
Giurgiu	62
Suceava	30
Timișoara	12
Total	354

Source: Administrative County Courts. Information provided directly to the AIDA experts by the different courts: Bucharest Tribunal, 10 January 2024; Galați Tribunal, 11 January 2024; Maramureș Tribunal, 10 January 2024; Giurgiu Tribunal, 12 January 2024; Suceava Tribunal, 12 January 2024; Timișoara Tribunal, 3 February 2024.

²⁷⁵ Information provided by the Regional Court District 4 Bucharest, 8 March 2023.

²⁷⁶ Information provided by CNRR, 7 February 2023.

²⁷⁷ Information provided by IGI-DAI, 22 February 2023.

The law prescribes the possibility to appeal the decision of the Regional Court.²⁷⁸ The competent court is the County Tribunal, Administrative Litigation Section (Administrative County Court), which has jurisdiction over the area of the Regional Court whose decision is appealed.²⁷⁹ The Administrative County Court is made up of three judges.

The onward appeal has to be lodged within 5 days from the day the Regional Court decision was pronounced and has automatic suspensive effect, if it is lodged in due time.²⁸⁰

In 2021 and 2022 IGI-DAI reported that there were no statistics on the average duration of the onward appeal.²⁸¹ In 2020 they reported that the procedure was 2-3 months.²⁸² In 2023, IGI-DAI reported an average duration of 3 months.

Average duration of the onward appeal procedure by Administrative County Court: 2023	
Administrative County Court	Number of days
Bucharest	90
Galați*	90
Maramureș	90
Giurgiu	90
Suceava	90
Timișoara	90

* the duration is calculated from the date when the onward appeal was registered by the Administrative County Court and not from the day this was lodged at the first instance court

Source: Information provided by IGI-DAI, 18 January 2024.

The onward appeal does not look at facts but examines if the appealed decision is compliant with the applicable rules.²⁸³ As a consequence, the onward appeal has to include the grounds for illegality on which the appeal is based.²⁸⁴ The decision has to be motivated within 10 days from the day it is communicated by the Regional Court.

The situation was the following in 2022/

Timișoara: According to the director of the Regional Centre of Timișoara, the average duration of the onward appeal was two months and the reasoned decision was drafted in 45 days.

Giurgiu: The director of the Giurgiu centre stated that the average duration was 120 days.

Șomcuta Mare: The Administrative County Court reported that in general there are 3 hearings that last 3-4 months.

Rădăuți: The legal counsellor mentioned that at the first or second hearing the case was finalised and the average duration of the onward proceedings was two to three months. At the first hearing, at a maximum at the second hearing the court proceedings are finalised.

Bucharest: According to the JRS representative, the average duration of the onward appeal in 2021 was 180 days; this was echoed by an attorney; the director of Stolnicu mentioned 2-3 months.

²⁷⁸ Article 66 Asylum Act.

²⁷⁹ Article 67 Asylum Act.

²⁸⁰ Article 66(2) and (4) Asylum Act.

²⁸¹ Information provided by IGI-DAI, 11 March 2022 and 22 February 2023.

²⁸² Information provided by IGI-DAI, 16 February 2021.

²⁸³ Article 483(3) Civil Procedure Code.

²⁸⁴ Article 486(1)(d) Civil Procedure Code.

Galati: the director reported an average of two to three months for the onward appeal.

CNRR reported that the duration of the onward appeal was 60 days in Galati, 30 days in Rădăuți, Bucharest and Șomcuta Mare, 60-120 days in Giurgiu and Timișoara.²⁸⁵

In **Bucharest** according to a lawyer who is also the head of the Judicial Assistance Service of the Bucharest Bar Association, since 2018 lawyers have started to lodge onward appeals against the decision of the Regional Court, but they are not aware if they have the mandate to also draft the reasoned appeal in these cases. In 2022, the situation was the same, according to the legal counsellor of IGI-DAI.

On the other hand, CNRR stated that in general, CNRR lodges onward appeals if the asylum seeker presents the decision. In the situation where the complaint of an asylum seeker who was assisted by an ex officio lawyer was rejected, the appeal was drawn up by the CNRR legal advisors and submitted personally by the applicant in question. However, there were also situations in which the ex officio lawyer filed the personal appeal.²⁸⁶

According to the Civil Procedure Code, the attorney who has represented or assisted the party during the hearing may, even without a mandate, take any action for the preservation of rights subject to a term and appeal against the judgment, that may be lost by failing to do so on time. In these cases, only the party will handle all the procedural documents. The supporting of the appeal can only be based on a new power of attorney.²⁸⁷

Therefore, attorneys can appeal the Regional Court decision even without a mandate in this regard, in order to preserve the rights of their client, which are subject to a term and will otherwise be lost by failure to act in time. The provision emphasises that the attorney may also appeal against a judgment without having a mandate. It also mentions that a new power of attorney is needed for representing/ arguing the appeal in the higher court. Therefore, the law makes a difference between declaring/filing an appeal and representing/arguing it.

Decisions

According to IGI-DAI, in 2022 364 onwards appeals were finalised, of which 283 were favourable for IGI-DAI and 81 for the asylum seekers.²⁸⁸ However, the Administrative County Courts reported a total of 302 decisions issued.

According to statistics provided by the courts, in 2023, a total of 272 decisions were issued.

Decisions by Administrative County Court: 2023							
Regional Court	Total	Refugee status	Subsidiary Protection	Admission appeal filed by IGI	Dismissed appeal filed by IGI	Dismisses as unfounded	Appeal annulled
Bucharest	112	0	5	7	14	53	21
Galați	45	0	4	8	2	-	-
Maramureș	22	0	2	2	0	-	-
Giurgiu	51	0	5	5	5	-	-
Suceava	30	0	7	3	3	-	2
Timișoara	10	0	0	0	1	-	-

²⁸⁵ Information provided by CNRR, 7 February 2023.

²⁸⁶ Information provided by CNRR, 9 December 2019.

²⁸⁷ Article 87(2)(3) Civil Procedure Code.

²⁸⁸ Information provided by IGI-DAI, 22 February 2023.

Total	270	0	23	25	22	53	23
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Source: Information provided directly to the AIDA experts by the administrative county courts: Bucharest Tribunal, 10 January 2024; Galați Tribunal, 11 January 2024; Maramureș Tribunal, 10 January 2024; Giurgiu Tribunal, 12 January 2024; Suceava Tribunal, 12 January 2024; Timișoara Tribunal, 3 February 2024.

1.5 Legal assistance

Indicators: Regular Procedure: Legal Assistance

- Do asylum seekers have access to free legal assistance at first instance in practice?
 - ☒ Yes ☐ With difficulty ☐ No
 - ❖ Does free legal assistance cover:
 - ☒ Representation in interview
 - ☒ Legal advice
- Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 - ☒ Yes ☐ With difficulty ☐ No
 - ❖ Does free legal assistance cover
 - ☐ Representation in courts
 - ☒ Legal advice

According to Article 17(1)(e) of the Asylum Act, the asylum seeker has the right to counselling and assistance from a representative of a Romanian or foreign NGO, in any phase of the asylum procedure. The asylum seeker has the right to be given, upon request, legal and procedural information, including information on the first instance procedure, in line with the provisions on public judicial assistance in civil matters, taking into account their personal situation.²⁸⁹

The law sets out the right of the asylum seeker to be provided, upon request, according to the legislation on public judicial assistance in civil matters and taking into account the personal situation of the foreigner, information on the motivation of the rejection of the asylum application, the procedure for challenging the ordinance through which the measure of placement in a specially closed spaces was taken, as well as the possibility to challenge the decision which granted, reduced or withdraw the material reception conditions.²⁹⁰

Legal assistance at first instance

There are no restrictions or conditions for accessing legal counselling at first instance.

In the administrative phase of the procedure, free legal counselling and assistance is provided by NGOs through projects funded by the national Asylum, Migration and Integration Fund (AMIF) scheme and UNHCR Romania. The Romanian National Council for Refugees (CNRR) provides specialised legal counselling and assistance to all asylum seekers upon request in the 6 Regional Centres for Accommodation and Procedures for Asylum Seekers, through a project funded by the national Asylum, Migration and Integration Fund (AMIF) programme. CNRR's legal counsellors have an office in the regional centres where they are available every weekday for 8 hours per day.

The Ecumenical Association of Churches from Romania (AIDRom), one of the implementing NGOs, provides legal counselling to asylum seekers accommodated in their two Accommodation Centres, one in **Timișoara**, operated since August 2012 with a capacity of 15 places and one in **Bucharest**, working since 2015 with 18 places. They accommodated vulnerable persons, especially single mothers with children. The AIDRom centres in these cities were funded both by AMIF and by external donors. In addition, the legal counsellor of AIDRom also provided legal counselling and assistance in the IGI-DAI of **Bucharest (Tudor Gociu)**. As of December 2022, this project, including the accommodation spaces was no longer running.

²⁸⁹ Article 17(1)(s) Asylum Act.

²⁹⁰ Ibid.

The legal counsellors provide information with respect to the rights and obligations, the house rules of the Regional Centre, the asylum procedure and steps to be followed. They also prepare asylum seekers for the personal interview and once the decision is communicated to them, they also explain the decision and the possibility to challenge it. Information and counselling are provided on other matters related to the asylum procedure requested by the asylum seeker. The legal counsellor may assist the asylum seeker during their personal interview if they request so.

Through the "Advocacy for access to the territory, information regarding international protection, child protection and refugee integration" project, implemented by CNRR, UNHCR Romania has the possibility to grant lawyers' fees for asylum seekers and beneficiaries of international protection, based on their vulnerability, complexity or strategic interest for advocacy campaigns. Through this project 14 attorneys' fees were awarded in 2022.²⁹¹ In 2023, CNRR continued with the implementation of this project and provided advice and information to asylum seekers and migrants who met the conditions for submitting a new asylum application. Concerning the procedure, it assisted in the drafting and submission of procedural documents and provided legal assistance in court through specialised lawyers. CNRR also provided legal assistance in court through lawyers to beneficiaries of international protection when their rights were violated. In this respect, CNRR awarded a total of 24 fees to lawyers in this project: specifically, 21 fees on Output 1 - Access to territory (in the asylum procedure and for access to a new asylum procedure) and 3 fees on Output 3 - Child protection (in the asylum procedure). In 2023, 18 lawyers were remunerated for legal advice/assistance activities.²⁹²

Legal representation by a lawyer under the Legal Aid Act includes representation in the administrative phase of the procedure.²⁹³ According to Article 35 of the Legal Aid Act, legal aid may also be extra-judicial and consist in consultations, filing of applications, petitions, referrals, initiation of other related legal steps, as well as representation before public authorities or institutions other than judicial or with jurisdictional powers, with a view to achieving the individual's legitimate rights or interests. This was confirmed by the National Union of Romanian Bar Associations.²⁹⁴ However, according to the head of the Judicial Assistance Service at the Bucharest Bar Association no legal aid applications for representation in the administrative phase of the procedure had been lodged until now in any of the regional centres.

In all other cases, the asylum seeker has to pay the lawyer's fee if they wish to be represented by a lawyer during the personal interview.

Legal assistance in appeals

In court proceedings, legal aid may only be provided by CNRR, who have limited funds for legal representation.

As in previous years, in 2023 CNRR collaborated with lawyers to provide legal assistance to asylum seekers. Legal assistance was not provided at the administrative phase of the asylum procedure before the IGI-DAI, instead it was ensured during the legal phase at courts that have competencies in the asylum procedure: 60 lawyers ensured legal assistance in first instance and 40 lawyers in the appeal. According to CNRR, in 2023 there were cases where asylum seekers stated that the legal assistance provided by the ex officio lawyers was superficial, with applicants claiming that the lawyers did not discuss their case with them or did not show a willingness to know their situation thoroughly. Also, in some cases the ex officio lawyers did not perform the necessary procedure to file an appeal within the time limit provided by the law.²⁹⁵ Other information on legal assistance and lawyers was not provided by organisations and institutions.

The situation in 2022 was the following:

²⁹¹ Information provided by CNRR, 7 February 2023.

²⁹² Information provided by CNRR, 16 January 2024.

²⁹³ Government Emergency Ordinance 51/2008.

²⁹⁴ Information provided by the National Union of Romanian Bar Associations, 8 January 2018.

²⁹⁵ Information provided by CNRR, 16 January 2024.

In 2022, CNRR covered 107 attorneys' fees, from AMIF funds. The conditions for awarding the fee depend on the vulnerability of the cases, their complexity or strategic interest in the context of the advocacy campaigns developed at the level of the NGO.²⁹⁶ In addition, if the case of the asylum seeker is not eligible for a lawyer contracted through NGOs, legal counsellors may draft a request for state legal aid.

According to information provided by the Regional Court of **Giurgiu**, out of 155 appeals received by the court in 2022, only 23 cases made an application for legal aid, (of which 22 were submitted by CNRR)²⁹⁷ and 15 legal aid applications were rejected.²⁹⁸ The court failed to provide reasons for the dismissal of requests.²⁹⁹ No reviews of the applications for legal aid were lodged in these rejected cases.³⁰⁰ According to the CNRR representative the reason for the dismissal of the requests was that the asylum seeker had already benefited from specialised legal assistance from an NGO and it was not considered justified to grant an *ex officio* lawyer and in addition the applicant's income exceeded 300RON / €60.³⁰¹ In addition, the law does not provide that asylum seekers are beneficiaries of state legal aid as a special category. Therefore, there is no obligation to grant them lawyers paid through state legal aid. As regards the review of rejected decisions, CNRR said that it is impossible to lodge a review because the procedural documents are communicated late, and the asylum seekers receive the court decisions documents after the procedural deadline. Moreover, there are cases when they receive no answer to their application for state legal aid and go to the court hearing without knowing if they have an attorney appointed or not.

The Administrative County Court Timiș reported two applications in 2022.³⁰² CNRR reported 17 applications submitted.³⁰³

The Regional Court **Baia Mare** stated that in all asylum cases a lawyer paid through the state legal aid was appointed *ex officio* ³⁰⁴ and the Administrative County Court Maramureș reported nine applications, all admitted. The legal counsellor of CNRR submitted 52 applications in 2022.³⁰⁵

The Regional court Rădăuți reported that in the 60 appeals registered in 2022, seven applications for state legal aid were made and all were admitted.³⁰⁶ CNRR reported 62 applications made in Rădăuți in 2022.³⁰⁷

The Regional Court District 4 Bucharest stated that out of 235 appeals registered in 2022, only seven requests for state legal aid were made, all admitted.³⁰⁸ CNRR reported only 37 applications made in Bucharest during 2022.³⁰⁹ On the other hand, in the Regional Court Galați as in 2020 and 2021 no such applications were submitted, even though there were 84 appeals lodged throughout the year.³¹⁰ In contrast, CNRR reported that 84 applications were made by their legal counsellor in Galați.³¹¹

²⁹⁶ Information provided by CNRR, 15 February 2022.

²⁹⁷ Information provided by CNRR, 7 February 2023.

²⁹⁸ Information provided by the Regional Court Giurgiu, 22 January 2023.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Article 8 of the Government Emergency Ordinance 51/2008 was modified on 15 January 2023, which reads as following: A person may benefit from the state legal aid if in the last two months prior to the request the average net monthly income per family member is below the level equivalent to 25% of the gross minimum basic salary in the country. In this case, the amounts that constitute public judicial aid are fully covered by the state.

³⁰² Information provided by the Administrative County Court Timis, 25 February 2023.

³⁰³ Information provided by CNRR, 15 February 2022.

³⁰⁴ Information provided by the Regional Court Baia Mare, 26 February 2023.

³⁰⁵ Information provided by CNRR, 15 February 2022.

³⁰⁶ Information provided by the Regional Court Rădăuți, 19 January 2022

³⁰⁷ Information provided by CNRR, 15 February 2023.

³⁰⁸ Information provided by the Regional Court District 4 Bucharest, March 2023. The court noted that the low number may be explained as the requests for state legal aid are not attached to the appeal and their IT system only found this number.

³⁰⁹ Information provided by CNRR, 7 February 2023.

³¹⁰ Information provided by the Regional Court Galați, 16 February 2023.

³¹¹ Information provided by CNRR, 7 February 2023.

As regards the applications for state legal aid at the level of the Administrative County Courts in 2022, the number is even lower. The Administrative County Court **Maramureş** reported 9 cases, the Administrative County Court **Suceava** reported 2, the Administrative County Court **Timiș** 2 and at the Administrative County Court **Bucharest** one application, which was rejected as unfounded. The court refused to mention the reason, invoking the confidentiality of the asylum procedure. At the same time, the Administrative County Court **Galați** reported that a lawyer paid through state legal aid is always appointed *ex officio*.

In most cases, asylum seekers turn to legal counsellors for drafting and lodging the appeal against a negative decision of IGI-DAI. CNRR has funds for attorneys' fees, who can assist asylum seekers in the court proceedings. Therefore, if a representative of the NGO which assisted the asylum seeker examines the case and considers that they are eligible for a lawyer, they send a request using a standard form to their headquarters in Bucharest for approval and, in case of a positive assessment, the asylum seeker will be assisted by one of the lawyers from the roster of the organisation.

Bucharest: According to a lawyer, who is the head of the Judicial Assistance Service of the Bucharest Bar Association, lawyers paid through the state legal aid scheme are becoming more involved, with some of them requesting guidance from the head of the Judicial Assistance Service. The situation of lawyers paid through state legal aid was the same in 2021. Asylum cases, as with all cases, are electronically distributed to lawyers. There are always new lawyers appointed in asylum cases; some lawyers request advice from others with expertise. However, only a few lawyers have requested an adjournment of the hearing in order to prepare the case. The asylum seeker only meets the state legal aid lawyer at the court hearing and, as a consequence, they cannot prepare and discuss the details of the case.

In 2022, the Bar Associations in Romania did not organise any training on asylum law for the lawyers included in the legal aid register or other interested lawyers.

CNRR reported that they organised two trainings for lawyers in 2022.³¹²

In the Regional Centre of **Galați**, legal representation through the state legal aid scheme is ensured, in general, by lawyers who have participated in seminars and conferences organised by NGOs and also new lawyers. The lawyers with more expertise in the field are involved, but the new ones are not. They contact the NGO representatives (CNRR) to discuss the case with the asylum seekers and to obtain all the documents from their file, but just in a few cases. The rest of the attorneys paid by the state legal aid do not show an interest in asylum cases and they only meet with their clients at the court hearing. The onward appeal is filed by legal counsellors from CNRR, when the asylum seeker was represented by a lawyer paid through the state legal aid scheme.

In **Timișoara**, the director of the Regional Centre of Timișoara believed that lawyers paid through the state legal aid scheme did not prepare for the hearing; but were present because they had to be.

In **Rădăuți**, the lawyers paid through the state legal aid scheme are not knowledgeable about asylum law. According to the legal counsellor the attorneys paid through the state legal aid scheme do not contact, discuss the case with the asylum seekers or even read the file. It was also reported that attorneys paid through state legal aid do not make any oral arguments during the court hearing, discuss with their clients or lodge onward appeals. This was still the case in 2022.

CNRR reported that in 2022 as in 2021³¹³, there were cases in which asylum seekers stated that the legal assistance provided by *ex officio* lawyers was superficial. Asylum seekers claimed that lawyers had not discussed their case with them, or had not shown willingness to know thoroughly their situation. Also, in

³¹² Information provided by CNRR, 7 February 2023.

³¹³ Ibid.

some cases, the *ex officio* lawyers did not take the necessary steps to lodge the onward appeal against the negative decision of the first instance court.³¹⁴

Two different lawyers in **Bucharest** mentioned that one of the most important aspects that should be considered and addressed by institutions and organisations working with asylum seekers is to ensure continuity of legal assistance through the entire asylum procedure. One of the attorneys stated that there are asylum seekers leaving the Regional Centre and moving into the city who often lose contact with the NGOs that helped them previously. This situation may hinder their asylum procedure since they have no knowledge of the law and, if an attorney paid from the legal aid scheme assists them, there is no certainty that they will file an onward appeal.

This issue still persists in practice. It was reported that the communication between lawyer and client is not facilitated in any way, and no interpreter is involved. There are situations where the lawyers lose contact with the asylum seeker, including due to delays between the lodging of the onward appeal and the communication of the reasoned decision of the Regional Court to the asylum seeker, which can reach two to three months. There are also situations when asylum seekers move out of the Regional Centre and do not know that they have to inform the court of their new address. Hence the decision is communicated at the old address without reaching the asylum seeker and, as a result, the onward appeal is not motivated in the timeframe prescribed by law and ends up being dismissed. Another issue reported by a lawyer is that lawyers do not follow the state of play of the proceedings and as a result they do not keep their clients reasonably informed about their case.

Asylum seekers are not aware that they have to lodge the onward appeal within 5 days from the decision of the court, as they do not know how to find out about the decision taken by the Regional Court on their case. An attorney from the Bucharest Bar reported that many onward appeals are lodged after the deadline and are dismissed as the Administrative County Court of Bucharest rules that the applicants had access to legal counselling from an NGO.

At the same time, CNRR has reported that there were situations where the *ex officio* lawyer did not file the appeal and the applicant requested CNRR's assistance for drafting the appeal, but the legal deadline for submission was missed.³¹⁵

The information provided by the domestic courts shows that in a high number of cases an onward appeal was not lodged. Based on the information provided both by the Administrative County Court of **Bucharest** Regional Court District 4 Bucharest results that out of 98 first instance court decision only 55 were appealed against.³¹⁶ In **Giurgiu** 54 decisions were not appealed against.³¹⁷ In **Galati** out of 82 decisions issued only 59 were not appealed against.³¹⁸ In **Timișoara** 70 decisions were not appealed.³¹⁹ In **Șomcuta Mare** 18 decisions were not appealed³²⁰ and in **Suceava** 24.³²¹

While in 2019³²² IGI-DAI provided statistics with regards to cases in which an onward appeal was not lodged, in 2020, 2021 and 2022 IGI-DAI reported that they have no statistics on this matter.³²³

There are lawyers who are effectively involved in representing their client regardless of the amount of financial compensation, and others who complain about the small amount of their fee. Lawyers working

³¹⁴ Ibid.

³¹⁵ Information provided by CNRR, 15 February 2022.

³¹⁶ Information provided by the Regional Court District 4 Bucharest, 7 March 2023 and Administrative County Court Bucharest 30 January 2023.

³¹⁷ Information provided by the Regional Court Giurgiu, 20 February 2023.

³¹⁸ Information provided by the Regional Court Galati, 16 February 2023.

³¹⁹ Information provided by the Regional Court Timisoara, 16 February 2023.

³²⁰ Information provided by the Regional Court Baia Mare, 26 January 2023.

³²¹ Information provided by the Administrative County Court Suceava, 15 February 2023.

³²² Information provided by IGI-DAI, 20 February 2019- in 58 cases the asylum seekers did not lodge an onward appeal against the decision of the Regional Courts.

³²³ Information provided by IGI-DAI, 16 February 2021.

with NGOs are aware of how the funding schemes work in this branch. The low level of remuneration is an obstacle in the sense that it seldom attracts new practitioners to this field. Usually, lawyers with experience in asylum claims are also specialised in a more financially rewarding field (civil or commercial law), allowing them to continue also with asylum cases.

Since the fees available are part of projects, their level cannot be easily raised or decided based on a sustainable plan. The costs are subject to the evaluation of the team deciding on AMIF funding within the government structures. It often reflects an indicator calculus, which may be quite rigid. Any potential changes in the level of remuneration are subject to the “project echo” effect - from the moment an application and the budget are drafted to the final project expenses, a long period of time may pass, in some cases, even 2.5 years.

2. Dublin

2.1 General

- ❖ **Dublin procedure:** in the outgoing procedure, Romania sent 243 requests, of which 184 were accepted and 23 transfers were implemented, making for a 12.5% outgoing transfer rate; it received 6,215 requests in the incoming procedure, of which 3,704 were accepted and transferred 443 applicants, making for a 11.93% incoming transfer rate.

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	243	184	23	Total	6,215	3,704	443
Austria	2	1	2	Germany	1,286	903	138
Italy	3	1	0	France	1,156	788	31
Germany	21	11	11	Austria	1,937	970	148
France	4	1	0	Italy	1,240	717	0
Croatia	1	1	0	Switzerland	101	61	7
Netherlands	1	0	0	Belgium	99	43	5
Slovenia	3	0	0	Netherlands	100	58	6
Belgium	2	1	2	Slovakia	82	70	62
Sweden	1	1	0	Czech Republic	59	27	29
Bulgaria	184	158	8	Spain	25	3	
Greece	6	0	0	Sweden	21	12	7
Switzerland	1	0	0	Poland	16	7	5
Czech Republic	1	0	0	Denmark	10	5	1
Finland	1	0	1	Luxembourg	5	4	
Poland	1	1	1	Norway	9	2	1
Cyprus	2	2	0	Finland	5	1	3
Lithuania	1	0	0	Bulgaria	3	1	1
Lichtenstein	1	0	0	Cyprus	1	0	
Estonia	5	5	0	Lichtenstein	1	0	
Spain	2	1	0	Malta	1	0	

				Ireland	9	1	
				Greece	6	4	
				Croatia	4	1	
				Hungary	2	1	
				Portugal	3	4	
				Slovenia	33	20	
				Iceland	1	1	

For 2023, the following criteria were used:

Outgoing and incoming Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Outgoing	Incoming
Family provisions: Articles 8-11	8	13
Regular entry: Articles 12 and 14	28	1243
Irregular entry: Article 13	16	47
Dependent persons and humanitarian clause: Articles 16 and 17(2)	4	3
"Take back": Articles 18 and 20(5)	187	4909
Total	243	6215

Source: IGI-DAI, information provided upon request, 18 January 2024.

Outgoing Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests sent	Requests accepted
"Take charge": Articles 8-15:	46	30
Article 8 (minors)	5	3
Article 9 (family members granted protection)	3	0
Article 10 (family members pending determination)	0	2
Article 11 (family procedure)	0	0
Article 12 (visas and residence permits)	28	24
Article 13 (entry and/or remain)	16	1
Article 14 (visa free entry)	0	0
"Take charge": Article 16	0	0
"Take charge" humanitarian clause: Article 17(2)	4	0
"Take back": Article 18	187	154

Source: IGI – DAI, 18 January 2024

Incoming Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests received	Requests accepted
"Take charge": Articles 8-15	1,302	
Article 8 (minors)	0	0
Article 9 (family members granted protection)	6	4
Article 10 (family members pending determination)	2	0
Article 11 (family procedure)	5	0
Article 12 (visas and residence permits)	1,240	1,047

Article 13 (entry and/or remain)	47	0
Article 14 (visa free entry)	2	0
"Take charge": Article 16	0	0
"Take charge" humanitarian clause: Article 17(2)	3	1
"Take back": Articles 18 and 20(5)	4,909	3,704
Article 18 (1) (b)	4843	943
Article 18 (1) (c)	6	1026
Article 18 (1) (d)	16	1731
Article 20(5)	0	0

Source: IGI-DAI, 18 January 2024

2.1.1 Application of the Dublin criteria

To prove family links, the asylum seeker is not required to present original documents or to undertake DNA tests. In general, they present copies of the family book, birth certificate, residence permit of the relative with whom they would like to be reunited and, in the case of unaccompanied children, the relative's desire to be reunited with the unaccompanied child, expressed in writing. According to legal counsellors, family unity is the most frequent criterion applied in practice, with the majority of cases concerning reunion with family outside Romania.

According to data provided by IGI-DAI,³²⁴ for the year 2023, the situation was as follows:

- ❖ Bucharest: 11 adults and 2 unaccompanied children transferred to Germany, Bulgaria, Finland and Poland.
- ❖ Giurgiu: 0 persons.
- ❖ Galați: 2 adults transferred to Austria and Germany.
- ❖ Suceava: 4 adults transferred to Germany and Bulgaria.
- ❖ **Șomcuta Mare** : 0 persons.
- ❖ Timisoara: 3 unaccompanied children transferred to Germany.

The situation in 2022 was as follows:

In **Timișoara** the family criterion was applied in 2022 in the cases of 2-3 unaccompanied children with relatives in other State Members, according to the director of the centre. They were transferred in Germany and the Netherlands.

Șomcuta Mare: The director of the centre reported 67 outgoing cases (61 take charge and six take back) and the recipient country was Bulgaria. None of the asylum seekers were transferred to Bulgaria, as they left the centre before a decision was issued.

Giurgiu: according to the director of the centre, there were 165 outgoing requests, of which 31 were granted access to the asylum procedure in Romania. The main recipient countries were Bulgaria, Greece, Croatia, and Cyprus. Transfers were carried out to Bulgaria.

Galați: 47 outgoing requests were reported by the director of the centre. The majority of the cases (34) were hits for Bulgaria. No transfers were carried out.

Rădăuți: 38 outgoing requests were made of which 10 were to Bulgaria, four to Greece and one to Germany.

³²⁴ Information provided by IGI-DAI, 18 January 2024.

Bucharest: in 2022 there were 11 outgoing requests, according to the director of the centre in Vasile Stolicu.

The most frequent criteria for outgoing requests were “take back”, mainly addressed to Bulgaria and Greece. Similarly, the majority of incoming requests to Romania concern “take back” cases.³²⁵

2.1.2 The dependent persons and discretionary clauses

In 2022, Romania issued one outgoing request and received two incoming requests based on the humanitarian clause. No outgoing nor incoming requests based on the dependent persons clause were issued or received in 2022. The sovereignty clause was not applied in 2022.³²⁶ No information was provided by IGI-DAI for 2023.

2.2 Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
3 months

According to IGI-DAI, in 2023, the outgoing and incoming requests were processed within the terms stipulated in the Dublin III Regulation.³²⁷

Article 119 of the Asylum Act states that, if after lodging an application for international protection and before taking a decision in the national asylum procedure, IGI-DAI discovers proof or circumstantial evidence which indicates the responsibility of another Member State to examine the application under the Dublin Regulation, it shall initiate the Dublin procedure.

All asylum seekers are fingerprinted, photographed and checked against the Eurodac database. In practice, there were cases where asylum seekers refused to be fingerprinted but, after they were explained that this was necessary for the asylum procedure and, in case of refusal, they would have been detained, they agreed to it. In case the applicant does not comply with the obligation to be photographed and fingerprinted,³²⁸ according with IGI-DAI, a coercive restraint may be applied (details about this measure were not provided).³²⁹

The use of these measures must be non-punitive, proportionate and applied only for the necessary period, if there is no other way of determining the asylum seeker to cooperate with the staff of IGI-DAI.³³⁰

2.2.1 Individualised guarantees

The decisions issued by IGI-DAI in **Galați** and **Giurgiu** do not mention any information regarding the fact that individual guarantees were requested by the Romanian Dublin Unit or any information regarding the state of play of the applicant’s asylum procedure in the respective Member State. According to the director of Regional Centre **Timișoara** and Galați the Dublin Unit does not seek individualised guarantees but requests information regarding the stage of the procedure prior to a transfer. For 2023, IGI-DAI indicated that the Dublin Unit does not seek to request individualised guarantees; further details were not provided.³³¹

³²⁵ Information provided by IGI-DAI, 22 February 2023.

³²⁶ Information provided by IGI-DAI, 22 February 2023.

³²⁷ Information provided by IGI-DAI, 18 January 2024.

³²⁸ In accordance with Article 19(a) Asylum Act.

³²⁹ Information provided by IGI-DAI, 18 January 2024.

³³⁰ Article 18(3) Asylum Decree.

³³¹ Information provided by IGI-DAI, 18 January 2024.

2.2.2 Transfers

According to Article 127 of the Asylum Act, an asylum seeker who is subject to the Dublin procedure has the same rights and obligations as an asylum seeker in the regular procedure until the date when the transfer is effectively carried out. This means that they have the right to stay in the regional centres until the date they are actually transferred to the responsible Member State.

Nevertheless, IGI-DAI may reduce or withdraw the material reception conditions of asylum seekers, including asylum seekers subject to the Dublin procedure. The motivated decision may be challenged in court.³³²

The restrictive measures prescribed by law, which may be imposed to the asylum seeker subject to Dublin procedure are:

- ❖ The obligation to report at IGI;³³³
- ❖ Designation of their residence in a Regional Centre of Procedures for Asylum Seekers;³³⁴
- ❖ Placement or, as the case may be, remaining in public custody (detention).³³⁵

The only restrictive measure not applicable to asylum seekers subject to Dublin procedure is the placement in specially designated closed places, which are defined as alternatives to detention but in practice consist of detention rooms in the Regional Centres.³³⁶ Reporting duties and residence in a specific place may be imposed in order to ensure the transfer.³³⁷ Detention for the purpose of a transfer is discussed in [Grounds for Detention](#).

If after the asylum seeker is placed in detention, one of the deadlines provided by Article 28(3) of the Dublin Regulation expires, the measure ceases to have effect. IGI draws up a notice on the cessation of the measure, which is communicated to the applicant.³³⁸

In general, asylum seekers subject to the Dublin procedure are not placed in detention, this was also confirmed by the IGI-DAI director from Timișoara.

According to IGI-DAI, the average duration of the Dublin procedure between the issuance of a request and the transfer is 2-3 months. The average duration of the process between acceptance of responsibility and transfer takes one month.³³⁹ In Bucharest, and Șomcuta Mare the stakeholders reported no transfers. For 2023, IGI-DAI did not indicate an average duration of the process.

The situation was as follows in 2022:

Timișoara: According to the director of the Regional Centre, the Dublin procedure lasted around six months and transfers were conducted within two to three weeks. The Save the Children representative reported that the procedure lasted for longer in case of unaccompanied minors who were accommodated at DGASPC, between four and nine months.

Rădăuți: the Dublin procedure lasted approximately three months in case charge requests and two months for take back requests.

³³² Article 19^1(1)-(2) Asylum Act.

³³³ Article 19^2(1)(a) Asylum Act.

³³⁴ Article 19^2(1)(b) Asylum Act.

³³⁵ Article 19^2(1)(d) Asylum Act.

³³⁶ Article 19^2(3) Asylum Act.

³³⁷ Articles 19^3 and 19^4 Asylum Act.

³³⁸ Article 19^14(10) Asylum Act.

³³⁹ Information provided by IGI-DAI, 11 March 2022.

Bucharest: in 2022 transfers were carried out to other Member States according to the deputy director of the centre in Vasile Stolicu, as follows: 1 Austria, 2 Bulgaria, 2 Poland, 2 Germany and 1 Finland. Transfers were carried out within 2-3 months after the request being sent to the other Member State.

Giurgiu: transfers were carried out to Bulgaria within 21 days after their acceptance.

Șomcuta Mare: no transfers were reported.

Galați: No transfers were reported by the director. At the time of the author's interview with the director of the centre on 6 March 2023 one detained asylum seeker's transfer to Bulgaria was pending. He had been accepted by Bulgaria on 20 September 2022.

Romania issued 551 requests and implemented 11 transfers in 2022, thereby indicating a transfer rate of 1.99 %.³⁴⁰ Based on the numbers communicated by IGI-DAI for 2023, with 1,288 requests and 99 transfers, the transfer rate was of 7.69% in 2023.

2.3 Personal interview

Indicators: Dublin: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure? ☒ Yes ☐ No
2. If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

According to the law, if during the preliminary interview the answers of the asylum seeker indicate the necessity to start the Dublin procedure, the preliminary interview is conducted pursuant to Article 5 of the Dublin Regulation.³⁴¹

As of 2022, in **Șomcuta Mare** the Dublin interview is held during the preliminary interview; there is a special column dedicated to questions related to the Dublin procedure asking whether they had previously applied for asylum in another Member State. The officer in charge of fingerprinting and photographing the asylum seekers holds the interview. In **Rădăuți**, the Dublin interview is held after the preliminary interview. In **Galați** the interview is conducted after the preliminary interview by the officer in charge of fingerprinting and photographing the applicants, also in 2023. In **Giurgiu**, the Dublin interview is conducted when, on the basis of the applicant's statements and other documents, the officers determine the need to start the Dublin procedure; this is usually decided after the applicant's preliminary interview. In **Timișoara**, according to the director of IGI-DAI Timișoara, the Dublin interview is an annex to the preliminary interview. The annex includes questions regarding presence in the respective Member State, knowledge of any decision taken on their application, willingness to return there. The interview is carried out by the same officer who conducts the preliminary interview.

The interview in the Dublin procedure takes place faster than in the regular procedure, even on the same day as the preliminary interview. A copy of the transcript of the interview is not handed over to the asylum

³⁴⁰ Information provided by IGI-DAI, 22 February 2023.

³⁴¹ Article 43(3) Asylum Act.

seeker after the interview. However, they may request it under the provisions of the Asylum Act.³⁴² The modalities are the same as the regular procedure as regards the other aspects.

2.4 Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure? ☒ Yes ☐ No
- ❖ If yes, is it ☒ Judicial ☐ Administrative
- ❖ If yes, is it suspensive ☐ Yes ☒ No

Article 121 of the Asylum Act establishes the conditions of appeal in case of the Dublin procedure. The decision rejecting access to the asylum procedure in Romania and ordering the transfer to the responsible Member State may be challenged within 5 days of its communication. The transfer to the responsible Member State shall be suspended until the expiry of the legal deadline for filing the appeal.

In contrast with the regular procedure, lodging the appeal in the Dublin procedure does not have automatic suspensive effect. When appealing, the applicant may also request the suspension of the implementation of the transfer decision.³⁴³ The request for suspension is decided urgently in the council chamber by final conclusion, and the parties are summoned.³⁴⁴ The implementation of the transfer decision is suspended until the court decides on the request for suspension.³⁴⁵

In situations that could not have been taken into consideration at the moment of issuing the decision, the case officer may, ex officio, decide to suspend the transfer decision until the court has ruled on the appeal. The measure is communicated to the applicant, according to the provisions on communication of decisions in the regular procedure.³⁴⁶

The court shall settle the case within maximum 30 days.³⁴⁷ The competent court is the Regional Court (Judecatoria) with territorial jurisdiction over the area in which IGI has issued the decision.³⁴⁸ The decision of the court is final.³⁴⁹

If the court admits the appeal and decides that the application for international protection in Romania should be resumed and the applicant has already been transferred to the responsible Member State, IGI shall take the necessary steps to readmit them to the territory of Romania.³⁵⁰

No appeals were registered by the Regional Courts, according to the information provided. In 2023, according with data provided by IGI-DAI³⁵¹, a total of 21 appeals were formulated by asylum seekers subjected to transfer to another country as part of the Dublin procedure (10 in Bucharest, 2 in Rădăuți and 9 in Timisoara). No further details were provided.

³⁴² Article 17(1)(f¹) sets out the right to have access, personally or through a representative, to the information contained in the personal file, unless the disclosure of the information or sources, from which it was obtained would jeopardise the national security, the organisations or persons who provided that information, or if it would be prejudicial to the examination of the application for international protection. Access to the information in the personal file is based on a request addressed to the specialised asylum structure of IGI. At the request of the applicant for international protection, copies of documents from the personal file may be issued free of charge, in accordance with the provisions of the present law.

³⁴³ Article 121(3) Asylum Act.

³⁴⁴ Ibid.

³⁴⁵ Article 121(4) Asylum Act.

³⁴⁶ Article 121(5) Asylum Act.

³⁴⁷ Article 121(6) Asylum Act.

³⁴⁸ Article 121(2) Asylum Act.

³⁴⁹ Article 121(7) Asylum Act.

³⁵⁰ Article 121(8) Asylum Act.

³⁵¹ Information provided by IGI-DAI, 18 January 2024.

2.5 Legal assistance

Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover:

☒ Representation in interview

☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover

☐ Representation in courts

☒ Legal advice

According to Article 127 of the Asylum Act, an asylum seeker subject to the Dublin procedure has the same rights and obligations as an asylum seeker in the regular procedure until the date when the transfer is effectively carried out. Hence, they also have access to free legal assistance.

Asylum seekers have the same conditions to access legal assistance in the Dublin procedure as those subject to the regular procedure (see [Regular Procedure: Legal Assistance](#)). The only difference, which might be problematic, is the 5-day deadline to lodge an appeal against a Dublin decision. Nevertheless, legal counsellors have not reported any problems in filling appeals against negative decisions.

2.6 Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?

☐ Yes

☒ No

Greece: Romania resumed Dublin procedures to Greece as of 1 October 2018.³⁵² 73 outgoing requests were made to Greece in 2022, according to the statistics provided by IGI-DAI and no transfers to Greece were carried out.³⁵³ The directors of the regional centres stated that transfers to Greece are not carried out. In 2023, transfers to Greece were not carried out.³⁵⁴

Bulgaria: The highest number of “take back” requests (205) were issued to Bulgaria in 2022 but only two transfers were carried out.³⁵⁵ In 2023, one request was sent and one transfer was implemented.

2.7 The situation of Dublin returnees

The Asylum Act includes provisions concerning cases of express and tacit withdrawal of an asylum application.³⁵⁶ An implicit or tacit withdrawal of an asylum application occurs when the applicant is not present on the scheduled time for the preliminary interview or personal interview, without presenting good reasons for their absence.³⁵⁷ In case of tacit withdrawal, IGI-DAI writes a report regarding the absence of the asylum seeker from the interview.³⁵⁸ In these cases, the decision to close the file shall be issued after the expiration of a period of 30 days from the date of the aforementioned report.³⁵⁹

³⁵² Information provided by IGI-DAI, 5 March 2019.

³⁵³ Information provided by IGI-DAI, 22 February 2023.

³⁵⁴ Information provided by IGI-DAI, 18 January 2024.

³⁵⁵ *Ibid.*

³⁵⁶ Article 51 Asylum Act.

³⁵⁷ Article 51(1)(b) Asylum Act.

³⁵⁸ Article 51(3) Asylum Act.

³⁵⁹ Article 51(5) Asylum Act.

When the asylum seeker expressly withdraws their asylum claim, this is considered an explicit withdrawal of the asylum application.³⁶⁰ The asylum seeker shall be informed of the consequences of their withdrawal in a language they understand or are reasonably supposed to understand.³⁶¹

When an asylum application was tacitly withdrawn and the asylum procedure was discontinued (i.e. the case of a person who have left Romania and moved to another EU Member State), if the person makes an asylum claim within 9 months of the decision to close the file issued for implicit withdrawal, the asylum procedure may be continued.³⁶² If the time limit has expired, the asylum claim is considered a [Subsequent Application](#).

The legal framework is different when a person has left the territory for at least 3 months or had been removed to a third country or to the country of origin under Articles 19(2) and (3) of the Dublin Regulation and, consequently, the asylum procedure was discontinued by a decision closing the file. In this case, a new claim lodged successively in Romania is not considered as a subsequent application.³⁶³

Therefore, persons who expressly withdrew their asylum applications without leaving the territory of the EU or being returned to a third country or the country of origin, cannot continue their asylum procedure in case of return to Romania. As a consequence, they will have to lodge a subsequent application.

It should be noted that the Asylum Act does not fully comply with Article 18(2) of the Dublin Regulation, which allows applicants whose claims have been withdrawn to have access to the procedure without lodging a subsequent application.

For persons returned to Romania who have been previously interviewed and received a negative decision in the administrative phase of the procedure and have not sought judicial remedy, the asylum procedure does not continue. They may only lodge a subsequent application. For persons returned to Romania who have not been previously interviewed the asylum procedure continues.

In 2022 Romania received 306³⁶⁴ incoming transfers, compared to 600³⁶⁵ incoming transfers in 2021. In 2023, Romania received 4,851 requests, and 344 incoming transfers.

In 2023, KlikAktiv and ProAsyl³⁶⁶ reported cases of “formalised push-backs” between Romania and Serbia which clearly violated people’s right to seek asylum and the principle of non-refoulement with deportations of third country nationals, including people seeking international protection, back to Serbia by applying the readmission agreement between the EU and Serbia without an effective assessment of protection needs or asylum claims. One person seeking international protection was deported from Romania to Serbia immediately after he was identified on Romanian territory. Cases of Dublin returnees transferred back to Romania then being further deported to Serbia based on the readmission agreement were also reported.

3. Admissibility procedure

3.1 General (scope, criteria, time limits)

An application is inadmissible where the applicant:

- ❖ Has been granted international protection by another Member State;³⁶⁷

³⁶⁰ Article 51(1)(a) Asylum Act.

³⁶¹ Article 51(2) Asylum Act.

³⁶² Article 94^1 Asylum Act.

³⁶³ Article 94^1(1)(a) Asylum Act.

³⁶⁴ Information provided by IGI-DAI, 22 February 2023.

³⁶⁵ Information provided by IGI-DAI, 11 March 2022.

³⁶⁶ KlikAktiv, Pro Asyl, *Formalizing Pushbacks – The use of readmission agreements in pushback operations at the Serbian-Romanian border*, 2023, available [here](#).

³⁶⁷ Article 50^1 Asylum Act.

- ❖ Comes from a **First Country of Asylum**,³⁶⁸
- ❖ Comes from a European safe third country which has agreed to their readmission,³⁶⁹
- ❖ Comes from a **Safe Third Country**,³⁷⁰
- ❖ Makes a subsequent application without new elements.³⁷¹

The grounds relating to international protection granted by another Member State and safe country concepts were introduced in 2015.

According to IGI-DAI, Romania has no list of safe country of origin, European safe third country or safe third country.³⁷²

The law does not mention any specific time limits for taking a decision on the admissibility of the application.

Giurgiu: the director reported one application rejected as inadmissible because the applicants had been granted a form of protection by another Member State.

According to IGI-DAI, in 2022 there were no applications dismissed as inadmissible because the applicant came from a First Country of Asylum, European safe third country or safe third country, because Romania has no list of safe countries.³⁷³

3.2 Personal interview

Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure? ☒ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

Pursuant to Article 97¹ of the Asylum Act, the applicant is given the opportunity to present, in an interview, their personal situation in order to determine whether the safe country concepts are applicable. The responsible authority is IGI-DAI. The law does not prescribe specific requirements for the interview as part of the admissibility assessment.

An inadmissibility decision on first country of asylum, European safe third country or safe third country is issued without a substantive examination of the applicant's request and shall be communicated under the general provisions of the law.³⁷⁴ After communicating the decision, IGI-DAI informs the authorities of the European safe third country or, as the case may be, of the safe third country, in the language of that country, that the applicant's application has not been assessed on the merits.³⁷⁵

In case the conditions provided by the law are not fulfilled, IGI-DAI grants access to the asylum procedure on the basis of a reasoned decision and examines the asylum application on the merits.

³⁶⁸ Article 95 Asylum Act.

³⁶⁹ Article 96 Asylum Act.

³⁷⁰ Article 97 Asylum Act.

³⁷¹ Article 91(b) Asylum Act, in conjunction with Article 88(2)(a)-(b).

³⁷² Information provided by IGI-DAI, 20 February 2020 and 11 March 2022.

³⁷³ Information provided by IGI-DAI, 22 February 2023.

³⁷⁴ Article 97¹(2) Asylum Act.

³⁷⁵ Article 97¹(4) Asylum Act.

3.3 Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

❖ If yes, is it

❖ If yes, is it automatically suspensive

☒ Yes
☒ Judicial
☒ Yes

☐ No
☐ Administrative
☐ Some grounds
☐ No

The appeal in case of the first country of asylum, European safe third country and safe third country is the same as in the *Accelerated Procedure*.³⁷⁶ The deadline for submitting the appeal is 7 days from the notification of the decision. The appeal has suspensive effect if it is filed within the deadline.

3.4 Legal assistance

The rules and practice applicable in the [Regular Procedure: Legal Assistance](#) apply.

3.5 Suspension of returns for beneficiaries of protection in another Member State

According to the information provided by IGI-DAI, Romania did not suspend returns of BIPs to any particular country in 2023.³⁷⁷ In Romania there is no national jurisprudence on the matter of returns of BIPs. The information provided by the courts for the year 2023 showed that they had no such cases.

4. Border procedure (border and transit zones)

4.1 General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☐ Yes ☒ No
2. Where is the border procedure mostly carried out? ☐ Air border ☒ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No

❖ If yes, what is the maximum time limit?

20 days
5. Is the asylum seeker considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

According to the law, the border procedure applies to asylum applications and subsequent applications made at a border-crossing point. The asylum application made at the territorial border offices of the Romanian Border Police at a border crossing point is immediately submitted or forwarded to the competent structure of IGI-DAI, which examines it and issues a decision within 3 days.³⁷⁸ In addition, foreigners are also subject to the border procedure when, after a first asylum procedure in Romania, they have made a subsequent application at a border crossing point.³⁷⁹

The substance of the application is assessed during the border procedure, if the case officer decides to do so, based on the statements of the asylum seeker during the interview. According to the law, after the interview and the assessment of the reasons invoked for granting international protection and country of

³⁷⁶ Article 97¹(3) Asylum Act.

³⁷⁷ Information provided by IGI-DAI, 18 January 2024.

³⁷⁸ Article 82 Asylum Act.

³⁷⁹ Article 83(3) Asylum Act.

origin information, IGI-DAI may: (a) grant a form of protection; (b) grant access to the territory and the regular procedure if the application is not manifestly unfounded or if there are indications that [Dublin](#) or [Admissibility](#) grounds apply; or (c) reject the application as manifestly unfounded and not grant access to the territory.³⁸⁰

According to Article 87 of the Asylum Act, an asylum seeker shall remain in the transit area of the border-crossing point until a decision granting access to the territory or a final decision rejecting the asylum application is issued. This period cannot exceed 20 days.³⁸¹ However, if the asylum application is still pending after the 20-day deadline, the asylum seeker is granted access to the territory.³⁸²

The asylum seeker may be accommodated in special reception and accommodation centres near the border-crossing points, established by order of the Minister of Internal Affairs and having the legal status of a transit area.³⁸³ Asylum seekers accommodated in these centres receive 3 meals a day free of charge, under conditions established by a Government Decision.³⁸⁴ The dispositions referring to the amounts owed for nutrition are not applicable to the asylum seeker subject to border procedure.³⁸⁵

The asylum seeker shall be immediately provided information in writing, in a language that they understand or are reasonably supposed to understand, on the border procedure, granting or not granting access to the territory, their rights and obligations during the procedure, the possibility to challenge the decision issued by the case officer, as well as the possibility to request legal aid according to the law.³⁸⁶ In 2023, CNRR distributed leaflets in all Regional Centres for Procedures and Accommodation for Asylum Seekers, as well as at the CNRR headquarters in Bucharest. Leaflets about asylum procedure and Dublin procedure, material available in Pashto, Arabic, Kurdish, French, English, Amharic, Somali, Bengali, Urdu, Turkish. Leaflets about rights and obligations of asylum seekers during the asylum procedure, translated into 7 languages: English, French, Arabic, Kurdish, Pashto, Urdu, Turkish.³⁸⁷

In practice, asylum seekers subject to the border procedure are accommodated in specially designed places, which officially should exist at every border crossing point:

- ❖ **Moravița:** There are two rooms specially designed for the border procedure. There is no courtyard where asylum seekers may go out.
- ❖ **Timișoara “Traian Vuia” Airport:** There is a separate building designed for the border procedure. The building has three rooms, each of the rooms have 4 or 5 beds, 2 toilets, 4 showers and a kitchen. The building has a courtyard where people may go out, but only under supervision, as they are under a closed regime.
- ❖ **Bucharest Henri Coandă Airport / Otopeni:** There are three rooms in the basement; two are communal and the third one is separated. Women are accommodated in the separate room. There is no possibility to go outside.

Concerning the structure of the centres mentioned above, the Border Police³⁸⁸ stated that there are sufficient accommodation spaces until IGI-DAI grants access to territory for the asylum seekers subject to the border procedure. No further details were provided.

According to the director of the Regional Centre of **Timișoara**, there was one asylum application made in 2022 at the border-crossing Moravita and it was rejected. There was no available data for 2023.

³⁸⁰ Article 83(1)(a), (b) and (c) Asylum Act.

³⁸¹ Article 87(1) Asylum Act.

³⁸² Article 87(5) Asylum Act.

³⁸³ Article 87(2) Asylum Act.

³⁸⁴ Article 87(3) Asylum Act.

³⁸⁵ Article 87(3) Asylum Act.

³⁸⁶ Article 87(7) Asylum Act.

³⁸⁷ Information provided by CNRR, 16 January 2024.

³⁸⁸ Information provided by Border Police, 16 January 2024.

The situation was the following in 2022:

The director of Vasile Stolnicu centre reported 10 cases of applications assessed under the border procedure in Otopeni airport.

Șomcuta Mare: 156 applications were made by Ukrainian nationals; they were granted access to the territory.

Galati: 219 applications were made by Ukrainian nationals and were granted access to territory. Also in 2023, in the experience of JRS Romania, all those who applied for asylum at the border were given access to the territory.³⁸⁹

Rădăuți: Eight applications were reported by the director of the centre.

In 2022 there were 551 asylum applications processed under the border procedure, according to IGI-DAI. The main countries of origin of the applicants were Ukraine, Afghanistan, Syria, Russia and Cuba.³⁹⁰

According to the Border Police, 6392³⁹¹ asylum applications were made at Border Police structures, this does not mean that they were necessarily assessed under the border procedure.

In 2023, according to the Border Police,³⁹² 772 asylum applications were made at border crossing points, but no details were provided on how many applications were accepted and how many rejected.

4.2 Personal interview

Indicators: Border Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the border procedure?

☒ Yes ☐ No

☐ Yes ☒ No

☒ Yes ☐ No

 - ❖ If so, are questions limited to nationality, identity, travel route?
 - ❖ If so, are interpreters available in practice, for interviews?
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

As a general rule, a decision is taken by the case officer of IGI-DAI after an interview and assessment of the reasons invoked by the asylum seeker against the country of origin information.³⁹³ However, the law also establishes the possibility to deliver a decision without conducting an interview, if it is possible to issue a decision to grant access to the regular procedure on the basis of the personal file.³⁹⁴ In case of subsequent applications, there is no interview. The decision is issued on the basis of a written application.

The interview is conducted at the border by a case officer of the territorially competent branch of IGI-DAI, under the same rules as the personal interview in the regular procedure. The only difference relates to the place where the interview is conducted and to the swiftness of the procedure. According to the Director of the Regional Centre of **Timișoara**, the personal interview in case of border procedure is the same as the personal interview in the regular procedure. The asylum seeker is asked about their reasons for fleeing. The case officers decide whether to go into details on the merits of the case.

Access to legal representation by a lawyer or UNHCR during the interview in the border procedure is difficult given the 3-day time limit for issuing a decision. NGOs are only aware of the cases subjected to the border procedure if IGI-DAI informs them directly or through UNHCR.

³⁸⁹ Experience of JRS Romania, April 2024.

³⁹⁰ Information provided by IGI-DAI, 22 February 2023.

³⁹¹ Information provided by Border Police, 2 March 2022.

³⁹² Information provided by Border Police, 16 January 2024.

³⁹³ Article 83(1) Asylum Act.

³⁹⁴ Article 83(4) Asylum Act.

4.3 Appeal

Indicators: Border Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?

- | | | |
|------------------------------------------|----------------------------------------------|-------------------------------------------------------------------|
| ❖ If yes, is it | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it automatically suspensive | <input checked="" type="checkbox"/> Judicial | <input type="checkbox"/> Administrative |
| | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Some grounds <input type="checkbox"/> No |

The asylum seeker has the possibility to challenge the decision issued by IGI-DAI within 7 days from the day the decision was communicated.³⁹⁵ The competent court to decide on the appeal is the territorially competent Regional Court.³⁹⁶ The provisions on submission of the appeal in the regular procedure apply accordingly.³⁹⁷

The court shall take a decision on the appeal within 5 days.³⁹⁸ The decision has to be motivated and it is irrevocable. The court may decide: (a) to grant access to the territory and the regular procedure; or (b) to uphold the decision of IGI-DAI.³⁹⁹

If the court rejects the appeal, the General Inspectorate of the Romanian Border Police (IGPF) will take the necessary measures to remove the foreigner from the territory,⁴⁰⁰ as the foreigner subject to the border procedure must leave Romania as soon as the asylum procedure has finished.⁴⁰¹ The border procedure is considered completed on the date when the decision of the court is delivered.

According to the legal counsellor of JRS, asylum seekers do not face problems lodging an appeal. Asylum seekers subject to the border procedure were assisted by the NGOs and UNHCR. The NGOs that provided responses did not reported problems in lodging an appeal in 2023.

4.4 Legal assistance

Indicators: Border Procedure: Legal Assistance

☐ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

- | | | | |
|-------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------|-----------------------------|
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| ❖ Does free legal assistance cover: | <input checked="" type="checkbox"/> Representation in interview | | |
| | <input checked="" type="checkbox"/> Legal advice | | |

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?

- | | | | |
|------------------------------------|---------------------------------------------------|-----------------------------------------------------|-----------------------------|
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| ❖ Does free legal assistance cover | <input type="checkbox"/> Representation in courts | | |
| | <input checked="" type="checkbox"/> Legal advice | | |

According to the law, asylum seekers subject to border procedure have the same rights to free legal assistance as the asylum seekers subject to the [Regular Procedure: Legal Assistance](#).

What is particularly problematic for asylum seekers in the border procedure is the swiftness of the procedure and lack of access to legal counselling. As the deadline for delivering a decision is only 3 days, it is hard to get access to legal assistance; it depends on the willingness of IGI-DAI and the Border Police to inform the NGOs about these cases. In addition, the examination of applications cannot be effectively conducted within such a short time limit.

³⁹⁵ Article 85(1) Asylum Act.

³⁹⁶ Article 85(2) Asylum Act.

³⁹⁷ Ibid.

³⁹⁸ Article 86(1) Asylum Act.

³⁹⁹ Ibid.

⁴⁰⁰ Article 86(3) Asylum Act.

⁴⁰¹ Article 17(1)(a) Asylum Act.

5. Accelerated procedure

European Commission pilot project

The European Commission, given Romania's relatively low number of asylum applications in 2022 and the fact that many of those received could be handled under an accelerated procedure, considered Romania a good country to test "innovate practices", as a direct follow-up to the EU Action Plan on the Western Balkans. Thus, the following measures/actions were proposed as part of a 6 month a pilot project launched in March 2023 as innovative practices related to accelerated procedure:⁴⁰²

- ❖ fast processing of applications where the grounds foreseen for the accelerated procedure by national legislation – applicants coming from safe countries of origin, applicants posing a threat to the public security and applications likely to be unfounded since many of the applicants come from countries with low protection approval rates – are applicable by testing the use of the accelerated procedure "in an enhanced manner".
- ❖ The pilot should also serve to identify "best practices to promote an effective use of the accelerated procedure", while respecting all applicable guarantees, including for vulnerable applicants. This objective particularly focuses on good practices re. the initial screening and verifications made upon apprehension to identify cases that can be processed in an accelerated procedure.
- ❖ The pilot makes an explicit link with the EUAA support operation in Romania, and particularly highlights "targeted assistance to enhance processing capacity at the reception centre in Timisoara, where applicants undergoing the accelerated procedure following irregular crossing of the border from Serbia will be transferred to for the duration of the asylum procedure". The pilot also mentions exploring possibility for cooperation and support from the EUAA regarding transportation from the border to the reception centre.

The pilot also included measures to streamline return, including with the enhancement of voluntary returns, and border management measures (see [Access to the territory – The European Commission pilot with Romania and cooperation with Frontex](#)).

In October, at the end of the 6-month pilot, the European Commission reported⁴⁰³ "solid results" and "best practices identified". Firstly, it considered that Romania testing the "enhanced" accelerated procedure allowed for "swift processing of claims", and "led to good practices for fast identification of eligible cases for the use of the accelerated procedure" and their rapid transfer to other regional centres on the territory for swift processing, all of which prevented overburdening of regional centres both for processing and reception, a fair and efficient balance of workload amongst regional centres, and swift in-merits processing.

Out of 5,985 applications during the pilot, 2,493 were rejected under the accelerated procedure. 139 vulnerable applicants were identified (unaccompanied minors, single parent families) out of all rejected asylum applications, whether under the normal or accelerated procedure. The Commission particularly highlighted as good practices the extensive use of Eurodac machines, vulnerability screening based on standard operating procedures, the exemption of vulnerable applicants from the accelerated procedure when adequate support could not be provided in that framework, immediate referral and guardians for unaccompanied minors, constant medical assistance present and the involvement of NGOs to provide free legal assistance, integration and psychological support through every phase of the administrative procedure thanks to AMIF funding.

The Commission also highlighted the strengthened cooperation with the EUAA as, the May 2023 legislation changes also allowed EUAA experts to directly participate in registration and assessment of applications; additional support was given through registration and case experts, and interpreters. The

⁴⁰² European Commission, *Joint Pilot Project in Romania annex*, Ref. Ares(2023)2001138-20/03/2023, March 2023, available [here](#).

⁴⁰³ European Commission, *Reporting on progress made the Pilot Project for fast asylum and return procedures with Romania*, October 2023, available [here](#).

experts were immediately involved in facilitating registrations, and have been involving in preliminary asylum interviews since July 2023.

Given the “positive achievements” according to the Commission, continued cooperation in the framework of the pilot project was decided.⁴⁰⁴

5.1 General (scope, grounds for accelerated procedures, time limits)

In 2023, according with IGI-DAI,⁴⁰⁵ a total of 3,988 asylum applications were analysed in accelerated procedure.

Under Article 75(1) of the Asylum Act, the grounds for assessing an asylum claim into an accelerated procedure are:

- ❖ Manifestly unfounded applications;
- ❖ Asylum applications of persons who, through their activity or membership of a particular group, pose a threat to national security or public order of Romania;
- ❖ Asylum applications of persons coming from a [Safe Country of Origin](#).

An asylum application is considered manifestly unfounded if the applicant:⁴⁰⁶

- ❖ Has no well-founded fear of being persecuted or exposure to serious risk in the country of origin as they:
 - Have not claimed any fear of persecution or risk of serious harm;
 - Have not provided data or information to support a fear of persecution or serious risk, or their statements do not contain circumstantial or personal details;
 - Clearly lack credibility, meaning that their statements are incoherent, contradictory or flagrantly inconsistent with the situation in their country of origin;
- ❖ Has misled the authorities or has submitted the application in bad faith by:
 - Filing an asylum application with a false identity or presenting false or falsified documents as authentic;
 - Deliberately submitting false information after the asylum application has been lodged;
 - Destroying, damaging or disposing of travel documents or a relevant document for their application, either to establish a false identity for the purpose of seeking and granting refugee status, or to obstruct the assessment of their claim;
 - Deliberately concealing previous asylum applications in one or more countries, especially when they used a false identity;
 - Making an asylum application for the obvious aim of preventing the enforcement of return, extradition or removal proceedings, after having been given the opportunity to make an asylum application;
 - Entering the territory of Romania unlawfully or prolonging their stay unlawfully and, without good reason, not presenting themselves to the authorities, or not lodging the application as soon as possible given the circumstances of their entry.

According to stakeholders in **Galați, Rădăuți, Șomcuta Mare** and **Giurgiu**, most of the cases examined in the accelerated procedure are manifestly unfounded asylum applications. In practice, manifestly unfounded asylum applications are predominantly applications made by economic migrants (Șomcuta Mare, Galați, Rădăuți), or applicants who lack credibility (Giurgiu). IGI DAI indicated that this statement remains valid for the year 2023.⁴⁰⁷

⁴⁰⁴ European Commission, *Reporting on progress made the Pilot Project for fast asylum and return procedures with Romania*, October 2023, available [here](#).

⁴⁰⁵ Information provided by IGI-DAI, 18 January 2024.

⁴⁰⁶ Article 76 Asylum Act.

⁴⁰⁷ Information provided by IGI-DAI, 18 January 2024.

The situation was as follows in 2022:

Timișoara: According to the director of the Regional Centre of Timișoara, 914 asylum applications made by nationals of Bangladesh, India, Pakistan were assessed in an accelerated procedure in 2022.

Rădăuți: 146 asylum applications made were assessed in accelerated procedures. They invoked economic reasons.

Galați: 342 cases reported by the director (from Bangladesh, Pakistan, India, Sri Lanka, Vietnam, Tunisia, Egypt) were assessed in an accelerated procedure.

Bucharest: 88 applications were assessed in accelerated procedure. The main nationalities were India, Morocco, Algeria and Sri Lanka.

Giurgiu: According to the director of the centre 526 (compared to 136 in 2021) asylum claims were assessed under the accelerated procedure due to economic reasons being invoked by applicants from Algeria, India, Armenia, Sri Lanka, Morocco, Türkiye, India, Azerbaijan.

Șomcuta Mare: 283 applications were assessed in accelerated procedure.

The responsible authority for taking decisions at first instance on asylum applications in the accelerated procedure is IGI-DAI.

The accelerated procedure may be triggered during the regular procedure at the date when the case officer determines the existence of one of the grounds for applying an accelerated procedure.⁴⁰⁸ Article 79 of the Asylum Act provides that after the interview and the assessment of the reasons invoked in support of the asylum application, a decision should be issued within 3 days from the start of the accelerated procedure. Therefore, the trigger for the accelerated procedure may not coincide with the date of the personal interview. However, cases where the accelerated procedure is triggered after the interview are very rare.

IGI-DAI reported that 2,306 applications were assessed under the accelerated procedure in 2022, up from 1,968 in 2021 and more than double compared to 2020 when 885 were reported, up from 315 in 2019, 167 in 2018 and 382 in 2017.⁴⁰⁹ The main countries of origin were India, Bangladesh, Pakistan, Morocco and Nepal.

5.2 Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure?
☒ Yes ☐ No
❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

The Asylum Act requires a personal interview of asylum seekers in the accelerated procedure. Article 79 of the Asylum Act clearly states that a decision is made after an interview and after examination of the reasons invoked by the applicant. In practice, the personal interview is always conducted by IGI-DAI. The same rules as in the [Regular Procedure: Personal Interview](#) apply.

⁴⁰⁸ Article 78 Asylum Act.

⁴⁰⁹ Information provided by IGI-DAI, 14 February 2018, 5 March 2019, 20 February 2020, 16 February 2021, 11 March 2022 and February 2023.

5.3 Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☒ Judicial

☒ Yes

☐ No

☐ Administrative

☐ Some grounds

☐ No

The law provides for the appeal against a negative decision in the accelerated procedure, which must be submitted within 7 days from the notification of the decision. If the appeal is filed within the deadline, it has automatic suspensive effect.⁴¹⁰

There were no problems reported in relation to lodging an appeal in the accelerated procedure, as the deadline for submitting an appeal against a negative decision in the accelerated procedure was increased from 2 days to 7 days with the 2015 reform of the Asylum Act.

5.4 Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

❖ Does free legal assistance cover:

☒ Yes

☐ With difficulty

☐ No

☒ Representation in interview

☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a decision in practice?

❖ Does free legal assistance cover

☒ Yes

☐ With difficulty

☐ No

☐ Representation in courts

☒ Legal advice

The law provides for access to free legal assistance for asylum seekers during the accelerated procedure in the same conditions as the asylum seekers subject to the [Regular Procedure: Legal Assistance](#). However, if asylum seekers are in detention in one of the two detention centres (**Arad** and **Otopeni**), there is no permanent access to legal counselling.

According to the information provided by the CNRR⁴¹¹ for the year 2023, legal advice is ensured, in the detention centres, upon request for asylum seekers. The CNRR counsellor goes to the centre when notified that there are asylum seekers who request legal advice, there is no person present daily for the asylum seekers. Information is communicated in English or the asylum seeker's mother tongue with the help of available interpreters. In the case of migrants who are in public custody but have not applied for asylum, the CNRR counsellor is present daily for 6 hours/day to ensure legal advice. No further information was provided by the CNRR or other organisations and institutions.

Whereas prior to 2015 the Aliens Ordinance required the release of foreigners from detention as soon as a first application for international protection was lodged, the Aliens Act now prescribes that an asylum seeker is only released when they are granted access to the regular procedure (see [Detention of Asylum Seekers](#) and [Legal assistance for review of detention](#)).

⁴¹⁰ Article 80(1) Asylum Act.

⁴¹¹ Information provided by CNRR, 16 January 2024.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?
☒ Yes ☐ For certain categories ☐ No
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children?
☒ Yes ☐ No

The law defines an applicant in need of special procedural guarantees as an applicant whose ability to benefit from the rights and fulfil their obligations is limited as a result of individual circumstances that may be due, *inter alia*, to age, sex, sexual orientation, gender identity, disability, serious illness, mental illness or disorder, or torture, rape or other serious forms of psychological, physical or sexual violence etc.⁴¹² This clause may be interpreted as a non-exhaustive list of persons who may be considered in need of special procedural guarantees.

Article 5¹(2) of the Asylum Act lists the following categories of vulnerable persons: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons suffering from serious illnesses, people with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, or persons in other special circumstances.

1.1 Screening of vulnerability

Romanian law provides that the assessment of who belongs to a category of vulnerable people is done after an asylum application has been lodged, as soon as possible, by IGI specialists, based on an individual assessment. In order to carry out the individual assessment and take appropriate measures to ensure the rights and guarantees provided by this law, the competent authorities shall provide special support at the request of IGI.⁴¹³

The Asylum Decree completes this provision by stating that the specialised personnel of IGI cooperates with UNHCR and relevant NGOs to identify asylum seekers who may be included in the category of vulnerable persons referred to in Article 5¹(2) of the Act.⁴¹⁴ In order to assess the vulnerability of asylum seekers, specialists within IGI, in cooperation, where appropriate, with experts from other institutions and authorities competent in the field, make an assessment of the special needs of foreigners.⁴¹⁵

Depending on the specific needs of each asylum seeker identified as a vulnerable person, IGI-DAI notifies and cooperates with authorities and specialised agencies to provide necessary assistance.⁴¹⁶ IGI-DAI may collaborate with NGOs to assist asylum seekers identified as vulnerable.⁴¹⁷

There are no further explanations in the law on how the individual assessment is carried out in practice or who are the specialists conducting the assessments. The law also does not include guidelines on how the cooperation between the IGI-DAI and UNHCR, on the one hand, and IGI-DAI and NGOs on the other hand, should work in practice in order to adequately identify such persons.

⁴¹² Article 2(1)(b¹) Asylum Act.

⁴¹³ Article 5¹(3) Asylum Act.

⁴¹⁴ Article 5(1) Asylum Decree.

⁴¹⁵ Article 5(2) Asylum Decree.

⁴¹⁶ Article 5(3) Asylum Decree.

⁴¹⁷ Article 5(4) Asylum Decree.

In practice, there is a special form that is filled in from the moment an application is lodged, while the preliminary interview and personal interview also have questions related to vulnerabilities. IGI-DAI has internal guidelines on early identification, but these guidelines are only for internal use and are not publicly available. According to the Director of Regional Centre of Timișoara, the identification mechanism has been developed together with UNHCR Romania. UNHCR Romania confirmed that in 2013 it worked together with IGI-DAI in developing a pilot mechanism to identify, refer and assist vulnerable asylum seekers, defined as such by the recast Reception Conditions and Asylum Procedures Directives. At that time, all staff of IGI-DAI dealing with reception and procedures were trained by UNHCR and other agencies. Further information was not provided by UNHCR or IGI-DAI in 2023.

The director of the Regional Centre of **Timișoara** stated that the identification mechanism in place to systematically identify vulnerable asylum seekers consists of six annexes, of which three are mandatory: one filled out when the asylum application is registered; one filled out at the preliminary interview; and one filled at the personal interview. The other three annexes may be filled out, if necessary, by the medical, integration or legal department. The director of the Regional Centre of **Timișoara** mentioned that in 2022 they identified single women as vulnerable, victims of traffic accidents (asylum seekers who tried to cross the Hungarian border). No victims of human trafficking nor asylum seekers with psychological problems were identified.

As of 2022, the majority of the stakeholders interviewed by the author in **Bucharest, Șomcuta Mare Timișoara** and **Rădăuți** said that they are still not aware of the content of the IGI-DAI identification mechanism in place to systematically identify vulnerable asylum seekers. The legal counsellor in **Galați** mentioned that there are standardised forms, which are filled in at the first four stages of the asylum procedure: registration of the asylum application; photographing and fingerprinting; preliminary interview and personal interview. The forms are also filled in by the medical staff and psychologist and the integration department.

In **Timișoara**, NGO representatives bring up the issues or the existence of vulnerable persons accommodated in the centre during the monthly coordination meetings with IGI-DAI. According to the JRS representative, the ICAR Foundation has a mechanism in place to identify victims of torture, i.e. specialised personnel drafts medical reports which are attached to the applicant's case file. The ICAR Foundation also has a cultural mediator, who helps with the interpretation when the assessment is made. The Timișoara centre had a psychologist from January 2020 until November 2021. By November 2022, a new psychologist was hired. According to the director of Timișoara the psychologist conducted psychological assessment interviews but not with all the asylum seekers. The interviews were conducted only with the persons she considered more vulnerable. The interviews were conducted with an interpreter. It was reported by the director that if the psychologist identifies a person as vulnerable, the person is not identified as such by IGI-DAI. Still, this is mentioned in the file and special attention is afforded to the respective asylum seeker. It is up to the case officer to mention this fact in the decision. While the case officer does not contest the vulnerability of the asylum seeker, he/she makes their own assessment of the vulnerability, according to the director. If the psychologist of ICAR Foundation identified a vulnerable person, the report was presented to the psychologist of IGI-DAI. In case the IGI-DAI psychologist identified a vulnerable person the psychologist of ICAR Foundation was notified. In 2022 no reports were lodged with IGI-DAI by the ICAR Foundation and according to the director of the centre they are mentioned in the decision.

In **Bucharest**, in 2022 there was no psychologist. The screening of vulnerability was carried by filling out the forms by IGI staff in order to determine the individual needs regarding vulnerable cases. The centre has three medical assistants and a doctor. In 2022, according to the director of the centre in Vasile Stănilcu, unaccompanied minors and single women were identified.

The director of **Giurgiu** centre reported in 2022 that after the asylum seekers are accommodated in the centre the medical assistant conducts the medical check-up. The nurse asks the asylum seekers if they take any medication without an interpreter. Vulnerability may also be identified during the following stages

of the procedure. A person suffering from depression was identified as such during the preliminary interview.

The director of **Șomcuta Mare** centre said that specific forms were filled in when the asylum claim was made. The vulnerabilities of the asylum seekers identified by IGI-DAI were all visible: pregnant women, single parent families, elderly and unaccompanied children. IGI-DAI had no psychologist in the centre in 2021. The position was filled on 1 April 2022.

According to the director of **Galați** centre, as of 2022 all asylum seekers are screened by the medical assistant. The Psychologist returned from maternity leave in July 2022. She saw all asylum seekers within five days of their arrival at the centre and a follow-up interview is conducted if the asylum seeker consents to it. The evaluation is done with the help of an interpreter or with another asylum seeker who speaks English.

According to the director in **Șomcuta Mare**, as of 2022 the screening of vulnerability is done by the medical department of IGI-DAI, where the asylum seekers are also asked about their medical history.

The legal counsellor, as of 2022, in **Rădăuți** said that theoretically asylum seekers are screened but has no knowledge as to whether this is done in practice. Vulnerable asylum seekers are identified by NGOs. In 2022 a person with HIV was identified by an NGO representative. As of March 2022, the centre had no psychologist. According to the director of the centre vulnerable asylum seekers may be identified at any stage of the procedure by filling in forms.

The director of **Giurgiu** stated in 2022 that the screening for vulnerability is done by the nurse of IGI-DAI. As of January-February 2021 the centre had no medical doctor. During 2022 no medical doctor was hired. Furthermore, vulnerable asylum seekers are identified as such during the preliminary and personal interview.

Article 12⁴¹ of the Asylum Act prescribes that staff training programmes shall include, *inter alia*, methodology on the assessment of asylum applications made by vulnerable persons and identification mechanisms and assistance for vulnerable persons.

In 2022, IGI-DAI reported 2,586 minors, of whom 268 unaccompanied minors, seven persons with disabilities, 509 elderly persons, five pregnant women, 506 single parent families, one victim of human trafficking, six persons with mental disabilities, and eight persons who had experienced torture, rape or other serious forms of psychological, physical or sexual violence were identified.⁴¹⁸

In 2023, IGI-DAI reported 939 vulnerable persons: 579 minors, of whom 284 unaccompanied minors, 7 elderly persons, 13 pregnant women, 41 single parent families, 8 persons subjected to a form of violence (the type of violence was not specified), 7 persons in other vulnerable situations (no further details were provided on what these other situations of vulnerability consisted of)⁴¹⁹ IGI-DAI mentioned that during 2023 in the case of vulnerable persons there were no situations of asylum applications examined under the accelerated procedure.

1.2 Age assessment of unaccompanied children

The Asylum Act foresees that an age assessment can be carried out in case there are doubts as to the alleged age of the applicant or if the unaccompanied minor cannot prove their age.⁴²⁰ In these cases, before a decision is delivered at first instance, IGI-DAI requests forensic expertise to assess the applicant's age, with the prior written consent of the minor and their legal representative.⁴²¹

⁴¹⁸ Information provided by IGI-DAI, 22 February 2023.

⁴¹⁹ Information provided by IGI-DAI, 18 January 2024.

⁴²⁰ Article 41(2) Asylum Act.

⁴²¹ Ibid.

If the asylum seeker and/or the legal representative refuse to carry out the age assessment examination and no conclusive evidence regarding age is provided, the applicant shall be considered adult.⁴²² The person shall be deemed to have reached the age of 18 at the time of lodging the asylum application.⁴²³ However, if a psychologist of IGI-DAI determines, after an evaluation, that the grounds for refusal to carry out the age assessments examination are well-founded, the asylum seeker will not be considered an adult.⁴²⁴

The law provides that the interpretation of the examination results shall be carried out taking into account the principle of the best interests of the child.⁴²⁵

The asylum application cannot be refused on the sole ground that the person did not consent to the age assessment and cannot prevent IGI-DAI from granting international protection to the respective asylum seeker.⁴²⁶

According to the law, IGI-DAI informs the legal representative and the asylum seeker unaccompanied minor in writing, in a language that the latter understands or is reasonably supposed to understand, about the possibility of carrying out an age assessment. This information should also include details of the medical examination methods, the possible consequences of the outcome of the examination and the effects of any refusal to undergo medical examination.⁴²⁷ The law also prescribes that the medical examination shall be carried out in full respect of the minor's dignity, using the least invasive methods to obtain, as far as possible, a reliable result.⁴²⁸

The Asylum Act does not, however, prescribe for a method on how the age assessment should be carried out. When an age assessment is ordered by IGI-DAI, this is carried out by the National Network of Legal Medicine, which comprises of the National Institute of Legal Medicine “Mina Minovici” in **Bucharest** (NIML), 5 Institutes of Legal Medicine (IML) in **Iași, Cluj-Napoca, Craiova, Târgu Mureș** and **Timișoara**, 36 County Legal Medicine Services and 11 Forensic Offices.⁴²⁹

According to the Procedural Rules on expert assessments and findings and other forensic work for establishing the age of a person, the forensic findings and forensic expertise related to living persons, at the request of the judicial bodies, consist of clinical and complementary radiological, haematological, serological, bacteriological, anthropological, dermatological, genetic exams and other.⁴³⁰ The Procedural Rules also prescribe that minors are examined in the presence of one of the parents, or their legal representative or, in their absence, in the presence of an adult family member of the same sex.⁴³¹

According to the stakeholders interviewed by the author, the method used by IML to assess age in all cases is bone measurement.

The law does not prescribe the possibility to challenge the age assessment decision. However, it is possible to request a new expert opinion, which will be also conducted by IML and the cost should be covered by the person requesting it. There has been no such case in practice.

According to available information, no requests for age assessments were made in 2022 in **Timișoara, Șomcuta Mare, Bucharest Rădăuți** and **Giurgiu**. In **Galati**, eight age assessments were requested, of

⁴²² Article 41(3) Asylum Act.

⁴²³ Article 41(4) Asylum Act.

⁴²⁴ Article 41(5) Asylum Act.

⁴²⁵ Article 41(6) Asylum Act.

⁴²⁶ Article 41(7) Asylum Act.

⁴²⁷ Article 16(4)(c) Asylum Act, in conjunction with Article 22 Asylum Decree.

⁴²⁸ Article 16(4^1) Asylum Act.

⁴²⁹ National Network of Legal Medicine, *Tipuri de expertize medico-legale*, available in Romanian at: <http://bit.ly/2ETRT4A>.

⁴³⁰ Article 26(a) Procedural Rules of 25 May 2000 on expert assessments and findings and other forensic work.

⁴³¹ Article 14(2) Procedural Rules of 25 May 2000 on expert assessments and findings and other forensic work.

whom two left the centre and six were declared minors, according to the director. The director also mentioned that they try to do as many assessments as possible and that assessment is made at IML the county hospital, free of cost; the minor is accompanied by the medical assistant, who also informs him/her about the assessment.

In 2022, IGI-DAI reported that six age assessments were requested.⁴³²

In 2023, IGI-DAI reported that 5 age assessments were made at IML Galati country hospital⁴³³. No further details and explanations were provided on why such a low number of age assessments were performed in 2023.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☒ Yes

☐ For certain categories

☐ No

❖ If for certain categories, specify which:

2.1 Adequate support during the interview

Pursuant to Article 5¹(4) of the Asylum Act, in cases where vulnerable persons with special needs are identified, specialised staff of IGI-DAI carry out assessments to identify specific needs and decide on appropriate steps to ensure the rights and guarantees provided by the law during the asylum procedure.

Romanian law provides an important safeguard in respect of procedural guarantees for vulnerable persons: in the administrative phase of the asylum procedure, documents drafted before the identification of special needs will be amended and/or supplemented only where it is necessary to adequately examine the asylum application.⁴³⁴

The law also foresees a specific monitoring obligation throughout the entire asylum procedure in line with Article 22(1) of the recast Reception Conditions Directive.⁴³⁵

The interview of vulnerable asylum seekers shall be carried out by case officers specialised in this respect, taking into account the special situation of these persons.⁴³⁶

In 2023, according to data provided by IGI-DAI,⁴³⁷ in the case of asylum-seeking vulnerable persons, reports issued by psychologists working for non-governmental organisations (e.g. ICAR Foundation) are accepted.

As of 2022, the situation was the following:

The director of the Regional Centre **Timișoara** mentioned that they read the psychological report drafted by ICAR Foundation and prepare accordingly for the interview, in the sense that they are more careful during the interview, better prepared and the interpreter is carefully chosen. However, the report of ICAR Foundation has no legal power; it is only the opinion of a psychologist. The decision issued by IGI-DAI mentions that a psychological report was attached to the case file. However, in 2022 no reports were filled.

⁴³² Information provided by IGI-DAI, 11 March 2022.

⁴³³ Information provided by IGI-DAI, 18 January 2024.

⁴³⁴ Article 5¹(5) Asylum Act.

⁴³⁵ Article 5¹(6) Asylum Act. IGI-DAI monitors the situation of applicants with special needs upon reception and, together with the competent authorities, will ensure that assistance is given throughout the entire asylum procedure.

⁴³⁶ Article 46 Asylum Act.

⁴³⁷ Information provided by IGI-DAI, 18 January 2024.

The director of **Giurgiu** centre stated that case officers adapt the interview based on age.

In **Rădăuți** vulnerable asylum seekers, chiefly unaccompanied minors, are treated the same way as the adults, with no special attention given to these cases during the interviews.

Șomcuta Mare: according to the director special attention was given to vulnerable persons.

Galați: it was reported that special attention is given to questions to vulnerable persons, breaks are adapted to the special situation of the asylum seeker.

2.2 Exemption from special procedures

According to Article 75(2) of the Asylum Act, applicants in need of special procedural guarantees or with **Special Reception Needs** maybe subjected to the **Accelerated Procedure** or the **Border Procedure** only if they represent a threat to national security or public order, due to their activity or membership to a certain group.⁴³⁸ In practice, according to IGI-DAI, unaccompanied children or persons in need of special procedural guarantees are not channelled in the accelerated or border procedure.⁴³⁹

In 2020, IGI-DAI **Șomcuta Mare** processed the asylum application of a single parent, a mother and her 6-year-old daughter, under the accelerated procedure, even though they are considered vulnerable persons under the Asylum Act, rejecting the asylum application as manifestly ill-founded. During the interview she was not asked about the reasons why she fled her country of origin together with her daughter. They conclude that she is an economic migrant, even though the applicant did not mention anything related to this. The asylum application was wrongfully assessed in an accelerated procedure, as the applicants were vulnerable persons and according to the Asylum Act vulnerable persons may only be subjected to an accelerated procedure if they represent a threat to national security or public order, due to their activity or membership to a certain group. The decision of IGI-DAI does not mention the applicants as being vulnerable persons.⁴⁴⁰ Their appeal was rejected by the regional court.

In 2022, in Rădăuți a woman who was HIV positive was assessed in an accelerated procedure, she appealed the decision and was also rejected by the court. There were no cases to report on in 2023.

No such cases were reported in the other regional centres.

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements?
☒ Yes ☐ No

Romanian legislation explicitly refers to the use of medical reports in asylum procedures. Article 49⁴¹ of the Asylum Act provides that, when IGI-DAI deems it relevant for the assessment of an asylum application, the asylum seeker will be subject with is consent to medical examination concerning signs that might indicate past persecution or serious harm.⁴⁴¹ The applicant's refusal to undergo the medical examination shall not prevent IGI-DAI from taking a decision on the application for international protection.⁴⁴²

⁴³⁸ Articles 75(2) and 84 Asylum Act.

⁴³⁹ Information provided by IGI-DAI, 14 February 2018.

⁴⁴⁰ IGI-DAI, Decision no 419955/h/HIA.

⁴⁴¹ Article 49⁴¹(1) Asylum Act.

⁴⁴² Article 49⁴¹(2) Asylum Act.

Medical examinations shall be carried out by the legal medicine institutions and the result shall be transmitted immediately to IGI-DAI. The coverage of the expenses is ensured by the Ministry of Internal Affairs through the budget allocated to IGI in this respect.⁴⁴³ If the medical examination is requested by IGI-DAI, it is therefore paid by IGI-DAI.

When no medical examination is carried out, IGI-DAI informs applicants that they may, on their own initiative and at their own cost, arrange for a medical examination concerning signs that might indicate past persecution or serious harm.⁴⁴⁴ The results of the medical examination are assessed by IGI-DAI in corroboration with other elements of the application for international protection.⁴⁴⁵

Moreover, as a general rule, an applicant is not expected to provide written evidence but they are obliged to hand over to the authorities all the documents at their disposal which are relevant to their personal situation.⁴⁴⁶ The Asylum Decree provides that the examination of the asylum application must be carried out individually and taking into account, *inter alia*, the relevant documents submitted by the applicant, including information on whether they have been subjected to persecution or the possibility of being persecuted or of being exposed to a risk of serious harm.⁴⁴⁷ This means that the asylum seeker may submit relevant documents with regard to past persecution but also with a view to the possible future persecution and serious harm.

In addition, the Asylum Act foresees that when there are serious doubts regarding the adult's asylum seeker legal capacity, specialised staff at IGI-DAI request a medical examination.⁴⁴⁸ If the medical examination reveals lack of legal capacity of the asylum seeker, the case officer in charge of the case, requests the appointment of a counsellor, under the same conditions as for Romanian citizens.⁴⁴⁹ The asylum procedure is suspended until the appointment with the counsellor. During this period of suspension, the applicant benefits from the rights set out in the law.⁴⁵⁰ The asylum application of an asylum seeker who has no capacity is filed by the counsellor after their appointment.⁴⁵¹ When conducting the personal interview, the counsellor will inform the asylum seeker of the purpose and possible consequences of this interview and will take the necessary steps to prepare the applicant for the interview.⁴⁵² The interview of an asylum seeker without legal capacity shall be carried out in the presence of the counsellor.⁴⁵³

According to the directors of the centres, in **Galați, Rădăuți, Șomcuta Mare and Timișoara** there were no cases in which a medical examination under Article 49¹ was requested by IGI-DAI in 2022, except in **Bucharest** where IGI-DAI requested a medical examination (psychiatric expert opinion) regarding the establishment of the degree of disability (mental retardation) of a person. The file was still pending in March 2023.

IGI-DAI accepts medico-legal expert opinions issued by officially recognised experts enrolled on the lists drawn up by the Ministry of Health and the Ministry of Justice, with the approval of the Board of Forensics.⁴⁵⁴ ICAR Foundation is the NGO that currently provides psycho-social services to asylum

⁴⁴³ Article 49¹(3) Asylum Act.

⁴⁴⁴ Article 49¹(4) Asylum Act.

⁴⁴⁵ Ibid.

⁴⁴⁶ Article 19(c) Asylum Act.

⁴⁴⁷ Article 16(1)(b) Asylum Decree.

⁴⁴⁸ Article 42(1) Asylum Act.

⁴⁴⁹ Article 42(2) Asylum Act.

⁴⁵⁰ Article 42(3) Asylum Act.

⁴⁵¹ Article 42(4) Asylum Act.

⁴⁵² Article 42(5) Asylum Act.

⁴⁵³ Article 42(6) Asylum Act.

⁴⁵⁴ According to Article 34 Regulation implementing Government Ordinance 1/2000 approved by Government Decree 774/2000 as last amended by Government Decree 1204/2002, a medico-legal expert: (a) is a Romanian citizen and is fluent in Romanian; (b) has full legal capacity; (c) is a graduate of a medical university; (d) has a postgraduate specialisation courses in forensics; (e) practices this specialisation; (f) has not been convicted of an offence committed in circumstances related to their profession; and (g) is certified as an medico-legal expert at the Board of Forensics, available in Romanian at: <http://bit.ly/2B34lah>.

seekers, through the project “Health services accessible to the asylum seekers needs –SANSa” in partnership with AIDRom, funded through the AMIF national programme. According to the project description, psycho-social specialists identify vulnerable asylum seekers such as families in need, the elderly, persons with chronic illnesses, unaccompanied minors, victims of physical or psychological violence, and their needs. “Consequently, tests will be conducted to evaluate the general state of health of newly arrived asylum seekers, and general practitioners will provide medical examinations weekly”.⁴⁵⁵ Through this project additional tests and medical investigations will be provided, as well as drug and non-drug treatments, as recommended by collaborating doctors, in order to accurately respond to the medical needs of asylum seekers in Romania and also specialised medical consultations.

ICAR Foundation also prepares psychological reports for applicants in line with the requirements set out in the Istanbul Protocol. The psychologists of this NGO, however, are not officially recognised medico-legal experts and as a consequence their opinions are not fully recognised by IGI-DAI or courts when assessing the asylum seeker’s credibility. These reports are scrutinised in the sense that they have to be corroborated by other evidence. This was echoed by the directors of Timișoara and Stolnicu centres.

In general, asylum seekers submit medical reports from the country of origin either to IGI-DAI or the court. In 2022 no reports were submitted in Timișoara, Șomcuta Mare, Galați, Rădăuți, Giurgiu, except Bucharest, according to the directors of these centres.

In 2023, at IGI-DAI in Bucharest, there were 2 cases in which the asylum seekers submitted medical reports issued by authorities from their countries of origin; further details were not provided⁴⁵⁶.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children? ☒ Yes ☐ No

Regulatory changes

Based on the amendments to the child protection law⁴⁵⁷ brought by the Law 191/2022 (specifically including unaccompanied children asylum-seekers under its scope, as well as extending protection during the return proceedings), thus regulating practical gaps, in August 2023 the Ministry of Internal Affairs and the Ministry of Family, Youth and Equal Opportunities adopted a Joint Order⁴⁵⁸ regulating and clarifying the appointment, the attributions and the requirements of professional experience and training for persons designated as legal representatives for migrant unaccompanied or separated children, as well as their cooperation with the General Inspectorate for Immigration (GII). The new regulation introduces the notion of “representative” instead of legal guardian.

Notably, a representative for unaccompanied foreign children may only be responsible for maximum 100 children; however, this shall be tested in practice and may be adjusted if needed.

Moreover, according to the Joint Order, specialists from NGOs or private social service providers have the opportunity to qualify and be appointed as representatives for unaccompanied foreign children. Special agreements will be concluded to facilitate this process.

The obligation to train people appointed as representatives is entrusted to the national authority ANPDCA through the development of a framework curriculum, which will include training on the child protection system in Romania, as well as the asylum procedure and international protection in its various forms.

The Joint Order introduces the representative’s obligation to conduct monitoring visits to the unaccompanied and separated children who are left in the care of third parties. The representative must

⁴⁵⁵ ICAR Foundation, Health services for the improvement of reception and residence conditions for asylum seekers in Romania, available at: <http://bit.ly/2jtR4Xw>.

⁴⁵⁶ Information provided by IGI-DAI, 18 January 2024.

⁴⁵⁷ Law no. 272/2004 on protection and promotion of the rights of the child, republished in Official Gazette no. 159 of 05.03.2014, available in Romanian [here](#).

⁴⁵⁸ Order no. 119/20.643/2023, published in Official Gazette no. 749 of 17.08.2023, available in Romanian [here](#).

respect the monitoring visits schedule mentioned in the Joint Order regardless of the child's whereabouts, including for children housed in their community and who are in the care of the adults with whom they left their country or to escape the conflict in Ukraine.

According to CNRR,⁴⁵⁹ the joint order represents great progress but there are also some concerns. The most problematic provisions are the ones related to unaccompanied and separated children who are left in the care of third parties with whom they left their country of origin. This possibility is not very well detailed and doesn't provide enough security safeguards as it can expose them to a wide variety of risky situations (negligence, human trafficking, exploitation etc.).

General framework

The law provides for the appointment of a legal representative to an unaccompanied child.⁴⁶⁰ IGI-DAI shall take the necessary steps, as soon as possible, to appoint a legal representative to assist the unaccompanied minor applying for asylum during the procedure, including during the admissibility and Dublin procedure as the case may be.⁴⁶¹

The law prescribes it is not necessary to appoint a legal representative for the unaccompanied minor asylum seeker if they are to reach the age of the majority within 15 days of the filing of the asylum application.⁴⁶²

The law also foresees that IGI shall:

- ❖ Ensure that the legal representative is given the opportunity to inform the unaccompanied child about the significance and possible consequences of the personal interview and, as the case may be, about the preparation for the personal interview;
- ❖ Provide procedural legal information, including information on the withdrawing of international protection, both to the child and to their legal representative;
- ❖ Inform the legal representative and the unaccompanied child, in a language that the latter understands or is reasonably supposed to understand, about the possibility of carrying out an age assessment. This information should also include details of the medical examination methods, the possible consequences of its outcome and the consequences of any refusal to undergo this examination.⁴⁶³

Timing of appointments

According to the modified Article 1(4)(4), the General Inspectorate for Immigration informs the legal representative and the unaccompanied minor asylum seeker, in a language that they know, regarding the possibility of performing a medical examination to determine age. This information must also include information on the methods of medical examination, the possible consequences of the result of this examination and the effects of any refusal to undergo medical examination.

Neither the Asylum Act nor the Child Protection Act prescribes an exact time limit for the appointment of the legal representative. However, the Asylum Act prescribes that after registering the asylum claim of the unaccompanied child, IGI-DAI shall immediately notify the competent authority, the Directorate General for Social Assistance and Child Protection (DGASPC) territorially competent for the area in which the Regional Centres located, in order to start the appointment procedure of a legal representative. The Asylum Decree complements these provisions, stating that the officer in charge of the registration of the asylum claim of the unaccompanied child shall immediately notify the relevant DGASPC branch office in order to initiate the procedure of appointment of a legal representative.⁴⁶⁴ Once established, the legal

⁴⁵⁹ CNRR (Romanian National Refugee Council), *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

⁴⁶⁰ Articles 16 and 40 Asylum Act.

⁴⁶¹ Article 16(2) Asylum Act.

⁴⁶² Article 16(3) Asylum Act.

⁴⁶³ Article 16(4) Asylum Act.

⁴⁶⁴ Article 21(3) Asylum Decree.

representation of the unaccompanied asylum-seeking child continues to operate for as long as the child benefits from international protection in Romania.⁴⁶⁵

In the case of an unaccompanied child who has expressed the intention to apply for asylum, in writing or orally, they shall be registered as an asylum seeker and the asylum application will be lodged at the moment of appointment of the legal representative.⁴⁶⁶ The asylum procedure is suspended until the appointment of a legal representative. During the period of suspension of the asylum procedure, the child benefits from the rights provided by law.⁴⁶⁷

In practice, as of 2022, the appointment of legal representatives takes place as follows:

Timișoara: The notification is sent in the first working day after the minor's arrival at the centre to DGASPC and the legal representative is appointed in 2-3 weeks, according to the director of the centre. Without the appointment order they cannot schedule the interview. DGASPC appoints the same person, who is a legal counsellor, as the legal representative for all the unaccompanied minors.

Șomcuta Mare: IGI-DAI sends out the notification to DGASPC on the same day that the unaccompanied child is accommodated in the Regional Centre. In general, the legal representative is appointed in 80-90 % of the cases on the same day, according to the director of the centre. In 2022, a single legal representative, a woman, legal counsellor was appointed for all the unaccompanied children (for 40 children). NGO representatives prepare the appeals against negative decisions and the legal representative signs it.

Galați: IGI-DAI sends a notification to DGASPC for the appointment of a legal representative the next day of registration of the asylum claim of the unaccompanied child. In 2020, DGASPC appointed a new legal representative for unaccompanied children. She works at the Day Centre for Children in Situations of Risk of Separation from Parents within DGASPC. There is only one legal representative appointed for all the unaccompanied children (60 unaccompanied minors in 2022) with no other person to fulfil her duties in case she is on medical leave or holidays. The legal representative is a social assistant. According to the director of the centre the legal representative has two days per week dedicated to unaccompanied children in the centre.

Rădăuți: IGI-DAI sends a notification to DGASPC for the appointment of a legal representative. The procedure of appointment is no longer delayed. There is only 1 legal representative appointed for unaccompanied children and he is a legal counsellor. During his holidays the legal representative is substituted by another legal representative. According to the NGO representative, the legal representatives do not meet or discuss with the unaccompanied children before the interview. They only attend the interviews and do not draft legal submissions. Conversely, the director of the centre reported that they meet and discuss on the day of the interview. The appeal is lodged by the CNRR representative.

Giurgiu: DGASPC appoints several social assistants to act as legal representatives. According to the director of the centre he/she is appointed within seven days of the minor arriving. The CNRR representatives reported that the legal representatives do not communicate with the minors, even at the interview, they have no knowledge of English language, they only come to the centre when they are requested. There was a period when children had no legal representative. The director of the centre stated that they discuss the interview with the unaccompanied children before it takes place with the help of an interpreter.

Bucharest: The notification for the appointment of the legal representative is made on the day of their arrival at the centre and the legal representative is appointed within one to two weeks. As of July 2021, legal representatives were appointed from DGASPC District 2. In the beginning there were two social

⁴⁶⁵ Article 40(1) Asylum Act.

⁴⁶⁶ Article 39(3) Asylum Act.

⁴⁶⁷ Article 40(2) Asylum Act.

assistants appointed and lately only one (for 92 children), who also became more knowledgeable in this field. According to the director of the centre for the appeals they have requested assistance from NGO legal counsellors.

According to the information provided by IGI-DAI, after registering the unaccompanied minor as an asylum seeker, this institution will immediately notify the competent authority (General Directorate for Social Assistance and Child Protection) in whose territorial area the accommodation centre where the asylum application is to be lodged is located, in order to initiate the procedure for appointing a legal representative. The legal representation of the unaccompanied minor, once established, continues to operate for as long as they benefit from international protection in Romania. In the case of an unaccompanied minor asylum seeker, the asylum procedure is suspended until the appointment of a legal representative. The time from the moment of sending the request for appointment of a representative until the actual appointment is according to them around 3-6 days.⁴⁶⁸

In February 2020, UNHCR notified the Romanian Ombudsman on the situation of a number of asylum-seeking children under 16 years accommodated in Stolnicu Regional Centre because DGASPC District 2 Bucharest has no available places to take them over. Representatives of the Romanian Ombudsman conducted an investigation at the regional centre Stolnicu and DGASPC. Among other things it was found that out of 15 unaccompanied children accommodated in the centre only 9 had a legal representative appointed, as for the other 6 children DGASPC did not respond to IGI-DAI notifications. The Ombudsman stated that although there is no time limit prescribed by the law for the appointment of the legal representative for unaccompanied minors, the time frame in which DGASPC Sector 2 achieves this, sometimes up to almost 3 weeks, is far too long. It was also noticed by the Ombudsman that the delays are caused by bureaucratic rules.⁴⁶⁹

In 2023, according to the information provided by Ombudsman,⁴⁷⁰ no monitoring visits were carried out in the regional centres. The Ombudsman pointed out that, in 2022, its representatives, according to their competence, monitored the respect of the rights of asylum seekers in the Regional Centres for Procedures and Reception for Asylum Seekers (visits were made and information was requested at all 6 centres - Bucharest, Rădăuți, Maramureș - Șomcuta Mare, Giurgiu, Galați and Timișoara). The reports of the visits carried out by the Ombudsman in 2022 are available in Romanian language on the [institution website](#). Among the common problems identified were: some toilets and the kitchen (area to prepare the food) were in a poor state of cleanliness and hygiene, not enough specialised medical staff (e.g. medication for people with mental was distributed for several days without medical supervision). Asylum seekers are accommodated according to gender criteria, i.e. women and men, and unaccompanied minors are accommodated separately from adults.

Qualifications and duties of the legal representative

According to the Child Protection Act the legal representative is either the parent or person designated, according to the law, to exercise the rights and to fulfil the parental obligations towards the child.⁴⁷¹ This means that the legal representative substitutes the absent parents.

According to the Asylum Act, the interests of a child are defended by their legal representative.⁴⁷² The unaccompanied child is immediately informed of the appointment of the legal representative. The legal representative performs their duties in accordance with the principle of the best interests of the child and has the necessary expertise for this purpose.⁴⁷³

⁴⁶⁸ Information provided by IGI-DAI, 18 January 2024.

⁴⁶⁹ Ombudsman, Recommendation 57 of 26 February 2020, available in Romanian at: <https://bit.ly/380EvZR>.

⁴⁷⁰ Information provided by Ombudsman, 9 January 2024.

⁴⁷¹ Article 4(g) Child Protection Act.

⁴⁷² Article 39(1) Asylum Act.

⁴⁷³ Article 16(2[^]1) Asylum Act.

The Child Protection Act provides that, in order to adequately support the interests of the child, DGASPC designates a person with legal or social assistance background from its staff or an authorised private body, to support the rights of the child and to participate, together with the child to the entire refugee status determination procedure.⁴⁷⁴

The legal representative has to be present at the interview with the unaccompanied child,⁴⁷⁵ and may intervene at the end of the interview.⁴⁷⁶ The legal representative informs the unaccompanied child asylum seeker of the purpose and possible consequences of the personal interview and takes the necessary steps to prepare the child for it.⁴⁷⁷ In the case of a child, the appeal is filed by their legal representative. A child who has reached the age of 16 may file the complaint in their own name.⁴⁷⁸

The legal representative also has to submit the request of enrolment of the unaccompanied child to preparatory courses.⁴⁷⁹

Legal representatives consider their mandate limited to assisting the child in administrative and judicial procedures related to the asylum claim, i.e. to attend interviews and court hearings. As a consequence, this mandate ends when the asylum procedure is completed. Legal representatives consider that is not their mandate to ensure the well-being of the unaccompanied child.

For 2023, Save the Children Romania⁴⁸⁰ provided the following information:

Galați: the legal representative only participates in administrative/legal procedures, accompanies the minor to the IGI-DAI interview, but does not cover the child's needs, therefore the child does not receive adequate support from the legal representative appointed by the DGASPC. There are many cases where minors meet the legal representative for the first time at the interview at IGI-DAI, without knowing what duties he/she has in the child's life. This was confirmed also by JRS Romania's experience in 2023: moreover, the unaccompanied minor cannot directly contact the legal representative. Asylum applicants should call DGASP at the general phone number - but these children do not speak Romanian/English to be able to say what and how. Minors usually turn to NGOs, GII and they communicate with the legal representative.⁴⁸¹

Bucharest: the legal representative participates in administrative/legal proceedings and tries to provide support to child whenever necessary. The minors from which the organisation received feedback said that the legal representatives came to the centre to give information and that they are able to contact him/her if needed.

Timișoara: the legal representative appointed by the DGASPC is only formally involved and accompanies the minor to the IGI-DAI interview, without adequate support to the child.

Rădăuți: from the information Save the Children Romania has, it can be concluded that the legal representative is involved in all legal and administrative procedures concerning the child.

Maramureș – Șomcuta Mare: the legal representative designated by the DGASC is only formally involved and accompanies the minor to the IGI-DAI interview, without adequate support to the child. NGOs are the ones who take care of the child's needs in terms of food, clothing, other basic needs, school enrolment. These deficiencies are indicated also by CNRR⁴⁸² for the same year.

⁴⁷⁴ Article 77(3) Child Protection Act.

⁴⁷⁵ Article 47(1) Asylum Act.

⁴⁷⁶ Article 23(1) Asylum Decree.

⁴⁷⁷ Article 47(2) Asylum Act.

⁴⁷⁸ Articles 56(2) and 66(2) Asylum Act.

⁴⁷⁹ Article 6(4) Asylum Decree.

⁴⁸⁰ Information provided by Save the Children Romania, 15 January 2024.

⁴⁸¹ Experience of JRS Romania, April 2024.

⁴⁸² Information provided by CNRR, 16 January 2024.

The CNRR⁴⁸³ flagged the following issues concerning unaccompanied minors in 2023. At Regional Centre **Timișoara** there were situations where the asylum applications of unaccompanied minors were not analysed swiftly. In the case of unaccompanied minor asylum seekers, communication between them and the legal representatives appointed by the DGASPC is not constant and tends to be limited to the measures and activities necessary for the asylum procedure. According to the information available to CNRR, the unaccompanied minors accommodated in the regional centres in **Timișoara**, **Giurgiu**, **Șomcuta Mare** and **Rădăuți** either have no contact with the legal representative or there is a very limited contact, and the only counselling they receive is from NGOs. The times when minors have contact with the legal representative appointed by the DGSPC are when the IGI conducts interviews in the administrative phase of the asylum procedure, or at court, when the legal representatives are required by law to be present. At the centre in **Galați**, a slightly more favourable situation could be observed in terms of communication between the legal representative and the unaccompanied minors, who showed a greater interest in the situation of minors, both legally and socially/culturally.

According to UNHCR⁴⁸⁴ it results that the usual practice shows that the DGASPC is duly assuming its responsibilities for guardianship of asylum-seeking unaccompanied children. Nonetheless, there have been occasions where areas of improvement have been identified with regard to the DGASPCs' ability to promptly intervene upon the arrival of asylum-seeking unaccompanied minors to the reception centres. More specifically, there have been instances where unaccompanied children arrive at Reception Centres, triggering notifications to the DGASPCs, and where these children end up leaving the centre after a short period of time and before the DGASPC has had an opportunity to assess the children and relocate them to the dedicated centres for unaccompanied minors. Moreover, other instances show that children have left the DGASPC centres, even when a legal representative was appointed. While the reasons for departure are unknown, this shows some limitations in fully engaging the child in the process and keeping active and close communication with them. The designated legal representative appointed by DGASPC, most often the Director, is expected to maintain consistent communication with the child. While DGASPC generally adheres to procedural norms, there seems to be a need for improved engagement with the children, for instance due to lack of interpreters in certain locations or for specific languages, impeding effective communication with asylum-seeking children and adolescents. It has also been noted that high numbers of unaccompanied minors might be assigned to individual legal representatives and that until recently there was a lack of clearly defined roles and responsibilities for the legal representatives. Moreover, challenges persist in ensuring an adequate best interest procedure, particularly regarding children who arrive in Romania being accompanied by an adult who is not their parent nor their appointed legal guardian. Addressing this matter requires a thorough review of existing protocols and coordination mechanisms to ensure a more seamless and effective process for the protection and care of unaccompanied children and adolescent asylum seekers. It is to note that progress has been made in 2023 through the issuance of the Order No 119/20.643/2023 on the conditions of appointment, role, tasks and requirements of education, training and professional experience for persons appointed as representatives for unaccompanied foreign minors who apply for or are granted a form of international protection.⁴⁸⁵ The Order outlines fundamental principles which should be taken into consideration by the DGAPSCs, particularly with regard to the time taken to respond to situations of unaccompanied children arriving at reception centres and maintaining regular contact between the appointed legal representatives and the child regardless of where they reside.

The situation as of 2022 was as follows:

⁴⁸³ Information provided by CNRR, 16 January 2024.

⁴⁸⁴ Information provided by UNHCR, 23 January 2024.

⁴⁸⁵ Order No 119/20.643/2023 on the conditions of appointment, role, tasks and requirements of education, training and professional experience for persons appointed as representatives for unaccompanied foreign minors who apply for or are granted a form of international protection, available in Romanian at: <https://bit.ly/4bMvfHM>.

Galați: According to the director of the centre children may contact the legal representative directly. Appeals are drafted by NGOs. The legal representative only signs them and she needs to be notified a day before.

In **Șomcuta Mare**, one legal representative was appointed. The director of the centre reported that the legal representative meets the children before the interview and they may contact him.

The legal representative who was appointed by DGASPC to represent unaccompanied children in **Rădăuți** is a male, social assistant. The legal representatives only attend the interviews and court hearings and do not file appeals against negative decisions. NGOs also draft the requests for the financial allowance.

In **Timișoara**, the legal representative only assists the unaccompanied child during the interviews; According to the director of Timișoara Regional Centre he does not have discussions with the children accommodated in the centre before the interviews, but he does with those accommodated at DGASPC. Further, the director mentioned that he appeals the negative decision of IGI-DAI and assists the child in the court proceedings but does not fulfil any other tasks.

According to Save the Children Romania, the legal representation of minors raises many issues. Although legal representatives are appointed shortly after the arrival of unaccompanied minors, most minors are not aware who their legal representatives are; they cannot contact them directly and they are not assisted in accessing the various social benefits and rights. The activities of legal representatives are limited to assisting the children at interviews and signing documents related to the procedure. There are also communication impairments between legal representatives and unaccompanied children caused not only by the language barriers but also by the lack of involvement of legal representatives. Given that there are no clear provisions regarding the role and duties of legal representatives, there have been cases in which legal representatives are managing the cases differently.

According to UNHCR Romania, the lack of active involvement of legal representatives in the asylum procedure is due to the lack of clarity of the current legislation regarding the duties of the legal representative. There is no coherence between the 2 legal acts (Asylum Act and Child Protection Act) and no guidelines regarding the role of the legal representative in the asylum procedure. This was confirmed by Save the Children.

The same was echoed in the special report of the Romanian Ombudsman on Respecting Children's Rights in Romania of 2019. It was stated that there are major legislative gaps regarding the legal representation of unaccompanied children and that there is a need for clear legal provisions on the appointment, duties and especially the scope of the duties of the legal representative of unaccompanied minors.⁴⁸⁶

Save the Children noted that previously there have been trainings and conferences on legal representation of unaccompanied minors organised by NGOs or UNHCR, but there is no coherent or mandatory training program.

The issue of the inefficient collaboration with DGASPC in the protection of unaccompanied children was discussed during a meeting between the Ombudsman's representatives and IGI. IGI stated that they are drafting a Protocol that will establish different points regarding the collaboration of the Regional Centres with DGASPC in order to remedy this situation.⁴⁸⁷

⁴⁸⁶ Ombudsman, Special Report on Respecting the Children's Rights in Romania, 2019, 198, available in Romanian at: <https://bit.ly/362ZDef>.

⁴⁸⁷ Ombudsman, *Annual Report 2018*, 601-602.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☐ Yes ☒ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance ☐ Yes ☒ No
 - ❖ At the appeal stage ☐ Yes ☒ No

A subsequent application is considered as an application following a final termination or rejection decision on the former application, subsequent application or in case of a decision on cessation or withdrawal of the international protection granted.⁴⁸⁸ New elements or circumstances have to be submitted in order for a subsequent application to be admissible.⁴⁸⁹

Therefore, the Asylum Act prescribes that access to a new asylum procedure shall be granted if one of the following conditions is met:⁴⁹⁰

- ❖ The applicant relies on new elements which could not be presented for reasons beyond his or her control and which occurred during or after the completion of the previous procedure. The applicant is obliged to prove the existence of new elements invoked and impossibility of their submission until the date of application for access to a new asylum procedure. The new elements invoked cannot be the result of actions brought by the applicant in order to obtain a form of international protection from the Romanian State;
- ❖ From the date of completion of the previous asylum procedure, there have been political, social, military or legislative changes in the country of origin, likely to have serious consequences for the applicant.

For persons whose applications are considered to have been tacitly withdrawn, i.e. persons who have left Romania and moved on to another EU Member State, and the asylum procedure has been terminated, the asylum procedure may be continued if the person makes an asylum claim within 9 months of the decision to close the file, issued in case of implicit withdrawal.⁴⁹¹ If the time limit has expired, the asylum claim is considered a subsequent application.

If the persons have left the territory of the EU or have been removed to a third country or the country of origin, as set out in Articles 19(2) and (3) of the Dublin Regulation, and their asylum procedure has been terminated by a decision closing the file, a new claim lodged in Romania is not deemed a subsequent application.⁴⁹²

Therefore, persons who expressly withdraw their asylum applications and have not left the territory of the EU or have not been removed to a third country or to the country of origin cannot continue their asylum procedure in case they return to Romania. As a consequence, they will have to submit new elements or circumstances.

The subsequent application should be submitted personally, except for cases where the applicant is detained, is in pre-trial detention or serving a sentence.⁴⁹³

⁴⁸⁸ Article 88(1) b) Asylum Act.

⁴⁸⁹ Article 88(2)(a)-(b) Asylum Act.

⁴⁹⁰ Ibid.

⁴⁹¹ Article 94¹(1)(b) Asylum Act.

⁴⁹² Article 94¹(1)(a) Asylum Act.

⁴⁹³ Article 88(1)(a) and (3) Asylum Act.

When a subsequent application is registered, IGI-DAI shall inform the IGI-Migration Directorate regarding the granting to the applicant of the permission to remain on the Romanian territory.⁴⁹⁴ The law foresees that if the subsequent application is personally submitted by the foreigner and the previous asylum application is finalised, the foreigner is allowed to remain on the territory of Romania for a period of 5 days from the date of the registration of the application for granting access to a new asylum procedure.⁴⁹⁵ The law does not impose a time limit on submitting a subsequent application or explicit limitation on the number of asylum applications that may be lodged. However, the right to remain does not apply in the case of a second subsequent claim, thus the applicant is not granted access to territory.⁴⁹⁶ The same applies where the documents from the file show that the application is made abusively in order to prevent the removal of the foreigner from the territory of Romania.⁴⁹⁷

The law provides for a safeguard against *refoulement*, stating that these cases shall apply only if the enforcement of the return decision is considered to be without prejudice to the principle of *non-refoulement*.

In these cases, a decision is issued as soon as possible justifying the non-granting of the permission to remain on the Romanian territory. This decision shall be communicated directly to the applicant, who is previously informed of the date on which they must present themselves at IGI-DAI or by post.⁴⁹⁸ This decision may be appealed within 2 days from the day it is communicated.⁴⁹⁹ The competent court is the Regional Court territorially competent for the area in which IGI-DAI issued the decision.⁵⁰⁰

The assessment of the subsequent application is done solely on the basis of a written submission. The law does not provide for a preliminary interview. IGI-DAI delivers a decision within 5 days from the date when the application was registered, on the basis of the reasoned application, the documentation submitted by the foreigner and the elements existing in their personal file.⁵⁰¹ The case officer may issue a decision by which: (a) grants access to a new asylum procedure; or (b) dismisses the application as inadmissible.

The decision is communicated to the foreigner immediately, in writing, by a direct communication of the IGI-DAI's representatives or by post, to the last declared residence thereof. The decision communicated shall be accompanied by written information in Romanian language and in a language that the applicant understands or is reasonably supposed to understand, of the admission or rejection solution of their application and the conditions under which the decision can be challenged.⁵⁰² The decision may also be communicated to the lawyer or representative of the NGO who legally represents the applicant, to the extent that the applicant has expressly stated this.⁵⁰³

Rejected subsequent applications may be appealed before the territorially competent Regional Court within 10 days of communication.⁵⁰⁴ Judicial review of rejected subsequent applications has no automatic suspensive effect.⁵⁰⁵ The foreigner may ask for permission to stay on the territory of Romania. The application for permission to remain on the territory of Romania is solved as a matter of urgency by the competent court, which shall pronounce a final decision, in the council chamber, with the parties being summoned.⁵⁰⁶ In this case the foreigner has the right to remain on the territory of Romania until the court

⁴⁹⁴ Article 40(1) Asylum Decree.

⁴⁹⁵ Article 89(1) Asylum Act.

⁴⁹⁶ Article 89(2)(b) Asylum Act. A foreigner submits a subsequent application after a previous application of this type has been rejected as inadmissible or if, after granting access to a new asylum procedure, their application has been rejected as manifestly unfounded.

⁴⁹⁷ Article 89(2)(a) Asylum Act.

⁴⁹⁸ Article 89(3) Asylum Act.

⁴⁹⁹ Article 89(4) Asylum Act.

⁵⁰⁰ Article 89(5) Asylum Act.

⁵⁰¹ Article 91(1) Asylum Act.

⁵⁰² Article 91(3) Asylum Act.

⁵⁰³ Article 91(4) Asylum Act.

⁵⁰⁴ Article 93(1) and (2) Asylum Act.

⁵⁰⁵ Article 93(3) Asylum Act.

⁵⁰⁶ Article 93(4) Asylum Act.

has ruled on this request.⁵⁰⁷ The permission to remain on the territory of Romania shall be granted until the moment of the court's pronouncement on the appeal.⁵⁰⁸

Under Article 94(1) of the Asylum Act the court assesses the appeal without hearing the foreigner, within 30 days, and delivers a reasoned decision, by which it either (a) rejects the complaint, or (b) admits the complaint, granting access to a new asylum procedure and ordering IGI-DAI to examine the application in the regular procedure. The decision of the court is irrevocable.⁵⁰⁹

Even though third-country nationals who make a subsequent application have the right to be counselled and assisted at any stage of the procedure by an NGO representative, Romanian or foreign, the projects funded by the national AMIF programme do not cover counselling and assistance for these applicants, as they are not considered as asylum seekers. CNRR representatives provide counselling and assistance on a voluntary basis. Under the project funded by UNHCR, JRS may also provide counselling and assistance to persons who apply for subsequent application and may appoint an attorney if it is a case that might lead to a practice-altering decision.

As of 2022, the situation per centre was the following:

- ❖ **Timișoara:** The director of the Regional Centre Timișoara stated that there were 43 applications, of which 24 were made by foreigners in Arad detention centre.
- ❖ **Giurgiu:** the director of the regional centre stated that only five subsequent applications were made in 2022 and all were rejected.
- ❖ **Șomcuta Mare:** no applications were lodged in 2022, according to the director.
- ❖ **Bucharest:** 128 applications were made during 2022. No further information was provided on the number of admitted and rejected applications.
- ❖ **Galați:** Four subsequent applications were made and were rejected. Two were made by Russian nationals and two by Somali nationals.
- ❖ **Rădăuți:** 12 subsequent application were made in 2022 and were admitted, as they were submitted by Ukrainian nationals.

A total of 105⁵¹⁰ subsequent applications were lodged in 2020 down from 165 in 2019, down from 230 in 2018. In 2022, 187 subsequent applications were made.⁵¹¹ In 2023, 188 subsequent applications were made:⁵¹² the main countries of origin were Syria (40 applications), Afghanistan (24), Somalia (18), Palestine (13) and Pakistan (10).

F. The safe country concepts

Indicators: Safe Country Concepts

- | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 1. Does national legislation allow for the use of “safe country of origin” concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice? | <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Does national legislation allow for the use of “safe third country” concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Does national legislation allow for the use of “first country of asylum” concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

⁵⁰⁷ Article 93(5) Asylum Act.

⁵⁰⁸ Article 93(6) Asylum Act.

⁵⁰⁹ Article 94(2) Asylum Act.

⁵¹⁰ Information provided by IGI-DAI, 16 February 2021.

⁵¹¹ Information provided by IGI-DAI, 22 February 2023.

⁵¹² Information provided by IGI-DAI, 18 January 2024.

1. Safe country of origin

Article 77(1) of the Asylum Act defines the concept of “safe countries of origin” as the EU Member States, as well as other States established by order of the Ministry of Internal Affairs, on the basis of a list proposed by IGI, taking into account a number of criteria, *inter alia*:

- ❖ The observance of human rights and fundamental freedoms, as provided for and guaranteed by the ECHR, as subsequently amended, hereinafter referred to as the European Convention and/or the ICCPR, and/or the Convention against Torture, in particular the rights from which no derogation is permitted, in accordance with Article 15(2) ECHR;
- ❖ The functioning of democratic principles, political pluralism and free elections, as well as the existence of functional democratic institutions ensuring the guarantee and respect of fundamental human rights;
- ❖ Effective mechanisms for reporting violations of human rights and fundamental freedoms;
- ❖ Compliance with the principle of *non-refoulement*, in accordance with the provisions of the Geneva Convention;
- ❖ Existence of stability factors.

When designating safe countries of origin, the government has to consider information sources from other Member States, EUAA, UNHCR, the Council of Europe and other international organisations.⁵¹³ IGI shall periodically review the situation in third countries designated as safe countries of origin and, on the basis of the resulting information, update the list.⁵¹⁴ The asylum application of a person who comes from a safe country of origin is rejected as manifestly unfounded, unless the factual situation or the evidence presented by the applicant shows the existence of a well-founded fear of persecution or a risk of serious harm. In this case, the applicant shall be given access to the regular procedure.⁵¹⁵

According to IGI-DAI, Romania has no list of safe country of origin, European safe third country or safe third country.⁵¹⁶

No applications were rejected based on the safe country of origin concept in 2022.⁵¹⁷ In 2023, there were 2 cases in which the rejection was made on the basis of safe country of origin (Croatia, France); no further details were provided by IGI-DAI.⁵¹⁸

2. Safe third country

Article 96 of the Asylum Act states that a European safe third country is a European country which is not a Member State of the European Union and:

- ❖ Has ratified and respected the provisions of the Refugee Convention without any geographical limitation;
- ❖ Has an asylum procedure provided for by domestic legislation;
- ❖ Has ratified the ECHR and complies with its provisions, including standards on effective remedies.

The concept of European safe third country may be applied only if the applicant has attempted to enter or has irregularly entered Romania from the referring country and this country agreed to their readmission.⁵¹⁹

⁵¹³ Article 77(2) Asylum Act.

⁵¹⁴ Article 77(3) Asylum Act.

⁵¹⁵ Article 77(4) Asylum Act.

⁵¹⁶ Information provided by IGI-DAI, 20 February 2020.

⁵¹⁷ Information provided by IGI-DAI, 22 February 2023.

⁵¹⁸ Information provided by IGI-DAI, 18 January 2024.

⁵¹⁹ Article 96(2) Asylum Act.

Under Article 97(1) of the Asylum Act, a safe third country is considered to be a country in respect of which there are sufficient guarantees that the rights of an applicant for international protection are respected on its territory in accordance with the following principles:

- ❖ Life and freedom are not threatened for reasons of race, religion, citizenship, membership of a particular social group or political opinion;
- ❖ There is no serious risk for the purposes of this law;
- ❖ The principle of *non-refoulement* in accordance with the Refugee Convention is respected;
- ❖ The prohibition of expulsion to a State where the person may be subjected to torture or cruel, inhuman or degrading treatment is respected;
- ❖ There is a possibility to request refugee status and, if this status is granted, to benefit from protection in accordance with the Refugee Convention.

Pursuant to Article 97(2), IGI-DAI rejects an asylum application as inadmissible when these criteria are applicable, the third country has agreed to readmit the applicant and there is a link between the applicant and the third country, on the basis of which it may reasonably be expected that the country is safe in their personal situation.

Although the law prescribes that a list of safe third countries shall be published in the Official Gazette,⁵²⁰ there is no such list available therein according with the information provided by IGI-DAI.⁵²¹ NGO practitioners are also unaware of the existence of such a list. The Director of the Regional Centre of Timișoara thought that a list is published by the Ministry of Foreign Affairs. UNHCR stated that there is no list of safe third countries and the concept has not been applied in practice according to information available to them.

According to the law, ratification and respect for the provisions of the Refugee Convention without any geographical limitation is one of the criteria which has to be fulfilled by the country in order to be considered a European safe third country. This criterion does not figure in the conditions for a “safe third country”.

When claims are rejected as inadmissible on the ground of European safe third country, safe third country or first country of asylum, IGI-DAI must inform the authorities in the respective country in the language of the safe third country, stating that the claim of the applicant was not examined on the merits.⁵²²

One application was dismissed on the basis of the safe third country concept in 2018.⁵²³

In 2019, no applications were dismissed on the basis of the safe third country concept.⁵²⁴ The same was reported in 2022.⁵²⁵ The situation was the same also in 2023.⁵²⁶

3. First country of asylum

Article 95 of the Asylum Act provides that if the applicant has previously crossed a third country which has granted them protection, this country is considered a first country of asylum on the basis of the following criteria:

- ❖ Life and freedom are not threatened for reasons of race, religion, citizenship, membership of a particular social group or political opinion;
- ❖ There is no serious risk of harm;
- ❖ The principle of *non-refoulement* in accordance with the Refugee Convention is respected;

⁵²⁰ Article 97² Asylum Act.

⁵²¹ Information provided by IGI-DAI, 18 January 2024.

⁵²² Article 97¹(4) Asylum Act.

⁵²³ Information provided by IGI-DAI, 5 March 2019.

⁵²⁴ Information provided by IGI-DAI, 20 February 2020.

⁵²⁵ Information provided by IGI-DAI, 16 February 2021.

⁵²⁶ Information provided by IGI-DAI, 18 January 2024.

- ❖ The prohibition of expulsion to a State where the applicant is at risk of torture or cruel, inhuman or degrading treatment is respected;
- ❖ The protection granted subsists.

The law only refers to “protection”, without specifying whether the applicant must be granted refugee status or enjoy sufficient protection as per Article 35 of the recast Asylum Procedures Directive.

The criteria listed under Article 38(1) of the recast Asylum Procedures Directive with regard to “safe third country” also apply to the concept of first country of asylum”.

In 2022, no applications were dismissed on the basis of the first country of asylum concept.⁵²⁷ The situation was the same also in 2023.⁵²⁸

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☒ Yes ☐ With difficulty ☐ No
 - ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

1.1 General information on rights, obligations and the procedure

The Asylum Act provides that the asylum seeker has the right to be informed, at the time of submission of the asylum application or later, within 15 days from the filing of the application, in a language which they understand or are reasonably supposed to understand, regarding the procedure, their rights and obligations during the asylum procedure, the consequences of non-compliance with these obligations and the lack of cooperation with the competent authorities, as well as the consequences of an explicit or implicit withdrawal of the asylum application.⁵²⁹

Competent officials are also obliged to inform asylum seekers about how they can contact non-governmental organisations and UNHCR, and how to obtain legal assistance and representation.⁵³⁰

The information has to be provided in writing by the official responsible for receiving the asylum application, according to a template established by order of the Director-General of IGI.⁵³¹ Where necessary for the proper understanding of the information, this may also be communicated orally at the preliminary interview.⁵³²

For 2023, IGI-DAI⁵³³ and CNRR⁵³⁴ provided information, as follows: according to IGI-DAI, in all centres, information about rights and obligations is provided immediately to the asylum seekers, verbally and in writing, when they are accommodated in the centre, with the support of available interpreters and by distributing leaflets/informative materials into the mother tongue. Information on the rights and obligations is also displayed in the interior of each centre in several languages (IGI-DAI did not provide further details). However, CNRR presents the situation in a different manner: according to them, in the centres the information of the asylum seekers is done mainly by CNRR staff (e.g. legal counsellor), they are the ones

⁵²⁷ Information provided by IGI-DAI, 22 February 2023.

⁵²⁸ Information provided by IGI-DAI, 18 January 2024.

⁵²⁹ Article 17(1)(f) Asylum Act.

⁵³⁰ Article 2(2) Asylum Decree.

⁵³¹ Article 2(1) Asylum Decree.

⁵³² Ibid.

⁵³³ Information provided by IGI-DAI, 18 January 2024.

⁵³⁴ Information provided by CNRR, 16 January 2024.

who advise the asylum seekers on their rights and obligations, both verbally and by distributing leaflets available in languages such as English, French, Turkish, Ukrainian, Arab, Urdu, Pashto. The IGI-DAI staff make an overall presentation of the information, further details are provided by the NGO staff present in each centre.

The modalities of information in the different Regional Centres were as follows for 2022:

Timișoara: The director of the centre said that asylum seekers are informed about the house rules (ROI) upon their arrival in the centre by the officers at the access point of the regional centre. IGI-DAI has leaflets in 6-7 languages and posters with ROI are displayed in the building where they are accommodated in English, French and Arabic. The director of the centre stated that the day after the asylum seekers' arrival in centre, they are gathered in groups and the integration officer provides them general information on their rights and obligations without an interpreter. NGOs are also invited to participate at these meetings. In general, these group meetings were held every time a new group arrived in the centre. As regards the information for the unaccompanied children this is done in the same way as for adults and there are no adapted leaflets. No information session was organised in 2022.

With regard to children, all stakeholders interviewed reported that they receive the same leaflets and information as adult asylum seekers.

CNRR also distributes leaflets on the asylum procedure, including rights and obligations. It also developed leaflets on the specially designed closed spaces of the centre (see [Place of Detention](#)).

Șomcuta Mare: information sessions on general information (when do they receive their temporary identity documents, financial aid and when are they able to leave) are held by the director of the regional centre when asylum seekers are transferred from Timișoara, with the help of an interpreter or the cultural facilitator of AIDRom. Subsequently, collective information meetings are held by the NGO representatives. According to the director unaccompanied children are counselled with more attention and information provision is adapted to their age.

Rădăuți: no collective information sessions were held in 2020, 2021 or in 2022 according to a stakeholder. According to the director of the centre asylum seekers are informed in writing when they arrive at the centre. Subsequently, the information about asylum seekers' rights and obligations and the procedure is provided by the NGOs individually. CNRR presents a video with all the relevant information. Group information sessions with an interpreter have been held when ROI was breached.

Galați: when transferred asylum seekers are accommodated in the centre there is no information provision, because they arrive very late. Group information sessions with the help of an interpreter are held 24-48h after their arrival in the centre. IGI-DAI provides on their rights, obligations, ROI, Dublin Procedure, services provided by each NGO. When the asylum claim is made directly at the centre information is provided in writing.

Bucharest: The director of Vasile Stolnicu centre reported that upon their arrival, asylum seekers receive written information in their language or in a language that it is reasonably believed they know on their rights and obligations and the asylum procedure. Unaccompanied minors were informed in the same way as the adults.

NGOs provide information through counselling sessions, posters and sometimes leaflets. However, due to the fact that the asylum seekers in most of the cases are not reading the leaflets, NGOs are focusing on individual or group counselling.

Giurgiu: According to the director of the centre, upon their arrival in the centre, asylum seekers received written information with their rights and obligations and information on the asylum procedure. Afterwards, they were counselled by the NGOs.

The majority of respondents pointed out that the written information they receive from IGI-DAI or NGOs is not very effective as most asylum seekers are illiterate or have difficulty reading through information which is lengthy, complex and, consequently, difficult to comprehend. Thus, asylum seekers prefer face-to-face counselling with an NGO representative in order to understand the steps of the asylum procedure. The information leaflets are not adapted to the asylum seekers' level of education or knowledge. Usually, the leaflets reiterate the provisions of the Asylum Act.

In practice, respondents reported that there is no specifically tailored information provided to unaccompanied asylum-seeking children. They are informed in the same way as adults, while they are also informed that they will have a legal representative. In general, unaccompanied children do not understand what this means. UNHCR also stated that there is a lack of accessible and adequate information materials for asylum-seeking children.

1.2 Information on the Dublin procedure

IGI-DAI has the obligation to inform the asylum seeker of the content of the common leaflet drawn up by the European Commission.⁵³⁵ The competent officer of IGI-DAI communicates the information contained in the common leaflet, drawn up according to Article 4(3) of the Dublin Regulation.⁵³⁶ If the applicant is an unaccompanied minor, the designated officer shall provide them, in a manner appropriate to their level of understanding, with the information contained in the special information leaflet drawn up by the European Commission, complemented through additional specific information for Romania. IGI-DAI⁵³⁷ stated in 2023 that the asylum seekers receive information about the Dublin procedure and that there is available a brochure in 15 languages (no further details were provided).

The situation as of 2022 was as follows:

Bucharest: basic information is provided on the Dublin Procedure upon their arrival at the centre. A general leaflet is also provided at the same time according to the director.

Giurgiu: asylum seekers are informed in writing when they make the asylum application, and when the procedure is suspended, according to the director of the centre. If the asylum procedure is suspended due to a hit, they are notified in writing that the case has been suspended, whilst the Dublin procedure is carried out.

Șomcuta Mare: Asylum seekers are informed at the beginning of the asylum procedure about the Dublin procedure and what it entails, by NGOs. When the asylum procedure is suspended, information and a general leaflet is provided. Asylum seekers are informed about the Member State to which a request was sent.

Rădăuți: Asylum seekers receive a common leaflet and oral information that the Dublin procedure has been triggered and information on the Member State to which a request has been sent. CNRR provides information on the Dublin procedure through a video. The same video is also played for minors.

Galați: General information is provided during collective information sessions. A common leaflet is provided when the asylum claim is made. When the asylum procedure is suspended, they receive written information, including on the Member State to which the request has been made.

In practice, asylum seekers in most of the Regional Centres are informed orally and in writing of the fact that the Dublin procedure has started, and they are handed the common leaflet. The information is provided with the help of an interpreter in all the centres.

⁵³⁵ Article 118 Asylum Act.

⁵³⁶ Article 118(1) Asylum Act.

⁵³⁷ Information provided by IGI-DAI, 18 January 2024.

In **Timișoara**, upon their arrival, when they are fingerprinted asylum seekers are informed verbally, because there have been no leaflets for quite some time, according to the director of the centre. If after checking the fingerprints in Eurodac, IGI-DAI finds a match with the data introduced by another Member State, the asylum seeker is informed orally that they are subject to the Dublin procedure. IGI-DAI mentions which country has been contacted. They are also informed by the NGOs and receive leaflets from CNRR. As regards the unaccompanied children IGI-DAI always takes the responsibility to assess their asylum claim, according to the director of the Regional Centre Timișoara. For minors there is no special information leaflet, the director said.

In **Șomcuta Mare**, asylum seekers are also informed orally of the beginning of the Dublin procedure and the State contacted. In **Rădăuți**, during the preliminary interview IGI-DAI informs asylum seekers in writing that they are subject to the Dublin procedure, provides them the common leaflet, and specifies the Member State which has been contacted, with the assistance of an interpreter. In **Giurgiu**, they are also informed orally of the fact that a Dublin procedure has been initiated, while the authorities also mention the country contacted. In **Galați**, however, asylum seekers are informed orally and in writing about the time frame of the procedure, the possibility to appeal the decision and about the country what has been contacted.

If the applicant is an unaccompanied child, the appointed official shall apprise them, in a manner appropriate to their level of understanding, of the information contained in the special information brochure drawn up by the European Commission according to Article 4(3) of the Dublin Regulation, supplemented with additional specific information for Romania. The legal representative of the unaccompanied child confirms by signature that the information has been provided.⁵³⁸

Rădăuți: The information is provided in the presence of the legal representative, because he has to sign the notification. The legal representative does not explain to the child what the procedure entails. The case officer explains some of the aspects of the procedure with the help of an interpreter. The legal representative is only present when this information is provided, without giving any other information. Subsequently, the unaccompanied minor turns to the legal counsellor for further information. At the preliminary interview, the unaccompanied children are informed about the fact that they will be transferred to the responsible Member State.

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No

According to the Asylum Act, asylum seekers located at the border or in detention centres have the right to be counselled and assisted by a representative from non-governmental Romanian or foreign organisations and to contact and receive assistance from an official of UNHCR at any stage of the asylum procedure.

In practice, asylum seekers located at the border have difficulties in accessing NGO services and assistance. Access depends on whether the Border Police or IGI-DAI inform the NGOs of the presence of asylum seekers at the border-crossing check points. In relation to asylum seekers detained in detention

⁵³⁸ Article 118(2) Asylum Act.

centres, access to such services is not systematically ensured as NGOs, namely CNRR, do not have regular office hours in these centres.

In cases of asylum seekers accommodated outside the reception centres, access to NGOs is determined by the information, which was provided to them by the authorities and NGOs, if they exchanged contact details.

UNHCR Romania is contacted by the asylum seekers accommodated in one of the Regional Centres through their implementing partner JRS or directly via email, phone or walk-in interviews at its office.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?⁵³⁹ ☐ Yes ☒ No
❖ If yes, specify which:

In 2022, as in previous years, in **Timișoara** it was reported that all Syrian nationals were granted a form of protection. In Giurgiu, Rădăuți, Șomcuta Mare and Galati asylum applications of Syrian nationals are also rejected, according to the directors of these centres. In Rădăuți the majority of Syrian asylum seekers are rejected, including unaccompanied children; only one or two were granted a form of protection. In Galati only a few Syrian national asylum seekers' applications were rejected.

In the case of Syrian asylum seekers, in 2023, according to IGI-DAI, 748 applications were admitted and the asylum seekers were granted a form of protection (605 in Bucharest, 60 in Galati, 12 in Giurgiu, 10 in Rădăuți, 21 in Șomcuta Mare, 40 in Timisoara) and 377 applications rejected (287 in Bucharest, 183 in Galati, 51 in Giurgiu, 8 in Rădăuți, 130 in Șomcuta Mare, 5 in Timișoara).⁵⁴⁰

⁵³⁹ Whether under the "safe country of origin" concept or otherwise.

⁵⁴⁰ Information provided by IGI-DAI, 18 January 2024.

Reception Conditions

Short overview of the reception system

Asylum seekers who do not have means of subsistence are entitled to reception conditions from the moment they have expressed their intention to apply for asylum until the completion of the asylum procedure and the expiry of their right to stay in Romania. Most asylum seekers are accommodated in Regional Centres for Accommodation and Procedures for Asylum Seekers, managed by IGI-DAI. The management of reception is decentralised to the level of counties. Asylum seekers may also request to stay in private accommodation, but at their own expenses.

In 2023, the EUAA initiated the deployment to the Romanian national reception authorities of 52 containers for asylum and reception use, other than accommodation.⁵⁴¹

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow access to material reception conditions to asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Admissibility procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Border procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Subsequent application	<input type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input checked="" type="checkbox"/> No
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
-----------------------------------------	-----------------------------

Asylum seekers who do not have means of subsistence are entitled to reception conditions from the moment they have expressed their intention to apply for asylum until the completion of the asylum procedure and the expiry of their right to stay in Romania.⁵⁴² Asylum seekers have the right to stay in Romania until the expiration of a period of 15 days after the end of the asylum procedure, except when the asylum application was rejected after being examined in the accelerated procedure or in the border procedure, in this case the person is ordered to leave Romania as soon as the asylum procedure has been completed. Accelerated and border procedures are concluded from the date of delivery of the court's decision if an appeal has been lodged, or from the expiration of the deadline for filing the appeal.⁵⁴³ In the Dublin procedure the right to remain on the territory of Romania ceases on the date of the transfer.⁵⁴⁴

Subsequent applicants do not have the right to access material reception conditions.⁵⁴⁵

At the time of submission of an application for material reception conditions and whenever necessary, IGI-DAI shall analyse the provision of material reception conditions on a case-by-case basis, taking into account the material and financial means possessed by the applicant.⁵⁴⁶ If IGI-DAI finds that the applicant

⁵⁴¹ Information provided by the EUAA, 26 February 2024.

⁵⁴² Article 56(6) Asylum Decree.

⁵⁴³ Article 17(7) Asylum Act.

⁵⁴⁴ Article 17(1)(a) Asylum Act.

⁵⁴⁵ Article 88¹ Asylum Act.

⁵⁴⁶ Article 55(8) Asylum Decree.

has the means to ensure an adequate standard of living and can contribute to the costs of material reception conditions and health care, it may suspend the granting of material reception conditions and may require reimbursement and impose future contribution to those costs.⁵⁴⁷

According to the law, applicants are entitled to reception conditions from the moment they express the intention to seek asylum. In the past, there have been reports of cases in which access to accommodation was only granted at the moment of registration of the asylum claim.

In 2022-2023, a mono-parental family was hosted in Somaschi Foundation. From February 2023, JRS helped them with the rent costs through the AMIF project, financed by GII.⁵⁴⁸

Since 9 March 2022, when the Romanian government lifted all COVID-19 restrictions, there have been no restrictions or measures imposed in the regional centres, according to the directors of the centres.

At the time of the author of the 2022 update's visit on 16 February 2023 at the ITPF Timișoara there were four shipping containers where asylum seekers were accommodated, and two mobile toilets placed in the inner court yard of the institution. One of these containers was presented to the author. It had eight bunk beds, without mattresses and a broken fan heater. The representatives of ITPF stated that the mattresses were taken out for cleaning. They also declared that these containers had not been used since December 2022; they are only used when there is a group of 10-20 people waiting for their interview and registration process. In the first trimester of 2022 ITPF Timișoara had to process groups of 10-12 persons.

Around 80% of asylum seekers transferred from Timișoara received the financial allowance before they were transferred to other centres, according to the director of the centre. As for the rest, they did not receive the financial allowance because they were transferred soon after their arrival. The JRS representative mentioned that asylum seekers were provided financial allowance even though they were not issued the temporary identity card. The financial allowance is provided twice per month on the first and 15 of the month. Therefore, asylum seekers present in the centre at these dates received the financial allowance.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 1 June 2024(in original currency and in €): | 960 RON / € 195 |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------|

According to IGI, in 2023, 6,638 asylum seekers benefitted from financial allowances.⁵⁴⁹

Reception conditions consist of: accommodation in one of the reception centres; financial allowance for food and clothing; and pocket money.

According to CNRR,⁵⁵⁰ in practice, there are a series of challenges that asylum seekers face in accessing their socio-economic rights. The most important is the language barrier. Moreover, the procedures for accessing national public health programmes, health insurance, applying for social benefits (unemployment or child allowance), school enrolment, are characterised by heavy bureaucratic procedures that are very difficult to navigate without any guidance or assistance. Public institutions services are also not adapted to the specific needs of asylum seekers, the public servants are not aware of the legislation in this field and therefore their access to these rights is oftentimes denied requiring direct interventions from NGOs.

⁵⁴⁷ Ibid.

⁵⁴⁸ Experience of JRS Romania, April 2024.

⁵⁴⁹ Ministry of Interior Affairs, *PROGRAMUL NAȚIONAL 2021-2027 AZIL MIGRAȚIE ȘI INTEGRARE - GHIDUL SPECIFIC aferent apelului de proiecte*, available in Romanian [here](#).

⁵⁵⁰ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

Allowance for food / clothing and pocket money

Asylum seekers are entitled to receive, upon request, the following allowances, which were doubled as of 27 February 2022:⁵⁵¹

- ❖ Food daily allowance of 20 RON / € 4.08 from 10 RON / € 2.08 per person;
- ❖ Clothing one-off allowance of 135 RON/ € 27.55 from 67 RON / €13.95 per person during summer and 200 RON/ € 40.81 from 100 RON / € 20.83 per person during winter;
- ❖ Pocket money of 12 RON/ € 2.45 from 6 RON / € 1.25 per day per person for other expenses such as local transport expenses, cultural services, press, repair and maintenance services and personal hygiene products expenses.

There were no available reports of lack of or difficulty in accessing public funds (local, national or EU funds) hampering or limiting the provision of reception conditions in 2023.

Monthly amounts of financial allowances for different categories of applicants are as follows:⁵⁵²

Monthly amount of financial allowances for asylum seekers	
Category	Amount of allowances
Single adults	960 RON / €195
Pregnant women in months 1-4 Ill persons upon admission to infirmary	1,140 RON / €232
Pregnant women in months 5-9 Women giving birth who do not breastfeed	1,200 RON / €244
Women giving birth who breast feed Children aged 0-5 months	1,260 RON / €256
Children aged 6-12 months	1,380 RON / €280

Before the 2015 reform, asylum seekers were granted a financial allowance of 3.6 RON per day, amounting to a monthly total of 108 RON / € 23. In general, the financial allowance is sufficient to ensure a decent living. In cases of families, all the members are entitled to receive the financial allowance. The only persons who have complained about the amount of the financial allowance are single men.

In comparison, Romanian nationals with low-income benefit from social assistance,⁵⁵³ heating assistance⁵⁵⁴ and a family allowance.⁵⁵⁵ Romanian nationals – families and single persons – are entitled to a minimum guaranteed income as a form of social assistance.⁵⁵⁶ The monthly minimum guaranteed income is determined based on the social reference indicator (*indicator social de referinta*, ISR) set by law at 500 RON / €100. Starting from 1 March 2022 the ISR increased to 525,5 RON/ €107. The minimum guaranteed income level is as follows:

Monthly amount of minimum guaranteed income		
Category	Percentage ISR	Amount
Single adults	28.3%	149 RON / €30
Family of two	51%	269 RON / €55
Family of three	71.4%	376 RON / €77
Family of four	88.4%	465 RON/ €96

⁵⁵¹ Article 55(1) Asylum Decree, modified by Decision 277 of 27 February 2022.

⁵⁵² Article 55(2) a-g Asylum Decree, modified by Decision 277 of 27 February 2022.

⁵⁵³ Act 416/2001 on Minimum Guaranteed Income, available at: <http://bit.ly/2AWyH00>.

⁵⁵⁴ Emergency Government Ordinance 70/2011 on social protection measures during the cold season, available at: <http://bit.ly/2mtUk2t>.

⁵⁵⁵ Act 277/2010 on Family Allowance, available at: <http://bit.ly/2FvzrN3>.

⁵⁵⁶ Article 1(1)-(2) Act 416/2001 on Minimum Guaranteed Income.

Family of five	105.4%	554 RON / €114
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In addition, the State affords an allowance for all children, including nationals and non-nationals, up to the age of 18.⁵⁵⁷ This type of financial allowance is complementary to other forms of material support afforded by the State. The level of the state child allowance is determined by the ISR and amounts to:⁵⁵⁸
600 RON / €122 for children up to the age of 2, or 3 in case of a disabled child;
243 RON / €49 for children between the age 2 and 18;

Even though a comparison between financial assistance granted to nationals and asylum seekers is difficult to make due to the diversity of available allowances and the applicable calculation modes, asylum seekers are not treated less favourably than nationals as far as material support is concerned. They also benefit from other financial allowances than the ones provided by the Asylum Act, such as the allowance for children and they are also entitled to receive social assistance under the conditions provided by Act292/2011 on Social Assistance, as amended.⁵⁵⁹

Accommodation allowance where reception capacity is exceeded.

A new form of reception conditions was included by the 2015 reform. When the capacity in the reception centres for asylum seekers is exceeded, IGI-DAI may grant asylum seekers an accommodation allowance for the purpose of renting a house or contracting specialised services for the reception and accommodation of asylum seekers in individual or collective locations, within the limits of the available funds.⁵⁶⁰ This form of reception conditions has never been applied to date.

In these situations, IGI-DAI may provide, upon request, material assistance amounting to the following monthly sums per person: rental assistance of 808 RON / €165; and maintenance assistance of 145 RON / €29.59 during the summer season and 185 RON / €37.75 during the winter season. In the case of a two-member household, the monthly amount paid to a person for rental decreases by 30%. In the case of households consisting of three or more members, the amount granted monthly to a person for rental decreases by 40%.⁵⁶¹

This material assistance shall be granted in the first month after the filing of the application, without the need for the submission of supporting documents for the rental. However, for the second month the submission of these documents is mandatory. If the requested documents are not submitted by the second month, the grant is suspended.

Reimbursement of expenses related to travel

Asylum seekers also have the right to reimbursement, upon request, of transport costs associated with their court proceedings, if the judicial process takes place in a different area than the one where they are residing, and if transport is carried out by road, rail or ferry.⁵⁶²

The reimbursement of transport expenses is made on the basis of a request filed by the asylum seeker, together with travel tickets, filed within 5 working days from the date of the court hearing at the Regional Centre where the asylum seeker is accommodated. The reimbursement is made after checks have been carried out in order to certify the presence of the asylum seeker in court.⁵⁶³

The Asylum Decree refers particularly to asylum seekers accommodated in **Șomcuta Mare** and **Rădăuți**, since the competent courts for onward appeals (see [Regular Procedure: Appeal](#)) are located in a different

⁵⁵⁷ Article 1 Act 61/1993 on the State Child Allowance.

⁵⁵⁸ Article 3 Act 61/1993 on the State Child Allowance.

⁵⁵⁹ Article 17(1)(n¹) Asylum Act.

⁵⁶⁰ Article 17(8) Asylum Act.

⁵⁶¹ Article 55(4) Asylum Decree, modified by Decision 91 of 19 January 2022.

⁵⁶² Article 17(1)(q) Asylum Act.

⁵⁶³ Article 56(2¹) Asylum Decree.

city than the one where the Regional Centres are located; respectively **Baia-Mare** and **Suceava**. The policy of reimbursement is applied in practice.

Asylum seekers moved from Tudor Gociu centre to Giurgiu while their appeal was pending at Administrative Court District 4 Bucharest were also eligible for these reimbursements. The legal counsellor in Giurgiu centre stated that they enquired and the respective asylum-seekers will be reimbursed if they present the travel tickets.

IGI-DAI may also involve asylum seekers in activities related to the maintenance or redevelopment of the interior and exterior spaces of Regional Centres, or support to the centre staff in information and counselling activities.⁵⁶⁴ Asylum seekers who perform this kind of activity benefit from an additional allowance for food of 10 RON / €2 per day.⁵⁶⁵ According to the director of Galati centre this provision is applied frequently. In Rădăuți, the director stated that in 2022 there were cases when they provided this amount. The legal counsellor, however, declared that there were no such cases. The director of the Giurgiu centre mentioned that no additional allowance had been afforded in 2022.

According to the director of **Timișoara** centre, the majority of asylum seekers were transferred before they received financial aid, especially in the last part of 2022, when asylum seekers were transferred in a maximum of three days after their arrival. This was also confirmed by the directors from the other centres. Based on the financial assessment made in Timișoara; asylum seekers received the financial aid in the destination centre, according to the director of Timișoara.

It was reported by the CNRR representative in **Giurgiu**, that asylum seekers receive the financial aid a week after their arrival at the centre, as the assessment of their financial situation has to be approved in Bucharest, as Giurgiu centre is not a financial controller. In **Galati** asylum seekers are granted the aid within 3 days.

In practice, the reimbursement policy could not be applied in the case of **Șomcuta Mare** due to the fact that there is no public transportation to Baia Mare. Applicants have to hitch hike to go to the court.⁵⁶⁶

Material and financial assistance from NGOs

In 2022, in addition to the material reception conditions afforded by IGI-DAI, asylum seekers also benefit from material assistance provided by AIDRom through the project "A.C.A.S.A. - Complex Social Assistance for Asylum Seekers" financed through AMIF funds.⁵⁶⁷ The project ended in December 2022. AIDRom provided material assistance to asylum seekers accommodated in all Regional Centres, in the 2 Accommodation and Counselling Centres run by AIDRom in **Bucharest** and **Timișoara**. However, the project did not continue in 2023.⁵⁶⁸

In 2022, the number of social vouchers granted through the new project by AIDRom to asylum seekers continued to decrease compared to the previous implemented projects. Within the project, 'A.C.A.S.A.- Complex Social Assistance for Asylum Seekers' financed through AMIF funds, the assistance offered by AIDRom consisted of:

Financial assistance for translation of civil status documents and/or diplomas, as well as legalisation / authentication / apostilles of approximately 45 (instead of 50 in 2019 and 60 in 2018) pages of documents;

- ❖ 385 packages of food for asylum seekers transferred between Regional Centres or transferred from the place where the asylum application was made to the Regional Centre (instead of 600 prescribed in the previous project);

⁵⁶⁴ Article 55(9) Asylum Decree.

⁵⁶⁵ Article 55(10) Asylum Decree.

⁵⁶⁶ Experience based observation by JRS Romania, April 2024.

⁵⁶⁷ Information provided by AIDRom, 4 March 2021.

⁵⁶⁸ See IGI, there was no project on material assistance for asylum seekers provided under AMIF through NGOs in 2023: IGI-DAI, *ANUNT DE ATRIBUIRE – a contractelor de finantare nerambursabila in cadrul selectie de proiecte FAMI 22.02, 2023*, available in Romanian [here](#).

- ❖ 135 social vouchers for vulnerable asylum seekers (100 in the previous project;
- ❖ 350 installation packages for persons accommodated in AIDRom Centres and in Regional Centres at the time of filing the asylum application.
- ❖ Direct material assistance for asylum seekers accommodated in public custody centres: food, personal hygiene products, clothing / footwear, as well as goods for cultural and recreational activities. According to AIDRom representative the indicators were the same in 2022.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

IGI-DAI may limit or withdraw the material reception conditions granted to asylum seekers by a reasoned decision communicated to the applicant. The Asylum Act provides that the grounds for which material reception conditions may be limited or withdrawn are to be determined by a Government decision.⁵⁶⁹ Accordingly, these are laid down in the Asylum Decree.

IGI-DAI may limit or withdraw the material reception conditions where the applicant:⁵⁷⁰

- ❖ Leaves the place of residence established for 72 hours without having previously informed the Regional Centre;
- ❖ Does not comply with the obligation to present themselves at the request of IGI-DAI in order to provide information or does not attend interviews notified to them;
- ❖ Repeatedly violates the house rules of the Regional Centres.

The law does not foresee any limitation on reception conditions due to large numbers of arrival. Where reception capacity is exhausted, IGI-DAI grants a specific allowance to asylum seekers to secure accommodation (see [Forms and Levels of Material Reception Conditions](#)).

More particularly as regards violations of house rules, Article 47 of the Regulation of Internal Order (ROI) prescribes the applicable sanctions in cases of disciplinary deviations, with the exception of applicants held in the specially designed closed spaces. The Director of the centre or their legal substitute shall apply individually, gradually and proportionally with the seriousness of the act, one of the following sanctions:

- ❖ Oral warning;
- ❖ Written warning;
- ❖ Suspension of the daily amount of 12RON for local transport expenses, cultural services, press, repair and maintenance services and expenses for personal hygiene products, for a period of 1-3 months;
- ❖ Temporary suspension from the centre for 24 hours;
- ❖ Temporary suspension from the centre for 7 days;
- ❖ Eviction from the centre.

Decisions on reducing or withdrawing material reception conditions must be reasoned and taken on an individual basis, impartially and objectively.⁵⁷¹ The decision is signed by the Director of the Regional Centre. However, potential risks of destitution following the withdrawal of reception conditions are not assessed.

⁵⁶⁹ Article 19^1(1) Asylum Act.

⁵⁷⁰ Article 55^1 Asylum Decree.

⁵⁷¹ Article 55^1(3) Asylum Decree.

That these measures remain in place has been confirmed for the year 2023 by IGI-DAI, who stated that they can be ordered according to the provisions of Article 47 of the Regulation of Internal Order (ROI) as indicated above.⁵⁷² However, IGI-DAI did not provide information as to practice in 2023.

In 2022, practice as regards the reduction or withdrawal of reception conditions in the different Regional Centres was as follows:

Main grounds and forms of reduction/ withdrawal of reception conditions by Regional Centre: 2022		
Regional Centre	Main applicable grounds	Main sanctions imposed
Galați	ROI	Oral and written warning
Rădăuți	ROI, departure from centre	Allowance suspension
Șomcuta Mare	ROI	Oral warning
Timișoara	ROI, departure from the centre	Allowance suspension
Giurgiu	ROI, departure from the centre	Allowance suspension
Bucharest	Departure from the centre	Allowance suspension

Timișoara: According to the director of the Regional Centre Timișoara, an asylum seeker that leaves the centre without a formal request, will be re-accommodated in the centre upon return and their allowance will be suspended for maximum of 2 weeks. In 2022, 82 persons received a decision to withdraw their reception conditions.

Șomcuta Mare: Nine decisions were issued for those who had left the centre for more than 72 hours without an approved request.

Rădăuți: Asylum seekers received withdrawal of reception conditions decisions for leaving the centre without formal approval, for breaching the ROI. Five decisions were issued. For the asylum seekers who breached the ROI by causing damage in the centre the allowance was suspended for one month.

Giurgiu: according to the director of the regional centre 23 decisions to withdraw the financial allowance were issued, because the asylum seekers left the regional centre and in the case of 10 unaccompanied children who were taken over by DGASPC

Galați: 12 decisions were issued and in most of the cases this occurred to asylum seekers who left the regional centre without prior approval or for repeated violations.

Bucharest: the director of Stolnicu Centre reported that they issued 131 decisions suspending the 12 RON pocket money for asylum seekers who failed to comply with ROI.

According to IGI-DAI, 9,462 eviction notices were taken in 2022,⁵⁷³ compared to 1099 in 2021⁵⁷⁴, 803 in 2020⁵⁷⁵ and 639 in 2019.⁵⁷⁶ IGI-DAI stated that these eviction notices were issued for asylum seekers who left the centre without a formal request for more than 72 hours. Of the total number of decisions 3,350 were issued for Ukrainians who were accommodated in the centres.

⁵⁷² Information provided by IGI-DAI, 18 January 2024.

⁵⁷³ Information provided by IGI-DAI, 22 February 2023.

⁵⁷⁴ Information provided by IGI-DAI, 10 March 2022.

⁵⁷⁵ Information provided by IGI-DAI, 16 February 2022.

⁵⁷⁶ Information provided by IGI-DAI, 20 February 2020.

Bucharest	Timișoara	Galați	Rădăuți	Șomcuta Mare	Giurgiu	Total
328	2630	886	3728	814	1074	9,462

Source: IGI-DAI, 22 February 2023.

The decisions to withdraw reception conditions were taken either because the asylum seekers left the reception centre without prior notification or they failed to observe the ROI.⁵⁷⁷

The sanction imposed was suspension of the daily amount of 12 RON for local transport expenses, cultural services, press, repair and maintenance services and expenses for personal hygiene products, for a period of 1-3 months.⁵⁷⁸

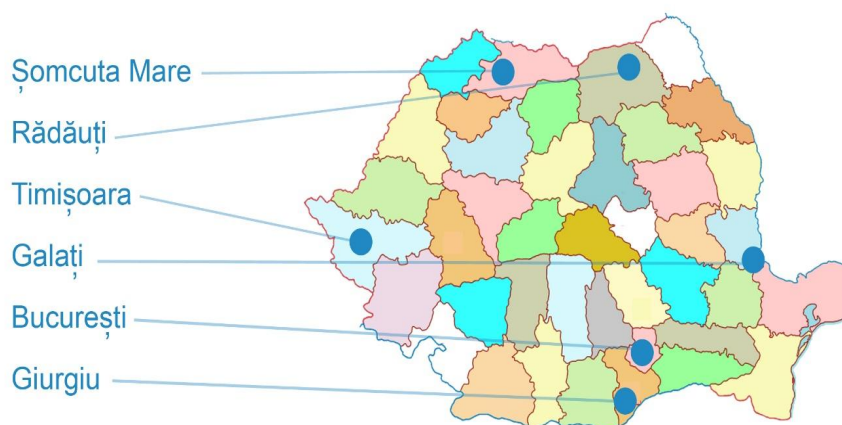
The decision on reduction or withdrawal of reception conditions may be challenged, subject to the rules applicable in the Accelerated Procedure: Appeal.⁵⁷⁹ In 2019, the first and only appeal was drafted, but the applicant did not lodge it. In 2022, no decision to withdraw or reduce the reception conditions was challenged.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

Asylum seekers are allocated to a specific reception facility through a dispersal scheme operated by IGI-DAI. The Regional Centres for Accommodation and Procedures for Asylum Seekers are located in the following areas:



Source: AIDRom, Support for asylum seekers in Romania: <http://bit.ly/2mAeokN>.

According to the Asylum Act, asylum seekers are not allowed to leave their place of residence without authorisation from IGI-DAI.⁵⁸⁰ The request to leave the residence has to include the address, the full name of the person with whom the applicant will be staying and the period of time and reasons for their request

⁵⁷⁷ Information provided by IGI-DAI, 10 March 2022.

⁵⁷⁸ Ibid.

⁵⁷⁹ Article 19¹(1) Asylum Act.

⁵⁸⁰ Article 19(g) Asylum Act.

to leave.⁵⁸¹ Authorisation is issued following an individual, objective and impartial assessment. In case IGI-DAI refuses to grant authorisation, its decision shall be motivated.⁵⁸²

The provision of material conditions is subject to the applicant's actual residence in the assigned centre. This is monitored by IGI-DAI through its database. If an applicant leaves the Regional Centre without permission and does not return in 72 hours, IGI-DAI may apply [Reduction or Withdrawal of Reception Conditions](#).

According to CNRR,⁵⁸³ persons in the centres have freedom of movement, but they need the approval of the management staff in case of long absence (more than 1 day). All the asylum seekers have to notify GII regarding any residency change.

Transfers between centres

While in previous years, applicants were transferred from Timișoara to other Regional Centres due to limited capacity, starting from April 2022 around 70-80% of asylum seekers were transferred to other centres within two to three days of their arrival. As of June 2022, by order of the general inspector of IGI, all asylum seekers from Timișoara centre were transferred. According to the Director of the Regional Centre of Timișoara and NGO representatives, asylum seekers are not informed beforehand about the transfers. IGI-DAI officers jointly with the special police forces/gendarmes wake them up on the morning of the transfer. No problems were reported with regards to the transfer process.

According to the director of Timișoara, food packages were not offered to asylum seekers when they were transferred to other centres in the second half of 2022. An AIDRom representative stated that there were moments when asylum seekers did not receive transfer packages, as there were more than 1,000 asylum applicants transferred in 2022 and only 385 transfer packages foreseen in the implemented project.

According to the AIDRom representative, asylum seekers are informed on the spot by the integration officer and AIDRom representative. An information note, written in Romanian and English, is given to the asylum seekers on the day of the transfer. In general, transfers are conducted once a week. AIDRom assists to the transfer procedure and provides them with packages.

From June 2022 until 25 February 2023, another order of the general inspector of IGI was given to transfer asylum seekers from one regional centre to another in order to hinder contact with smugglers. The transfer procedure was described by the director of Galati centre as follows:

The asylum seeker was transferred from the centre where the asylum claim was made in a maximum three days; in the next centre the preliminary interview was conducted within another three days; in seven days from the arrival in the second centre, the asylum seeker was transferred to a third centre where the personal interview was conducted. After a maximum of seven days the person was again transferred to a fourth centre where the decision was communicated. If the decision was not issued and communicated within seven days, the applicant was subject to another transfer. This chain of transfers stopped when an administrative decision was issued as the appeal was assessed by the Regional Court with jurisdiction in the locality where the regional centre was located.

CNRR reported that this measure was not entirely effective. From the practice encountered by the CNRR legal counsellors, due to this practice the asylum procedure tended to be more difficult, applicants were less cooperative because of the length of the asylum procedure. Moreover, the legal counsellor in Timișoara centre noticed that the human trafficking networks were still widespread, and the asylum seekers remained in contact with the smugglers, who were well aware of this chain of transfers.⁵⁸⁴

⁵⁸¹ Article 7 Asylum Decree.

⁵⁸² Article 19(g) Asylum Act.

⁵⁸³ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

⁵⁸⁴ Information provided by CNRR, 7 February 2023.

The director of Galați centre also mentioned that this measure entailed a lot of human and financial resources.

While the capacity of Tudor Gociu centre is 96 places, during 2022 the capacity was reduced to 25 and even to 10 places by order of the general inspector. When this occurred, asylum seekers were transferred to Giurgiu centre. According to CNRR, the asylum seekers returned and remained in Bucharest. The asylum seekers declared that they wanted to stay in Bucharest as they were already integrated there, and it would be difficult for them to find a job and housing in Giurgiu. They lived in private accommodation or with friends from their community. They were afforded material assistance from Giurgiu centre.⁵⁸⁵

The ITPF Timișoara representatives reported that to discourage Timișoara being an intermediary stop, the Border Police jointly with IGI and the Gendarmerie conducted raids twice a day at the usual meeting places of migrants.

IGI-DAI highlighted that in 2023, 3,901 asylum seekers were transferred between the regional centres, and that the main purpose of the transfers was to maintain a balance from the perspective of accommodation and processing of asylum applications between the regional centres.⁵⁸⁶

CNRR⁵⁸⁷ stated that in 2023 the following issues were identified concerning asylum seekers temporarily accommodated in the Timișoara regional centre and then transferred to other regional centres. Because in many cases transfers from Timișoara are made within 24-48 hours of arrival in this centre, asylum seekers were not offered food, hygiene material, clothing, shoes. The only support for those transferred within a short period of time was food offered from donations by NGOs and transfer packages offered by AIDRom within the project the organisation had implemented. Between June-December 2023, AIDROM implemented the project “Information, counselling and comprehensive assistance for asylum seekers in the regional centres of the General Inspectorate for Immigration”, a project financed by UNHCR. Within this project, transfer packages were provided to asylum seekers that were transferred from one centre to another. Transfer packages consisted of food, water, towels, etc.

Restrictive measures

According to IGI-DAI, in 2022, 208 decisions assigning a specific residence,⁵⁸⁸ reception centres, for the asylum seekers, were taken, in line with article 19(4) of the Asylum Act, compared to 26 decisions taken in 2020.⁵⁸⁹

In 2023, according to IGI-DAI data, there were situations when restrictive measures were imposed on asylum seekers:⁵⁹⁰

- ❖ There were no such measures ordered with regard to the **Galați** centre;
- ❖ 9 measures mandating that the person present themselves at the centre, in the context of the Dublin procedure, and 25 measures establishing residence in the centre, were ordered at the **Timișoara** centre;
- ❖ 32 measures mandating that the person present themselves at the IGI-DAI Giurgiu, in the context of the Dublin procedures, and 431 orders establishing residence in the centre, were ordered at the **Giurgiu** centre;
- ❖ 19 orders establishing residence in the centre, were ordered at the **Bucharest** centre;
- ❖ Residence was established at the **Șomcuta Mare** centre in 367 cases.
- ❖ Residence was established at the **Rădăuți** centre in 367 cases.

⁵⁸⁵ Information provided by CNRR, 8 March 2023.

⁵⁸⁶ Information provided by IGI-DAI, 18 January 2024.

⁵⁸⁷ Information provided by CNRR, 16 January 2024

⁵⁸⁸ Information provided by IGI-DAI, 10 March 2022.

⁵⁸⁹ Information provided by IGI-DAI, 20 February 2020.

⁵⁹⁰ Information provided by IGI-DAI, 18 January 2024.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation	
1. Number of reception centres:	6
2. Total number of places in the reception system:	1,100
3. Total number of places in private accommodation:	Not available
4. Type of accommodation most frequently used in a regular procedure:	<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other
5. Type of accommodation most frequently used in an accelerated procedure:	<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other

Most asylum seekers are accommodated in Regional Centres for Accommodation and Procedures for Asylum Seekers, managed by IGI-DAI. The management of reception is decentralised to the level of counties.

The capacity of the different Regional Centres operating across the country (see [Freedom of Movement](#)) is as follows:

Capacity and occupancy of the reception system: 2023		
Centre	Capacity	Asylum seekers accommodated throughout 2023
Timișoara	250	3,672
Șomcuta Mare	100	1,292
Rădăuți	130	707
Galați	200	1,126
Bucharest	320	390
Giurgiu	100	918
Total	1100	8,105

According to IGI-DAI, the capacity of each centre can be increased in case of need:

- ❖ Timișoara centre: the total capacity of the centre can be increased by 10 places;
- ❖ Șomcuta Mare: the total capacity of the centre can be increased by 100 places;
- ❖ Rădăuți: the total capacity of the centre can be increased by 20 places;
- ❖ Galați: the total capacity of the centre can be increased by 10 places;
- ❖ Bucharest: the total capacity of the centre can be increased by 52 places;
- ❖ Giurgiu: the total capacity of the centre can be increased by 70 places.

Source: IGI-DAI, 18 January 2024

IGI-DAI has stated that in 2023, due to rehabilitation work, the centre in Vasile Stolnicu centre temporarily operated at a restricted accommodation capacity, without providing further details.⁵⁹¹

For information about regular transfers of asylum seekers between centres, see [Freedom of movement](#).

There has not been a situation to date whereby asylum seekers were left without accommodation due to a shortage of places in the reception centres.

⁵⁹¹ Information provided by IGI-DAI, 18 January 2024.

In order to increase the number of accommodation places in the regional centres, IGI, under AMIF funds aims to extend the accommodation capacity by 500 places in 3 centres, as follows: Timișoara and Rădăuți each with 100 places and Galați with 300 places. However, the construction works in Timișoara and Rădăuți were suspended, due to a lawsuit filed by the constructor regarding the price of the construction works.

As a result of the increase of asylum applications made in Romania, IGI, in accordance with the Emergency Ordinance no.38 of 10 May 2018, took over a public building, administered by the Ministry of Foreign Affairs, in order to convert it into an accommodation centre for asylum seekers. The building is located in Crevedia, Dâmbovița County and will have a capacity of 500 places.

In addition to the Regional Centres, AIDRom, one of the NGOs implementing the AMIF national programme, runs two Accommodation Centres for vulnerable groups (see [Special Reception Needs](#)).

Asylum seekers may also request to stay in private accommodation at their own cost. In this case, they have to present to IGI-DAI a lease agreement registered with the tax authorities or a commodity contract concluded in authentic form.

According to CNRR,⁵⁹² in 2023, reception conditions and capacity remained stable. In October 2023, the GII regional centre for procedures and accommodation for asylum seekers in Bucharest was reopened after almost 2 years of rehabilitation. It has a capacity of 320 places. During these works, asylum seekers were temporarily accommodated to the General Inspectorate for Immigration premises where the asylum related procedures are carried out (interviews, applications registration etc.)

As of 2022:

In **Șomcuta Mare**, it was reported by the JRS representative that the capacity of the centre was increased by 50 places, by placing 50 beds in the gym. The highest number of residents was 175.

In **Rădăuți**, the capacity may be extended to 150 places officially, according to the director of the centre. The average occupancy during 2022 was 113.85 places.

In **Giurgiu**, the director of the centre reported that the number of accommodation places had been increased by 70. Other rooms were changed into accommodation facilities; new beds and mattresses were bought. The highest number of asylum seekers was 75, but this was only for a short period of time, because they were leaving the centre.

In **Galați**, according to the director of the centre, the capacity of the centre in 2022 was 310 places. The highest number of asylum seekers accommodated in the centre was 157.

Bucharest: the highest number of accommodated asylum seekers was 85.

⁵⁹² CNRR, *Input by civil society organisations to the Asylum Report 2024, 2023*, available [here](#).

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum seekers in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes⁵⁹³ ☐ No
4. Are single women and men accommodated separately? ☒ Yes ☐ No

Conditions in Regional Centres are monitored, *inter alia*, by the Ombudsman, who visits the centres on a regular basis. In 2022 the Ombudsman conducted monitoring visits in Bucuresti, Galati, Rădăuți, Șomcuta Mare and Giurgiu.⁵⁹⁴

According to the data provided by the Ombudsman, its representatives did not carry out monitoring visits to the IGI-DAI centres in 2023, but a visit was made to the Border Police Territorial Unit Calarasi on 6 January 2023 and certain problems were noted with regard to the screening/triage room (at the time of the visit, no person was kept in custody in this place). It is a room where migrants are taken after they are caught for trying to cross the border illegally. The following problems were identified concerning this room: there was no window allowing natural lighting, no heating source in the room and in the sanitary group, the nearest heating source was a radiator in the surveillance room used by the border police located next to that room. The Ombudsperson made recommendations for the rehabilitation of the triage room, the appropriate provision of furniture and sanitary facilities, the conclusion of a protocol of cooperation with a medical unit in order to comply with the procedure for the organisation and operation of the triage room in terms of medical assistance that need to be provided to persons kept in such a place.⁵⁹⁵

According to the information available on the website of the Ministry of Internal Affairs,⁵⁹⁶ the ROFAMI2020S1P14 project – Creation of a mechanism for monitoring and evaluating the reception conditions in the regional centres for procedures and accommodation of asylum seekers, implemented by the General Inspectorate for Immigration between June 2020 and June 2023 contributed to the achievement of the following objectives:

- ❖ the creation of a mechanism for monitoring and evaluating the reception conditions in the accommodation centres;
- ❖ the creation of a procedural framework to regulate the conduct of control/evaluation activity as well as working tools;
- ❖ Documentation visits in Member States that have developed such monitoring mechanisms re. reception conditions;
- ❖ Work visits to the regional accommodation centres in order to identify monitoring indicators and evaluate the quality of reception conditions;
- ❖ Ensuring that EU common reception standards are met, in accordance with materials developed by the EUAA, specifically the Guide on reception conditions and the Guide on reception conditions for UMs, which include the standards to be respected to ensure adequate living conditions for all applicants, including those with special needs and unaccompanied minors;
- ❖ The adaptation and implementation at the national level of the electronic application for monitoring the quality of reception conditions developed by the EUAA, with the transposition of indicators specific to each regional centre;

The project, of a total value of RON 202,551.55 (EUR 40,700 as of March 2024), was co-financed by AMIF and national funding. Indeed, 75% – RON 151,913.69 – came from the 2014-2020 AMIF national

⁵⁹³ Only unaccompanied children above the age of 16, who are accommodated in different rooms.

⁵⁹⁴ Ombudsman, Visiting reports, available in Romanian at: <https://bit.ly/3myecV5>.

⁵⁹⁵ Information provided by the Ombudsman, 9 January 2024.

⁵⁹⁶ Ministry of Internal Affairs, Press release, 25 January 2024, available in Romanian at: <https://bit.ly/3SNf98i>.

programme, Specific Objective 1 Asylum – National Object 2 Evaluation, and 25% – RON 50,637.88, came from national funds, based on the financing contract granted by the Responsible Authority FAMI-FSI, Directorate of Non-Reimbursable External Funds / Ministry of Internal Affairs.

2.1 State of the facilities

UNHCR mentioned that in 2023, they provided support to the IGI-DAI Reception and Accommodation Centres for Asylum Seekers, including through the donation of non-food items to the Reception Centres that requested it (e.g. water, hygiene kits, towels, blankets, clothing) as well as financing integration counsellors, employed with UNHCR's partner CNRR, at the reception centres. Additionally, through UNHCR's implementing partners AIDRom and CNRR, UNHCR supported the IGI-DAI by covering a gap in services which are usually covered through AMIF funding, relating to material assistance (welcome/installation packages for asylum-seekers arriving at IGI-DAI Reception Centres), legal assistance, information provision on social assistance and their rights in Romania, social counselling, organising socio-cultural, educational and recreational activities, such as Romanian language courses, for the asylum-seekers and refugees from the IGI-DAI's Reception Centres.⁵⁹⁷

Regarding the reception conditions, the Romanian Ombudsman has made a series of monitoring visits to the GII procedures and accommodation centres for asylum seekers, the most recent ones are from 2022, in Giurgiu,⁵⁹⁸ Galați,⁵⁹⁹ Maramureș⁶⁰⁰ and Rădăuți,⁶⁰¹ all reports were further accompanied by answers provided by the General Inspectorate for Immigration on measures conducted following the recommendations of the Ombudsman.⁶⁰² Among the main issues identified in the reports are the following: insufficient centre staff (especially in the medical assistance department), lack of constant professional training for centre staff, inadequate hygienic-sanitary conditions, accommodation spaces that require improvements/rehabilitation. No major improvements were reported since then.

On reception conditions, UNHCR reported⁶⁰³ that when asked about accommodation, 93% of respondents reported that they currently reside within a Reception Centre for Asylum Seekers, with only six per cent of the respondents reporting living in private accommodation. 0.3% respondents reported living in other forms of accommodation. This reflects the asylum procedural stage in which the respondents were at the time of the interview. Regarding the safety of the accommodation, 71% of the respondents reported feeling very safe; 21% of moderately safe, and six per cent feeling neither safe nor unsafe. Only a small percentage of respondents, one per cent each, reported feeling moderately unsafe or very unsafe.

The Regional Centre Timișoara

The Regional Centre was located in the same premises as the Emergency Transit Centre (ETC) operated by UNHCR, where refugees evacuated from other countries stay before they are resettled to another country, until 1 December 2020.⁶⁰⁴ ETC moved to another facility as of 1st December 2020. The facility is located 20 minutes by bus from the city centre. The facility was repainted and the doors and windows were repaired in December 2017.

⁵⁹⁷ Information provided by UNHCR, 23 January 2024.

⁵⁹⁸ Romanian Ombudsperson, *Raport privind vizita efectuată la Centrul Regional de Proceduri și Cazare a Solicitanților de Azil Giurgiu la data de 15 aprilie 2022*, 2022, available in Romanian [here](#).

⁵⁹⁹ Romanian Ombudsperson, *Raport privind vizita desfășurată la Centrul Regional de Proceduri și Cazare pentru Solicitanți de Azil Galați, județul Galați*, 2022, available in Romanian [here](#).

⁶⁰⁰ Romanian Ombudsperson, *Raport privind vizita desfășurată la Centrul Regional de Proceduri și Cazare pentru Solicitanții de Azil Maramureș, Somcuta Mare*, 2022, available in Romanian [here](#).

⁶⁰¹ Romanian Ombudsperson, *Raport privind vizita desfășurată la Centrul Regional de Proceduri și Cazare pentru Solicitanți de Azil Rădăuți, județul Suceava*, 2022, available in Romanian [here](#).

⁶⁰² Romanian Ombudsperson, 'Centre Pentru Migranți', available in Romanian [here](#).

⁶⁰³ UNHCR, *Regional Protection Monitoring Report Romania*, 28 March 2024, available [here](#).

⁶⁰⁴ UNHCR, *ETC Timișoara*, 14 December 2016, available at: <http://bit.ly/2DuZqDN>; *Operations in Romania*, 16 December 2016, available at: <http://bit.ly/2D0Ojko>.

The entire facility is split into four buildings, of which two are designed for accommodation. Each of these two buildings contains 12 rooms with 12 beds per room. One building ("Building B") is separated into two parts through a built-in wall: six rooms are dedicated to asylum seekers and another six to ETC refugees. Until December 2020 ETC had a total capacity of 200 places, the Regional Centre has a capacity of 50 places. Each building where persons are accommodated has a kitchen. However, "Building B" dedicated to families only has 2 refrigerators. "Building B" has two bathrooms, each equipped with two squat toilets, two urinals, three sinks and three showers.

In the second half of 2021 renovation work commenced in the regional centre of Timișoara. The works consist of interior painting, replacement of tiles in hallways, kitchens, bathrooms, replacement of laminate flooring in accommodation rooms with tiles, replacement of all facilities in bathrooms and kitchens, replacement of radiators and modernisation of the central heating system.⁶⁰⁵ The renovation work commenced with building C and was finalised in January 2022. Renovation of building B started in March 2022 and at the time of the author's visit only minor details were still to be finalised. Metal bars were installed on all windows. The construction work for the additional accommodation places and offices was suspended. In 2022 the highest number of asylum seekers was 250 during July and August and they were accommodated in the centre for two to three days until they were transferred. Two shipping containers were installed in the courtyard, where IGI-DAI registered beneficiaries of temporary protection.

According to IGI-DAI,⁶⁰⁶ in 2023, the situation was as follows: the centre consists of 6 buildings, with in total 24 rooms (20 rooms with 10 beds each, 2 rooms with 12 beds each, 2 rooms with 13 beds each). On each floor there is a common bathroom and a common kitchen with a stove and a refrigerator. In 2022, all accommodation spaces were improved through a project to modernise them; no other rehabilitation works were carried out in 2023. Single women are accommodated separately from men. Unaccompanied minors under the age of 16 are taken in by the DGASPC and those over 16 can be accommodated in the centre in separate rooms. There is a mobile ramp that ensures the access/movement of people with disabilities. Families are provided with a room to themselves.

The Regional Centre Șomcuta Mare

The Regional Centre is located close to the city centre and 25 km away from Baia Mare. The centre consists of a three-storey building. Rooms are located on the second and third floor, each floor containing 22 rooms with 2, 4, 6, 8 persons sleeping in a room. There are two bathrooms on each floor, separated by gender. On the hallway of the first floor, there are 6 refrigerators, while the ground floor has two isolation rooms for medical purposes. The basement has a kitchen with ten stoves, a dining room and a laundry room with four washing machines but only two are functional. The basement also contains a specially designed closed space (see [Place of Detention](#)).⁶⁰⁷ The centre has a capacity of 100 places. In August 2021 it was extended to 200 places and as of March 2022 the capacity was increased with 50 more places, by transforming the gym room into an accommodation room.⁶⁰⁸

In 2021 small renovations were carried out, taps were changed and rooms and hallways were painted.

According to IGI-DAI⁶⁰⁹, in 2023 the situation in this centre was the following: the centre consists of a single building, with 44 rooms that can accommodate a minimum of 2 and a maximum of 8 people. On each floor there are 2 shared bathrooms, a shared kitchen with stove and fridge. In order to improve the accommodation conditions, rehabilitation works have been carried out in 4 bathrooms, as well as sanitation works in all accommodation spaces, hallways, kitchen, laundry. Unaccompanied minors up to

⁶⁰⁵ Information provided by IGI-DAI, 10 March 2022.

⁶⁰⁶ Information provided by IGI-DAI, 18 January 2024.

⁶⁰⁷ Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Șomcuta Mare*, 36/2017, available in Romanian at: <http://bit.ly/2E7EANw>, 4-5.

⁶⁰⁸ Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Șomcuta Mare*, 29 March 2022, available in Romanian at: <https://bit.ly/3L8jAsg>.

⁶⁰⁹ Information provided by IGI-DAI, 18 January 2024.

the age of 16 are taken care of by the DGASPC, and those older than 16 can be accommodated in separated room in the centre. Individual accommodation spaces are allocated to families.

The Regional Centre Rădăuți

The Regional Centre is located not far from the city centre. There are rooms with eight and ten beds. There are two bathrooms, one for women and one for men, each with three toilets and showers. There is a common kitchen, which lacked refrigerators and dishes at the time of the Ombudsman's visit in 2017.⁶¹⁰ The gym and prayer room were converted into accommodation in 2020 in order to increase reception capacity.⁶¹¹ Each room has a refrigerator, which serves 10 persons. Construction of new accommodation places started in October/November 2021. The construction work was also suspended, as the constructor is the same in both centres Rădăuți and Timișoara. There is still limited space for counselling for NGOs.

In 2023, the situation in the centre was as follows:⁶¹² the centre consists of 2 buildings (building A and building B), with in total 5 rooms for 12 persons, 5 rooms for 10 persons, 1 room for 8 persons, 2 rooms for 6 persons. Building A has rooms with shared bathrooms and Building B has rooms with private bathrooms. On each floor there is a shared kitchen (1 gas stove and 1 fridge in each kitchen). Unaccompanied minors over the age of 16 years old can be accommodated in the centre in separate rooms (minors under 16 years old are taken care of by the DGASPC). The positions of psychologist and doctor are vacant. Women and men are accommodated in separate rooms. There are ramps to facilitate access in the building for people with disabilities. Families are provided with individual spaces.

The Regional Centre Galați

The Regional Centre is located in the city, with easy access to public transport. The centre has three buildings: two for administrative purposes and one two-storey building for accommodation. On each floor of the accommodation building, there is one bathroom for men and one for women: each comprising of three showers and seven sinks. There is only one normal toilet for women per floor; the rest are 'squat toilets'.

The rooms have a maximum capacity of four and 12 beds. Generally, if there are available places asylum seekers are accommodated depending on nationality. Families are accommodated in the same room, separately from single men. There are two kitchens on each floor with three stoves and three sinks each, as well as one refrigerator in each room. In 2022 the clubs and the gym were functional and transformed into accommodation rooms only when necessary. Specially designed closed spaces were used as accommodation rooms only in January for the Afghan refugees. The prayer room still exists. The highest number of asylum seekers accommodated in the regional centre in 2022 was 157.

In February-March 2022 four shipping containers were installed for the registration of beneficiaries of temporary protection.⁶¹³

In 2023, according to data provided by IGI-DAI⁶¹⁴ the situation was the following: the centre consists of 3 buildings (only one housing asylum seekers), with a total of 34 rooms (rooms with 6 places, 8 places, 10 places or 12 places), 1 shared bathroom on each floor, 2 kitchens per floor (3 stoves and refrigerators in each kitchen). Sanitation works were carried out in 2022, replacement of radiators, roof repairs, provision of material goods (e.g. stoves, fridges, beds, mattresses, washing machines, dryers, pots, pans, cutlery, towels, blankets) funded from the AMIF programme. Unaccompanied minors up to the age of 16 are taken in by the DGASPC, and those over 16 can be accommodated in the centre in separate rooms. There is a psychologist employed by IGI-DAI in the centre, and a doctor has a collaboration contract with IGI-DAI.

⁶¹⁰ Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Rădăuți*, 34/2017, available in Romanian at: <http://bit.ly/2nEuqcO>, 5.

⁶¹¹ *Ibid*, 3-4.

⁶¹² Information provided by IGI-DAI, 18 January 2024.

⁶¹³ Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Galați*, 7 July 2022, available in Romanian at: <https://bit.ly/41WQj9G>

⁶¹⁴ Information provided by IGI-DAI, 18 January 2024.

There are access ramps for people with disabilities. Women are accommodated in separate rooms, families are accommodated in individual rooms.

The Regional Centre Bucharest

The Regional Centre is located 20 minutes by bus from the city centre. The building accommodating asylum seekers has four floors. It contains a total of 80 rooms, each with four beds, a toilet and a shower. On each floor there are two kitchens, each with two refrigerators, two stoves and two sinks. When assigning asylum seekers to different rooms, IGI-DAI takes into consideration their religion, nationality and gender. Families are accommodated together.

The renovation of the Vasile Stolnicu centre started in July 2021 and was finalised in March 2023.⁶¹⁵ All the asylum seekers were moved to the Tudor Gociu centre.

The building of Tudor Gociu has four floors. Asylum seekers are accommodated on the third and fourth floors. There are 24 rooms for accommodation, one kitchen on each floor, four bathrooms and two washing rooms. All windows have metal bars. The director of the Vasile Stolnicu centre describe the rooms as a little bit too crowded. Bathrooms and toilets are separated according to gender. The JRS representative reported that privacy is lacking in the bathroom as the doors cannot be locked. There are no leisure/common rooms. There is no courtyard, so children and adults spend their time on the hallways or in their rooms.

According to data provided by IGI-DAI⁶¹⁶, for the year 2023 the situation was the following:

The Bucharest Centre consists of a building located at street Tudor Gogiu 24A (a closed centre, 96 places distributed in 24 rooms, each room can accommodate 4 people) and a building located at street Vasile Stolnicu 15 (an open centre, 320 places distributed in 80 rooms, each room can accommodate 4 people). The closed centre has 2 bathrooms per floor, and in the open centre each room has its own bathroom. In both centres there is a kitchen on each floor with 2 gas stoves and 2 refrigerators.

In 2023 no persons were accommodated in the closed centre located at street Tudor Gogiu 24A.

At the open regime centre located in Vasile Stolnicu Street, thermal rehabilitation and interior sanitation works were carried out, in the period March 2021-September 2023.

In the open regime centre unaccompanied minors over 16 years old can be accommodated, they are accommodated separately from adults, taking into account the best interests of the child (unaccompanied minors under 16 years old are taken over by the DGASPC). In this centre there are 1 doctor and 2 nurses, and the position of psychologist is vacant. This centre is divided into 2 sections (one section for single men, one section for women and families with children). Both centres have mobile access ramps in the building for people with disabilities.

The Regional Centre Giurgiu

The Regional Centre is a former barracks located in the outskirts of the city and repurposed in 2011, without any refurbishment beyond repaint. As a result, technical problems often occur. The capacity of the centre is 100 places arranged in eight rooms. At the time of the author's visit in January 2023, there were 8 accommodation rooms with different capacity from 4,8, 15, 16, 17, 24 to 26 beds. The capacity of the centre could be increased by 74 places. Each room is equipped with refrigerators; the number of refrigerators depends on the number of beds. There are two kitchens with four stoves and three sinks. Only one kitchen was used by the asylum seekers, the other one was locked. There are two bathrooms, one for men and one for women, with five 'squat toilets' and five showers. The women's bathroom was also locked. The gym is used as a deposit room for old refrigerators and washing machines and single use bed sheets. There is also a club where Romanian language classes were held by AIDRom with seven desks and chairs a small collection of books in Romanian. The isolation room was being used at the time

⁶¹⁵ Ministry of Internal Affairs, Directorate of non-reimbursable external funds, 'Îmbunătățirea condițiilor de cazare și asistență a solicitanților de azil – proiect RO#FAMI', last edited 15 March 2024, available in Romanian [here](#).

⁶¹⁶ Information provided by IGI-DAI, 18 January 2024.

of the author's visit by a beneficiary of international protection with a medical condition, who used to live in the Vasile Stolnicu centre. The isolation room had its own bathroom and half of the room was serving as a deposit of beds. A prayer space was set up next to the kitchen. The centre has a small courtyard, but it is not accessible as it is surrounded by a fence. In the backyard old furniture, beds, sinks are deposited. The two tents that were set up in the courtyard for medical screening in 2020, were in an advanced state of degradation. However, they were not used anymore. The rooms were painted and small repairs were carried out. The majority of the beds in the visited rooms were new and all the mattresses were covered in plastic to protect them from bed bugs.

According to data provided by IGI-DAI⁶¹⁷, for the year 2023 the situation was the following: the centre consists of one building. There is a shared bathroom and a shared kitchen on each floor. No improvements have been made to the premises (e.g. painting, replacement of furniture, etc.). Minors over 16 years of age can be accommodated in separate rooms (minors under 16 years old are taken by DGASPC). There is a psychologist and a medical assistant, and the position of doctor is vacant. The centre is mainly for single men, and if single women are accommodated in the centre they will be accommodated separately. The centre has a mobile elevator for people with disabilities. Families are given individual accommodation.

2.2 Food and hygiene

The Asylum law prescribes the necessary daily amount of nutritional value based on which the daily allowance for food is calculated depending on the individual situation.⁶¹⁸ Asylum seekers may cook for themselves, using the kitchens available in every centre.

In all regional centres, asylum seekers are obliged to clean their rooms, kitchen and bathrooms on a rotation basis. The number of toilets and showers are sufficient in all facilities during regular occupancy.

In 2018 - December 2022 AIDRom implemented a project providing asylum seekers with cleaning products and they were also encouraged to clean their rooms and common spaces every week.

In March 2024, UNHCR published its Regional Protection Monitoring Report Romania based on 1,955 interviews conducted with asylum-seekers and, to a lesser extent, with refugees and, to a lesser extent, with other individuals who reached Romania as part of mixed flows. 93% of respondents reported to be living in a reception centre for asylum seekers. On reception conditions, UNHCR reported⁶¹⁹ that concerning the access to meals, four per cent of the respondents reported receiving one meal a day, 39% of the respondents reported having access to two meals, and 57% of the respondents reported benefiting from three meals daily. These findings raise protection concerns which relate to situations where asylum-seekers' freedom of movement is restricted upon their first arrival to the reception centre and until they may be transferred to another centre. For one reception centre, for example, it has been reported that, during the time when the protection monitoring was conducted, authorities relied on donations by NGOs to ensure the provision of food to residents in the Reception Centre. If these supplies are not available or do not arrive timely, food is not available.

Galați: The Ombudsman described the hygienic conditions in the majority of rooms as appropriate. However, there were also rooms with inadequate hygienic conditions: walls were dirty and scratched.⁶²⁰ Bathrooms were clean, but there were also bathrooms with worn down sanitary installations. The kitchens were also described as clean and appropriate, the stoves were new. The Ombudsman observed that out of 28 rooms only two were equipped with air conditioning and recommended its installation in all rooms. The director of the centre reported that the living conditions had improved in 2022, as they painted the entire building, the linoleum was replaced, mattresses and furniture were changed. The water pipes in

⁶¹⁷ Information provided by IGI-DAI, 18 January 2024.

⁶¹⁸ Article 55(1) Asylum Decree.

⁶¹⁹ UNHCR, *Regional Protection Monitoring Report Romania*, 28 March 2024, available [here](#).

⁶²⁰ Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Galați*, 7 July 2022, available in Romanian at: <https://bit.ly/41WQj9G>.

bathrooms were repaired. The centre is still confronting bed bugs infestation, even though disinfection is carried out twice a month.

Șomcuta Mare: The Ombudsman reported inadequate hygienic conditions in kitchens: mould and food scraps were observed next to the pipes, there was no furniture where asylum seekers could eat. In 2021, the JRS representative reported that the roof of the building was damaged and it was raining inside and because of the damp, the wall and ceiling plaster was falling. They repaired the ceiling but there is still water coming in because they did not repair the roof. At the time of the Ombudsman's visit at the end of March 2022 this was still an issue, mould and infiltration were observed. Bathrooms were in a precarious state of hygiene: walls with damp, damaged sanitary items, no head showers, rusty toilets.⁶²¹ The director reported that sink faucets, light switches and electrical outlets were changed during the year and the roof had been repaired. The rooms affected by damp were not used. In 2023 the centre will be refurbished according to the director.

In **Bucharest:** according to the Ombudsman the hygienic conditions in Tudor Gociu centre have deteriorated. The furniture, mattresses, linoleum were worn down. On the 4th floor dampness and mould was observed by the visiting team. The bathrooms were in a poor state of cleanliness and hygiene: mouldy walls, damp, doors were dirty, broken tiles, rusty toilets, showers without a hose or shower head and the lighting was not working. The kitchens were also dirty.⁶²²

In **Giurgiu**, the author observed during their visit, and it was also confirmed by interviewed NGO representatives, that the hygiene conditions had improved. Hallways were freshly painted, rooms were clean and painted, only in one room were there doodles on the walls. The conditions had also improved from the Ombudsman's visit on 15 April 2022, when it was noted that hallways were dirty and not painted as well as the accommodation rooms, refrigerators were dirty and smelly and bugs were also spotted. With regards to the bathrooms the situation was the same as reported by the Ombudsman, water on the floor, damp, the walls separating the showers were rusty, there was a leaking pipe and it smelt. The toilets had old tiles and the smell was unbearable. The director of the centre stated that the centre will be renovated, without knowing when works would start.

In **Rădăuți**, the Ombudsman reported that the bathrooms, even though they were renovated in 2021, were worn down and the hygienic conditions were inadequate. The kitchens were also dirty, the tiles were broken and dirty bugs were spotted on the dirty floor. The same situation was observed in the building intended for the accommodation of vulnerable asylum seekers: the floors and walls were dirty.⁶²³ It was also reported by the NGO representative that hot water and heating was not available 24h/7 in the accommodation rooms or the NGO offices. Asylum seekers complained that during cold days the heating was not on all day. Also, bed bugs remain an issue. The director of the centre reported that during 2022 rooms, kitchen, bathrooms and hallways had been refurbished.

In **Timișoara**, NGO representatives reported that residents did not complain about bed bugs, fleas, bugs, the poor condition of mattresses and plumbing in the showers and toilets. After the renovation the centre is clean; asylum seekers clean their rooms. At the time of the author's visit there were only three asylum seekers accommodated in the centre in building C, of whom one asylum seeker had been living in the centre for a longer period of time. The rooms, kitchen and bathrooms were tidily kept. Asylum seekers who were to be transferred were accommodated in the same two rooms. The mattresses in these rooms were not so well kept. All the kitchen equipment and refrigerators were replaced. The bathrooms were also clean.

There have not been any protests related to the conditions in the centres.

⁶²¹ Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Șomcuta Mare*, 29 March 2022, available in Romanian at: <https://bit.ly/3L8jAsg>.

⁶²² Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Bucharest*, 19 April 2022, available in Romanian at: <https://bit.ly/3zfbTJk>.

⁶²³ Ombudsman, *Report of the visit to the Regional Centre for Procedures and Reception for Asylum Seekers Rădăuți*, 14 April 2022, available in Romanian at: <https://bit.ly/3F7xjeP>.

In 2023, the Ombudsman did not carry out monitoring visits to the centres.⁶²⁴

2.3 Activities in the centres

UNHCR mentioned that in 2023, they provided support to the IGI-DAI Reception and Accommodation Centres for Asylum Seekers, including through the donation of non-food items to the Reception Centres that requested it (e.g. water, hygiene kits, towels, blankets, clothing) as well as financing integration counsellors, employed with UNHCR's partner CNRR, at the reception centres. Additionally, through UNHCR's implementing partners AIDRom and CNRR, UNHCR supported the IGI-DAI by covering a gap in services which are usually covered through AMIF funding, relating to material assistance (welcome/installation packages for asylum-seekers arriving at IGI-DAI Reception Centres), legal assistance, information provision on social assistance and their rights in Romania, social counselling, organising socio-cultural, educational and recreational activities, such as Romanian language courses, for the asylum-seekers and refugees from the IGI-DAI's Reception Centres.⁶²⁵

On reception conditions, UNHCR reported⁶²⁶ that 43% of the respondents reported being offered recreational activities.

Asylum seekers are allowed to go outside whenever they want, until 22:00. All Regional Centres except **Timișoara** have a prayer room where residents can practice their religion.⁶²⁷

AIDRom stated that the Romanian language classes were held in person, respecting the protection measures and social distancing. They continued in this format due to the limited possibilities of asylum seekers to have access to a mobile phone for online courses. Where beneficiaries had access to an electronic device, the courses were held online.⁶²⁸

Social and community workers in the centres organise different activities for both adults and children

Save the Children Romania offers as part of a project funded from the organisation own resources program, educational social services and material assistance addressing the specific needs of asylum-seeking children and refugees, including unaccompanied minors. The activities are running in 5 Regional Centres, with the exception of Giurgiu.

The project foresees the following activities:

- ❖ Daily educational-recreational program for children in accommodation centres.- In Timișoara these are not organised as there are no children
- ❖ Facilitating access to education and cultural accommodation
- ❖ Services to ensure their basic needs
- ❖ Facilitating access to social and medical services, when necessary
- ❖ Social counselling for children and adults
- ❖ Material assistance.

Material assistance consist of hygienic products, food, clothes, shoes. All asylum seekers received food, irrespective of their age or vulnerability, according to the Save the Children representative. Donations were also made by private persons and companies.

In 2022, complementary to the ones organised by the School Inspectorates, Romanian classes were held by AIDRom and activities for children were also organised in all centres, except Timișoara.

⁶²⁴ Information provided by Ombudsman, 9 January 2024.

⁶²⁵ Information provided by UNHCR, 23 January 2024

⁶²⁶ UNHCR, *Regional Protection Monitoring Report Romania*, 28 March 2024, available [here](#).

⁶²⁷ Although the Ombudsman states that there is a confession room in Timișoara where Romanian classes are held, this is a hallway leading to the NGO offices rather than an actual room.

⁶²⁸ Information provided by AIDRom, 4 March 2021.

In 2023, AIDRom implemented several activities in the centres⁶²⁹: between June and December 2023, the Ecumenical Association of Churches in Romania - AIDRom, implemented the project "Information, counselling and complex assistance for asylum seekers from the regional centres of the General Inspectorate for Immigration, Output 3", financed by UNHCR. The aim of the project was to ensure the promotion of a manifold assistance system from a social point of view with the provision of specialised services to increase the standard of living of asylum seekers in Romania, by approaching the issue with a new strategy of relationship between the host community and asylum seekers. The project took place in all 6 regional centres (Bucharest, Giurgiu, Galati, Rădăuți, Maramureș- Șomcuta Mare, Timisoara). The activities carried out within the project were:

- ❖ **Information and social counselling.** The social counselling consisted in directly informing the beneficiaries about the existence of the project, the facilities and services offered, access to basic social services and any other individual or group social needs of the beneficiaries, identified by the social worker. In total, 670 asylum seekers benefited from this activity.
- ❖ **Assistance for cultural-educational integration:** educational, recreational, orientation and accommodation activities in Romanian society, such as visits to museums, the theatre, the Zoological/Botanical Garden, outings in parks, etc. In total, 648 asylum seekers benefited from these activities.
- ❖ **Romanian language courses for both minors and adults,** in the centres. In total, there were 572 entries for the Romanian language courses.
- ❖ **Material aid.** In total, 345 asylum seekers benefited from installation packages. The installation packages consisted in: household items, housekeeping (detergent, bed linen, etc.), clothes, personal hygiene items (shampoo, deodorant, toothbrush and toothpaste, etc.), food. Moreover, 790 asylum seekers benefited from transfer packages. The transfer packages consisted of the provision of food, water, napkins, etc. for asylum seekers who were transferred between regional accommodation centres or transferred from the place of submission of the asylum application to the regional accommodation centres.
- ❖ **Material assistance** for the translation of civil status documents and/or diplomas as well as the legalization/authentication of these documents. In total, 30 asylum seekers benefited from translation services.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

- | | |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. Does the law allow for access to the labour market for asylum seekers? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ If yes, when do asylum seekers have access the labour market? | After 3 months |
| 2. Does the law allow access to employment only following a labour market test? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Does the law only allow asylum seekers to work in specific sectors? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ If yes, specify which sectors: | |
| 4. Does the law limit asylum seekers' employment to a maximum working time? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ If yes, specify the number of days per year | |
| 5. Are there restrictions to accessing employment in practice? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Asylum seekers have access to the labour market following 3 months from the lodging of the application, if no decision has been taken by IGI-DAI due to no fault of the applicant, or during the appeal stage.⁶³⁰

⁶²⁹ Information provided by AIDRom, 15 January 2024.

⁶³⁰ Article 17(1)(o) Asylum Act.

This means that if a decision was made in the administrative phase of the procedure, the asylum seeker is allowed access to labour market even sooner than 3 months. Persons who, at the time of filing an application for asylum, have a right of residence on the territory of Romania and are working legally, may continue to work.⁶³¹

Access to the labour market is granted under the same conditions set out in law for Romanian citizens.⁶³² Accordingly, there is no labour market test, sectoral limitation or other restriction laid down in the law.

The Asylum Law prescribes that asylum seekers may benefit, upon request, from mediation services, professional information and counselling services provided to persons seeking employment by the County Employment Agencies (AJOFM).⁶³³

In order to be registered as a job seeker by the AJOFM and to benefit from the aforementioned services, asylum seekers must present the documents requested by law, except for the civil status documents issued by the country of origin, together with their temporary identity document issued by IGI-DAI and a certificate which confirms their right to work. The same conditions apply for asylum seekers' participation in a vocational training programme or the evaluation of professional competences acquired through non-formal means.

Diplomas or certificates of education or graduation, as well as certificates of professional competence, qualification or other relevant documents, are accepted only if they are recognised on the territory of Romania according to the applicable legal provisions.

According to the law, asylum seekers who have access to the labour market have the right to benefit from measures promoting employment, as well as protection within the unemployment insurance system, under the conditions provided by the law for the Romanian citizens.⁶³⁴ Moreover, the provisions of the Asylum Law on access to employment for asylum seekers also refer to the possibility to participate in vocational training programmes.⁶³⁵

From the discussions held with the stakeholders, it appears that in 2022, asylum seekers did not face obstacles in finding a job, as information about available jobs were provided to them. The jobs advertised by stakeholders were in the unskilled labour sector. As a result, asylum seekers did not encounter problems related to the lack of Romanian language knowledge, diplomas or other documents that would prove their qualifications. The majority of asylum seekers were reportedly unskilled workers in their country of origin.

In 2023, according to CNRR⁶³⁶, asylum seekers have the right to work after 3 months after they submitted the asylum request, if they don't receive a decision from the Immigration office, or even earlier than 3 months, in case they get into the judicial phase. Moreover, according with CNRR⁶³⁷ the majority of asylum seekers wanted to have a job during the reference period. In practice, it is very difficult for them to find a job or pursue vocational training. The main obstacle indicated by the asylum seekers assisted by CNRR was lack of proper knowledge of the Romanian language. However, the ones who spoke English were able to find a job more easily. Other obstacles included the lack of personal documents (study/work diplomas) or the lack of necessary study level/work experience. These impediments force many asylum-seekers to take up low-skilled or underqualified jobs, but also impedes access to qualification courses and vocational training. Moreover, despite the fact that they can benefit from Employment Agency services in finding a job, they rarely rely on these due to the language barrier and the lack of proper

⁶³¹ Ibid.

⁶³² Ibid.

⁶³³ Article 6[^]1(1)-(5) Asylum Decree.

⁶³⁴ Article 17(1)(o[^]1) Asylum Act.

⁶³⁵ Article 6[^]1(4) Asylum Decree.

⁶³⁶ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

⁶³⁷ Information provided by CNRR, 16 January 2024.

counselling. These issues expose them illegal work and exploitation. From the cases identified, asylum seekers did unskilled work in construction, car service, car wash, fast food, delivery services.

The situation in 2022 was as follows:

Bucharest: According to the director of the centre 33 asylum seekers were employed during the year.

Rădăuți: There were four asylum seekers legally employed.

Șomcuta Mare: Asylum seekers are considered to not face many obstacles in finding a job as they are informed by IGI-DAI and NGOs about the available jobs in the area. The persons accommodated in the Regional Centre are also periodically informed of available jobs by AIDRom. It was reported that five asylum seekers were employed in 2022. **Galați:** it was reported that there were asylum seekers working in the unskilled sector. NGOs are constantly informing asylum seekers about the job advertisements provided monthly by AJOFM. Five asylum seekers were employed during 2022, according to the director of the centre.

Timișoara: according to the director of Timișoara Regional Centre two to three asylum seekers requested proof of their right to work, but the director was not aware if they had been employed. The Save the Children representative stated that they had left before finding a job.

Giurgiu: the director reported that 10 asylum seekers were employed in 2022.

The number of applicants who were employed as of the end of 2019 was 26.⁶³⁸ IGI-DAI reported that the number of asylum seekers employed at the end of 2021 was 18.⁶³⁹ The number of asylum seekers with right to work was also provided – 276 compared to 970 in 2020.⁶⁴⁰

In 2023, the National Employment Agency stated it did not have statistics on the number of asylum seekers working under employment contracts.⁶⁴¹

2. Access to education

Indicators: Access to Education

- | | |
|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

The Asylum Act prescribes for the right of minor asylum seekers to have access to before pre-school (0-3 years), pre-school (3-6 years) and compulsory education (6-18 years) under the same conditions as minor Romanian citizens, as long as no measure is taken to remove them or their parents from Romania.⁶⁴² Access to education is therefore free and unconditional.⁶⁴³

Compulsory general education consists of 10 grades and includes primary and lower secondary education. Compulsory education ends at the age of 18.⁶⁴⁴

Education is provided in regular schools. In general, children are enrolled at local schools whose territorial jurisdiction covers the respective Regional Centres. Asylum-seeking children are enrolled in normal

⁶³⁸ Information provided by IGI-DAI, 20 February 2020.

⁶³⁹ Information provided by IGI-DAI, 10 March 2022.

⁶⁴⁰ Information provided by IGI-DAI, 16 February, 2021.

⁶⁴¹ National Employment Agency, 10 January 2024.

⁶⁴² Article 17(1)(p) Asylum Act.

⁶⁴³ Article 6(1) Asylum Decree.

⁶⁴⁴ Article 16(1) and (2) Public Education Act.

classes together with Romanian children as observers for the first year. Being an observer means that the child is not listed in the class book and they do not receive grades.

According to CNRR,⁶⁴⁵ although asylum seeking children have access to education in the same conditions as Romanian children, in practice, the lack of funding, delayed school enrolment and the lack of trained teachers hinders their overall learning experience and their educational integration. Progress has been registered in terms of access to education, following the adoption in 2022 of the new Methodologies on diploma recognition, school enrolment and Romanian language classes for refugees. However, the effective implementation of these measures by school units has been affected by different interpretation approaches and by the lack of proper communication from the Ministry of Education.

According to CNRR⁶⁴⁶, the language barrier is an important obstacle to accessing socio-economic rights, including education. Moreover, procedures for accessing national public health programs, health insurance, applying for social benefits (unemployment or child allowance), school enrolment, are characterised by heavy bureaucratic procedures that are very difficult to navigate without any guidance or assistance. Public institutions services are not adapted to the specific needs of asylum seekers, the public servants are not aware of the legislation in this field and therefore their access to these rights is oftentimes denied requiring direct interventions from NGOs.

As of 2022, the situation was the following:

In **Bucharest, Giurgiu and Şomcuta Mare**, the NGO representatives together with IGI-DAI draft the enrolment request.

In **Galaţi**, enrolment requests are made by NGO representatives and lodged by IGI-DAI, in order for IGI-DAI to notify the County School Inspectorate (*Inspectoratul Şcolar Judeţean*, ISJ) The enrolment procedure may take up to 2-3 weeks. In some cases, the answer was provided swiftly and in others not. By the time the inspectorate sends its answer, the asylum procedure is usually completed, or the persons have left the country, or the parents did not take the children to the school. In 2022, nine children were enrolled at school. The JRS representative also mentioned that asylum seeker children are not enrolled in the Integrated Information System of Education in Romania (SIIR), since they are registered as auditing the classes, which means that schools do not receive funds and other educational materials for these children.

In **Rădăuţi**, no problems were reported with the enrolment procedure. This is ensured by the integration officer. In 2022 children enrolled at school, some of them attended the classes and some refused to go because they did not understand anything.

Şomcuta Mare: as in 2021, in 2022 no children were enrolled at school, according to the director, because they left the centre.

In **Giurgiu** according to the director of the centre, the legal representative of DGASPC Giurgiu drafts the enrolment requests for the asylum-seeking unaccompanied minors. It was also reported that at the time of enrolment children have already left the centre and have not returned. If their enrolment has been successful none of the asylum seekers attended the course. This was also reported for 2022.

Bucharest: there were nine requests for enrolment in 2022. As of 2020 children have been enrolled at the “25 School”.

None of the children accommodated in the regional centre **Timişoara** were enrolled at school because they left the centre, according to the director of the centre. As for the children accommodated at the DGASPC centre of **Timişoara** the director said they were enrolled at school. Conversely, according to the Save the Children representatives, children are enrolled at school only when granted a form of

⁶⁴⁵ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

⁶⁴⁶ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

protection, by AIDRom. The ISJ had enrolled them at “second chance”, motivating that there are no places available in the regular schools, as Ukrainian children had priority.

Preparatory classes

Following the 2015 reform, the Asylum Act foresees a free intensive preparatory course for asylum-seeking children in view of easing their access to education before the enrolment at the national education system.⁶⁴⁷ The training course is organised by the Ministry of National Education and Scientific Research, in collaboration with IGI-DAI. Children should be enrolled at the preparatory course within 3 months from the date their asylum application was made. At the same time, the child may be enrolled as an observer in the relevant year of study.

At the end of the preparatory course, an Evaluation Commission, whose composition and functioning are established by order of the Minister of National Education and Scientific Research assesses the level of knowledge of the Romanian language and establishes the registration of asylum seekers in the corresponding year of study.

In 2022 preparatory courses were provided in most of the regional centres, except Timișoara. The situation was the following:

Giurgiu: The director of the centre reported that the preparatory course for learning Romanian was held twice a week for two hours, at the Tudor Vianu Theoretical High School in Giurgiu. The staff of the Ministry of Education comes to the regional centre. Asylum seekers did not participate, according to the director of the centre, only beneficiaries.

In **Galați**, according to JRS, an ISJ professor offers courses for child asylum seekers and beneficiaries of international protection. The course for asylum-seeking children takes place twice a week and lasts two hours. Children learn Romanian language but also mathematics.

In **Rădăuți**, as of October 2019, preparatory classes are held for asylum-seeking and beneficiaries of international protection children and adults, three times per week. The courses target adult beneficiaries of international protection, but the teacher also welcomes asylum seekers. Two age groups were formed, one for 6 to 10 years of age and the other from 10 to 18 years of age. The classes are held separately by a professor from ISJ four times a week. Children learn Romanian language, colour and play.

In **Șomcuta Mare**, according to the director the course is conducted at the school where they are enrolled.

In **Bucharest**, preparatory courses are held at School 25, according to the director of the centre.

Asylum-seeking children with special needs enjoy the same alternative arrangements as those provided for Romanian children. Throughout 2022, there were no children with special needs in the Regional Centres of **Timișoara**, **Galați**, **Rădăuți**, **Giurgiu**, **Șomcuta Mare** and Bucharest.

In 2023, NGOs such as AIDRom⁶⁴⁸ and Save the Children⁶⁴⁹ have provided, within the regional centres, various education opportunities: Romanian language courses, support in access to the education system, but also access to extra-curricular activities. Also, the NGOs provided support to IGI-DAI in the procedure of enrolling minors asylum seekers in the preparatory course, and enrolling in the national education system. Save the Children highlighted that the Romanian authorities do not offer educational programmes specially designed to meet the needs of this category of children. NGOs facilitate as much as possible the relationship with the schools/teaching staff/parents, offer additional support to the minor for school accommodation and language learning, subject recovery, etc. Within the project "Information, counselling

⁶⁴⁷ Article 18(1)-(4) Asylum Act.

⁶⁴⁸ Information provided by AIDRom, 15 January 2024.

⁶⁴⁹ Information provided by Save the Children, 15 January 2024.

and complex assistance for asylum seekers from the regional centres of the General Inspectorate for Immigration - OUTPUT 3, financed by UNHCR, there was also the activity of granting at least 48 educational packages for minors enrolled in preschool and school education. Unfortunately, the number of minors enrolled in the school for the 1-year intensive Romanian language course was very small. AIDRom managed to award only 7 packages (5 in the regional centre from Bucharest and 2 in the regional centre from Maramureş- Şomcuta Mare).

D. Health care

Indicators: Health Care			
1.	Is access to emergency healthcare for asylum seekers guaranteed in national legislation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Do asylum seekers have adequate access to health care in practice?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited <input type="checkbox"/> No
3.	Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited <input type="checkbox"/> No
4.	If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited <input type="checkbox"/> No

Access to health care for asylum seekers covers the right to receive free primary care and appropriate treatment, emergency hospital care and free health care and treatment in cases of acute or chronic illnesses considered imminently life threatening, through the national emergency health care system and qualified first aid. These services shall be provided, as the case may be, through the medical service of the Regional Centres and/or other health care facilities accredited and authorised by law.⁶⁵⁰

In addition, asylum seekers have the right to be included in national public health programmes aimed at preventing, monitoring and controlling contagious diseases in epidemiological risk situations.⁶⁵¹

Asylum seekers are assigned a personal identification number which figures on their temporary identity documents in order for them to enjoy all the rights provided by the law.⁶⁵² After receiving the personal identification number, asylum seekers may register in the public health insurance system and, if they pay healthcare contributions and register at a general practitioner's office, they have the status of an insured person with the same rights and benefits as nationals.

Asylum seekers benefit from free medical care through the medical network of the MoI - GII and the costs are covered by the same structure and, for these services, do not have the obligation to pay the contribution for the public health insurance. In specific cases, medical insurance could be covered through projects financed through AMIF. However, medical services are mainly related to health checks upon accommodation in a Regional Centre and emergencies. Certain medical services are not included by the National Medical Insurance System (e.g. rehabilitation services, certain medicines and medical materials).

In 2022, not all the regional centres had a medical doctor employed.

In 2023, according to IGI-DAI⁶⁵³, the situation in each centre was as follows:

- ❖ Bucharest: 1 doctor and 3 nurses were employed; the position of psychologist is vacant.
- ❖ Giurgiu: 1 psychologist and 1 medical assistant were employed; the position of doctor is vacant.
- ❖ Rădăuți: the positions of psychologist and doctor are vacant.
- ❖ **Şomcuta Mare**: there are a psychologist and a doctor employed. Timisoara: there are a psychologist and a doctor employed. Galati: there is a psychologist employed, and an external doctor has a collaboration contract with IGI-DAI.

⁶⁵⁰ Article 17(1)(m) Asylum Act.

⁶⁵¹ Article 17(1)(m¹) Asylum Act.

⁶⁵² Article 17(1¹) Asylum Act.

⁶⁵³ Information provided by IGI-DAI, 18 January 2024.

With regard to vulnerable persons (e.g. pregnant women, persons with disabilities, victims of human trafficking, etc.), IGI-DAI specifies that, in accordance with internal procedures, medical assistance is given with priority, periodic monitoring is carried out, information is provided concerning the administration of the medicines, people are accompanied to the hospital. Also, through projects implemented with funding from European funds, vulnerable people benefit from complementary medical and psychological assistance (e.g. from NGOs). No other details were provided, including from other actors than IGI-DAI.

According to CNRR,⁶⁵⁴ regarding medical care, asylum-seekers have access to free primary and emergency medical care and treatment and they can be included in the national public health programs. but, there is a lack of doctors and psychologists in the reception centres, therefore they are heavily relying on NGOs services in this matter.

On reception conditions, UNHCR reported⁶⁵⁵ that 91% of the respondents reported having access to some health services.

According to CNRR⁶⁵⁶, the language barrier is an important obstacle to accessing socio-economic rights, including healthcare. Moreover, procedures for accessing national public health programmes, health insurance, applying for social benefits (unemployment or child allowance), school enrolment, are characterised by heavy bureaucratic procedures that are very difficult to navigate without any guidance or assistance. Public institutions services are not adapted to the specific needs of asylum seekers, the public servants are not aware of the legislation in this field and therefore their access to these rights is oftentimes denied requiring direct interventions from NGOs.

In 2022, the situation was as follows:

In **Giurgiu**, according to the director there is a nurse and a psychologist. However, since August 2021, there has been no medical doctor in the centre. The director of the centre reported that the psychologist provided counselling to 577 asylum seekers during 2022 and three counselling session were held with an interpreter.

In **Rădăuți**, two medical assistants were hired in 2020. A medical doctor was contracted as a service provider, and a medical doctor of the ICAR Foundation was hired. In 2022 IGI-DAI did not hire a medical doctor, so there was only the doctor from the ICAR Foundation, who is present once a week. There are two tents in the courtyard, where transferred asylum seekers undergo medical screening, which is conducted swiftly. The medical screening includes the medical history of the asylum seeker. The interpreter is only called when there are exceptional issues. In 2021 there was also a psychologist at IGI-DAI.

In **Timișoara**, a medical doctor is present in the centre 3 hours per day and two nurses are provided by IGI-DAI. The nurses work on 8h shifts. The medical screening conducted by the medical doctor in Timișoara was done without an interpreter, however he is speaking Arabic. A summary evaluation is made without an interpreter, after which the medical file is drafted. There was no psychologist in the centre from December 2021 until November 2022. A social assistant was also hired in 2022, who has responsibilities mainly during the integration programme.

Bucharest: In 2022, the centre had three medical assistants and one medical doctor and the psychologist position has been vacant since August 2021.

Galați: There is a medical doctor, present in the centre twice a week or when a transfer arrives, one nurse and a full-time psychologist as of 15 October 2019. In addition, there is also a medical doctor hired by the ICAR Foundation present twice a week. The medical screening is done by the doctor and nurse, in general

⁶⁵⁴ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

⁶⁵⁵ UNHCR, *Regional Protection Monitoring Report Romania*, 28 March 2024, available [here](#).

⁶⁵⁶ CNRR, *Input by civil society organisations to the Asylum Report 2024*, 2023, available [here](#).

without an interpreter. The medical staff often relies on other asylum seekers. However, an interpreter was provided for the Afghan asylum seekers evacuated by Romania at the medical screening.

Somcuta Mare: The medical screening is done by the medical doctor of IGI-DAI. It is basically a general consultation which includes the medical history, taking the pulse, heart rate and visual check-up to check scars. As of April 2022 the centre also has a psychologist. The centre had a medical assistant from the beginning of the year until end of March 2022 (she took over the psychologist position) and as of June 2022 a new medical assistant was hired.

In **Bucharest**, according to the medical doctor, the medical screening is conducted by her and the nurse when the asylum seekers are accommodated in the centre. They are visibly checked to see if they present any signs of eczema, rabies, lice and a medical record is drawn up. In case of medical issues, the asylum seekers are referred to the Ministry of Internal Affairs hospitals. The screening is conducted without the assistance of an interpreter, or sometimes with the help of the cultural facilitator, who is present on weekdays.

From 26 September 2020 until December 2022 the ICAR Foundation was implementing the project “Health Insurance for Asylum Seekers in Romania (ASIG - RO)” in partnership with AIDRom. Under this project at least 432 asylum seekers were to benefit from medical services and at least 216 asylum seekers were to benefit from specialised psychological assistance and counselling.⁶⁵⁷

Specialised treatment

The Asylum Act provides for the right of asylum seekers with special needs to receive adequate health care.⁶⁵⁸ In practice, the ICAR Foundation is the only organisation with the necessary experience in providing psychological assistance to torture survivors and traumatised asylum seekers in all the reception centres.

In **Timișoara**, as of 2022 ICAR personnel conduct the medical screening. IGI-DAI is notified if there are asylum seekers suffering from mental health issues and they are referred to specialised hospitals, if necessary. The ICAR Foundation doctor is present in the centre once a week. According to the JRS representative, AIDRom representatives carry out a more detailed screening.

In 2022 in Rădăuți an asylum seeker who was HIV positive was treated through the state scheme.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice? ☒ Yes ☐ No

An applicant with special reception needs is a vulnerable person according to Article 5¹ of the Asylum Act, who needs special guarantees to enjoy their rights and fulfil their obligations under the law.⁶⁵⁹ Article 5¹(2) lists the following categories of vulnerable persons: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons suffering from serious illnesses, people with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, or persons in other special circumstances.

⁶⁵⁷ AIDRom, News Release, available in Romanian at: <https://bit.ly/38pzGtl>.

⁶⁵⁸ Article 17(1)(n) Asylum Act.

⁶⁵⁹ Article 2(1)(b²) Asylum Act.

The law does not prescribe actual mechanisms or methods for the identification of vulnerable persons. The Asylum law only states that specialised personnel of IGI-DAI cooperate with UNHCR and relevant NGOs to identify asylum seekers who may fall within in the category of vulnerable persons referred for the identification of vulnerable cases, GII has a SOP applied by all reception centres and staff interacting with asylum seekers from the moment of their arrival and during the whole asylum procedure. In order to assess the vulnerability of asylum seekers, specialists within IGI-DAI, where appropriate together with experts from other institutions and authorities competent in the field, to make an assessment of the special needs of foreigners. Depending on the specific need of each asylum seeker identified as vulnerable person, IGI-DAI notifies and cooperates with authorities and specialised agencies in order to provide necessary assistance. IGI-DAI may collaborate with NGOs to assist asylum seekers identified as vulnerable.⁶⁶⁰

Psycho-social specialists of the ICAR Foundation who carry out activities in the Regional Centres first seek to identify asylum seekers, especially those belonging to vulnerable groups (families in difficulty, elderly people, people with chronic illness, unaccompanied children, victims of physical and mental violence) and their needs. Subsequent tests are conducted to assess the general health status of newly arrived asylum seekers, while general practitioners provide weekly medical consultations (see [Health Care](#)).⁶⁶¹

According to the Asylum Act, asylum seekers with special needs have the right to benefit from adapted accommodation and assistance conditions in the Regional Centres.⁶⁶² During a visit in the regional centre of Timișoara in 2021, the Ombudsman noticed that an asylum seeker who had walking difficulties due to an accident, struggled to use the toilet and recommended that the management build a toilet for persons with special needs.⁶⁶³ In 2023, the Ombudsman did not carry out monitoring visits in the centres.⁶⁶⁴ IGI-DAI stated that in all regional centres are ramps for persons with disabilities.⁶⁶⁵

The house rules of the Regional Centres stipulate that, in order to deal with situations of sexual or gender-based violence, the Director of the Centre shall:⁶⁶⁶

- ❖ Inform the persons accommodated in the centre about sexual or gender-based violence and the consequences of such acts;
- ❖ In case of such situations occurring during the period of accommodation in the centre, notify the competent public authorities and institutions and, depending on the seriousness of the deed, gradually apply one of the sanctions provided in Article 47 ROI (see [Reduction or Withdrawal of Reception Conditions](#));
- ❖ Cooperate with national and international NGOs, as well as with public authorities and institutions competent in this field to assist victims while they are accommodated in the Regional Centre.

To the best of the knowledge of the expert, there were no available reports in 2023 of cases of sexual or gender-based violence in the reception centres. IGI-DAI states that that if such cases would exist, the centre would immediately notify the police and the competent judicial authorities to investigate.⁶⁶⁷

⁶⁶⁰ Article 5(1)-(4) Asylum Decree.

⁶⁶¹ AIDRom, *Adapted and accessible health services for asylum seekers in Romania*, available at: <http://bit.ly/2Dz3v9U>.

⁶⁶² Article 17(1)(l) Asylum Act.

⁶⁶³ Ombudsman, Report, 2021, p.7, available in Romanian at: <https://bit.ly/3DZGvA7>.

⁶⁶⁴ Information provided by Ombudsman, 9 January 2024.

⁶⁶⁵ Information provided by IGI-DAI, 18 January 2024.

⁶⁶⁶ Article 60 ROI.

⁶⁶⁷ Information provided by IGI-DAI, 18 January 2024.

1. Reception of unaccompanied children

1.1 Unaccompanied children below the age of 16

Unaccompanied children below the age of 16 are accommodated in a centre managed by DGASPC or an authorised private body.⁶⁶⁸ If they have relatives residing in a Regional Centre, DGASPC decides where they will be accommodated, taking into consideration their best interests. In case of unaccompanied children who have siblings under or above the age of 16, when taking a decision regarding their accommodation, IGI-DAI shall consult their legal representative, observe the principle of family unity and take into account the age and maturity of the older sibling.⁶⁶⁹ The opinion of the unaccompanied child regarding the place where they will be accommodated is considered and given due importance, taking into account their age and degree of maturity.⁶⁷⁰

As regards the conditions in DGASPC facilities, Save the Children stated that the facilities are decent but there are no interpreters; thus, interaction with these children is limited until they learn Romanian. In most cases the staff is not trained to work with foreign children, the services provided are not adapted to their needs.

As of 2022, the situation was the following:

Timișoara: Unaccompanied children are accommodated in the DGASPC Emergency Accommodation Centre for Homeless Children and have described living conditions as good; they receive three meals per day. There are 2 rooms with 8 places. Asylum seekers are accommodated together with Romanian children. Save the Children representatives stated that no activities are organised for them; they are not allowed to leave the centre only accompanied by the social assistants and they are able to use their phones only 2 hours per day. In October 2022 Save the Children bought a TV for them. During 2022, there were 6 unaccompanied minors accommodated at DGASPC. It was also reported that the representative of the DGASPC centre allowed 4 children (not related) to leave with a Romanian man who presented a power of attorney from Syria.

Șomcuta Mare: Unaccompanied children are accommodated in family houses in **Baia Mare**, managed by the NGO Somaschi Foundation. JRS has reported that conditions in the facilities are good. In 2020 there were 2 unaccompanied minors accommodated in this centre, but they were over 16 years of age and specially requested to be accommodated here. As for minors under 16 years of age, according to a JRS representative they were all accommodated in the regional centre. In 2022 there were no children accommodated at the family house managed by Somaschi. In the regional centre unaccompanied children are accommodated separately.

Galați: In 2022, it was reported that only two unaccompanied children were accommodated at DGASPC day and the night shelter for homeless children, under the authority of DGASPC. They were taken over by DGASPC in 2021.

Rădăuți: Unaccompanied children are no longer accommodated in the **Solca Placement Centre** as it was closed. As of 2019 children were accommodated in the Children's Univers from Rădăuți. The centre is a family house located 200 m from the Regional Centre. The living conditions are satisfactory and hygienic conditions are good. Some children complained about the food quality. The JRS representative reported that not all unaccompanied children's care was taken over by DGASPC. It was also reported by another stakeholder that the minors leave the centre before the necessary administrative steps are taken. Two minors specifically requested to be accommodated in the DGASPC centre, but they were refused because they needed the space for minors under the age of 16. There is no interpreter, but when necessary IGI-DAI's interpreters could be requested. The activities organised in the centre are not

⁶⁶⁸ Article 58(3) Asylum Decree, in conjunction with Article 78(1) Child Protection Act.

⁶⁶⁹ Article 58(3^1) Asylum Decree.

⁶⁷⁰ Article 58(4) Asylum Decree.

adapted to the needs of unaccompanied minors. Unaccompanied children under 16 years of age declared verbally that they are accompanied by relatives, with no further evidence being provided. Thus, they remained in the regional centre, where they were not accommodated separately from the adults. In 2022 there were no children accommodated at DGASPC.

Giurgiu: 10 unaccompanied minors under the age of 16, were taken over by DGASPC.

Bucharest: In 2022 unaccompanied children were also accommodated in the Ciresarii Emergency Reception Centre of DGASPC District 5, according to the director.

According to the director of the Vasile Stolnicu centre four unaccompanied children under the age of 16 were accommodated in DGAPSC centre.

According to IGI-DAI, 89 unaccompanied children were accommodated in DGASPC centres in 2022. At the end of the year there were 15 minors left in DGASPC centres.⁶⁷¹

1.2 Unaccompanied children aged 16 or more

Unaccompanied children, who have reached the age of 16 and do not have the necessary material resources to ensure their subsistence, are accommodated in the Regional Centres. IGI-DAI⁶⁷² states that unaccompanied minors can be accommodated in separated rooms in the centres and that the principle of the best interest of the child is taken into account.

As of 2022, the situation was the following:

In **Șomcuta Mare**, 40 children were accommodated, if they were accompanied by relatives they were accommodated in the same room, if not they were placed together with other children.

In **Giurgiu**, 178 unaccompanied children over the age of 16 were accommodated in the regional centre, according to the director. He further mentioned that if they are accompanied by adult relatives they are accommodated together.

In **Galati**, 60 unaccompanied children were accommodated in the centre. If they were accompanied by adults they were placed together with the adults.

In **Bucharest**, 92 unaccompanied children were accommodated in Tudor Gociu during the year.

In 2019, a total of 230 unaccompanied children were accommodated in Regional Centres.⁶⁷³ At the end of 2020, 412 unaccompanied children were accommodated in Regional Centres.⁶⁷⁴ In 2021, IGI-DAI reported a total number of 2,630 of unaccompanied children accommodated in the regional centres.⁶⁷⁵ In 2022, the number of unaccompanied minors decreased significantly to 386 and at the end of the year 26 unaccompanied minors were accommodated in the regional centres.⁶⁷⁶

1.3 Reception of families

Efforts are made to ensure that nuclear families can stay together during the asylum procedure. Families are accommodated in separate rooms. In 2023, according with IGI-DAI, families are accommodated separately in all centres.⁶⁷⁷

⁶⁷¹ Information provided by IGI-DAI, 10 March 2022.

⁶⁷² Information provided by IGI-DAI, 18 January 2024.

⁶⁷³ Information provided by IGI-DAI, 5 March 2020.

⁶⁷⁴ Information provided by IGI-DAI, 16 February 2021.

⁶⁷⁵ Information provided by IGI-DAI, 10 March 2022.

⁶⁷⁶ Information provided by IGI-DAI, 22 February 2023.

⁶⁷⁷ Information provided by IGI-DAI, 18 January 2024.

As of 2022, the situation was the following:

In 2022, families were accommodated separately in **Bucharest**, the director said.

In **Galați**, if there were available places families were accommodated separately.

In **Șomcuta Mare**, families are accommodated separately from the other residents.

Timișoara: families are accommodated separately if there are available places. In 2022 the centre was not overcrowded.

In **Rădăuți** families are in general accommodated separately, but also with other persons. The building designed for vulnerable persons was not used as the medical office flooded when the showers were used.

Beyond the Regional Centres managed by IGI-DAI, AIDRom used to run two Accommodation Centres: one Accommodation Centre in **Timișoara**, which has operated without interruption since August 2012 with a capacity of 15 places; and one Accommodation Centre in **Bucharest**, which has operated since 2015 with 18 places.

These centres accommodate vulnerable persons, especially single parents with children (mothers with children). The AIDRom centres are located within these cities, funded partially by AMIF and partially by external donors. Asylum seekers housed in these centres have access to social assistance, cultural activities and cultural orientation.

In 2022, according to the director of Timișoara, 26 asylum seekers were accommodated in the AIDRom centre in Timișoara. IGI-DAI reported that 85 persons were accommodated in both centres during 2022 and at the end of the year there were 14 persons accommodated.⁶⁷⁸ According to AIDRom representative in Timișoara, in December 2022, the persons accommodated in the centre had to leave as the project was finalised and no more funding was available.

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

Asylum seekers are informed of their rights and obligations pursuant to Article 17(1)(f) of the Asylum Act. IGI-DAI shall provide written information to asylum seekers in a language they understand or are reasonably supposed to understand, within a maximum of 15 days from the submission of the asylum application.⁶⁷⁹ The information shall be provided by the official responsible for receiving the asylum application, according to a template established by order of the General Director of IGI.⁶⁸⁰ Where necessary to ensure an adequate understanding of the information by the applicant, it may also be presented orally during the preliminary interview.⁶⁸¹ Competent officers are also required to inform asylum seekers on how to contact NGOs and UNHCR and how to obtain legal assistance and representation.⁶⁸² The General Director of IGI appoints the official responsible for ensuring the conditions to carry out the above activities.⁶⁸³

The house rules of the reception centres prescribe that, when accommodated in reception centres, asylum seekers also receive information on the rights, obligations, prohibitions and disciplinary sanctions applicable during their stay in the centre. In this regard information is handed to asylum seekers in the

⁶⁷⁸ Information provided by IGI-DAI, 22 February 2023.

⁶⁷⁹ Article 17(1)(f) Asylum Act; Article 2(1) Asylum Decree.

⁶⁸⁰ Article 2(1) Asylum Decree.

⁶⁸¹ Article 2(1[^]1) Asylum Decree.

⁶⁸² Article 2(2) Asylum Decree.

⁶⁸³ Article 2(3) Asylum Decree.

form of an information sheet in a language that they understand or are reasonably supposed to understand and in which they can clearly communicate. Where appropriate, for an adequate understanding of the applicant, information may also be provided orally using the services of an interpreter apt to ensure appropriate communication.⁶⁸⁴ The applicant has to sign an acknowledgment of receipt of the information leaflets.

In practice, asylum seekers are complementarily informed by NGOs in the Regional Centres about reception conditions, house rules and their rights and obligations.

As of 2022, the situation was the following:

Bucharest: The Regulation of Internal Order (ROI) is provided in writing by the officer at the checkpoint of the regional centre, at the time of accommodation in the centre, according to the director.

Giurgiu: Asylum seekers receive information about ROI upon arrival in the centre. NGOs organise information sessions with asylum seekers after their arrival at the centre and offer information during individual counselling sessions. The author noticed that ROI was not displayed in the centre.

Galați: The ROI is explained in an easily comprehensible manner at the moment of accommodation in the centre, with the assistance of an interpreter, where possible, of a person from the community who speaks English or of the cultural facilitator, who speaks Arabic and Kurdish. The information is provided every time it is requested. There is also written information in the rooms and in the hallway in English. Infographics were also displayed with ROI.

Șomcuta Mare: Asylum seekers are provided general information on the ROI and the projects implemented by NGOs in the Regional Centre, upon transfer from Timișoara. In general, IGI-DAI, more specifically the director of the centre, provides general information to asylum seekers only upon arrival in the centre, while NGO representatives cover the details and additional information on the procedure, rights and obligations. Furthermore, the integration officer also organises group information sessions on ROI and the medical staff informs them about hygienic rules.

Timișoara: Information on the ROI is provided in writing at the registration of the asylum application. There are leaflets in several languages, according to the director of the centre. ROI was displayed in Romanian, Arabic, English and French on the doors of the accommodation rooms.

Rădăuți: NGO representatives inform them orally during counselling sessions. Posters with ROI are displayed in several languages on the doors where asylum seekers are accommodated. According to the director of the centre posters were displayed in the centre. The NGO representative stated that these were not displayed after the walls were painted.

According to the ROI, information on the rights, obligations, prohibitions and disciplinary sanctions applicable during the stay in the Regional Centre shall be displayed in each accommodation room in an international language.⁶⁸⁵ However, according to national civil society actors, this is not always respected in practice. In particular, further improvements would be necessary regarding the provision of information on the centre's rules.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?

☒ Yes

☐ With limitations

☐ No

⁶⁸⁴ Article 5(1) and (2) ROI.

⁶⁸⁵ Article 5(3) ROI.

Pursuant to Article 17(1)(r) of the Asylum Act, asylum seekers have the right to be visited by family members, representatives of national and international NGOs and bodies with duties in the field of asylum or human rights, authorised and accredited under the law.

The house rules prescribe that visitors shall have access to the centre premises, including closed spaces, only through the access control post, based on identity documents such as identity card, passport, diplomatic identity card or residence permit. Visitors' access to the centre premises, including closed spaces, shall be allowed only after they have been authorised by the service staff at the access control post and after registering the entry in the Visitor Record Register. Authorities are forbidden from retaining the documents at the access control post.

NGOs implementing projects funded by the AMIF national programme have access to reception centres for the duration of their projects, based on contracts/protocols with IGI-DAI.

On reception conditions, UNHCR reported⁶⁸⁶ that 83% of the respondents reported having access to legal counselling or information.

G. Differential treatment of specific nationalities in reception

There is no difference in treatment based on nationality with respect to reception. All Regional Centres accommodate different nationalities.

⁶⁸⁶ UNHCR, *Regional Protection Monitoring Report Romania*, 28 March 2024, available [here](#).

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2023:	at least 41 ⁶⁸⁷
2. Number of seekers in detention at the end of 2023:	Not available
3. Number of detention centres:	7 ⁶⁸⁸
4. Total capacity of detention centres:	440 ⁶⁸⁹

Special Accommodation Closed Areas

Before the recast Reception Conditions Directive, Romania only detained third country nationals subject to removal. An asylum detention regime was established following the transposition of the Directive, taking the form of a specially designed closed place i.e. locked rooms in each Regional Centre, except **Giurgiu**. Detention in a specially designed closed space is ordered in writing, for a period of 30 days, by an order motivated in fact and in law by the designated prosecutor within the Prosecutor's Office attached to the Court of Appeal territorially competent for the area where the Regional Centre is located, upon a motivated request by IGI.⁶⁹⁰

Based on the information provided by IGI-DAI, a distinction must be made taking in consideration the following aspects:

- The Regional Centres for Procedures and Accommodation of Asylum Seekers have an open regime; however, they may have certain places (e.g. rooms) where an asylum seeker could be held due to specific situations (e.g., national security reason). The following information was provided by IGI-DAI for the year 2023 in terms of closed spaces:⁶⁹¹ there are such spaces in the centres in Bucharest, Rădăuți, Maramureș, Timisoara, Galati. There appears to be no such rooms in the centre in Giurgiu. IGI-DAI stated that in 2023 no asylum seekers were held in these closed rooms/places within accommodation centres, which normally have an open regime.
- The Public Custody Centres in Otopeni and Arad have a closed regime.

In 2022 in **Rădăuți** a woman Russian national was detained in the specially designed closed space for 30 days on national security reasons. The detention order was appealed against and the court decided to maintain the detention order. She was granted refugee status.

In **Galati**, a Russian national was also detained in this specially designed closed space also due to national security reasons. The order was appealed against and the court rejected the appeal. According to the director of the centre the reasons were communicated to the applicant. He was detained for approximately 20 days. He later withdrew his asylum application and voluntary left Romania to Türkiye. IGI-DAI reported that in 2022 four orders to place asylum seekers in specially designed closed spaces were issued.⁶⁹²

According to the information provided by IGI-DAI, the regional centres have a total capacity of 166 places in specially arranged closed spaces (see [Places of detention](#)), with the specification that the placement of persons in closed spaces is done only for the situations and within the limits expressly provided by law

⁶⁸⁷ The Public Custody Centre of Arad reported that 41 foreigners applied for asylum during their detention there. Moreover, the IGI-DAI stated that no asylum seekers were placed in the accommodation centres' specially arranged closed spaces in 2023. There is no information as to asylum seekers detained in the Otopeni Public Custody Centre.

⁶⁸⁸ 5 specially arranged closed spaces in 2023, and 2 public custody centres.

⁶⁸⁹ 166 in specially arranged closed spaces and 274 in public custody centres.

⁶⁹⁰ Article 19^a(1) Asylum Act.

⁶⁹¹ Information provided by IGI-DAI, 18 January 2024

⁶⁹² Information provided by IGI-DAI, 22 February 2023.

(e.g. national security reasons). In 2023 there were no cases of asylum seekers being held in closed regime in the regional centres.⁶⁹³

Public custody centres

The 2015 reform also amended the provisions of the Aliens Ordinance regarding the situation of foreigners who lodge an asylum application from detention. Whereas prior to 2015 the Aliens Ordinance required the release of foreigners from detention as soon as a first application for international protection was lodged, the Aliens Ordinance now prescribes that an asylum seeker is only released when they are granted access to the regular procedure in Romania.

The law defines the measure of taking a person into “public custody” as a temporary restriction of the freedom of movement on the territory of Romania, ordered against foreigners in order to accomplish all the necessary steps for removal or transfer under the Dublin Regulation under escort.⁶⁹⁴ In practice, however, it constitutes a measure of deprivation of liberty.

There are 2 detention centres, known as Centres for Accommodation of Foreigners Taken into Public Custody (*Centrul de Cazare a Străinilor luați în Custodie Publică*), located in **Otopeni**, near Bucharest, and **Arad**, near Timișoara. The centres are managed by IGI and are specially designed for the temporary accommodation of foreigners taken into public custody.⁶⁹⁵

Detention (“public custody”) is ordered in writing by an order, justified in law and in fact by the designated prosecutor within the Prosecutor’s Office attached to the Court of Appeal of Bucharest, upon a motivated request by IGI.⁶⁹⁶

In general asylum seekers are not detained. The main categories of asylum seekers detained are those who have applied for asylum from detention and whose application has been assessed in the accelerated procedure.

During 2022, 110 asylum applications were made from public custody centres, 92 in Arad and 18 in Otopeni.⁶⁹⁷

In 2022 a total of 936 foreigners were detained in the public custody centres, compared to 1,327 in 2021, 1,241 in 2020 and 377 in 2019, of whom 589 persons were detained in Otopeni and 446 in Arad.

In 2023, a total of 1316 foreigners were detained in the public custody centres (Arad and Otopeni), according with the information provided by IGI-DAI⁶⁹⁸ and the Public Custody Centre of Arad.⁶⁹⁹ In the Arad centre were 993 foreigners from which 37 women and 1 person with disabilities.

Arad: Arad Centre has a capacity of 160 places for foreigners held in public custody. In 2023, according with the information provided by the Public Custody Centre of Arad, 41 foreigners detained in the Arad centre submitted asylum applications during their detention there. Their countries of origin were: Guinea, Sudan, Pakistan, India, Syria, Iraq, Somalia, Russia Federation, Tunisia, Senegal and Sri Lanka.

During a visit by the 2022 AIDA expert to the Public Custody Centre of **Arad** on 16 March 2023, there were 32 foreigners, all men, in detention out of whom two were asylum seekers from Pakistan and Guinea. According to the representative of Arad, a total number of 92 asylum applications were made in Arad, out of which 33 were granted access to the regular procedure. In addition, 26 subsequent applications were made, out of which only five were granted access to the regular procedure. The majority of applicants

⁶⁹³ Information provided by IGI-DAI, 18 January 2024.

⁶⁹⁴ Article 101(1) Aliens Ordinance.

⁶⁹⁵ Article 103(3) Aliens Ordinance.

⁶⁹⁶ Article 19^14(1) Asylum Act; Article 101(2) Aliens Ordinance.

⁶⁹⁷ Information provided by IGI-DAI, 22 February 2023.

⁶⁹⁸ Information provided by IGI-DAI, 18 January 2024.

⁶⁹⁹ Information provided by the Public Custody Centre of Arad, 10 January 2024.

were Turkish nationals. However, the Director of Timișoara Centre reported that 84 asylum applications were made in 2022 in Arad, out of which only 16 were assessed in the regular procedure.

Otopeni: Otopeni Centre has a capacity of 114 places for foreigners held in public custody. According to the director of the Otopeni Public Custody Centre 589 persons were detained in Otopeni in 2022. The majority of detainees were from India (106) and Pakistan (83). 18 first time asylum applications were made in 2022.⁷⁰⁰ No statistics on the number of migrants who lodged a subsequent application were provided, nor the number of asylum seekers who were granted access to the regular procedure. As regards the centre in Otopeni, for the year 2023, IGI-DAI did not provide statistics about the foreigners who submitted asylum applications.

The law prescribes a deadline of 3 days for IGI-DAI to assess the asylum application of an applicant who is in detention and to issue a motivated decision.⁷⁰¹ Therefore, in these cases the procedure is rapidly conducted. Asylum seekers cannot prepare for the personal interview, as they have no time to contact an attorney or a legal counsellor in order to be counselled or assisted at the interview.

According to the JRS representative many of the asylum seekers in Arad detention centre were relying on information received from the other detainees, saying that the legal counsellor from Timișoara is not providing legal counselling anymore to asylum seekers in Arad. This was also confirmed by the detainees interviewed by the author. Conversely, the director stated that legal counselling is provided by the legal counsellor from Timișoara, however, he never saw her in the detention centre in 2021, but he stated that he saw her at an interview conducted through videoconference.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention		
1. In practice, are most asylum seekers detained		
❖ on the territory:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ at the border:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Are asylum seekers detained during a regular procedure in practice?	<input type="checkbox"/> Frequently	<input type="checkbox"/> Rarely <input checked="" type="checkbox"/> Never
3. Are asylum seekers detained during a Dublin procedure in practice?	<input type="checkbox"/> Frequently <input checked="" type="checkbox"/> Rarely	<input type="checkbox"/> Never

1.1 Detention of asylum seekers in specially designed closed spaces

Under Article 19⁵(1) of the Asylum Act, when [Alternatives to Detention](#) cannot be applied, IGI may place asylum seekers in specially designed closed places to carry out the necessary procedural steps and to limit abuse to the procedure, for the following reasons:

- To verify the applicant's identity;
- To establish the elements on which the application is based, which could not be obtained in the absence of this measure, in particular where there is a risk of absconding by the applicant;
- At the request of one of the institutions with responsibilities in the field of national security, from which it follows that the applicant presents a danger for the national security.

The law provides that the “risk of absconding” within the meaning of Article 19⁵(1)(b) of the Asylum Act is to be understood as the factual situation which justifies the assumption that the applicant absconds from performing the activity of determining the elements of the asylum application made with the occasion

⁷⁰⁰ Information provided by IGI-DAI, 22 February 2023.

⁷⁰¹ Article 19⁵(1) Asylum Act.

of the personal interview.⁷⁰² The Asylum Act sets out the criteria for determining the existence of a “risk of absconding”.⁷⁰³

- (a) The applicant crossed or was caught trying to illegally cross the state border of Romania after filing the asylum application;
- (b) The applicant was caught trying to illegally cross the state border of Romania, and the asylum application was filed after the person was apprehended;
- (c) There are reasons to believe that the applicant intends to leave Romania after filing the application.

The measure of placement in specially designed closed spaces cannot be ordered in relation to asylum seekers subject to the Dublin procedure or to a measure of removal or expulsion from the Romanian territory.⁷⁰⁴

1.2 Detention of asylum seekers in public custody centres

Under Article 19¹³ of the Asylum Act an asylum seeker may be placed or maintained in detention (“public custody”) in the cases foreseen by the Aliens Ordinance,⁷⁰⁵ as well as in the following cases:

- (a) In order to carry out the transfer to the responsible Member State under the Dublin Regulation, where there is a significant risk of absconding;⁷⁰⁶
- (b) Where the applicant was detained with a view to removal or expulsion from Romania and filed an application in order to delay or prevent enforcement of the removal or expulsion measure, having had the possibility to lodge an application before.

The Asylum Act sets out a different set of criteria for the determination of a “significant risk of absconding” in the Dublin procedure, referring to cases where the applicant:⁷⁰⁷

- 1. Has irregularly crossed the border and their fingerprints match with a Eurodac ‘hit’;
- 2. Has irregularly crossed the external border of the EU Member States or Schengen countries, or was caught trying to irregularly cross the Romanian border and applied for asylum after being apprehended;
- 3. Has irregularly crossed or attempted to cross the Romanian border after applying for asylum in Romania;
- 4. Has applied for asylum in Romania after having been transferred to the responsible Member State;
- 5. Has not complied with alternatives to detention;⁷⁰⁸
- 6. Opposes the transfer to the responsible Member State.

In practice, in most cases asylum seekers are detained on the territory. Most stakeholders reported that detention in public custody is generally not ordered. These asylum seekers are usually detained if they cross or attempt to cross into Hungary. According to the Director of the Regional Centre Stolnicu, applicants subject to the Dublin procedure were never placed in detention. However, in 2023, IGI-DAI mentioned that detention was ordered in the case of 3 Syrian nationals subject to a Dublin procedure, but no further details were provided.⁷⁰⁹

Whereas prior to 2015 the Aliens Ordinance required the release of the foreigner from detention as soon as a first application for international protection was lodged, the law now prescribes that an asylum seeker is only released when they are granted access to the regular procedure. Therefore, if they are assessed in an [Accelerated Procedure](#), they will stay in detention until the asylum procedure is concluded. If the

⁷⁰² Article 19⁶(3) and (2) Asylum Act.

⁷⁰³ Article 19⁶(4) Asylum Act.

⁷⁰⁴ Article 19²(3) Asylum Act.

⁷⁰⁵ Article 101(2) Aliens Ordinance. The measure of public custody is ordered against a foreigner who cannot be removed under escort within 24 hours and who: (a) risks absconding from removal; (b) avoids or hampers the preparation of the return or removal under escort process; or (c) is subject to expulsion.

⁷⁰⁶ Article 19¹³ Asylum Act, in conjunction with Article 19¹⁴(1) Asylum Act.

⁷⁰⁷ Article 19¹⁴(2) Asylum Act.

⁷⁰⁸ Article 19¹⁴(2)(e) Asylum Act, citing Article 19²(1)(a)-(b).

⁷⁰⁹ Information provided by IGI-DAI, 18 January 2024.

application is rejected and the asylum seeker lodges an appeal, they shall remain in detention while the appeal is examined. When the applicant makes a subsequent application, detention ceases on the date they are granted access to the new procedure.⁷¹⁰ If the application is rejected and the asylum seeker lodges an appeal, they shall remain in detention while the appeal is examined.

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
 - ☒ Reporting duties
 - ☐ Surrendering documents
 - ☐ Financial guarantee
 - ☒ Residence restrictions
 - ☐ Other
2. Are alternatives to detention used in practice?
 - ☐ Yes ☒ No

Specifically designed closed spaces

The Asylum Act provides for the possibility to impose alternatives to asylum detention, defined as “restrictive measures”, in order to fulfil the necessary formalities, to limit abuse of the asylum procedure, and in case the asylum seeker poses a threat to national security, on the basis of an individual assessment.⁷¹¹ These consist of:⁷¹²

- ❖ Reporting duties;
- ❖ Designated place of stay in one of the Regional Centres.

Detention in specially designed closed spaces may be ordered if reporting duties and designated place of stay measures cannot effectively be applied to carry out the necessary procedural formalities and to limit abuse of the asylum procedure.⁷¹³ However, none were ordered in 2023 according to IGI-DAI.⁷¹⁴

No restrictive measures may be imposed against an asylum applicant for the sole reason that they have lodged an application for international protection in Romania.⁷¹⁵

IGI-DAI reported 208 asylum seekers subject to a restrictive measure in 2022, they were designated place of stay in one of the Regional Centres.⁷¹⁶ In 2023, IGI-DAI reported 882 cases in which restrictive measures were taken (the establishment of residence in one of the regional centres).⁷¹⁷

Detention (“public custody”) centres

The placement of an asylum seeker in detention centres (“public custody”) may be ordered if the prior assessment regarding the possibility to impose alternatives to detention demonstrates that these measures are not possible and sufficient to meet the procedure and the purpose sought,⁷¹⁸ namely removal from Romania or transfer under the Dublin Regulation.

⁷¹⁰ Article 101(8) Aliens Ordinance.

⁷¹¹ Article 19^2(1) Asylum Act.

⁷¹² Article 19^2(1) Asylum Act.

⁷¹³ Article 19^5(1) Asylum Act.

⁷¹⁴ Information provided by IGI-DAI, 18 January 2024.

⁷¹⁵ Article 19^2(2) Asylum Act.

⁷¹⁶ Information provided by IGI-DAI, 10 March 2022.

⁷¹⁷ Information provided by IGI-DAI, 18 January 2024.

⁷¹⁸ Article 19^13(2) Asylum Act.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?

☐ Frequently

☒ Rarely

☐ Never

❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No

Special Accommodation Closed Areas

Asylum detention, i.e. placement in specifically designed closed spaces, cannot be ordered against unaccompanied asylum-seeking children, except for cases where the unaccompanied child cannot prove their age and, due to serious doubts thereon, IGI-DAI requests an age assessment.⁷¹⁹

Detention (“public custody”) centres

The Public Custody Centres Regulation explicitly provides that children cannot be detained in these centres, unless they are accompanied by at least one of the parents or their legal representative, who are taken into public custody.⁷²⁰

According to the amended Aliens Act, in case the foreigner declares that they are a minor and cannot prove their age, if there are serious doubts about his minority, they will be considered an adult.⁷²¹ In this situation, IGI requests an age assessment, with their prior consent.⁷²² As a consequence the child will be treated as an adult and placed in detention pending the age assessment, until their age is confirmed.

In 2023, IGI-DAI reported that there were no children detailed in Arad or Otopeni⁷²³. The Public Custody Centre in Arad indicated that in 2023, out of the total of 993 foreigners detained, there were 37 women and 1 person with disabilities.⁷²⁴ Further details were not provided.

CNRR reported that in 2022, there were no accompanied children, families or other vulnerable persons detained in Arad or Otopeni.⁷²⁵

According to the Director of **Otopeni**, a pregnant woman and a single parent family (mother and her less than a year-old baby) were detained in 2022. All were returned to Serbia; the pregnant woman was detained for a month and the mother and child for two weeks.

In 2022, in **Arad**, there were no accompanied children or other vulnerable persons detained. Eight single women were detained in Arad during the year.

IGI-DAI reported that no vulnerable persons were detained in 2022.⁷²⁶

Romanian law does not prohibit detention of other vulnerable asylum seekers. IGI-DAI noted that detention of persons with special needs such as victims of torture or trafficking has not been applied in public custody.⁷²⁷

According to the director of Otopeni there was one migrant with psychological issues, who was released after two days due to his condition.

⁷¹⁹ Article 19⁵ Asylum Act, in conjunction with Article 42(2) Asylum Act.

⁷²⁰ Article 29 Public Custody Centres Regulation.

⁷²¹ Article 131¹(1) Aliens Act, as amended by Act 247/2018 of 6 November 2018.

⁷²² Article 131¹(2) Aliens Act, as amended by Act 247/2018 of 6 November 2018.

⁷²³ Information provided by IGI-DAI, 18 January 2024.

⁷²⁴ Information provided by the Public Custody Centre Arad, 10 January 2024.

⁷²⁵ Information provided by CNRR, 15 February 2022.

⁷²⁶ Information provided by IGI-DAI, 22 February 2023.

⁷²⁷ Information provided by IGI-DAI, 14 February 2018.

The Arad representative stated that no persons had been released due to a medical condition in 2022. 10 detainees had chronic diseases.

4. Duration of detention

Indicators: Duration of Detention

1. What is the maximum detention period set in the law (incl. extensions):
 - ❖ Asylum detention 2 months
 - ❖ Pre-removal detention 18 months
2. In practice, how long in average are persons detained?
1-5 months (see below for more details)

Special Accommodation Closed Areas

According to Article 19⁷(1) of the Asylum Act, detention in specially designed closed spaces is ordered for a period of 30 days. IGI may request the territorially competent Court of Appeal to prolong detention for an additional 30-day period.⁷²⁸ Accordingly, the total period of detention in those spaces may never exceed 60 days.⁷²⁹

IGI-DAI has to carry out the examination of the applicant's identity and establishment of the elements of the asylum claim expeditiously in order to maintain the measure of detention as short as possible. Delays due to the administrative procedures that cannot be imputed to the applicant cannot justify a continuation of detention, except for situations where it is necessary to continue to apply the measure for reasons of national security, without exceeding the 60-day limit.⁷³⁰

Detention ("public custody") centres

Detention in public custody centres is also ordered for an initial period of 30 days⁷³¹ and it may not exceed 6 months.⁷³² However, this period may be extended exceptionally for an additional period no longer than 12 months, in cases where IGI-DAI is unable to transfer the asylum seeker to the responsible Member State due to delays in obtaining the necessary documentation for the transfer to the respective Member State.⁷³³ Therefore, detention in public custody can last up to 18 months.

Specifically, as regards detention in the Dublin procedure, the Asylum Act recalls that detention ceases if the time limit of six weeks set out in Article 28(3) of the Dublin Regulation is reached.⁷³⁴

When asylum seekers lodge an application in detention centres and are assessed under the accelerated procedure, they spend the whole asylum procedure in detention.

The duration of detention of third country nationals in **Arad** in 2023 was as follows:

Duration of detention – Public Custody Centre Arad: in 2023	
Duration	Number of persons
> 5 days	76
> 10 days	235
>20 days	257
>30 days	85

⁷²⁸ Article 19⁷(3) Asylum Act.

⁷²⁹ Article 19⁷(5) Asylum Act.

⁷³⁰ Article 19⁷(6) Asylum Act.

⁷³¹ Article 19¹⁴(1) Asylum Act.

⁷³² Article 19¹⁴(6) Asylum Act.

⁷³³ Article 19¹⁴(7) Asylum Act.

⁷³⁴ Article 19¹⁴(10) Asylum Act.

> 6 months	227
> 1 year	3
<1 year	1

Source: Public Custody Centre Arad, information sent upon request to the AIDA expert, 10 January 2024

A Tunisian national detained in Otopeni declared during the author's visit that he had been detained for one year in Arad. According to the directors of **Otopeni** the average duration of detention in 2022 was 3-5 months.

According to IGI-DAI, in 2019, the average duration of detention was 1-5 months.⁷³⁵ In 2020, IGI-DAI reported an average duration of detention of 264 days.⁷³⁶ In 2022 and 2023⁷³⁷ IGI-DAI said they had no statistics regarding the average duration of the procedure.⁷³⁸

Detention in border and transit zones

Detention upon apprehension cannot exceed 24 hours under the Romanian Constitution and the Criminal Procedure Code.⁷³⁹ According to the ITPF Timișoara persons apprehended were not held for more than 24 hours in Border Police custody. No updated information or reports were available for 2023.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

According to the law, asylum seekers may be detained in specially designed closed spaces within the Regional Centres, as well as in public custody centres. Asylum seekers are only detained in prisons if they are convicted of a criminal act or if they are sentenced to imprisonment.

1.2 Specifically designed closed spaces in Regional Centres

All Regional Centres except **Giurgiu** contain specially designed closed spaces. According to the information provided by IGI-DAI,⁷⁴⁰ in Bucharest, in the building situated in Tudor Gociu Street there are 96 places in closed regime. As for the other centres the situation is the same as in previous years: **Rădăuți** has 10 places in closed spaces, **Galați** has 30, **Timișoara** has 15 and **Șomcuta Mare** has 15 places located in a closed space in the basement of the building. In 2023, no asylum seekers were kept in these places.

⁷³⁵ Information provided by IGI-DAI, 20 February 2020.

⁷³⁶ Information provided by IGI-DAI, 16 February 2021.

⁷³⁷ Information provided by IGI-DAI, 18 January 2024.

⁷³⁸ Information provided by IGI-DAI, 22 February 2023.

⁷³⁹ Article 23 Romanian Constitution; Article 209 Criminal Procedure Code.

⁷⁴⁰ Information provided by IGI-DAI, 18 January 2024.

Capacity of specially designed closed spaces: 2023	
Centre	Capacity
Timișoara	15
Șomcuta Mare	15
Rădăuți	10
Galați	30
Bucharest	96
Giurgiu	0
Total	166

Source: IGI-DAI, 18 January 2024.

1.3 Detention (“public custody”) centres

There are two Accommodation Centres for Aliens Taken into Public Custody (*Centrul de Cazare a Străinilor luați în Custodie Publică*) in Romania with the following capacity:

Capacity of detention centres: 2023	
Detention centre	Capacity
Otopeni	114
Arad	160
Total	274

Source: IGI-DAI, 18 January 2024.

Capacity in Arad may be extended to 206 places but only for limited periods.
Capacity in Otopeni can be extended to 132 places.

In 2022, in the **Arad** centre the highest number of foreigners detained was 156. In Otopeni the highest number of persons was 54.

Asylum seekers placed in public custody centres shall be detained, as far as possible, separately from other categories of third-country nationals.⁷⁴¹ In practice, this not the case according to the directors of the **Arad** and **Otopeni** centres.

Persons who are convicted of crimes are also to be accommodated in separate rooms from other categories of foreigner nationals. Foreigner nationals considered ‘undesirable’⁷⁴² are accommodated separately from the others, according to the Directors of Otopeni and Arad. Those who are convicted of crimes are only accommodated separately in Otopeni.

1.4 Transit zones

Romania has an airport transit zone in **Otopeni Airport** in Bucharest, with a capacity of 22 places. Eight people were detained in Otopeni Airport in 2022.⁷⁴³ In 2023, according to the Border Police 18 persons

⁷⁴¹ Article 19^16(1) Asylum Act.

⁷⁴² Article 86(1) Aliens Act defines undesirable foreigner as a foreigner who has carried out, carries out or there are solid indications that he/she intends to carry out activities likely to endanger national security or public order.

⁷⁴³ Information provided by Border Police, 6 April 2023.

were detained in the airport transit zone; no one requested asylum.⁷⁴⁴ 11 people left the airport in less than 24 hours, and 7 had to stay longer than 24 hours (for flight delay reasons).

In 2023 there were 16 airport transit zones, with a total capacity of 108 places.⁷⁴⁵

Capacity airport transit zones: 2023	
Airport	No. places
“Henri Coandă” Bucharest	8
Băneasa Bucharest	8
Suceava	3
Iași	8
Bacău	4
Craiova	8
Timișoara	14
Arad	6
Oradea	3
Cluj-Napoca	14
Satu Mare	8
Târgu Mureș	6
Sibiu	8
„Mihail Kogălniceanu” Constanța	10
Total	108

Source: Border Police, 16 January 2024

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

1. Do detainees have access to health care in practice? ☒ Yes ☐ No
 ❖ If yes, is it limited to emergency health care? ☐ Yes ☒ No

Given that detention of asylum seekers in the specifically designed closed spaces of Regional Centres is not used in practice, the following section focuses on conditions in detention (“public custody”) centres.

Public custody centres are managed by the IGI Migration Directorate. According to the Aliens Ordinance, the centres are established, organised, sanitary authorised and equipped to provide adequate accommodation, food, medical care and personal hygiene.⁷⁴⁶

As of 2022, the situation was the following:

The representative of **Arad** centre emphasised the lack of administrative staff, police officers and of nurses as an issue. At the time of the author’s visit there were three nurses hired, of whom one was on medical leave for more than 90 days. During 2022 there were two medical nurses and as of 14 May 2022 there were three. The nurses had been working 12 hours per day until June 2022 and as of June 24 hours with 72 hours rest. The working schedule was also adapted to the actual needs. The centre has a medical doctor contracted through a service provider contract. The doctor is present in the centre 3 hours per day on weekdays. Some of the interviewed detainees declared that some of the police officers have no English

⁷⁴⁴ Information provided by Border Police, 16 January 2024.

⁷⁴⁵ Information provided by the Border Police, 3 March 2021.

⁷⁴⁶ Article 103(3) Aliens Ordinance.

language skills. The author noticed during the interviews that most of the foreign nationals detained in Arad had a basic grasp of the English language. Communication with some of them was very hard; it was hard for the foreigner nationals to understand basic questions. The representatives of both centres stated that they received a translation device which allows them to discuss issues with the migrants. The device is similar to Google translate. The representative of Arad centre said it is used for written communication, while the director of Otopeni stated that it is used for oral communication.

The director of **Otopeni** stated that they manage to communicate with foreign nationals in English or by using this new device. Nevertheless, they need interpreters to communicate with detainees.

One of the foreigners detained in **Arad** interviewed by the author reported that, while he was on hunger strike, the police officers tried to beat him in order to convince him to eat. He stated that he was beaten three times. He was pushed and kicked. Another foreign national interviewed by the author stated that the police officers are violent towards some of the detainees. A foreign national interviewed by the author in Otopeni also declared that a police officer in Arad hit him in the back without a reason. The director of Arad stated that there were many issues linked to this: the majority of detainees in Arad are from Algeria and Morocco, they stay for longer periods in Arad, than in Bucharest and in Bucharest the food is of better quality. He also mentioned that he had discussed the allegations with the police officers who managed the shifts and they said that it had not happened on their shifts.

Foreigners interviewed by the author in Otopeni, who were also detained in Arad stated that the police officers in **Otopeni** treated them better than the officers in Arad. This was still reported in 2022.

When transferred from the facility to court for hearings, detained foreigners are handcuffed and escorted. According to the director of Arad, the foreigners are not always handcuffed, only if there is a risk of absconding or the number of foreigners is higher than the number of police officers accompanying them.

According to the directors of **Otopeni**, foreigners are handcuffed and escorted to the court. The handcuffs are taken off once they enter the court. According to the foreigners interviewed by the author during the visit in Otopeni the handcuffs are taken off when they enter the courtroom, where the court hearing is held. Women are not handcuffed when they are taken to court hearings, according to the representative of Otopeni.

Regarding detainees' right to information on their rights and obligations in detention, in **Arad** all detainees receive written information about their rights and obligations in English or French upon arrival. Both centres have leaflets also in Arabic, Pashto, Kurdish and Chinese. The author noticed posters in different languages that were displayed in the dining space and the hallways.

In **Otopeni** information on ROI and rights and obligations is provided by IGI. The detainees receive A4 leaflets with their rights and obligations in English.

According to the director of **Otopeni**, detainees are informed about their rights and obligations and the reasons for their detention upon arrival in the centre in writing in English and Romanian. Posters with the rights and obligations and ROI are displayed in the hallways of the centre in several languages. During the visit in Otopeni the author saw the posters with ROI and rights and obligations in different languages displayed on the hallways.

Some of the foreigners interviewed by the author during the visit in Otopeni mentioned that they receive the decision in Romanian and short information in English.

2.1 Overall conditions

Otopeni centre operates in Otopeni, Ilfov County, near the largest airport in Romania, Henri Coanda Airport, which facilitates the operative return of foreigners to their countries of origin. The centre was established in 1999 and renovated in 2004-2005 with PHARE funds of €1,500,000, including Romania's

own contribution.⁷⁴⁷ Otopeni centre has two buildings. In November 2020 renovation works started for one of the buildings of the detention centre, with AMIF funds. The building, which has around 60 places of accommodation, was renovated completely on the interior and exterior- the water pipes and tiles are changed, bathrooms are completely refurbished. Next to this building there is a small football field and a small park, which was also renovated. The renovations were finalised in August 2021. However, detainees were accommodated in building B starting from June 2021. The centre has a capacity of 114, with the possibility of extension to 132 places. The majority of the rooms have 4 beds each, but there are also rooms with 6 and 8 beds and one room with 12 beds. Representatives of Otopeni centre stated that building A had been renovated: walls were painted, a sanitary installation was repaired. Washing machines, refrigerators and ping pong tables were bought and they are in the process of changing the bedding, mattresses, pillows and covers.

Arad is located in Horia, a village in Arad County. It has a capacity of 160 places. There are two buildings: one (building B) hosting the administrative offices and 52 places of accommodation and another building (building C) designated for accommodation with 108 places, administration purposes and other activities, inaugurated in 2015.⁷⁴⁸ Each room is designed to accommodate 4 people and has 4.5 to 6m² per person.⁷⁴⁹ At the time of the author's visit there were 32 foreigners detained.

In **Arad**, in May 2021, the authorities started the construction of another facility, with a capacity of 240 places of accommodation, a sports field and leisure spaces. The construction of the facility is being funded by AMIF. The construction works will be finalised in the summer-autumn of 2023.

In 2022, in **Otopeni** the highest number of detainees was 54, as building A was closed and foreigners were only accommodated in building B, which has a capacity of 54 places. At the time of the author's visit there were 37 foreigners detained, including a woman from Cuba.

During the visit carried out to Otopeni on 21 March 2023, the detention conditions in the building which was not under renovation were good. The hallways and other shared spaces were clean. In the renovated building, the walls were already dirty and the old tiles had been kept. The dining room which is in the other building was also clean. The outside space had not been improved, the representatives of the centre said improvement works are foreseen in 2023.

During the visits carried out to Arad on 16 March 2022, the detention conditions in the public custody centre were satisfactory. Since September 2022 all foreigners have been accommodated in building B, in order to save money for heating. At the time of the visit the detainees were outside their rooms in the hallways. The rooms were not visited. The hygienic conditions and overall cleanliness of the centre were good. Building C, which was not occupied, was sanitised, walls were painted and small repairs were done. There was no mother and child room. The rooms which were visited had bunk beds, a shower separated by a wall and with a curtain, and a toilet near the shower, not separated from the rest of the room. The windows of the building where people were accommodated were opaque, so it is not possible to look outside.

In **Otopeni**, the rooms are equipped with their own bathroom, individual beds with mattresses, table, chairs, cupboards, and a television. At the time of the author's visit the rooms were locked. Occupied rooms were not visited, but from the door it could be observed that the walls had been scribbled on. The room where the author had the interviews with the detainees also had dirty walls, was written all over, and the mattresses looked worn down. The bed linen is changed every week and washed in the centre according to the director of Otopeni. In order to wash their clothes, the detainees have access to a washing machine, which is on the same floor as their rooms. The windows are not opaque, but they are covered with bars. Representatives from the Otopeni centre reported that they had issues with bed bugs.

⁷⁴⁷ Ombudsman, *Report of the visit to the Accommodation Centre for Aliens Taken in Public Custody Otopeni*, 70/2016, available in Romanian at: <http://bit.ly/2BPRsK>, 2.

⁷⁴⁸ Ombudsman, *Report of the visit to the Accommodation Centre for Aliens Taken in Public Custody Arad*, 30/2016, available in Romanian at: <http://bit.ly/2EbfiM7g>, 3-4.

⁷⁴⁹ *Ibid*, 10.

Each detainee has their own bed and there is generally sufficient space, except at times when the number of detainees was high and they had to place mattresses on the floor. Detainees are required to clean their own rooms and the common spaces in both centres. They receive cleaning products from IGI and CNRR, according to the directors of the centres.

Detainees are accommodated in separate rooms on the basis of gender, religion or nationality. Family members are accommodated in the same room, separately from other people, ensuring an appropriate level of privacy.

CNRR provides material assistance through the project "Counselling and Material Assistance in Public Custody Centres", funded by the AMIF national programme. The main objective of the project is to provide information and counselling to migrants about return operations and rules that must be respected during these operations; the rights, obligations and rules of the Public Custody Centres Arad and Otopeni; and to provide services and specific assistance (including material assistance) complementary to that granted by the Romanian government during their detention in the Public Custody Centres and during their return under escort to the country of origin or other country of destination.⁷⁵⁰ Detainees interviewed from the Otopeni and Arad centres declared that they had received some clothing and hygienic products from CNRR.

The Public Custody Centres Regulation prescribes that food is provided three times a day, in the form of a hot or cold meal, depending on the situation of the detainees during accommodation or transport. For sick people, pregnant women and other categories of persons, food provision follows the number of meals and the diet prescribed by the doctor at the centre. At the request of detainees, their religious diet is respected.⁷⁵¹

In **Otopeni** the food (3 meals/day) is provided by the gendarmerie. According to the representatives of Otopeni the quality of the food is better than in the past as it is provided by a different kitchen of the gendarmerie. Some of the interviewed detainees stated that the food is good, some of them said that it is not that good, because it is not like the food they are used to in their country of origin or it is not sufficient. The interviewed detainees said that the food in Otopeni is better than in Arad.

In **Arad** the food is provided by the Arad penitentiary facility. Detainees interviewed by the author in Arad complained about the food quality and that they had also complained about it to the administration of the camp, but no measures were taken. The representative of the centre said they had tried to find another provider, but is quite difficult because the number of meal portions may vary from one day to another. The director of Arad reported that they have no special menus for children as meals are provided by the Arad penitentiary.

2.2 Activities

The Public Custody Centres Regulation provides that every foreigner is entitled to an hour of recreational outdoor activities per day, depending on the weather conditions and the possibilities of supervision. Recreational outdoor activities usually take place between 13:30 and 17:00. The director of the centre or their legal substitute may increase the duration of outdoor recreational activities.⁷⁵²

Arad has two courtyards of 120m² each for walking, with lawns and concrete surfaces, each equipped with a goalpost and basketball hoop with backboard and tables with benches. According to the representatives of Arad centre, between meals, people are let outside in the courtyard for an hour, every day, under the police officers' supervision. Conversely, the detainees interviewed by the author stated that they go outside once every three or five days for 20-30 minutes. The Ombudsman reported that

⁷⁵⁰ Information provided by CNRR, 9 December 2019.

⁷⁵¹ Article 30(1)-(4) Public Custody Centres Regulation.

⁷⁵² Article 26(1)-(2) Public Custody Centres Regulation.

foreigners complained that they are allowed outside only twice a week and recommended measures to be taken to ensure outside activities every day.⁷⁵³ They also said that rooms are not always opened during the day, it depends on the police officers on duty if the rooms are locked for most of the day or not. At the time of the author's visit the doors were open and detainees were socialising. It was also noticed that they were allowed to smoke inside. There is a workout room in Arad but only two fitness machines were functional at the time of the author's visit. However, this was not used by the foreigners. There is no library in Arad; books are stored in the psychologist's office, and detainees may borrow them. One of the representatives of the centre said the foreigners receive different games, such as rummy, puzzles, chess. TVs were recently installed in their rooms, according to the representative of the centre.

In **Otopeni** people are allowed on the terrace after meals under supervision every day, depending on the availability of the police officers and according to the director. She also mentioned that outdoor time in the courtyard does not take place every day. All the detainees interviewed said that they had no daily outdoors time. One of them said that he had outdoor time during warm days only once a week and foreigners are also taken on the terrace when there are disinfections. Another detainee said that in the three months since he had been detained he had been outside only twice. Moreover, all the detainees reported that their rooms were locked most of the time during the day. One of them reported that doors are opened at 8 AM until lunch and depending on the police officers on duty, doors are locked after lunch until dinner time at 5PM. This was also reported by the Ombudsman, who noted that detainees are only allowed to leave their rooms for eating.⁷⁵⁴ During the author's visit rooms were locked, foreigners were allowed to exit their rooms to discuss with the author or with the NGO representatives present at that time in the centre. The director of the centre said that doors are open between 8AM and 10PM. The centre has a functional gym, but it only has a few pieces of equipment. According to one of the police officers the equipment was broken. However, the director said they were working. Two of the interviewed detainees were not aware of the existence of the gym and how they could use it. The prayer room is in the building, which was being renovated and it is an ordinary room with 4 beds.

Televisions in **Otopeni** are functional and available in every room. In 2022 in **Arad**, TVs were installed in all rooms in building B. One of the interviewed detainees stated that the TV was installed on the day of the author's visit. The rest of the foreigners declared they had a TV in the room. According to the directors of the two centres, detainees have no internet access in detention.

Social activities were not organised in 2022 neither **Otopeni** nor in **Arad**.

The need for social workers in detention centres has been emphasised by the Ombudsman since 2016.⁷⁵⁵ This was still relevant in 2022.

Otopeni has a small playground which has been under renovation since November 2020. During the visit no evidence of the playground was seen.

The Aliens Ordinance provides for the right to access to education for children detained in public custody centres accompanied by at least one parent or by their legal representative; children have free access to the compulsory education system.⁷⁵⁶ Nevertheless, according to the directors of both **Arad** and **Otopeni**, none of the children detained in public custody centres were enrolled or attended school.

No information was made available regarding 2023.

⁷⁵³ Ombudsman, Visit Report, 6 October 2022, p.5, available in Romanian at: <https://bit.ly/40hXeZO>.

⁷⁵⁴ Ombudsman, Visit Report, p.11

⁷⁵⁵ Ombudsman, *Report of the visit to the Accommodation Centre for Aliens Taken in Public Custody Otopeni*, 70/2016, The Ombudsman had also observed in 2016 that there was no social worker in Otopeni, as the management of the centre stated that there was no need for such a position. The report details that: "Despite the language difficulties and the short period of detention in the centre, there were no socio-cultural-educational activities, Romanian language courses or other types of information-education sessions for the beneficiaries. There is no hired person to provide social counselling to residents or to provide other information of interest responding to the needs of cultural adaptation or other needs of detainees".

⁷⁵⁶ Article 104(6) Aliens Ordinance.

2.3 Health care and special needs in detention

Foreigners detained in public custody centres have the right to legal, medical and social assistance and the right to have their own opinion, religious, philosophical and cultural matters respected.⁷⁵⁷

No information was available regarding 2023. Regarding 2022, the situation was the following:

Otopeni has a general practitioner, a full-time psychologist and 3 nurses. The doctor's schedule is 7 hours per day on weekdays, while the medical staff works in 24h shifts. In March 2023 an additional nurse will be employed.

Arad has a psychologist. In 2020 they managed to sign a service provider contract with a medical doctor. The doctor is present in the centre 3 hours a day, during weekdays. During the author's visit on 16 March 2023, there were three nurses, of whom only two were working in 24h shifts. When new persons arrive at the centre, a visual medical screening is conducted by the medical staff, who also take their pulse, temperature and blood pressure. The screening is conducted without an interpreter. The medical office in **Arad** performs medical tests for the diagnosis of infectious / contagious diseases such as HIV, hepatitis and drug tests for all detainees. If there is a need for specialist consultations and medical prescriptions from specialist doctors, detainees are taken to public health care institutions in Arad County. In 2019 IGI signed a contract with the Arad county hospital that now covers all the examinations. There is also a contract signed with a pharmacy for the provision of medicines.

In **Otopeni**, according to the medical doctor, after the body search the medical staff prepares a medical file, which contains the medical history and a clinical check-up of the foreigner. This procedure is done without an interpreter. The doctor stated that difficulties in communicating with foreigners may arise when the foreigner does not speak the languages the doctor knows (English, French, a little bit of Russian and Italian). When this occurs, he requests the help of other detainees. The medical office in Otopeni performs HIV, hepatitis B and C and drug tests on all of the detainees. In cases of long-term hospitalisations or serious medical issues a temporary personal identification number is issued by the National Health Insurance House. In 2022 if there was a need for specialist consultations the detainees are taken to the Clinic or Hospital of MAI.

In 2022 there were no detainees released from **Arad** due to their medical conditions. In **Otopeni** only one detainee with a psychiatric disorder was released due to his medical condition, according to the director.

According to the law, the psychologist of the centre makes the psychological evaluation of persons detained in the centre, drafts psychological observation sheets and provides specialist assistance throughout their stay.

For foreigners with psychological or psychiatric problems, the psychologist of the centre informs the Director of the centre immediately or their legal substitute and, where appropriate, makes proposals for specialist consultations to hospital departments.⁷⁵⁸

The psychological assistance is provided without an interpreter. It was mentioned that many of them speak English or Romanian and if they do not speak these languages she solicits the assistance of another detainee, who may interpret for them but only if the foreigner agrees to it.

In **Otopeni**, the psychologist stated that all the detainees are registered and counselled. If necessary, the counselling is provided with the help of another trustworthy detainee, if the patient agrees to it. However, he said that he manages to discuss directly with most of the foreigners, because the majority of them speak English or Romanian or through Google translate or new translation device. Therefore, there is no need for an interpreter. He reported that all detainees have a brief psychological interview and after the isolation they go through psychological testing. One of the detainees interviewed by the author in Otopeni reported that he tried to talk to the psychologist, but was told that he was not in the centre.

⁷⁵⁷ Article 104(2) Aliens Ordinance.

⁷⁵⁸ Article 38 Public Custody Centres Regulation.

There were no suicide attempts in 2022 in neither of the centres. As for hunger strikes, there were persons who stated their intention to go on hunger strike, but in one to two days they renounced it.

The Asylum Act provides that vulnerable asylum seekers detained in specially designed closed spaces within the Regional Centres are regularly monitored and benefit from adequate support, according to their individual situation, including their health situation.⁷⁵⁹ The Aliens Ordinance also provides for appropriate medical care and treatment for vulnerable persons in detention centres.⁷⁶⁰

According to UNHCR Romania, there is a lack of an established identification mechanism of vulnerable persons in public custody centres unlike the mechanisms used for reception centres, including specially arranged closed areas.

According to the directors of Otopeni there is no identification mechanism for vulnerable persons.

According to the director of Arad, vulnerable foreigners are identified by the psychologist, doctor or the officers with whom the person interacts. The director disseminated with the staff members a method of how the vulnerable persons should be identified. The director stated that this method consists of: medical screening, psychological evaluation. It was emphasised that the psychological evaluation is done without an interpreter.

The authorities try to ensure assistance for this category of persons, but if the needs in question cannot be satisfied, the person is released. In rare cases, groups such as families with children have been released from detention.

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

- | | |
|-------------------|------------------------------------------------------------------------------------------------------|
| ❖ Lawyers: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |
| ❖ NGOs: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |
| ❖ UNHCR: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |
| ❖ Family members: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |

The Aliens Ordinance provides that national, international and non-governmental organisations and other bodies competent in the area of migration, authorised and accredited under the law, shall be provided with the possibility to visit detention centres on the basis of the Protocols concluded with IGI or prior authorisation. In exceptional and duly motivated situations, it is possible to visit the centres within 48 hours.⁷⁶¹

Article 13 of the Public Custody Centres Regulation details visiting hours in detention centres for the following groups:⁷⁶²

- (a) Representatives of diplomatic missions or foreign consular offices representing the detainees' interests: 09:00 – 20:00 every day;
- (b) Representatives of national, international or non-governmental organisations competent in the area of migration, authorised and accredited under the law: 09:00 – 20:00 every day;
- (c) Family members or other persons who need to state the reasons for visiting: 10:00 – 12:00 and 14:00 – 17:00 for a maximum of 30 minutes, three times a week, usually on Tuesday, Friday and Sunday;
- (d) Legal representatives: 09:00 – 20:00 every day.

⁷⁵⁹ Article 19¹¹(3) Asylum Act.

⁷⁶⁰ Article 104(7) Aliens Ordinance.

⁷⁶¹ Article 103(4) Aliens Ordinance.

⁷⁶² Article 13(1)-(3) Public Custody Centres Regulation.

Lawyers have to hold a power of attorney from the foreigner held in detention. In some cases, lawyers have not been allowed access to detention centre on the ground that they had not had their lawyer's card validated by the Bar Association.

Visits are authorised by the Head of the Centre or their legal representative. In the absence of cooperation Protocols, visits by NGO representatives are authorised by the Director of the IGI Migration Directorate.

Media and politicians have access to detention centres if their request is approved.

The Public Custody Centres Regulation prescribes the conditions under which detainees may use the phone in order to contact people outside the centre.⁷⁶³ Detainees may use the public telephone at their own expense from 09:00 to 22:00 every day. Every person is entitled to a card of 5 euro per month. The representatives of Otopeni reported that in some cases they allocated 2 cards. All interviewed persons stated that this is not sufficient, because international calls are very expensive.

In **Arad** there is one functional phone in building B. The phone is made available for a day for foreigners accommodated on one floor and the next day for the ones accommodated on the other floor, according to the detainees interviewed. Phone wires were installed in each common room in building C and a phone is connected for two hours in each common room. Each foreigner has around 20 minutes access to the phone. The Ombudsman also confirmed that the number of phones (four) is not enough, even more so when the centre is at full capacity.⁷⁶⁴ In **Otopeni**, according to the people interviewed, there is one phone in each building. According to the representatives of Otopeni centre there are 2 phones. There is a third phone which is placed in the area designated for asylum seekers in transit, which was never used.

Detainees may use their personal mobile phone upon request, provided that it is not equipped with a camera. They are forbidden from using their personal mobile phone as long as they are under escort.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic judicial review of the lawfulness of detention? ☐ Yes ☒ No
❖ If yes, at what interval is the detention order reviewed?

The Aliens Ordinance provides that foreigners detained in public custody centres have the right to be informed immediately after their arrival in these places, in their language or in a language they understand, of the main reasons for their detention and of the rights and obligations they have during their stay in these centres. These are communicated in writing by the persons designated to manage these centres.⁷⁶⁵

In practice, however, foreigners receive the detention order, in all cases written in Romanian. According to the director of Arad they receive a form with their rights and obligations, where it is also mentioned that they have the right to appeal against the detention order in English. Communication is done only in writing when they arrive in detention and there is no interpreter provided at this stage. According to a lawyer, detainees are not receiving their return decision. The lawyer has to request the decision from IGI Migration Directorate.

In **Otopeni**, detainees are informed in writing, in Romanian and English about the reasons for detention, according to the representatives of the centre. They also said that if detainees have questions, whoever is on duty explains more to them upon arrival.

⁷⁶³ Article 12(1)-(4) Public Custody Centres Regulation.

⁷⁶⁴ Ombudsman, Visit Report, 6 October 2022, p.5, available in Romanian at: <https://bit.ly/40hXeZO>.

⁷⁶⁵ Article 104(3) Aliens Ordinance.

In 2023, CNRR⁷⁶⁶ distributed leaflets in English, French, Albanian, Hindu, Urdu and Vietnamese language to foreigners in public custody. The informative material about the public custody procedure was distributed both in the Otopeni and Arad centres. CNRR representatives made monthly monitoring visits at these centres. Foreign nationals in public custody were informed of the reasons why this measure has been taken against them, the legal remedies available to them and their rights. The information was provided by means of leaflets, posters and also through the legal counsellor of CNRR who comes in the centre daily during the week (6h/day). If necessary, the legal information was provided to foreigners with the support of available interpreters. No situations reported from which to result that foreigners were not able to lodge complaint to court against the measure of public custody. The Public Custody Centre in Arad indicated that informative material is available also in Arad, Turkish and Chinese.

Under Romanian law, only a Prosecutor is competent to order detention. The maximum duration of the initial detention order is 30 days both for public custody and for specially designed closed spaces in Regional Centres.

Foreigners subject to detention can appeal before the territorially competent Court of Appeal within 5 days.⁷⁶⁷ The appeal formulated against detention is subject to lighter formalities, as it is exempt from the judicial stamp duty.⁷⁶⁸ If the applicant is detained during the Dublin procedure, it does not have suspensive effect on the detention order or on the determination of the responsible Member State.⁷⁶⁹ The Court of Appeal has to examine the appeal within 3 days from the date of receipt, and its decision is final.

The Court of Appeal of Bucharest had registered only four appeals against detention on 1 January 2021.⁷⁷⁰ According to representatives of the Otopeni centre the appeals were filed by CNRR representatives.

In comparison with previous years when only a few appeals were lodged against detention orders, in 2022, the Court of Appeal of Timișoara had registered 23 appeals against detention orders of the Prosecutor's Office attached to the Court of Appeal of Bucharest. However, 22 appeals were rejected and 1 annulled as judicial taxes were not submitted.⁷⁷¹

In regard to the small number of complaints, CNRR stated that it could be because most foreigners requested their assistance in order to return to Serbia based on the readmission agreement.⁷⁷²

According to the Courts of Appeal of Timișoara, in 2022, court hearings were held through videoconferences in 54 cases.⁷⁷³ In Otopeni court hearings were held in person and also online, according to the director of the centre and interviewed detainees.

In 2023, the Court of Appeal of Bucharest registered 10 appeals against detention orders; the court delivered 4 decisions to admit the appeals and 6 decisions to reject them. The hearings were held in person in 9 cases and in 1 case online.⁷⁷⁴ The Court of Appeal of Timișoara did not provide information for 2023.

In regard to the reason for ordering the detention it was noted by a lawyer that IGI invokes the risk of absconding without even assessing the individual circumstances of each case. The simple fact that the person did not leave Romanian territory voluntarily means there is a risk of absconding. A rejected asylum-

⁷⁶⁶ Information provided by CNRR, 16 January 2024.

⁷⁶⁷ Articles 19^a7(7) and 19^a14(8) Asylum Act.

⁷⁶⁸ Article 19^a16(3) Asylum Act.

⁷⁶⁹ Article 19^a14(8) Asylum Act.

⁷⁷⁰ Information provided by the Court of Appeal Bucharest, 7 February 2022.

⁷⁷¹ Information provided by the Court of Appeal Timișoara, 07 and 17 February 2022.

⁷⁷² Information provided by CNRR, 15 February 2022.

⁷⁷³ Information provided by the Court of Appeal Timișoara, 17 February 2023.

⁷⁷⁴ Information provided by the Court of Appeal of Bucharest, 10 January 2024.

seeking unaccompanied minor, who lived for almost one year at DGASPC centre in Bucharest, went to school and even had a job, was placed in detention the day after his 18th birthday, due to the risk of absconding. The same reason was invoked also in the case of a woman accommodated at JRS Bucharest with medical problems. According to the lawyer who filed the appeals, the detention orders were challenged and the decision of the court was positive.

The prolongation of detention is ordered by the territorially competent Court of Appeal, upon a motivated request by IGI, filed at least 5 days before the expiry of the time limit of initial detention. The court must rule before the expiry of the period of prior detention, and its decision is final.⁷⁷⁵

In general, the IGI Migration Directorate requests the extension of detention for an additional period of 5 months to enforce return decisions under escort and the court may grant an extension of detention for this period.

Questions are raised with regard to the effectiveness of judicial review against detention measures, particularly in light of recent case law from the Court of Appeal of Bucharest. In a case concerning a family from Cuba including a child enrolled at kindergarten and a grandmother suffering from thalassemia and hypertension, whose asylum application had been rejected, detained on the basis of a risk of absconding from the voluntary return procedure, the Court briefly concluded on the legality of detention. It dismissed the appellants' argument on alternatives to detention, stating that these only apply to asylum seekers. The Court also failed to consider the best interests of the child.⁷⁷⁶

In the assessment of the IGI Migration Directorate's request for a two-month extension of detention, however, the Court of Appeal noted that even though detention was not ordered against the minor child, since the centre could not provide adequate conditions for raising and educating a child, it would be contrary to the best interests of the child to maintain the family in detention.⁷⁷⁷

In addition to judicial review upon request and judicial review in case of an extension of the duration of detention, the Aliens Ordinance requires IGI to examine the opportunity to maintain the measure of public custody at intervals of up to 3 months. In the case of families with children, the analysis must be carried out at intervals of up to one month.⁷⁷⁸ However, there is no information about this procedure in practice.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
☒ Yes ☐ No
2. Do asylum seekers have effective access to free legal assistance in practice?
☒ Yes ☐ No

During detention in public custody centres, asylum seekers have all the rights set out in the Asylum Act, except for those concerning the right to access employment, right to accommodation in the Regional Centres and reimbursement for travel costs.⁷⁷⁹ As a consequence, detained asylum seekers have the same rights to legal assistance as those in liberty.

Legal assistance for asylum seekers in detention is provided by CNRR through the project "Specialised legal assistance for asylum seekers in Romania", funded by the AMIF national programme. According to CNRR, if the detained asylum seekers express their wish to be counselled before the interview, a CNRR legal advisor will provide the necessary assistance. In this case, the interested asylum seeker refers to the management of the centre and the latter informs CNRR and the legal counsellor will go to the detention

⁷⁷⁵ Article 19^14(4) Asylum Act.

⁷⁷⁶ Court of Appeal of Bucharest, Decision 2472/2018, 29 May 2018.

⁷⁷⁷ Court of Appeal of Bucharest, Decision 2767/2018, 13 June 2018.

⁷⁷⁸ Article 101(13) Aliens Ordinance.

⁷⁷⁹ Article 19^16(2) Asylum Act.

centre.⁷⁸⁰ CNRR also confirmed, that legal counselling is provided upon request at every stage of the procedure.⁷⁸¹ The implementation of this project continued also in 2023.⁷⁸² As part of this project CNRR ensured legal counselling in all 6 regional centres for asylum seekers (1 counsellor/centre). In the public custody centres in Otopeni and Arad the counselling of asylum seekers was provided by 2 other counsellors of CNRR.

In **Arad**, legal counselling is ensured by the legal counsellor of **Timișoara**, according to CNRR. However, CNRR reported there were no asylum claims made by foreigners detained in Arad or Bucharest in 2022.⁷⁸³ In practice asylum seekers were relying on the information received from other detainees. This was also confirmed by the interviewed detainees who reported that they were not counselled by any NGO on asylum applications or subsequent applications, and that they were relying on the information provided by other detainees or police officers.

CNRR reported that, IGI informs CNRR Bucharest by email when an asylum application is made.⁷⁸⁴ The representative of Arad centre said they inform the CNRR representative working in the centre if an asylum claim is made, because while the detainee is an asylum seeker, he/she cannot benefit from the services provided under the project implemented. The director of Timișoara centre said they inform the legal counsellor in Timișoara if an asylum claim was made from the detention centre, but not every time. Nevertheless, it seems that the communication between IGI and CNRR was flawed in 2021 and as well as in 2022 because, CNRR reported that there were no asylum requests made in detention centres in 2022,⁷⁸⁵ even though the representative of Arad centre reported 92 asylum applications.

Therefore, no appeals were drafted by CNRR in 2021 and 2022.⁷⁸⁶ According to the director of Timișoara centre, all appeals were lodged by the applicants. He also noted that detained asylum seekers are not counselled by anyone before the interview and none of the appeals were admitted by the court.

As regards asylum seekers in **Otopeni** centre, the representatives of the centre stated that they are counselled before the interview by CNRR, as they inform the NGO if an asylum claim is made via email, and that appeals are drafted by CNRR. Two of the detainees interviewed by the author in Otopeni stated they drafted the appeal in English and French respectively and they only discussed it with the CNRR counsellor after submitting the appeals.

The lack of proper counselling in Otopeni detention centre was also emphasised by a lawyer. The lawyer reported that clients of hers detained in Otopeni were not counselled in relation to their right to make an asylum claim, had no knowledge of the asylum procedure. One of her clients, detained in Otopeni, was not aware that he had the right to make an asylum application in Romania and that Romania is part of the EU. As a consequence, he made an asylum claim after a few months, when he learned more about it from other detainees. The detainee also reported to his lawyer that he was not counselled before the interview by anyone; the interview was very brief, so brief that he was of the opinion that a next interview would follow. He also stated that the officer focused on general information and his family's problems, he did not have the chance to talk about his problems from the country of origin. Another client of the lawyer interviewed by the author made 2 subsequent requests without any information on the conditions and grounds for admitting such a request. He received no assistance for filling in the form.

Asylum interviews were held through videoconference with case officers from Timișoara and Tudor Gociu centre. The court hearings were held in person and online in Bucharest and in person for detainees in Arad.

⁷⁸⁰ Information provided by CNRR, 15 February 2022.

⁷⁸¹ *Ibid.*

⁷⁸² Information provided by CNRR, 16 January 2024.

⁷⁸³ Information provided by CNRR, 7 February 2023.

⁷⁸⁴ *Ibid.*

⁷⁸⁵ Information provided by CNRR, 15 February 2022.

⁷⁸⁶ *Ibid.*

It is more difficult or even impossible for asylum seekers to contact the legal counsellors or attorneys in due time in order to prepare and/or assist them for the personal interview. They are made aware of their rights and obligation as asylum seekers only at the interview conducted by the IGI-DAI case officer. There is no legal counsellor providing legal counselling to asylum seekers in detention who works in the centre on a daily basis. Lawyers cannot contact their clients by phone, as the detainees are not allowed to have personal phones in detention and may only use their phone upon request if it has no camera. Lawyers may only access them if they visit them or if the clients have free minutes left to talk on the phone. Meetings are held in private rooms.

E. Differential treatment of specific nationalities in detention

No differential treatment of specific nationalities has been publicly reported regarding detention.

Content of International Protection

Under Government Ordinance No. 44/2004 (“Integration Ordinance”), beneficiaries of international protection are included in an integration programme upon request and according to a protocol concluded individually by IGI-DAI.⁷⁸⁷ The application for participation in the integration programme has to be submitted to IGI-DAI within 3 months of the grant of protection, compared to 30 days provided by the previous form of the Integration Ordinance.⁷⁸⁸

After the registration of the application, the integration officer of IGI-DAI interviews the beneficiary. At the interview representatives of NGOs, local public authorities or other institutions with competences in the integration area may participate. An individual needs assessment sheet is drafted to determine the type of assistance or activities needed for the social integration of the applicant.⁷⁸⁹ Based on this evaluation form, an individual plan is established, which includes deadlines, necessary activities to achieve the objectives, responsible persons, responsible institutions and / or organisations, as well as the decision of the IGI-DAI regarding the local community in which the integration activities of the program will be carried out.⁷⁹⁰

Participation in the integration programme is relevant to the enjoyment of certain rights such as [Housing](#) and Social Welfare.

Activities which may be included in the plan mainly include, separately or cumulatively, the following:⁷⁹¹

- ❖ Counselling and support activities to ensure access to the rights listed in the Integration Ordinance;
- ❖ Cultural accommodation sessions;
- ❖ Romanian language courses ([see Access to Education](#)).
- ❖ educational and recreational activities;
- ❖ non-reimbursable financial aid, granted under the conditions of Asylum Act;
- ❖ financial allowance in an amount equal to that granted to asylum seekers until receiving the non-refundable aid, but not more than 3 months;
- ❖ accommodation in one of the regional centres, depending on the number of available accommodation places;
- ❖ other types of activities or benefits established according to the individual needs of the foreigner and granted by NGOs carrying out activities in the field of integration of foreigners or by local public administration authorities.

The implementation period of the integration programme is 12 months from the date of signing the protocol or from the date provided in the protocol. It may grant an extension of maximum 6 months based on a motivated request of the beneficiary and assessment of the situation.⁷⁹²

In addition to the integration programme offered by the state authorities, there are several projects concerning the integration of beneficiaries of international protection and third-country nationals funded through the national AMIF scheme. Since 2016 the implementation of these projects covers 6 regions throughout the country.⁷⁹³ Each region has at least one Regional Centre for asylum seekers.

1. After more than 2 years of no integration project implemented in Region 1,⁷⁹⁴ IOM Romania, in partnership with AIDRom and the Schottener Social Services Foundation, implemented the project

⁷⁸⁷ Article 15 Integration Ordinance.

⁷⁸⁸ Article 16 Integration Ordinance.

⁷⁸⁹ Article 17 Integration Ordinance.

⁷⁹⁰ Article 18(1) Integration Ordinance.

⁷⁹¹ Article 18(2) Integration Ordinance.

⁷⁹² Article 20 Integration Ordinance.

⁷⁹³ Romania is Home, *Integration programs*, available in Romanian at: <https://bit.ly/2RXBfZk>.

⁷⁹⁴ Since 2 August 2019, no integration project was being implemented in Region 1.

“InterAct + Active participation and integrated services for migrants from Romania” between 25 December 2020 – 24 December 2022. IOM Romania indicated that the project continued in 2023.⁷⁹⁵ Region 1 includes **Bucharest** and the following counties: Ilfov, Prahova, Buzău, Dâmbovița, Argeș, Vâlcea, Gorj, Brașov și Covasna.⁷⁹⁶ Services offered included: Information and advice on the rights and obligations of legally resident migrants (both beneficiaries of some form of protection and third-country nationals); Romanian language courses; cultural orientation sessions; socio-cultural activities; medical support through the settlement of services / treatments / medicines / payment of health insurance for migrants in vulnerable situations; psychological counselling; material assistance to migrants in vulnerable situations; school supplies and reimbursement for food costs for children; facilitating access to the labour market, including organising meetings with potential employers; financial education sessions; financial incentives to beneficiaries of a form of international protection that constantly participates in the activities organised by the project team.⁷⁹⁷

2. JRS implemented the project “My place to Integration”. Supporting the process of effective integration of beneficiaries of international protection (BPI) and foreigners (RTT - third country nationals) legally residing in Romania in the following counties of Galați, Constanța, Vrancea, Bacău, Vaslui, Brăila, Tulcea. The project includes activities such as: information, counselling, material, legal, medical, psychological assistance, employment counselling, as well as social, cultural, recreational, educational activities, Romanian language courses and cultural orientation, in 2 regional integration centres: Galați and Constanta. The project is introducing means of distance counselling / assistance for certain categories of beneficiaries (online courses, etc.) and facilitating access to the labour market through an online tool. The project also aims to involve cultural mediators, interpreters and volunteers at the local level as well as the development of local support networks at the level of institutions and organisations that come into contact with foreigners or within their communities.⁷⁹⁸ The project also covers the costs of meals in kindergarten and school, school supplies, rental fees in regional centres; offers social vouchers of 50RON/10EUR two per person. The project ended in October 2023.
3. ICAR Foundation implemented in 2022 the project “Integration of foreigners with legal residence in Romania–INTEG-RO”, in partnership with AIDRom in Region 3 which includes **Rădăuți** and Suceava, Botoșani, Neamț and Iași counties.⁷⁹⁹ The programme provides information and social / legal counselling, vocational and professional guidance, psychological support to overcome difficulties and motivate participation in the integration program (in the case of beneficiaries of international protection). The services included both individual counselling sessions (social and psychological), information, assistance in contacting various public or private institutions and local community, as well as group activities (e.g.: Romanian language courses, cultural accommodation sessions, group counselling, development of life skills, socio-recreational activities).⁸⁰⁰
4. In Region 4 LADO Cluj, in partnership with Asociația Profesională Neguvernamentală de Asistență Socială Baia Mare (ASSOC) and IOM ROMANIA implemented in 2022 the project “SIM - CIS - Integrated services for migrants - intercultural and solidary communities. The project covers **Maramureș**, Satu Mare, Sălaj, Cluj, Bistrița Năsăud, Mureș, Harghita, Sibiu și Alba counties. The project aimed to support the integration into Romanian society of beneficiaries of international protection and third country nationals by creating a coalition of institutional and organisational actors operating as local support networks to increase the quality of integrated services for migrants. They offered the following services: Romanian language and cultural orientation courses; guidance on how to obtain Romanian citizenship; material assistance (food, clothing, hygiene products, etc.); translation of documents (especially identity documents); legal / psychological / medical assistance; socio-cultural and recreational activities; Support for insertion in the labour market. For minors they

⁷⁹⁵ Information provided by IOM Romania, 4 January 2024.

⁷⁹⁶ Romania e Acasa, Integration Programmes, available in Romanian at: <https://bit.ly/3H5z2zF>. According to IOM Romania, 773 beneficiaries of international protection benefitted from its services in 2021.

⁷⁹⁷ Information provided by IOM Romania, 19 February 2022.

⁷⁹⁸ JRS Romania, available in Romanian at: <https://bit.ly/3l6oEOP>.

⁷⁹⁹ AIDRom, available in Romanian at: <https://bit.ly/3BBJxJZ>.

⁸⁰⁰ Ibid.

offer material assistance (school supplements, teaching materials); cover the costs for food / nursery / kindergarten / boarding / after-school.⁸⁰¹ The implementation of this project ended in 2022.⁸⁰²

5. In Region 5, the Western part of Romania, AIDRom in partnership with Filantropia Oradea, was implemented in 2022 the project "AIM 5 – Actions to integrate migrants in Region 5" between September 2020- September 2022. The aim of the project was to support the socio-economic and cultural integration of beneficiaries of international protection and third-country nationals in Romanian society in Region 5, through an integrated "one stop shop" approach - by providing all the necessary information and services in one place and by strengthening the collaboration and active involvement of local authorities and community in supporting migrants during the integration process.⁸⁰³ Region 5 includes **Timișoara**, and Arad, Bihor, Hunedoara, Mehedinți și Caraș Severin counties.⁸⁰⁴ Services provided through this project included: information on rights and obligations and activities or services provided under the project; individual social counselling and assistance services; individual legal advice, advice on accessing the labour market; Romanian language courses and cultural accommodation, social, cultural and recreational activities; health insurance for a maximum period of 6 months, reimbursement of medical services, equivalent value of medicines and / or medical objects / materials; financial incentives for beneficiaries who consistently participate in project activities; supplies and other materials needed in the educational process; reimbursement of meal expenses charged to nurseries, kindergartens and afterschool as well as costs incurred in participating in extracurricular activities undertaken by educational institutions; emergency Financial Packages; reimbursement of public transport costs; document translations and legalisations.⁸⁰⁵ A similar project was implemented by AID-Rom until October 2023.
6. In Region 6, from December 2020-December 2022 the Global Help Association, in partnership with IOM Romania and AIDRom, implemented the project 'Regional network for the integration of migrants in Romania – MyRO'. The project ended in 2022.⁸⁰⁶ Region 6 included Giurgiu, Călărași, Ialomița, Teleorman, Olt și Dolj.⁸⁰⁷ As of December 2022, no project was being implemented in Region 6, as no NGO applied for the call for proposals launched by IGI-DAI.

The integration prospects for beneficiaries of international protection in Romania are assessed in the context of appeals against returns of beneficiaries from other European countries. Different courts in Germany and the Netherlands have dismissed such appeals on the ground that conditions for international protection holders in Romania do not present deficiencies triggering Article 3 ECHR,⁸⁰⁸ including the case of a person with PTSD.⁸⁰⁹

Most of the projects related to integration were implemented until October 2023, and the new financial AMIF scheme allowed for implementation of projects starting with June 2024, only, with a noticeable breaking of seven months.

⁸⁰¹ LADO, available in Romanian at: <https://bit.ly/3sWtjHc>. 134 beneficiaries on international protection were assisted by LADO and ASSOC in 2021.

⁸⁰² Information provided by IOM Romania, 4 January 2024.

⁸⁰³ Information provided by AIDRom, 14 January 2022. 179 beneficiaries of international protection were assisted by AIDRom in 2021.

⁸⁰⁴ AIDRom, available in Romanian at: <https://bit.ly/3BxZERm>.

⁸⁰⁵ Information provided by AIDRom, 14 January 2022.

⁸⁰⁶ Information provided by IOM Romania, 4 January 2024.

⁸⁰⁷ GlobalHelp Association, available in Romanian at: <https://bit.ly/3oYbfeQ>.

⁸⁰⁸ (Germany) Administrative Court of Aachen, 6 L 202/18.A, 7 May 2018; Administrative Court of Düsseldorf, Decision 22 L 5230/17.A, 5 June 2018; Administrative Court of Hannover, Decision 12 B 3173/18, 3 July 2018; (Netherlands) Regional Court of The Hague, Decision NL.18.7700, 17 May 2018; Regional Court of Gravenhage, Decision NL18.21071, 5 December 2018.

⁸⁰⁹ (Germany) Administrative Court of Aachen, Decision 6 L 606/18.A, 6 July 2018.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?

❖ Refugee status	3 years
❖ Subsidiary protection	2 years

The duration of residence permits granted for refugee status is 3 years and for subsidiary protection 2 years.⁸¹⁰

The conditions for issuing a residence permit – in the form of a card – are prescribed by the Asylum Decree.⁸¹¹ In order to obtain a residence permit, issued free of charge, the beneficiary of international protection has the obligation to submit a document to IGI-DAI which proves their legal residence. This can be a: title of ownership; lease agreement registered with the fiscal administration; commodity contract concluded in authentic form; or any other documents concluded under the conditions of validity provided by Romanian legislation in force regarding the housing title, which prove the acquisition of some housing rights.⁸¹²

Responsibility for issuing the residence permits lies with IGI-DAI. In practice there are no difficulties in the issuance of the residence permit. However, the AIDRom representative in Timișoara stated that beneficiaries encounter difficulties in obtaining a rental contract fulfilling the conditions required by the authorities. Currently, the landlords do not want to declare to the authorities that they rented out their apartments. The situation was the same for beneficiaries of international protection living in Region 2, but not in the Galați reception centre, in 2023.⁸¹³

The beneficiary of international protection has to fill in a standard form,⁸¹⁴ which is usually filled in together with the officer in charge. The time of issuance of the residence permit card is issued differs from one Regional Centre to another: as of 2022, 1 week or even sooner in Bucharest, three weeks in Timișoara, according to the director of the regional centre of Timișoara, three weeks in Rădăuți, three weeks in Galați (also in 2023),⁸¹⁵ two to three weeks in Giurgiu. As for Șomcuta Mare the director was not aware of the average duration.

Difficulties and delays may arise when the beneficiaries do not understand the procedure and do not bring all the required documents.⁸¹⁶

As regards the renewal of residence permit, beneficiaries of international protection do not encounter any problems. Before the expiry of the residence permit, they fill in a request of renewal and a new card is issued in the same time frame as mentioned above.

IGI-DAI issued 1,374 residence permits to refugees and 1,798 to subsidiary protection beneficiaries in 2023.⁸¹⁷ These were residence permits issued for the first time; beneficiaries had not held another residence permit in the previous 6 months.

⁸¹⁰ Article 20(6) Asylum Act.

⁸¹¹ Article 51 Asylum Decree.

⁸¹² Article 50(3) Asylum Decree.

⁸¹³ Practice based observation of JRS Romania, April 2024.

⁸¹⁴ The form is available at: <http://bit.ly/2xaDCgJ>.

⁸¹⁵ Practice based observation of JRS Romania, April 2024.

⁸¹⁶ Information provided by IOM, 19 February 2022.

⁸¹⁷ Information provided by IGI-DAI, 18 January 2024.

Residence permits per Regional Centre	
Centre	Total
Timișoara	160
Șomcuta Mare	103
Rădăuți	91
Galați	297
Bucharest	2,460
Giurgiu	61
Total	3,172

Source: General Inspectorate for Immigration, 18 January 2024.

2. Civil registration

The procedure of civil registration is set out in Act 119/1996.⁸¹⁸

2.1 Marriage and childbirth registration

With regard to marriage registration, the law provides the obligation for the future spouses to present identity documents, birth certificates, and medical certificates.⁸¹⁹ Beneficiaries of international protection have to present several documents, such as:

- ❖ Identity document, which in their case may be the travel document issued after granting a form of protection;⁸²⁰
- ❖ Birth certificate;
- ❖ Certificate/ evidence issued by diplomatic missions or consular offices;
- ❖ Declaration, authenticated by the notary, which proves that they fulfil the necessary conditions for getting married;
- ❖ Proof of divorce/ death certificate of the spouse as the case may be;
- ❖ Prenuptial medical certificate;
- ❖ Marriage convention.

In addition, foreign citizens who do not speak Romanian have to submit the marriage declaration in the presence of and through an authorised translator, which they have to pay for.

ASSOC/LADO reported that beneficiaries do not encounter any issues in case of civil registration.⁸²¹

As of 2022:

AIDRom reported some difficulties in registering a new-born. The birth certificate is issued without a personal identification number for all new-born beneficiaries for international protection. It was further reported that a medical doctor had refused to vaccinate a child due to the lack of the personal identification number. Therefore, AIDRom had to pay for a vaccine which is usually provided for free.

In **Galati** the JRS representative provided assistance for the issuance of a birth certificate for a four-year old child. The cost of authorised interpretation was also covered by IGI-DAI and translation of the document was covered by the organisation. Overall, according to the JRS representative there were no more problems registered. In 2023, JRS Romania, together with the IGI Galati centre integration

⁸¹⁸ Act 119/1996 on civil registration acts, available in Romanian at: <http://bit.ly/2nFDcYr>.

⁸¹⁹ Article 25(3) Act 119/1996.

⁸²⁰ Local Council of Timișoara, *Marriage Registration*, available in Romanian at: <https://bit.ly/2CSb8si>.

⁸²¹ Information provided by LADO/ASSOC, 20 February 2023.

department, offered support to a minor beneficiary of international protection who gave birth in Romania.⁸²²

In **Rădăuți** the NGO representative provided support for the registration of one new-born. No problems were reported. The families were accompanied by the NGO representative and interpretation was also ensured. It was reported that the authorities were not familiar with the residence permits. The same issue was also pointed out by IOM Romania.⁸²³

2.2 Bank accounts

According to the legal counsellor in **Galați**, beneficiaries are unable to open bank accounts at some banks as it appears there are certain third countries whose nationals (Syrian, Iraqi, Iranian and Afghan nationals) are not offered services for security reasons. Only one small bank agrees to open bank accounts for beneficiaries of international protection. In 2023⁸²⁴ as in 2022 it was observed that even the small banks were not opening bank accounts for beneficiaries of international protection and third country nationals. As a consequence, they were unable to renew their residence permits. Beneficiaries with working contracts did not encounter any problems in opening a bank account.

In **Șomcuta Mare** ASSOC/LADO had no information on this subject.⁸²⁵

In **Timișoara**, in previous years, AIDRom reported that beneficiaries who would like to open a bank account for certain online services and receive money were often rejected, especially Syrian nationals. Although the Romanian National Bank has officially informed them that banks may open a bank account to anyone, it is up to each bank to decide after assessing these aspects prescribed by Law no. 129/2019 on preventing and sanctioning money laundering, as well as on the establishment of preventing measures and combating terrorist financing.⁸²⁶ Refusals notably occur, regardless of nationality, on the ground that a person does not have a job. The director of Timișoara centre reported that in 2022, no beneficiary complained about this situation.

In **Rădăuți**: beneficiaries can only open a bank account when they have an employment contract. A beneficiary, a Syrian national was refused by several banks.

In **Giurgiu**, in general banks refuse to open accounts according to the AIDRom representative. In 2022 a beneficiary of international protection managed to open a bank account at a certain bank.

Bucharest: According to IOM Romania beneficiaries from Syria, Iran, Iraq, and Afghanistan often face difficulties in dealing with banking institutions. For opening an account they must meet several conditions, namely: residence permit, passport from the country of origin, proof of a stable income, as well as knowledge of the Romanian language. There were situations in which, after opening a bank account, it was suspended without notice and without receiving any justification / explanation from the bank. Also, most of the bank representatives who refused to open bank accounts to beneficiaries were reluctant to provide a written answer in this regard.⁸²⁷ On the other hand, the director of Vasile Stolnicu centre said there are no problems with opening a bank account.

3. Long-term residence

Indicators: Long-Term Residence

Number of long-term residence permits issued to beneficiaries in 2023: not available

⁸²² Practice based observation of JRS Romania, April 2024.

⁸²³ Information provided by IOM, 19 February 2022.

⁸²⁴ Practice based observation of JRS Romania, April 2024.

⁸²⁵ Information provided by LADO/ASSOC, 20 February 2023.

⁸²⁶ Information provided by AIDRom, 14 January 2022.

⁸²⁷ Information provided by IOM Romania, 19 February 2022.

During the state of emergency, in place from March 2020 to March 2022, applications for long term residence permits were suspended. The long-term residence permits were valid during the state of emergency.⁸²⁸

Long-term residence or permanent residence status is regulated by Government Emergency Ordinance No. 194/2002 ("Aliens Ordinance"). The conditions for obtaining long-term or permanent residence status are prescribed by Article 71 of the Aliens Ordinance and do not differ for refugees and people granted subsidiary protection.

- (a) **Lawful residence:** Permanent residence status may be granted to refugees or beneficiaries of subsidiary protection who have lawfully resided on the territory of Romania continuously during the last 5 years preceding the filing of the application.⁸²⁹ Continuity implies that a person has not been absent from Romania for more than 6 consecutive months and shall not exceed 10 months of absence in total.⁸³⁰

The 5 years residence term may be reduced to 4 years for beneficiaries of international protection in Romania who actively participate in the economic, social and cultural life of the Romanian society, including following the integration programmes provided by the Integration Ordinance,⁸³¹ or are married to a person holding Romanian citizenship for at least 5 years.⁸³²

According to the law, this period of residence starts from the moment when the asylum application was lodged.⁸³³

- (b) **Knowledge of Romanian language:** In addition, the applicant has to know the Romanian language at least at a satisfactory level. Usually this requirement is verified by the officer examining the request for a long-term residence card, by having a discussion in Romanian with the applicant.⁸³⁴
- (c) **Public order / national security:** The applicant must not pose a threat to public order or national security.⁸³⁵
- (d) **Health insurance.**⁸³⁶
- (e) **Accommodation:** The applicant has to prove the legal possession of a living space.⁸³⁷
- (f) **Means of subsistence:** The applicant has to prove they have at least the level of the gross average income in Romania.⁸³⁸

Article 72 of the Aliens Ordinance sets out the documents that the applicant has to submit personally, when requesting the permanent residence status:

- ❖ Travel document⁸³⁹ for which there is an exemption for beneficiaries of international protection;⁸⁴⁰
- ❖ Proof of the legal possession of the living space, in accordance with the law,⁸⁴¹

⁸²⁸ Information provided by IGI-DAI, 16 February 2021.

⁸²⁹ Article 71(1)(a) Aliens Ordinance.

⁸³⁰ Article 71(1)(a)(i) Aliens Ordinance.

⁸³¹ Article 71(1)(a)(v) Aliens Ordinance.

⁸³² Article 71(1)(a)(vi) Aliens Ordinance.

⁸³³ Article 71(1)(a)(vii) Aliens Ordinance.

⁸³⁴ Ibid.

⁸³⁵ Article 71(1)(f) Aliens Ordinance.

⁸³⁶ Article 71(1)(c) Aliens Ordinance.

⁸³⁷ Article 71(1)(d) Aliens Ordinance.

⁸³⁸ Article 71(1)(b) Aliens Ordinance.

⁸³⁹ Article 72(1)(a) Aliens Ordinance.

⁸⁴⁰ Article 146 Asylum Act.

⁸⁴¹ Article 72(1)(b) Aliens Ordinance.

- ❖ Proof of the means of subsistence at the gross average earning in Romania;⁸⁴²
- ❖ Proof of health insurance;⁸⁴³
- ❖ Criminal record, issued by the Romanian authorities.⁸⁴⁴

According to IOM Romania difficulties occur when the beneficiaries cannot prove their means of subsistence, for example, if they have no employment contract and do not have social health insurance.⁸⁴⁵

The AIDRom representative in Timișoara reported no issues in relation to requests for long-term residence.

Applications for permanent residence status are examined by a special committee of IGI.⁸⁴⁶ The decision has to be taken no later than 6 months from the day the application was registered. For objective reasons, the Head of IGI may extend this deadline by another 3 months, duly notifying the applicant.⁸⁴⁷

The applicant is notified within 15 days of the request being granted. Within 30 days from the receipt of the communication, the person who has been granted the right of permanent residence in Romania has to present themselves to the regional office of the IGI, where the application was registered, for the issuance of the permanent residence permit.⁸⁴⁸

Galați: According to the legal counsellor, there were requests registered and no issues were reported in 2022.

In 2017, 890 long-term residence permits were issued to refugees and 467 to beneficiaries of subsidiary protection.⁸⁴⁹ Statistics for 2018, 2019, 2020 and 2021 were not made available. In 2023, IGI-DAI indicated that it does not have statistics available regarding the number of requests for long-term residence permits lodged.⁸⁵⁰

4. Naturalisation

Indicators: Naturalisation

- | | |
|--------------------------------------------------------------------|---------------|
| 1. What is the minimum residence period for obtaining citizenship? | |
| ❖ Refugee status | 4 years |
| ❖ Subsidiary protection | 8 years |
| 2. Number of citizenship grants to beneficiaries in 2023: | Not available |

The main criteria for naturalisation are laid down in Article 8(1) of the Act on Romanian Citizenship.⁸⁵¹ The applicant must:

- (a) Have legally resided in Romania continuously for at least 8 years, or at least 5 years since the day of marriage to a Romanian national;
- (b) Prove, through behaviour, actions and attitude, loyalty to the Romanian State, and not undertake or support actions against the rule of law or national security and declare that they have not taken such actions in the past;
- (c) Have reached the age of 18;
- (d) Have legal means for a decent existence in Romania, under the conditions established by the legislation on the regime of foreigners;

⁸⁴² Article 72(1)(c) Aliens Ordinance.

⁸⁴³ Article 72(1)(d) Aliens Ordinance.

⁸⁴⁴ Article 72(1)(e) Aliens Ordinance.

⁸⁴⁵ Information provided by IOM Romania, 4 January 2024.

⁸⁴⁶ Article 73(1)-(2) Aliens Ordinance.

⁸⁴⁷ Article 73(3) Aliens Ordinance.

⁸⁴⁸ Article 73(4)-(5) Aliens Ordinance.

⁸⁴⁹ Information provided by IGI-DAI, 14 February 2018.

⁸⁵⁰ Information provided by IGI-DAI, 18 January 2024.

⁸⁵¹ Act 21/1991 of 1 March 1991, available in Romanian at: <http://bit.ly/2xafo6v>.

- (e) Be known for good behaviour and have not been convicted in the country or abroad for an offense that makes them unworthy of being a Romanian citizen;
- (f) Know Romanian language and possess basic notions of Romanian culture and civilisation, sufficient to integrate into the social life.

The minimum period of residence prior to the naturalisation application is shorter for a number of categories of applicants treated preferentially.⁸⁵² Recognised refugees are one of the categories required to have resided in Romania continuously for a period of at least 4 years prior to the submission of the application. Therefore, the aforementioned provision clarifies the distinction between refugee status and subsidiary protection, which means that preferential treatment is afforded only to those bearing refugee status, while persons with **subsidiary protection** need to fulfil the condition of living 8 years prior to submitting the application. A legislation change that would set out identical conditions for both refugees and subsidiary protection beneficiaries has been announced but not yet published in the Romanian Official Gazette. Another change would concern reacquisition of Romanian citizenship, requiring them to prove their knowledge of the Romanian language through a certificate, which could be relevant for beneficiaries of international protection coming from Ukraine where there are ethnic Romanian communities.⁸⁵³

However, the Act on Romanian Citizenship has introduced two additional articles which extend the right to apply for nationality to stateless persons or foreigners who have “particularly contributed to the protection and promotion of Romanian culture, civilization and spirituality”⁸⁵⁴ or “who can significantly promote the image of Romania through outstanding performance in sports”.⁸⁵⁵ The Romanian Government considered these amendments “necessary” and found that “not adopting them urgently will significantly affect the nationality acquisition and reacquisition process”.⁸⁵⁶

The competent authority is the National Authority for Citizenship (NAC).⁸⁵⁷

CNRR mentioned that several issues with regard to the citizenship acquisition process are still the same, as reported in 2021, and even became more severe in 2022, such as the lack of a separate procedure for beneficiaries of international protection. Given the high volume of applications, there are long delays in scheduling the interview and there are situations in which officials of the NAC request civil status documents, which would involve contacting the authorities of the country of origin by beneficiaries. The request for documents from the authorities of the country of origin may be considered as voluntarily re-availing themselves of the protection of the country of nationality, a ground for cessation of refugee status or subsidiary protection.⁸⁵⁸ Furthermore, it was acknowledged that there is a lack of an adequate procedure for vulnerable persons. All applicants (regardless of their status) must go through an interview to test their knowledge of the Romanian language, Romanian History, Romanian Geography, Romanian Culture and Constitution. Although the beneficiaries did not express their dissatisfaction with the difficulty of the test, there are people who for objective reasons (illness, the elderly, those with a disability, etc.) cannot pass the interview, although they meet all the substantive conditions. For example, a person with severe Down syndrome cannot pass the interview, and there is no exception or special procedure for such cases.⁸⁵⁹ CNRR added that there is no separate procedure for beneficiaries of international protection who would like to obtain Romanian citizenship, requests are processed under the legal provision for foreigners with legal residence.⁸⁶⁰

⁸⁵² Article 8(2) Act on Romanian Citizenship.

⁸⁵³ Ministry of Justice, ‘Update 26.04.2024 – Proiect de Lege pentru modificarea și completarea Legii cetățeniei române nr. 21/1991, precum și pentru modificarea și completarea altor acte normative’, 26 April 2024, available in Romanian [here](#).

⁸⁵⁴ Article 8¹ Act on Romanian Citizenship, as amended by Government Emergency Ordinance No. 37/2015 of 15 September 2015.

⁸⁵⁵ Article 8² Act on Romanian Citizenship, as amended by Government Emergency Ordinance No. 37/2015 of 15 September 2015.

⁸⁵⁶ Government Emergency Ordinance No. 37/2015 of 15 September 2015.

⁸⁵⁷ For further details, see European Statelessness Network, *Ending Childhood Statelessness: A case study on Romania*, 2015, available at: <http://bit.ly/2DxDsiz>.

⁸⁵⁸ Information provided by CNRR, 15 February 2022.

⁸⁵⁹ Ibid.

⁸⁶⁰ Information provided by CNRR, 7 February 2023.

In 2023, CNRR⁸⁶¹ highlighted again that under Article 8 of Law 21/1991, beneficiaries of international protection have the right to apply for Romanian citizenship. The same article offers more favourable conditions to persons with refugee status, with the possibility of shortening the eligibility period from 8 years of residence to 4 years. However, in the case of persons with subsidiary protection, this shortened period does not apply. Moreover, there is a lack of clear procedure stipulated in the legislation regarding access to Romanian citizenship for certain vulnerable categories, such as disabled or elderly people, as well as stateless persons. Vulnerable persons have to take the interview for which they must acquire a thorough knowledge of history, geography, culture and knowledge of the Romanian Constitution. For example, a person suffering from dementia or Down's syndrome is unable to take the interview due to their condition, yet the interview is foreseen by law as a compulsory step in the procedure to obtain Romanian citizenship. In 2023, CNRR organized a citizenship course for beneficiaries of international protection, divided into 4 modules related to the topics addressed in the specific interview (history of Romania, geography of Romania, culture of Romania and the Constitution of Romania); the course was attended by 40 people.

AIDRom reported two to three persons who applied in 2022 for Romanian citizenship were rejected as they failed the general knowledge test. It was reported by an AIDRom representative that the tests are difficult, even for a Romanian citizen.

Galați: one beneficiary was granted Romanian citizenship in 2022, the JRS representative was not aware when the request was made. In 2023, applications for citizenship were submitted; BIPs reported long waiting times to receive a response.⁸⁶²

Rădăuți: the legal counsellor reported that there was one request and it is still pending in 2022.

Șomcuta Mare: LADO/ASSOC was not aware of any requests in 2022.⁸⁶³

Bucharest: In 2022, IOM Romania assisted around 15 persons interested in obtaining Romanian citizenship. In general, these were new beneficiaries of international protection. 3 persons obtained citizenship in 2021. The main difficulty reported by IOM Romania was obtaining the required documents. Some of the beneficiaries are unemployed or cannot prove their financial means over the last 3 years.⁸⁶⁴

IGI-DAI does not keep statistics on citizenship granted to beneficiaries of international protection.⁸⁶⁵

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

Article 98(1) of the Asylum Act prescribes the grounds for cessation of refugee status as cases where the beneficiary:

- (a) Has voluntarily re-availed themselves of the protection of the country of nationality;
- (b) Having lost their nationality, has voluntarily re-acquired it;

⁸⁶¹ Information provided by CNRR , 16 January 2024.

⁸⁶² Experience based observation by JRS Romania, April 2024.

⁸⁶³ Information provided by LADO/ASSOC, 20 February 2023.

⁸⁶⁴ Information provided by IOM Romania, 19 February 2022.

⁸⁶⁵ Information provided by IGI-DAI, 20 February 2020.

- (c) Has acquired a new nationality and enjoys the protection of the country of their new nationality;
- (d) Has voluntarily re-established themselves in the country which they left or outside which they remained owing for the reasons on the basis of which they were granted refugee status;
- (e) Can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of nationality or habitual residence and cannot invoke, in order to justify such refusal, imperious reasons of concern to previous persecutions; or
- (f) Expressly renounces refugee status granted by Romania in writing.

Article 99(1) of the Asylum Act provides the following grounds for cessation of subsidiary protection:

- (a) When the circumstances which led to its grant have ceased to exist or have changed to such an extent that this form of protection is no longer necessary; or
- (b) When the beneficiary expressly renounces in writing, to the subsidiary protection granted by the Romanian State.

These provisions on changed circumstances do not apply to a person who has been granted refugee status or subsidiary protection and who can rely on compelling reasons resulting from previous persecution, in order to refuse the protection of the country of origin or habitual residence.⁸⁶⁶

Article 102 of the Asylum Act describes the cessation and withdrawal procedure. It shall be triggered *ex officio* by IGI-DAI or at the proposal of one of the institutions responsible for national security or public order, when new elements or data indicate the existence of reasons to reconsider the situation of the persons enjoying international protection within the meaning of the Asylum Act. Where the procedure for the cessation or cancellation of international protection is initiated at the proposal of one of the institutions responsible for national security or public order, IGI-DAI shall inform the respective institution of the decision of the procedure.

Article 103 of the Asylum Act requires the case officer in charge to inform the beneficiary of international protection in writing of:

- (a) The initiation of the cessation or, as the case may be, withdrawal of the international protection granted by the Romanian state, as well as the reasons for initiating the procedure;
- (b) rights and obligations during this procedure;
- (c) the possibility to present, in a personal interview or written statement, the reasons why international protection should be maintained.

In addition, the same article sets out the rights and obligations of the person subject to cessation or withdrawal procedure. During the cessation or withdrawal of the international protection granted by the Romanian state, the beneficiary has the right to:

- (a) be assisted by a lawyer;
- (b) have an interpreter free of charge;
- (c) contact and receive assistance by a UNHCR official;
- (d) receive counselling and assistance by an NGO representative;
- (e) receive, upon request, legal and procedural information, including information on the procedure in the administrative phase, under the legislation on legal aid in civil matters, taking into account their personal situation;
- (f) be provided, on request, with information to clarify the reasons for a cessation or withdrawal of international protection decision at the administrative phase and to explain how such a decision may be challenged, under the legal provision on legal aid in civil matters. The beneficiary has the obligation to:
- (g) provide the competent authorities with full and complete information about their personal situation; submit all the documents at their disposal and relevant to their personal situation;
- (h) follow the stage of the procedure and inform IGI-DAI within 5 days regarding any change of residence;

⁸⁶⁶ Articles 98(2)-(3) and 99(2) Asylum Act.

- (i) respond to the requests of IGI-DAI.

The beneficiary of international protection has the possibility to present, in a personal interview or written statement, the reasons why their international protection should be maintained.⁸⁶⁷ The interview is not conducted in case the beneficiary of international protection has acquired Romanian citizenship.⁸⁶⁸ If the beneficiary is not present at the interview, the case officer will assess the case on the basis of the documents in the personal file.⁸⁶⁹

The re-evaluation of the case may be carried out in the Regular Procedure or Accelerated Procedure. The case officer decides on the re-examination of the case in the accelerated procedure, pursuant to the conditions set out in Article 75 for applying it.⁸⁷⁰

Upon request, IGI-DAI grants UNHCR access to information on the procedure for reconsideration of the situation of beneficiaries of international protection and on the decisions issued, if the beneficiary has consented to this. In fulfilling its supervisory role under Article 35 of the Refugee Convention, UNHCR has the right to present its views to IGI-DAI on the procedure for reconsidering the situation of beneficiaries of international protection at any stage of this procedure.⁸⁷¹

After analysing the existing elements from the case file and, as the case may be, the reasons invoked during the interview, the case officer issues a reasoned decision, which maintains, ceases or withdraws international protection.⁸⁷² The cessation or withdrawal of the form of protection shall not have effect on the person's family members.⁸⁷³

Depending on the reasons, which gave rise to the decision to cease or withdraw the form of protection, the case officer may mention, as the case may be, the obligation to leave the Romanian territory.⁸⁷⁴ If the decision states also the obligation to leave the Romanian territory, IGI shall issue and enforce the return decision.⁸⁷⁵

If the case officer decides to cease or to withdraw international protection, the beneficiary may appeal the decision, following the rules of the Regular Procedure or Accelerated Procedure.

The law does not prescribe a systematic review of the protection status and cessation did not occur systematically in 2018-2023.

In **Timișoara** and Giurgiu no cessation decisions were issued in 2022. In Rădăuți only one decision was issued in the case of a Syrian national. In Galati one decision of cessation was issued for a Syrian nation who acquired the nationality of the USA.

In 2022 IGI-DAI provided the information that they had issued 70 cessation decisions (17 cessation of refugee status and 53 of subsidiary protection). One of the beneficiaries renounced the form of protection granted. The main countries of origin were Ukraine, Syria and Iran.⁸⁷⁶

In 2023, IGI-DAI indicated a total of 84 cessation decisions issued, however the institution did not provide the breakdown between refugee status and subsidiary protection. The people against whom these decisions were taken came from Syria (36), Ukraine (47) and Iran (1).

⁸⁶⁷ Article 103(1)(c) Asylum Act.

⁸⁶⁸ Article 103(3) Asylum Act, citing Article 98(1)(c).

⁸⁶⁹ Article 103(4) Asylum Act.

⁸⁷⁰ Article 103(5) Asylum Act.

⁸⁷¹ Article 103(6) Asylum Act.

⁸⁷² Article 104(1) Asylum Act.

⁸⁷³ Article 104(2) Asylum Act.

⁸⁷⁴ Article 104(3) Asylum Act.

⁸⁷⁵ Article 104(4) Asylum Act.

⁸⁷⁶ Information provided by IGI-DAI, 22 February 2023.

Cessation decisions per IGI-DAI Regional Branch: 2023	
Centre	Total
Timișoara	1
Șomcuta Mare	39
Rădăuți	8
Galați	1
Bucharest	34
Giurgiu	1
Total	84

Source: General Inspectorate for Immigration – Directorate for Asylum and Integration, 18 January 2024

In several cases, international protection was maintained. In three cases where legal counselling was offered by JRS Romania, following the re-assessment procedure, it was decided that international protection should continue, including:

- ❖ The case of a Syrian BIP, who presented the necessary documents to submit the application for permanent residence and presented a valid national passport issued by the Syrian authorities after the date on which he received international protection.
- ❖ The case of two Iraqi adults, father and son, who, when they came to change their residence permit (the old one being expired), they presented national passports with entry/exit visas from the state of origin.

In 2022 the number doubled from 2021 when 34 cessation decisions were issued (main countries Syria, Iraq, Egypt)⁸⁷⁷ down from 55 cessation decisions in 2020 (main countries Syria, Iraq and Ukraine),⁸⁷⁸ 57 in 2019 (31 cessation of refugee status and 26 of subsidiary protection), up from 3 decisions issued in 2018.⁸⁷⁹ The number increased again slightly in 2023, to 84 decisions, concerning nationals from Syria, Ukraine and Iran.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

Refugee status is revoked where:

- (a) the person who has been granted refugee status has made false statements, failed to provide certain data or used false documents that were decisive for granting refugee status, and there are no other grounds for maintaining the status of refugee; or
- (b) after granting the refugee status it was discovered that the person should have been excluded from being a refugee.⁸⁸⁰

Subsidiary protection is revoked under the same grounds as the refugee status,⁸⁸¹ the only difference being the grounds of exclusion.

⁸⁷⁷ Information provided by IGI-DAI, 10 March 2022.

⁸⁷⁸ Information provided by IGI-DAI, 16 March 2021.

⁸⁷⁹ Information provided by IGI-DAI, 5 March 2019, 20 February 2020.

⁸⁸⁰ Article 100 Asylum Act.

⁸⁸¹ Article 101 Asylum Act.

The withdrawal procedure is the same as the Cessation procedure. In 2022, there were two in **Timișoara**, of which in one case the court maintained the form of protection and in one the protection was revoked. Two in **Galați** and in both cases the international protection was maintained. In Bucharest, the director stated there were three cases of withdrawal.

IGI-DAI issued six decisions of withdrawal of protection status (Syria, Afghanistan) in 2022.⁸⁸² In 2023, IGI-DAI issued 2 withdrawals of protection status (1 person coming from Syria, 1 person coming from Afghanistan).⁸⁸³

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application? ☐ Yes ☒ No
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

There is no difference between refugees and subsidiary protection beneficiaries in relation to the criteria and conditions for family reunification.

1.1 Eligible family members

Article 2(j) of the Asylum Act defines family members of the beneficiary of refugee status or subsidiary protection, to the extent that the family is in the country of origin at the date of the asylum application made by the sponsor, as:

- ❖ Spouse;
- ❖ Minor unmarried children of the beneficiary or the spouse, with the condition that they are unmarried, regardless of whether they are born in the marriage or out of wedlock or adopted in accordance with the national law of the country of origin.

The law does not set out any waiting period before a beneficiary of international protection may apply for family reunification. The law does not prescribe any deadline for applying for family reunification. The beneficiary of international protection in Romania may apply for asylum for their family members as long as they are not on the territory of Romania.⁸⁸⁴ Beneficiaries of international protection are also not required to prove the existence of income, accommodation or health insurance for family reunification.

They only need to prove the family relationship with the family member or the fact that the marriage was concluded before entering the territory of Romania.⁸⁸⁵ In practice, if the beneficiary of international protection does not have the financial means to pay for the translation of necessary documents to prove family ties, NGOs might help them in covering the costs of translation. In this case, the beneficiary has to wait until they receive their residence permit, as the terms of the project funded by the national AMIF programme clearly state that costs of such translations may be covered only if the person holds a residence permit.

⁸⁸² Information provided by IGI-DAI, 22 February 2023.

⁸⁸³ Information provided by IGI-DAI, 18 January 2024.

⁸⁸⁴ Article 71(1) Asylum Act.

⁸⁸⁵ Article 71(3) Asylum Act.

1.2 Family reunification procedure

Family reunification applications are processed by every Regional Centre.

According to the law, once the application has been submitted, the beneficiary shall also present original documents (birth certificate, marriage certificate, identity card) to prove family ties with the family members or, in the absence of these documents, any other documents proving the status of family member.⁸⁸⁶

To obtain additional data and information on family ties and to clarify other relevant aspects of the asylum application lodged for family members, IGI-DAI must conduct an interview with the beneficiary of international protection.⁸⁸⁷ In 2023, interviews took place with Somali nationals.⁸⁸⁸

If the beneficiary of international protection does not present to IGI-DAI sufficient documents showing their family relationship with the family member in whose name the application is made, where originals are in the possession of the family member who is in a third country, IGI-DAI must communicate to the Directorate-General for Consular Affairs of the Ministry of Foreign Affairs the list of the necessary documents.⁸⁸⁹

The General Directorate for Consular Affairs requests the diplomatic mission or the consular office of Romania from the country where the family member of the beneficiary of international protection is, to establish the existence of the documents requested by IGI-DAI. The family member must present these documents, in original, to the diplomatic mission or consular office of Romania.⁸⁹⁰ The documents shall be sent in copy, with the mention "according to the original", through the General Directorate for Consular Affairs, to IGI-DAI by the diplomatic mission or consular office of Romania from the country where the family member is present.⁸⁹¹

1.3 Cases of family reunification in 2023 per regional centre

Statistics for 2023 were provided by IGI-DAI.

Family reunification applications in 2023			
Regional IGI-DAI Branch	Applications made	Applications admitted by IGI-DAI	Type of application admitted
Bucharest	128	128	❖ 5 unaccompanied minor BIPs ❖ 123 adult BIPs
Galati	65	21	❖ 2 unaccompanied minor BIPs ❖ 19 adult BIPs
Rădăuți	21	20	❖ 15 unaccompanied minor BIPs ❖ 5 adult BIPs
Giurgiu	13	13	❖ 13 adult BIPs
Timisoara	10	10	❖ 10 adult BIPs
Șomcuta Mare Maramureș	8	0	/
Total	245	192	/

⁸⁸⁶ Article 30(1) Asylum Decree.

⁸⁸⁷ Article 30(2) Asylum Decree.

⁸⁸⁸ Practice based observation by JRS Romania, April 2024.

⁸⁸⁹ Article 30(3) Asylum Decree.

⁸⁹⁰ Article 30(4) Asylum Decree.

⁸⁹¹ Article 30(5) Asylum Decree.

1.4 Specific procedure for unaccompanied children

The Asylum Act provides for a family reunification procedure for unaccompanied children, with specific requirements. The family reunification for unaccompanied minors, beneficiaries of international protection, shall be done with respect to their best interests.⁸⁹² The procedure may be triggered *ex officio* by IGI-DAI. In this case the consent of the legal representative and/or the unaccompanied child is also required.⁸⁹³ In all cases, the unaccompanied child's views will be taken into account and given due weight.⁸⁹⁴

If the unaccompanied child's family has been traced, the case officer analyses the possibility and the conditions for carrying out family reunification and issues a reasoned decision in this respect.⁸⁹⁵ The decision provided may be challenged under the same conditions as a decision delivered by IGI-DAI in the Regular Procedure.⁸⁹⁶

IGI-DAI shall take, as soon as possible, the necessary measures to trace the unaccompanied child's family, while protecting their best interests.⁸⁹⁷ The unaccompanied child's opinion on the tracing of their family is taken into account and given the due importance, in relation to their age and maturity.⁸⁹⁸

The data and information collected for the purpose of family tracing are processed in accordance with the principle of confidentiality, especially when the life or physical integrity of a child or their close family who have remained in the country of origin is endangered.⁸⁹⁹

In **Galați**, it was reported in 2022 that applications made by an unaccompanied minor are assessed slowly. There was a case of a child who applied for family reunification in July 2022 and as of February 2023 she still had not received a decision. According to the director the procedure is initiated by the legal representative jointly with the NGO representative.

In 2023, in the case of 2 unaccompanied minors, family reunification requests were approved and their mothers arrived in Romania. There was also a case where the request for family reunification was approved and this positive decision was communicated to the legal representative, but the unaccompanied child BIP was unaware until he requested legal support from JRS Romania. Moreover, in cases of unaccompanied minors, NGOs assist children and their parents for the visa appointments, not the legal representatives. For instances, in the two successful cases mentioned above, the mothers were illiterate and thus could not do the procedure on their own. Support for obtaining visa appointments was offered in many more cases.⁹⁰⁰

In **Rădăuți**, the reunification procedure is triggered by NGOs. In 2022, there were six applications made by unaccompanied minors, according to the director.

In **Șomcuta Mare** in 2021 the procedure was initiated by the unaccompanied minors, with the assistance of the legal representative,⁹⁰¹ while in 2022 the procedure was initiated by the legal representative, according to LADO/ASSOC.⁹⁰² According to the director of the centre no applications were made by unaccompanied children.

⁸⁹² Article 72(1) Asylum Act.

⁸⁹³ Article 72(2) Asylum Act.

⁸⁹⁴ Article 72(2) Asylum Act.

⁸⁹⁵ Article 72(3) Asylum Act.

⁸⁹⁶ Article 72(4) Asylum Act.

⁸⁹⁷ Article 73(1) Asylum Act.

⁸⁹⁸ Article 73(2) Asylum Act.

⁸⁹⁹ Article 73(3) Asylum Act.

⁹⁰⁰ Practice based observation by JRS Romania, April 2024.

⁹⁰¹ Information provided by LADO/ASSOC, 3 February 2022.

⁹⁰² Information provided by LADO/ASSOC, 20 February 2023.

In **Bucharest** the family reunification procedure in case of unaccompanied children is triggered by IGI-DAI, according to IOM Romania.⁹⁰³ Conversely, the director of Vasile Stolnicu reported that the procedure is triggered by the legal representative and the application is drafted with the support of NGOs.

Timișoara: the director of the centre reported that in 2022 there was a single unaccompanied minor and the request was filled by the legal representative.

It was noted that IOM Romania and LADO/ ASSOC are of the opinion that an unaccompanied minor who attains the age of majority during the asylum procedure does not retain their right to family reunification,⁹⁰⁴ contrary to the judgment of the CJEU in Case C-550/16 *A and S v Staatssecretaris van Veiligheid en Justitie* of 2018.

With regard to 2023, the CNRR⁹⁰⁵ flagged the following issues concerning unaccompanied minors. At Regional Centre Timisoara there were situations where the asylum applications of unaccompanied minors were not analysed swiftly. In the case of unaccompanied minor asylum seekers, communication between them and the legal representatives appointed by the DGASPC is not constant and tends to be limited to the measures and activities necessary for the asylum procedure. According to the information available to CNRR, the unaccompanied minors accommodated in the regional centres in Timisoara, Giurgiu, Șomcuta Mare and Rădăuți either have no contact with the legal representative or there is a very limited contact, and the only counselling they receive is from NGOs. The times when minors have contact with the legal representative appointed by the DGSPC are when the IGI conducts interviews in the administrative phase of the asylum procedure, or at court, when the legal representatives are required by law to be present. At the centre in Galati, a slightly more favourable situation could be observed in terms of communication between the legal representative and the unaccompanied minors, who showed a greater interest in the situation of minors, both legally and socially/culturally.

This has an important impact on the family reunification procedure. In the case of unaccompanied minors, Art. 72 from the Law 122/2006 on the asylum procedure in Romania states that IGI has the competence to start the procedure for the family reunification of unaccompanied minors. The Order No 119/20643/2023 on the conditions of appointment, role, tasks and requirements of education, training and professional experience for persons appointed as representatives for unaccompanied foreign minors applying for or granted a form of international protection⁹⁰⁶ indicates that the legal representative needs to initiate steps for the immediate identification of the minor's family and verifying the possibility of reunification with them. However, in practice, the CNRR is not aware of any ex officio proceedings made by the legal representatives, finding that there is limited proactive behaviour of the legal representatives accompanied by ignorance of the law in some cases. Thus, legal representatives call on the services of NGOs that are active in the field of asylum and refugee assistance.

1.5 Time limits and duration

The law prescribes that the family reunification procedure must be completed as soon as possible, not exceeding 9 months from the date the application was made. If further checks are required, the 9-month period may be extended by up to 6 months.⁹⁰⁷

IGI-DAI stated they have no statistics regarding the average duration of the procedure.⁹⁰⁸ The situation in 2021/2022 was the following:

⁹⁰³ Information provided by IOM Romania, 19 February 2022.

⁹⁰⁴ Information provided by IOM Romania, 19 February 2022 and Information provided by LADO/ASSOC, 3 February 2022.

⁹⁰⁵ Information provided by CNRR, 16 January 2024.

⁹⁰⁶ Art 21 (3) Order No 119/20643/2023 on the conditions of appointment, role, tasks and requirements of education, training and professional experience for persons appointed as representatives for unaccompanied foreign minors applying for or granted a form of international protection, available in Romanian at: <https://bit.ly/4bMvfHM>.

⁹⁰⁷ Article 31(4) Asylum Decree.

⁹⁰⁸ Information provided by IGI-DAI, 18 January 2024.

Timișoara: The average duration of the procedure was seven months, according to the director of IGI-DAI. AIDRom also stated that the procedure takes five to six months until the decision is communicated and 9 months - from the date of submission until the family member's arrival in Romania.⁹⁰⁹

Șomcuta Mare: According to LADO/ASSOC the average duration of the family reunification procedure is 90 days, and some family members arrive in three months others six months later, depending on the country of origin and diplomatic relations between the countries.⁹¹⁰ The director is not aware of the duration of the procedure.

Rădăuți: according to the director the average duration of the family reunification procedure was 6 months. According to the legal counsellor the procedure was swift, and in a maximum of one month the decision was communicated.

Bucharest: IOM Romania reported that the length of family reunification procedure varies depending on the complexity of the case and is between 6 and 9 months from the date of submission of the application. Regarding the arrival of the family member in Romania, the period is at least one month from the date of communication of the decision.⁹¹¹

Giurgiu: The procedure takes between seven to eight months until a decision is given, according to the director of the centre.

Galați: In general, the procedure takes around six to nine months and it depends on the case officers' workload. For unaccompanied minors the procedure lasts the same amount of time. According to the director of the centre the average duration of the procedure is six months. Family members may arrive in Romania between two months and one year later, depending on the country of origin.

In 2023, again JRS Romania highlighted the fact that the procedures for obtaining visas/travel documents are difficult. For instance, in the case of an Afghan mother, who has requested reunification for her 6 children who do not have passports, it was very difficult to fill in the forms for the issuance of travel documents due to poor design of the relevant website. Then, after the issuance of these travel documents, the family members could not come because they encountered problems with the authorities in Pakistan who introduced a visa requirement. The family ultimately succeeded in receiving passports for 5 of the 6 children, visas were requested, but the appointment at the Romanian embassy was given for April 2024, after the children's entry/stay visa in Pakistan expired. Neither the embassy nor the Ministry of Foreign Affairs responded to a request for an earlier date to avoid having the children stay in Pakistan irregularly. Overall, the waiting time was between 6 and 9 months for family reunification requests.⁹¹²

In 2022, IGI-DAI reported a total of 395 applications for family reunification (102 Syria, 223 Somalia, 25 Afghanistan, 10 Pakistan, 9 Palestine, 8 Iraq, 5 stateless, 4 Yemen, 3 Ukraine, 2 Sudan, 2 Bangladesh, 2 Iran), of which 166 were admitted and 3 dismissed and the rest (226) were still pending at the end of 2022.⁹¹³ In 2023, IGI-DAI reported a total of 245 applications for family reunification, of which 192 admitted and 53 rejected (countries of origin were not indicated)⁹¹⁴.

2. Status and rights of family members

If the case officer considers that the family relationship or, as the case may be, the conclusion of the marriage before entering Romania, has been proved by the beneficiary international protection, they will request the diplomatic missions or consular offices of Romania to grant the short stay visa for the family members holding valid travel documents.⁹¹⁵

⁹⁰⁹ Information provided by AIDRom, 14 January 2022.

⁹¹⁰ Information provided by ASSOC, 20 February 2023.

⁹¹¹ Information provided by IOM Romania, 19 February 2022.

⁹¹² Experience based observation by JRS, April 2024.

⁹¹³ Information provided by IGI-DAI, 22 February 2023.

⁹¹⁴ Information provided by IGI-DAI, 18 January 2024.

⁹¹⁵ Article 71(3) Asylum Act.

For the family members who do not hold valid travel documents or are unable to obtain them and they are outside the country of origin, at the request of the case officer, the diplomatic missions or consular offices of Romania shall issue *laissez passer* and shall grant a short stay visa in order to enter the country. The validity of the travel document shall be no more than 30 days and ceases on the date of entry of the holder into the territory of Romania.⁹¹⁶

After their entry into Romania, if they consent to the asylum application, family members will have their application assessed according to the provisions of the Asylum Act.⁹¹⁷ In practice, the family members are registered as asylum seekers, they are fingerprinted and photographed, granted temporary identity documents and follow the steps of the asylum procedure. They are scheduled for an interview and receive a decision. In all reported cases, family members were granted the same form of protection as the sponsor. IOM Romania also stated that family members are granted the same form of protection as the beneficiary that applied for family reunification.⁹¹⁸

Galați: The family members in 2022 were granted the same form of protection as the sponsor, according to the director. The asylum procedure in their case is the same as for the other asylum seekers, there is no differential treatment. The family members in 2023 were granted the same form of protection as the sponsor, according to the JRS legal representative.⁹¹⁹

Șomcuta Mare: The family members received in 2022 the same form of protection as the sponsor. The asylum procedure in their case is carried out swiftly by IGI-DAI. The same was reported by the ASSOC representative. The same was reported in Rădăuți, Timișoara, and Bucharest.

In case of Șomcuta Mare, according to JRS, there was reportedly one case when the wife and 4 children received the same form of protection as the sponsor (refugee status), while sponsor's mother received subsidiary protection.⁹²⁰

If the conditions for family reunification set out in Article 30 of the Asylum Decree are not fulfilled, the case officer shall issue a decision to reject the asylum application of the family members. The rejection of the application cannot be solely based on the lack of documentation certifying family ties or marriage.⁹²¹ The decision shall be communicated to the sponsor beneficiary of protection who submitted the asylum application for the family members.⁹²²

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection enjoy freedom of movement within Romania, in the sense that they may choose their place of residence freely and move freely, under the same conditions as other legally residing foreigners.⁹²³ Beneficiaries are not allocated to specific geographic regions or facilities.

2. Travel documents

The travel document is issued, upon request, to the beneficiaries of international protection (both persons with refugee status and subsidiary protection) in Romania for a period of 2 years, without the possibility

⁹¹⁶ Article 71(3[^]1) Asylum Act.

⁹¹⁷ Article 71(4) Asylum Act.

⁹¹⁸ Information provided by IOM Romania, 18 November 2019.

⁹¹⁹ Practice based observation by JRS Romania, April 2024.

⁹²⁰ Practice based observation by JRS Romania, April 2024.

⁹²¹ Article 31(2) Asylum Decree.

⁹²² Article 31(3) Asylum Decree.

⁹²³ Article 20(1)(b) Asylum Act.

of prolonging its validity. Upon expiry, a new travel document with the same validity period is issued.⁹²⁴ Refugees receive a dark blue trilingual travel document (Romanian, English, French) as specified in the 1951 Refugee Convention, while beneficiaries of subsidiary protection receive a different travel document, also trilingual but of grey colour, which mentions “subsidiary protection”.⁹²⁵

For beneficiaries of international protection who are abroad and do not possess valid travel documents, the diplomatic missions or consular offices of Romania, with the approval of IGI, will provide them with travel documents valid only for the return to Romania. The validity of the travel title is at most 30 days and ceases upon the holder’s entry on Romanian territory.⁹²⁶

The travel document is valid for travel to all countries, except the country of origin of the beneficiary.

Refugees may travel freely in the EU, without a visa, while beneficiaries of subsidiary protection must apply for a visa. At the base of this trend lies the European Agreement on the Abolition of Visas for Refugees signed at Strasbourg on 20 April 1959,⁹²⁷ and the Council Regulation (EC) No 539/2001. Before 2014, beneficiaries with subsidiary protection were assimilated to refugees and they were also exempt from the visa requirement.

In order to apply for a travel document, beneficiaries of international protection are obliged to certify their residence by submitting one of the following documents: lease agreement registered with the fiscal authority; commodity contract concluded in authentic form; or any other documents concluded under the conditions of validity provided by Romanian legislation in force regarding the housing title, which prove the acquisition of some housing rights. In addition, beneficiaries should also submit an ID photo when applying for a travel document. The travel document is issued for a fee of 258 RON/€60, which represents a tax imposed by the National Printing House.

The application (standard form) for the travel document is made at IGI-DAI, after the temporary residence permit is issued. The authority issues the travel document within 30 days.

IGI-DAI issued 1,622 travel documents to beneficiaries of international protection in 2019.⁹²⁸ In 2020, IGI-DAI issued 573 new travel documents and 909 travel documents were renewed.⁹²⁹ In 2021, IGI-DAI issued 2,386 travel documents.⁹³⁰ In 2022, IGI-DAI issued 2,204 travel documents.

In 2023, IGI-DAI issued 2981 travel documents:⁹³¹

- ❖ IGI-DAI Galati: 255 travel documents (123 refugees, 132 beneficiaries of subsidiary protection).
- ❖ IGI-DAI Bucharest: 2,312 travel documents (1,274 refugees, 1,038 beneficiaries of subsidiary protection).
- ❖ IGI-DAI Rădăuți: 80 travel documents (10 refugees, 70 beneficiaries of subsidiary protection).
- ❖ IGI-DAI Giurgiu: 61 travel documents (37 refugees, 24 beneficiaries of subsidiary protection).
- ❖ IGI-DAI Maramureș- Șomcuta Mare: 100 travel documents (39 refugees, 61 beneficiaries of subsidiary protection)
- ❖ IGI-DAI Timisoara: 173 documents (51 refugees, 122 beneficiaries of subsidiary protection).

⁹²⁴ Article 20(8) Asylum Act.

⁹²⁵ Annexes 5 and 6 Government Decision 557/2006.

⁹²⁶ Article 20(9) Asylum Act.

⁹²⁷ European Agreement on the Abolition of Visas for Refugees signed at Strasbourg on 20 April 1959, signed by Romania on 5 November 1999 and ratified through Act 75/2001.

⁹²⁸ Information provided by IGI-DAI, 20 February 2020.

⁹²⁹ Information provided by IGI-DAI, 16 February 2021.

⁹³⁰ Information provided by IGI-DAI, 10 March 2022.

⁹³¹ Information provided by IGI-DAI, 18 January 2024.

D. Housing

Indicators: Housing

- | | |
|-------------------------------------------------------------------------------|--------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | 12 months ⁹³² |
| 2. Number of beneficiaries staying in reception centres as of 1 January 2023: | 431 |

1. Stay in reception centres

Beneficiaries of international protection who participate in integration programmes and have no financial means are allowed to stay in the Regional Centres, subject to availability of places.⁹³³ They may stay in the centres for 12 months with the possibility of extension for another 6 months in case of well-founded reasons, with the approval of IGI-DAI, without exceeding the implementation period of the integration programme.⁹³⁴ Vulnerable categories can be accommodated until it is established the condition of vulnerability ended.

A total of 431 beneficiaries of international protection were residing in the Regional Centres at the beginning of 2023:

Centre	Total
Timișoara	1
Șomcuta Mare	65
Rădăuți	91
Galați	74
Bucharest	186
Giurgiu	14
Total	431

Source: IGI-DAI, 18 January 2024

The situation in 2022 was as follows:

In **Giurgiu**, the director mentioned that during 2022, five beneficiaries of international protection were accommodated in the centre.

In **Timișoara**, the director of the regional centre reported that in 2022 only six (three men and three women) beneficiaries were accommodated in the centre.

In **Rădăuți**, 174 beneficiaries were accommodated during 2022, according to the director.

In **Galati**, 154 beneficiaries were accommodated during 2022, according to the director.

In **Șomcuta Mare** 25 beneficiaries were accommodated, according to the director.

In **Bucharest**, 38 beneficiaries were accommodated, according to the director.

Beneficiaries accommodated in Regional Centres have to pay rent, including maintenance costs, after 3 months.⁹³⁵ This was also confirmed by the directors of Timișoara, Giurgiu and Vasile Stolicu. The daily

⁹³² With the exception of vulnerable beneficiaries.

⁹³³ Article 21(1) Integration Ordinance.

⁹³⁴ Article 21(2) Integration Ordinance.

⁹³⁵ Article 21(5) Integration Ordinance. The rental fee is established at local level for the living facilities which are in the state's or territorial / administrative unit's property.

rental fee is different in every regional centre. Vulnerable beneficiaries may be accommodated free of charge in the Regional Centres.⁹³⁶

Although the rent costs are lower compared to the situation outside the Regional Reception Centre, they are high compared to the IPB (grant aid) income. Vulnerable IPB beneficiaries live in Regional Reception Centre without paying rent.⁹³⁷

Beneficiaries of international protection who participate in integration programmes and have no financial means have the right to stay in Regional Centres or in other facilities managed by the Ministry of Internal Affairs for a general period of 12 months, which may be extended for 6 months, while for vulnerable categories this period may be further extended indefinitely.⁹³⁸

In practice, beneficiaries of international protection in **Timișoara, Bucuresti, Șomcuta Mare, Rădăuți, Galați** and **Giurgiu**, are allowed to stay for free, according to the amended Integration Ordinance, for up to 3 months, in comparison to 2 months as prescribed by the previous version of the Ordinance. Beneficiaries of international protection have to pay a rental fee after that period.

The rental fee to be paid by the beneficiaries differs from one centre to another, as follows:⁹³⁹

Centre	Rent summer	Rent winter
Timișoara	220 RON / €44	310 RON / €63
Giurgiu	248 RON / €50	387 RON / €79
Șomcuta Mare	280 RON / €57	431 RON / €87
Galați	330 RON / €67	480 RON/ €98.
Bucharest	249 RON / € 50	273 RON / €55
Rădăuți	238 RON / €49	295 RON/ €60

After this period the rental fees may be covered by NGOs through the implemented projects. JRS and AIDRom mentioned that this is paid until the beneficiary receives the non-refundable financial aid. This was also done in 2023, however at least for some civil society actors, notably JRS Romania, this was impacted by the end of AMIF funding in October 2023, and since then BIPs have not been given such support due to the lack of funding. LADO/ASSOC stated that the period for which they may cover the cost of rent depends on several factors, namely: how long the beneficiary chooses to stay in the centre, how much money he/she has left according to the budget allocated by the project, as it is possible that he/she previously benefitted from some medical services or the translation of some personal documents given that the money for these expenses is provided from the same budget.⁹⁴⁰

It should be noted that taking the amount of non-refundable aid, after paying rent, it is practically impossible to reach the resources for minimum living.⁹⁴¹

In **Șomcuta Mare**, after the 90 days that beneficiaries of international protection are allowed to stay for free, ASSOC covers the rental for at least 2 months.⁹⁴²

In **Rădăuți**, ICAR Foundation pays the rental fee for another two months. As a result, the beneficiary has to pay for rent only after 5 months after obtaining international protection.

⁹³⁶ Article 34(2) and (3) Integration Ordinance. IGI-DAI may provide accommodation in its centres to vulnerable persons that do not require specialised assistance and who cannot benefit from a home from the institutions ability within the space and funds available. For well-founded reasons, the IGI-DAI may extend the integration program for these persons.

⁹³⁷ Practice based observation by JRS Romania, April 2024.

⁹³⁸ Article 21(2) Integration Ordinance.

⁹³⁹ Information provided by IGI-DAI, 18 January 2024.

⁹⁴⁰ Information provided by LADO/ASSOC, 20 February 2023

⁹⁴¹ Practice based observation by JRS Romania, April 2024.

⁹⁴² Information provided by LADO/ASSOC, 3 February 2022.

In addition to this, JRS implemented the project “A New House” for BIPS who are in the integration programme and who live outside the reception centres, funded through the AMIF national programme. The programme partially or entirely covers the rental fees and/or the utility costs for beneficiaries of international protection. However, it had to be interrupted in October 2023 due to the lack of AMIF funding nationally available, and the new project could only be resumed in June 2024.

2. Social housing

According to the law, beneficiaries of international protection have the right to access the social housing scheme under the same conditions as Romanian citizens.⁹⁴³

After the integration programme is completed or when a job opportunity has been identified, IGI-DAI guides the assisted person to the community where there are vacancies and informs them on how to get a social home under the conditions set in the law.⁹⁴⁴

Local public administration authorities have the obligation to ensure, within the limits of available resources, social housing for persons who have acquired a form of protection in Romania and who are to move to the respective community under the same conditions as the Romanian citizens, even if they have not established their domicile or residence in that area.⁹⁴⁵

If the local public administration authorities cannot provide a social home, the beneficiary may rent housing within the respective local community.⁹⁴⁶ IGI-DAI subsidises up to 50% of the rent, subject to availability of funding, for a maximum period of one year.⁹⁴⁷ In 2022 and 2023,⁹⁴⁸ no beneficiary benefitted from this aid.

Timișoara: Requests for social housing have been submitted, but until now no one has benefited from this. The local public administration authority has no social houses available; the list of requests for social housing is endless. In order to benefit from financial aid from IGI-DAI for the rent, beneficiaries have to prove that they have requested social housing and they have to have a rental contract registered at the tax authorities. According to the director of the Regional Centre Timișoara, in 2022, IGI-DAI granted subsidies (50% of the rent) to a single case.

In **Rădăuți**, this provision was applied in practice for the first time in 2021. IGI-DAI granted subsidies to a family. In 2022 this was not applied.

In **București, Galați, Giurgiu** and **Șomcuta Mare**: This provision has never been applied in practice. In Șomcuta Mare, Galați, Giurgiu and Rădăuți they request assistance under the aforementioned project “A New House” run by JRS.

E. Employment and education

1. Access to the labour market

Beneficiaries of international protection have the right to be employed by natural or legal persons, to carry out voluntary activities, to exercise free professions and to carry out legal acts, to carry out acts and deeds of commerce, including independent economic activities, under the same conditions as Romanian

⁹⁴³ Article 20(1)(q) Asylum Act.

⁹⁴⁴ Article 28 Integration Ordinance.

⁹⁴⁵ Article 29(1) Integration Ordinance.

⁹⁴⁶ Article 29(2) Integration Ordinance.

⁹⁴⁷ Article 29(3) Integration Ordinance.

⁹⁴⁸ Information provided by IGI-DAI, 18 January 2024.

citizens.⁹⁴⁹ There are no differences between refugees and subsidiary protection beneficiaries in relation to access to employment.

Beneficiaries participating in the integration programme are registered as individuals looking for a job at the National Agency for Employment, within 30 days of signing the protocol.⁹⁵⁰

In order to carry out measures to stimulate employment, the National Agency for Employment, through its agencies, has the obligation to draw up an individual plan for each person included in the integration program and register them as a person looking for a job, according to the legal provisions. For this purpose, IGI-DAI provides information on the education and professional profile of the beneficiaries. The National Agency for Employment may also collaborate with NGOs in order to inform, counsel or provide other services to beneficiaries of international protection.

Unemployed beneficiaries of international protection included in the integration programme may also benefit from relocation, mobility or activation allowance, if they are registered as unemployed.⁹⁵¹

IGI-DAI⁹⁵² and the National Employment Agency⁹⁵³ do not have statistics on the number of beneficiaries of a form of protection working in Romania. CNRR⁹⁵⁴ indicates that in November 2023 a Job Fair organised by the National Employment Agency took place, offering a variety of jobs for skilled and unskilled people. CNRR accompanied 8 people from Somalia in finding a job.

As part of the “My place” project implemented by JRS, educational activities were organised to facilitate integration into the labour market. AJOFM sent JRS vacant job postings, which were assigned to beneficiaries. Until October 2023 (where the project closed due to lack of AMIF national funding) BIPs received support to contact potential employers, to create a CV, register with AJOFM, etc.⁹⁵⁵

1.1 Obstacles to access in practice

Although beneficiaries of international protection have the same rights as Romanian citizens when it comes to access to labour market, there are some fields where there is limited or no access. For example, doctors with refugee status or subsidiary protection do not have the right to practice medicine in Romania⁹⁵⁶ unless they are married to a Romanian citizen, they are family members of an EU citizen, or they have a **Long-Term Residence** permit granted by Romania or an EU Member State.⁹⁵⁷

Legally there are no limitations imposed on beneficiaries of international protection regarding access to labour market. In practice, knowledge of Romanian language (and in some cases English) may hinder beneficiaries’ access to labour market. In addition, many of the beneficiaries do not have diplomas that certify their studies, which makes it impossible for them to apply for certain positions.

According to CNRR in 2023,⁹⁵⁸ beneficiaries of international protection in Romania are mainly employed in the HORECA (it is the acronym for the hospitality industry: Hotels, Restaurants, Catering), and construction. They are generally paid the minimum wage, which does not allow a decent living, especially in the case of families with several children. This is also JRS Romania’s observation at least for those

⁹⁴⁹ Article 20(1)(c) Asylum Act.

⁹⁵⁰ Article 24 Integration Ordinance.

⁹⁵¹ Article 25 Integration Ordinance.

⁹⁵² Information provided by IGI-DAI, 18 January 2024.

⁹⁵³ Information provided by the National Employment Agency, 10 January 2024.

⁹⁵⁴ Information provided by CNRR, 16 January 2024.

⁹⁵⁵ Practice based observation by JRS Romania, April 2024.

⁹⁵⁶ The issue was debated during a meeting on 26 October 2017 with representatives of the Romanian Government, the College of Doctors, IGI, NGOs, UNHCR and the International Organisation for Migration (IOM Romania). The conclusions of the meeting were that the Government will analyse the proposals and will try to find solutions. See EMINET, ‘Obținerea dreptului de practică de către medicii străini, în contextual deficitului de personal din sistemul de sănătateromănesc’, 26 October 2017, available in Romanian at: <http://bit.ly/2hK7IUb>.

⁹⁵⁷ Article 376(1) Act 95/2006 on Health Reform.

⁹⁵⁸ Information provided by CNRR, 16 January 2024.

living in Region 2.⁹⁵⁹ Beneficiaries of international protection have the possibility to follow the "Second Chance" educational programme in order to complete their studies and to follow vocational training courses. In practice, these are not accessed as they lack the financial resources to support themselves during the programme, preferring to take unskilled jobs. It is even more complicated for single mothers with several children. For educated people, accessing the labour market is easier, however they also face certain difficulties because they are unaware of the legal provisions and of their rights, and are victims of pressure from employers to work overtime or to accept delayed pay, for example.

The situation was the following as of 2022:

Timișoara: According to AIDRom representative, beneficiaries do not encounter difficulties in finding a job, they just have to be willing to work. AIDRom assists them in finding a job. As reported last year, the lack of knowledge of Romanian language is considered an impediment. Some of the employers are also reluctant to hire foreigners for various reasons, such as: employers have no knowledge of a widely spoken language and cannot communicate with their employees; employers are not knowledgeable in applicable law and believe they have to pay higher or different taxes for beneficiaries.⁹⁶⁰

Bucharest: according to the representative of the centre 10 beneficiaries were employed during the year. The difficulties encountered by the beneficiaries of international protection in accessing the labour market, reported by IOM Romania since 2018, still persist in 2021. Mainly for beneficiaries who do not have diplomas, certificates of studies or qualifications. Some of the employers are not aware of the conditions under which foreigners can be employed in Romania and of the status of beneficiaries of international protection. Lack of knowledge of Romanian language, at a satisfactory level was also reported as an impediment to finding a job.⁹⁶¹

Șomcuta Mare: LADO/ASSOC mentioned that there were no obstacles to finding a job as a beneficiary, but for many of them the language barrier is and remains a problem.⁹⁶² The director mentioned that 10 beneficiaries were employed during 2022.

Galați: It was reported that several beneficiaries transferred their integration programme to Bucharest where there is a foreign community and a better job offer than in Galați. 50% of the beneficiaries leave Galați and head to Cluj, Bucharest and other cities and even to other countries. There are jobs available especially in the unskilled labour sector and employment offers are received from different companies and every month from AJOFM. Employers from the construction industry come directly to the centre. The employers require a basic or intermediary knowledge of Romanian language or English. They may face hurdles in finding a job because of lack of diplomas and knowledge of Romanian language; age was also an impediment for some beneficiaries. The situation was the same in 2023.⁹⁶³ A beneficiary failed to obtain recognition of his diploma because the respective job does not exist in Romania. According to the director of the centre 14 beneficiaries were employed during 2022.

Rădăuți: it was reported that even though there are available jobs, the salaries are low and as a consequence the majority of beneficiaries leave Rădăuți and head to bigger cities such as Iasi, Cluj or Bucharest or even to other countries. According to the centre representatives seven beneficiaries were employed during 2022.

Giurgiu: According to the AIDRom representative, there are available jobs for beneficiaries. Moreover, they received support from AIDRom in finding a job. Seven beneficiaries were legally employed in 2022.

⁹⁵⁹ Practice based observation by JRS Romania, April 2024.

⁹⁶⁰ Information provided by AIDRom, 14 January 2022.

⁹⁶¹ Information provided by IOM Romania, 19 February 2022.

⁹⁶² Information provided by LADO/ASSOC, 20 February 2023.

⁹⁶³ Practice based observation by JRS Romania, April 2024.

As for the impact of the pandemic in accessing the labour market AIDRom stated that there have been many layoffs or reduced working hours and therefore wage cuts. This was also reported by IOM Romania.⁹⁶⁴ Many of their beneficiaries worked in HORECA sector, which was the most affected.⁹⁶⁵

1.2 Recognition / equivalence of professional qualifications

According to the Asylum Act, beneficiaries of international protection have the right to equal treatment to Romanian citizens regarding the equivalence of studies or periods of study, the recognition of diplomas, attestations and certificates of competency, as well as of professional qualifications which give access to regulated professions in Romania, in accordance with the regulations in force.⁹⁶⁶

If the beneficiary would like to be employed in a position according to their qualifications, they have to obtain the recognition and validation of their diplomas. The request for recognition and validation of diplomas is assessed by the National Centre for Recognition and Validation of Diplomas (CNRED), within the Ministry of Education.

The request should include the following documents:⁹⁶⁷

1. Standardised application;
2. Certificate (act) of study for equivalence or recognition:
 - Copy if studies are in Romanian, English, French, Spanish or Italian;
 - Copy and legalised translation into Romanian for other languages;
3. Transcript or any other document from the education institution certifying the courses taken. If the recognition of the specialisation, or the field of study is not mentioned in the diploma,
 - Copy if studies are in Romanian, English, French, Spanish or Italian;
 - Copy and legalised translation into Romanian for other languages;
4. Other relevant documents e.g. full programme of course for the pursuit of a regulated profession in case of study documents obtained in third countries:
 - Copy if studies are in Romanian, English, French, Spanish or Italian;
 - Copy and legalised translation into Romanian for other languages;
5. Copies of personal identification documents i.e. passport, identity card, proof of name change if applicable;
6. Processing fee of 50 RON / €11.

The CNRED website also mentions that Apostille or over-legalisation is required for the authentication of the diplomas subject to recognition. For states parties to the Hague Apostille Convention, diplomas subject to recognition must be addressed to the Hague Apostille by the competent authorities of the issuing countries. Education titles in Italy, Greece, Spain, Portugal and Cyprus are covered by the Hague Convention Apostille, whereas other EU Member States are exempted.

For States who are not party to the Hague Apostille Convention, education titles shall be legalised or accompanied by the Certificate of Authenticity issued by the competent authorities of the country of origin. The legalisation is applied by the Ministry of Foreign Affairs of the issuing country and the Embassy / Consular Office of Romania in that country or by the Ministry of Foreign Affairs of the issuing country and its Embassy / Consular Office in Romania and the Ministry of Foreign Affairs of Romania. For countries where there are no diplomatic missions of Romania or who do not have diplomatic missions in Romania, titles are endorsed by the Ministry of Education and the Ministry of Foreign Affairs of the issuing country.

When requested, CRNED did not clarify whether this procedure also applies to beneficiaries of international protection. However, in case Apostille is required for beneficiaries, this would be contrary to

⁹⁶⁴ Information provided by IOM Romania, 19 February 2022.

⁹⁶⁵ Ibid.

⁹⁶⁶ Article 20(1)(r) Asylum Act.

⁹⁶⁷ CNRED, Recunoașterea studiilor superioare ale cetățenilor din state membre UE, SEE și din Confederația Elvețiană, membrii de familie ai acestora, posesorii unui permis de ședere pe termen lung CE și refugiați, în vederea accesului pe piața forței de muncă, available in Romanian at: <http://bit.ly/2ySVHRc>.

the essence of international protection, as the person would be required to request the over-legalisation or Apostille from the Ministry of Foreign Affairs of the issuing country and its Embassy., according to IOM Romania and AIDRom, depending on the country of origin, CNRED may require Apostille or over-legalisation of beneficiaries' diplomas.⁹⁶⁸

According with CNRR⁹⁶⁹, with regard to the recognition of studies, for study documents issued in languages other than Romanian, English, French, Spanish, Italian, the beneficiary of international protection must submit a certified translation of the documents. This type of translation involves having the text translated by an authorised translator and having the translator's stamp and signature legalised by a notary public. The documents submitted to the certified translator and notary public must be in original form. If the person does not have access to the original document, in practice, they can often only obtain a certified translation based on a copy of the document. Although the National Centre for the Recognition and Equivalence of Diplomas also accepts certified translations, it does not result clear from the legislation this exception and this leads sometimes to confusion.

The recognition procedure lasts 30 days according to IOM Romania. Beneficiaries receive assistance from them and from the Department of International Relations of universities where they would like to apply or from NGOs.⁹⁷⁰

As of 2022, the situation was the following:

LADO/ASSOC reported that the procedure lasts from two or three days to a maximum of 30 days. Beneficiaries may be assisted in this process by the Romanian language teacher or the counsellor who works in the centre.⁹⁷¹

No similar cases were reported in **Rădăuți** and **Șomcuta Mare**.

Galati: the JRS representative mentioned that requests for recognition of diplomas were submitted in 2022 and 2023. All were solved positively, except in cases where the job provided by the diploma does not exist in Romania. The average duration of the procedure is 45-120 days.

In Timișoara the AIDRom representative reported the case of a beneficiary who requested the equivalence of medical studies but failed the Romanian language test.

IGI-DAI does not keep statistics on the number of beneficiaries of international protection in employment.

2. Access to education

Beneficiaries of international protection have the right to have access to all forms of education, under the same conditions as Romanian citizens.⁹⁷² In order to have access to education, child beneficiaries of international protection need to have the minimum age provided by law for all children: 3 to 6 for pre-school education and 6 for primary education.

2.1 Enrolment at schools

The legal provisions regarding Romanian language courses for children were detailed by the new amendment of the Integration Ordinance. Therefore, it is stated that, in order to integrate minor beneficiaries of international protection into the Romanian education system, they would benefit from a preparatory course for learning the Romanian language, emphasising that the course is intensive and

⁹⁶⁸ Information provided by IOM Romania, 18 November 2019.

⁹⁶⁹ Information provided by CNRR, 16 January 2024.

⁹⁷⁰ Information provided by AIDRom, 3 March 2021.

⁹⁷¹ Information provided by LADO/ASSOC, 20 February 2023.

⁹⁷² Article 20(1)(h) Asylum Act.

free of charge during a school year. It was also added that the enrolment is open throughout the calendar year, and the attendance of the course may continue during the following school year.⁹⁷³

During the first year, children are enrolled at schools as 'viewers and listeners'; they do not receive grades and are not registered in the class book.⁹⁷⁴ At the end of the preparatory course, the level of knowledge of Romanian language is assessed and an evaluation commission determines enrolment at school.⁹⁷⁵

For the year 2023, IGI-DAI⁹⁷⁶ has indicated that it does not have statistics on the number of children benefiting from international protection who are registered in the Romanian educational system. From the information provided by the organisation Save the Children,⁹⁷⁷ regarding children in regional centres, the following points emerge.

Galati: intensive Romanian language courses organised by ISJ takes place in the Galati centre. Both BIPs from the centre and those outside centre have access to these classes. Children, in addition to the intensive Romanian language preparatory course, are also enrolled as auditor students. In 2023, no child or adult BIP was assisted in the procedure of recognition/equivalence of studies in order to continue their studies. After completing the BIP preparatory year, they are tested by ISJ. After that, children are enrolled in classes according to what is mentioned in the certificates given by ISJ. However, school programmes are not adapted to the needs of BIPs. There is a high risk of dropping out of school because they fail to reach the threshold of understanding for the subject matter taught at school. Within the 'My place' Project implemented by JRS, JRS offered support for BIPs enrolled in school so that they understand what is being taught to them. However, the needs are great and there is a need for ISJ to take steps to adapt the school curriculum.

There are problems in cities where the number of requests to enrol in the intensive Romanian language course is small and groups cannot be formed.

Bucharest: In 2023 asylum seeking children benefited from Romanian language courses offered by NGOs and School No 25. Save the Children encountered difficulties in enrolling these children as auditors in the Romanian education system, the reason invoked by the schools being the lack of available places in classes. The children have difficulties adapting to school because they have learning gaps.

Rădăuți: So far, this need has been covered for the minors by the employees of Save the Children, ICAR Foundation and Romanian language teachers from the Suceava County School Inspectorate. Indeed these language courses are a real help and benefit for them, but they do not make it very easy for them to integrate into state schools in Romania. In Rădăuți, the enrolment of refugee children in school is done within the first three months of their arrival as auditors, with the support of the Integration Department of CRCPSA-IGI in particular. As long as children are auditors, there is no obligation to sanction non-attendance. Children come to school when they want or when their parents send them. There is no minimum number of hours they must attend. Some choose to come to all classes or as many as they want. Some children do not manage to socialise with Romanian children in any other context, not even school. Not knowing the language is a barrier, but also the personal and the life history of the refugee child.

Șomcuta Mare: At this centre there is a good collaboration between NGOs, IGI and the Ioan Buteanu High School in Șomcuta Mare, so that the minors who are accommodated in the centre have easy access to the education system. They are enrolled in the local school, but they also attend Romanian language courses organised by NGOs at the Centre, together with their families. In the centre there is a teacher,

⁹⁷³ Article 10(1) Integration Ordinance.

⁹⁷⁴ Article 10(2) Integration Ordinance. During the preparatory course children beneficiaries of international protection participate free of charge in pedagogical activities within the school units, without their presence being registered in official documents.

⁹⁷⁵ Article 10(3) Integration Ordinance.

⁹⁷⁶ Information provided by IGI-DAI, 18 January 2024.

⁹⁷⁷ Information provided by Save the Children, 15 January 2024.

appointed by the ISJ, who teaches Romanian language classes, but only people who are beneficiaries of a form of international protection attend these classes.

According to Save the Children, the Romanian authorities do not offer programmes specifically designed to meet the needs of this category of children in the Șomcuta Mare Centre

As of 2022, the situation was the following:

Bucharest (Region 1): In 2022, in Region 1, 208 BPI children were enrolled at school by IGI-DAI, according to the director.

Giurgiu: According to the AIDRom representative two unaccompanied children were attending school classes in 2022. Children were enrolled at school by the Romanian teacher of the organisation. Conversely the director of the centre reported that none of the children attended.

Galați: Children are enrolled at school from the moment they become asylum seekers. It was mentioned that the quality of the schooling exercise is falling below standards because it does not take into account the crucial steps of integration of beneficiaries in class cohorts. Some of the children complained that they were bullied by their peers. In one instance a 17-year-old was enrolled in first grade based on the fact that he had no Romanian language skills. In 2022 46 children beneficiaries of international protection were enrolled at school, according to the director of the centre.

Timișoara: The director of Timișoara centre reported that no children were enrolled at school in 2022. However, the AIDRom representative reported that around 15 children were enrolled at school. During 2022 ISJ enrolled the children beneficiaries of international schooling regardless of age at second chance school. The issue was reported to IGI-DAI and as of June-July 2022 children are enrolled in a school within the radius of their residence.

Rădăuți: Children are enrolled at school during the asylum procedure. The legal counsellor reported that children were enrolled during the year, some of them attended the classes and refused to continue because they did not understand anything in class, and some did not attend because they did not want to or they left the country. According to the director of the centre 63 beneficiaries were enrolled at school in 2022.

Șomcuta Mare: LADO/ASSOC reported that in general there are no issues with the enrolment of children beneficiaries who are accommodated in the centre. However, for beneficiaries who live in Baia Mare or other similar localities, there are problems when enrolling at schools, due to the limited places in classes, especially due to the high number of Ukrainian minors (many of whom speak Romanian), who had priority. Five children were enrolled at school in 2022.⁹⁷⁸ According to the director of the centre three children were enrolled at the school in Șomcuta Mare and after they moved to Baia Mare they were easily transferred at the school there. In addition, a girl was enrolled at kindergarten.

As regards children with special needs, the conditions for accessing education are the same as for Romanian children. The child should first be issued a degree of disability by the Complex Assessment Service of the Child with Disabilities within the Directorate-General for Social Assistance and Child Protection (DGASPC). This is a particularly complicated and bureaucratic process, which has to be repeated every year.⁹⁷⁹

Based on the evaluation, the Complex Assessment Service of the Child with Disabilities also decides if the child should be enrolled in a school for children with special needs or in a state school, and at what grade.

⁹⁷⁸ Information provided by LADO/ASSOC, 20 February 2023.

⁹⁷⁹ For the highly onerous administrative requirements to be met for this process according to Common Order No 1985/1305/5805/2016, see DGASPC, *Necessary documents for the complex assessment of the child's disability*, available in Romanian at: <http://bit.ly/2hK8T0r>.

According to JRS, the transfer from Șomcuta school to Baia Mare was not easy, due to personal situations, but also difficulties in finding proper schools to integrate foreigners, requiring special conditions for listeners/students. The situation was the same for the other two children living in Baia Mare.

In **Timișoara** the same rules apply for beneficiaries of international protection as for Romanian citizens. In the case of a girl with disabilities, the case was referred to other NGOs and public authorities dealing with disabled minors. There were no problems regarding their integration, as the mother of the girl is employed as a personal assistant of the girl, and she is paid according to the law applicable to Romanian citizens. The only difficulties faced by the family are the language barrier and bureaucracy, the mother's employment and the issue of the disability certificate. Without proper support and assistance in this process, the family of the girl would not have managed. No cases were reported in 2019, 2020, 2021 nor in 2022.

Beneficiaries of international protection who have reached the age of 18 encounter the same problems in accessing vocational training or education, regardless of their age, according to the AIDRom representative. The language is an impediment. If they do not have diplomas, they have to be examined for all subjects from the first to twelfth grade, or if they cannot certify the years of study, they have to repeat those school years in Romania following the Romanian curricula. There are very few youngsters that have chosen this path, even though professors were understanding and helpful. Another reported situation is that of youngsters that went to an Arabic school and after one year transferred to public schools. IOM Romania also pointed out the lack of diplomas and language barriers as an obstacle or the fact that certain beneficiaries are illiterate and / or do not have the appropriate level of education (for example for enrolling at certain courses it is necessary to finalise primary education (4 years of schooling). ASSOC, on the other hand, specified that along with the language barrier, in some cases there is also a lack of determination.

2.2 Integration courses

The new amendments of the Integration Ordinance stipulate that IGI-DAI, in collaboration with the authorities of the local public administration, organises sessions of cultural accommodation and counselling activities, aiming to familiarise the adult beneficiaries of international protection with the traditions, customs, legislation and specifics of the Romanian society.⁹⁸⁰ The previous provision stipulated that IGI organises these activities and may collaborate with public authorities and NGOs. IGI and the local public administration authorities may collaborate with other public institutions and non-governmental organisations in order to organise these activities.⁹⁸¹

In 2023, IGI-DAI⁹⁸² reported that the implementation of the integration programme consisted of a set of measures and activities necessary to facilitate the social integration of foreigners who have obtained international protection in Romania, a programme carried out at their request, implemented through cooperation between public institutions, local communities and non-governmental organisations working in this field under the coordination of the General Inspectorate for Immigration. The objectives of the integration programme consist of participation in the Romanian language learning course and cultural orientation sessions, participation in counselling and assistance sessions for access to education and the labour market, participation in counselling and assistance sessions for access to medical and psychological assistance, counselling for housing, participation in counselling sessions for access to social benefits and the provision of material assistance. 739 adults newly registered in the integration programme in 2023 and 761 adults who had registered in 2022 continued the programme in 2023. 16 unaccompanied minors followed the integration programme in 2023. The main countries of origin were Syria, Somalia, Afghanistan, Ukraine and Iraq.

⁹⁸⁰ Article 13(1) Integration Ordinance.

⁹⁸¹ Article 13(2) Integration Ordinance.

⁹⁸² Information provided by IGI-DAI, 18 January 2024.

In 2023, CNRR⁹⁸³ mentioned that community empowerment activities were organised in Bucharest and in other cities of Romania, having diverse thematic such as: information about the labour contract and employees' rights (tips & tricks for the Somali community, about 15 participants attended the event), women's reproductive health, an event organised by CNRR in partnership with ANAIS organisation (about 10 participants), Somali cultural evening during with which the Somali community had the opportunity to share its culture and values and to learn more about Romanian culture (50 participants). CNRR also organised two legal education workshops for children aged 11-14 and 15-18, attended by 34 children from Syria, Afghanistan, Iraq and Somalia. Through interactive exercises, the children were explained the provisions of the law on domestic violence, the risks of consuming prohibited substances and how people under 18 can be held accountable if they commit illegal acts. Also, in partnership with the organisation Active Random, a series of creative workshops were organised for children beneficiaries of international protection (photography, digital art, musical instruments). These events took place over 3 months and ended with an exhibition of photos taken by the children. During 2023, 6 children BIPs attended English language courses through a partnership concluded between CNRR and the British Council.

Adult beneficiaries of international protection benefit from intensive and free of charge Romanian language courses, organised by the specialised structures of the Ministry of National Education, in collaboration with IGI. Enrolment is made throughout the calendar year, and the attendance of the course may continue throughout the following school year.⁹⁸⁴ IGI-DAI, in collaboration with NGOs provides the necessary spaces for organising the courses.⁹⁸⁵ The Ministry of Education appoints a qualified person to teach the Romanian language course for adults and minors and it also ensures adequate training for these teachers.⁹⁸⁶ The Ministry of Education establishes the organisation, duration and schedule of these courses.⁹⁸⁷ At the end of the preparatory course, a commission issues a certificate that demonstrates the level of knowledge of the Romanian language.⁹⁸⁸

For unaccompanied minors who are beneficiaries of international protection, IGI-DAI collaborates with DGASPC and NGO representatives. They establish the integration plan for the children and implement the activities included in the plan.⁹⁸⁹

In 2023, at the level of Region 2, JRS Romania implemented the My place Project. In addition to the Romanian language courses, cultural, recreational and educational activities were organised as part of this project. JRS benefited from the support of the Agency Against Human Trafficking, the National Anti-Drug Agency, Non-Governmental Organisations/public and private educational institutions/Universities, etc. who helped organise joint activities and activities necessary for a good integration into the Romanian society.⁹⁹⁰

As of 2022, the situation was the following:

In **Timișoara**, according to AIDRom the courses are held by a Romanian language teacher from the ISJ, once a week. They are grouped based on their age and knowledge of Romanian language. They are addressed in particular to the beneficiaries in the integration program for whom participation in this course is mandatory for the successful completion of the integration program. It was also reported that the courses were held online, depending on the restrictions in place, and sometimes were also cancelled.⁹⁹¹ AIDRom also organises Romanian language classes twice a week in the same way as the ICAR Foundation, online and in person.

⁹⁸³ Information provided by CNRR, 16 January 2024.

⁹⁸⁴ Article 14(1) Integration Ordinance.

⁹⁸⁵ Article 14(2) Integration Ordinance.

⁹⁸⁶ Article 14(3) Integration Ordinance.

⁹⁸⁷ Article 14(4) Integration Ordinance.

⁹⁸⁸ Article 14(5) Integration Ordinance.

⁹⁸⁹ Article 35(3) Integration Ordinance.

⁹⁹⁰ Practice based observation by JRS Romania, April 2024.

⁹⁹¹ Information provided by AIDRom, 14 January 2022.

Rădăuți: As of September 2019, beneficiaries were grouped based on their age, but they were not grouped on their level of education or level of Romanian language knowledge. The classes are held on Monday and Thursday for children and on Wednesday for adults. During the summer break the Romanian language course was not held. On the other hand, ICAR Foundation is also organising Romanian language courses. These courses are framed on the needs, level of education and knowledge of Romanian language of the beneficiaries. Before starting the course, beneficiaries have to take a test.

Șomcuta Mare: Romanian language courses are held 3 times a week in the Regional Centre with beneficiaries of international protection by a teacher from ISJ. The language courses are held for adults and if there is a high number of beneficiaries they are grouped based on their nationality and Romanian language skills, according to the director of the centre.

AIDRom also organises Romanian language classes in the same way as the ICAR Foundation.

In **Galați**, JRS representative was not aware if beneficiaries were grouped based on their knowledge. due to the high number of beneficiaries. There are two teachers, one for children and the other for adults. The classes are held three times per week for two hours. JRS is also organising Romanian language courses every weekday in Constanta and Galați. Also in 2023, classes were not held during school holidays. The director of the centre mentioned that the course may be held separately for children and adults, but not so many are interested in attending the class.

Curriculum organised by the JRS project until October 2023 (end of AMIF national funding) took place from Monday to Friday for 2 hours/day with the possibility to participate online.⁹⁹²

In **Giurgiu**, according to AIDRom representatives the Romanian language classes were held by AIDRom for asylum seekers and beneficiaries of international protection. The director of Giurgiu Regional Centre mentioned that the preparatory course for learning the Romanian language takes place at the Tudor Vianu Theoretical High School in Giurgiu, for one year, twice a week for two hours. The enrolment of asylum-seeking unaccompanied minors at the preparatory course was done by the legal representative. Nevertheless, at the time of registration they had already left the centre and none attended the course.

In **Bucharest** there is only one educational institution (School no. 25) where Romanian language courses are organised for foreign citizens. Participants were divided into age groups, respectively: 6-10 years, 11-14 years, 15-18 years, over 18 years. The main difficulties identified were the distance to school and the lack of electronic devices when the courses were held online.⁹⁹³

F. Social welfare

Beneficiaries of international protection who for objective reasons lack the necessary means of subsistence have the right to receive, upon request and within the limits of the state's financial resources, a monthly non-reimbursable aid ("aid") for a maximum period of 12 months.⁹⁹⁴ The amount of aid is related to the reference social indicator under the terms and conditions established by Government Decision.⁹⁹⁵ More exactly the amount of the financial aid is 1,08 ISR⁹⁹⁶ and equals 567,54RON/ €115.

In 2023, some BIPS reported to JRS Romania that they felt discriminated against compared to those with temporary protection because the material aid offered by the state for temporary protection is much more consistent. It was also reported that IGI gives much more consistent material support to asylum seekers than the Romanian state allocates through AJPIS within the framework of non-reimbursable aid.⁹⁹⁷

⁹⁹² Practice based observation by JRS Romania, April 2024.

⁹⁹³ Information provided by IOM Romania, 19 February 2022.

⁹⁹⁴ Article 20(1)(m) Asylum Act.

⁹⁹⁵ Ibid.

⁹⁹⁶ Article 20 (5^1) Asylum Act.

⁹⁹⁷ Practice based observation by JRS Romania, April 2024.

The Integration Ordinance states that to ensure effective access to social rights, the competent authorities take into account the specific situation of the beneficiaries of international protection.⁹⁹⁸ New provisions were added by the amendments, stipulating that at IGI's request, local support teams may be set up to integrate beneficiaries of international protection and other foreigners who have a right of residence in Romania, as well as citizens of the Member States of the European Union, the European Economic Area and citizens of the Swiss Confederation. The local support teams are composed of IGI-DAI, local public administration authorities, public institutions and NGO representatives.⁹⁹⁹ No further rules have been published, prescribing how these support teams are established, how they operate and what their responsibilities are.¹⁰⁰⁰

The timeline for the submission of the application for inclusion in the integration program was prolonged from 30 days to 3 months from the date the international protection was granted, by the amended Integration Ordinance.¹⁰⁰¹ Another legal provision introduced by the amendment prescribes that NGO representatives may participate at the interview conducted by the integration officer of IGI-DAI with the beneficiary of international protection. The scope of the interview is to establish the type of assistance or activities necessary for the social integration of the applicant.¹⁰⁰²

The duration of integration programmes for beneficiaries of international protection is prolonged from 6 months to 12 months, which may be extended with 6 months.¹⁰⁰³

1. Conditions for aid

The non-refundable financial aid is granted for an initial period of 6 months, with the possibility of extending it to 12 months. In order to receive non-refundable aid, beneficiaries of international protection must be enrolled in the integration programme.¹⁰⁰⁴ However, some groups, referred to as "special cases", are exempt from the obligation to be enrolled in the programme. The special cases are:¹⁰⁰⁵

- a. Unaccompanied children;
- b. Persons with disabilities;
- c. Persons who have reached retirement age and do not benefit from retirement;
- d. Pregnant women;
- e. Single-parent families with juvenile children;
- f. Victims of human trafficking;
- g. Victims of torture, rape or other serious forms of psychological or sexual violence.

In 2021, 986 beneficiaries of international protection were enrolled in the integration programme and in total there were 1625 beneficiaries, of whom only 23 were unaccompanied minors.¹⁰⁰⁶

In 2022, 795 beneficiaries of international protection were enrolled in the integration programme and a total of 1803 were in the programme, of whom 1008 continued the programme from 2021.¹⁰⁰⁷ There were 28 unaccompanied minors enrolled in the integration programme during 2022.¹⁰⁰⁸

In 2022, 74 beneficiaries were enrolled in the integration programme in **Timișoara** and 22 were excluded, according to the director and 34 continued the programme from the year before. In **Giurgiu**, 28 beneficiaries were enrolled and 34 excluded, while 41 continued their integration programme from 2021. Only 15 beneficiaries finalised the one-year integration programme in 2022. In **Galati** 66 beneficiaries

⁹⁹⁸ Article 14¹(1) Integration Ordinance.

⁹⁹⁹ Article 14¹(2) Integration Ordinance.

¹⁰⁰⁰ Article 14¹(3) Integration Ordinance.

¹⁰⁰¹ Article 16 Integration Ordinance.

¹⁰⁰² Article 17(1) (2) Integration Ordinance.

¹⁰⁰³ Article 20 integration Ordinance.

¹⁰⁰⁴ Article 60(1) Asylum Decree.

¹⁰⁰⁵ Article 33(2) Integration Ordinance.

¹⁰⁰⁶ Information provided by IGI-DAI, 10 March 2022.

¹⁰⁰⁷ Information provided by IGI-DAI, 22 February 2023.

¹⁰⁰⁸ Ibid.

were included in the integration programme, one continued the programme from 2020 and 98 were excluded. In **Șomcuta Mare** 160 beneficiaries were enrolled, of whom one unaccompanied minor. In Bucharest 495 beneficiaries were enrolled, and 990 persons were following the integration programme (including the ones enrolled last year) and 249 were excluded. In Rădăuți 107 were enrolled and 83 continued the integration programme from 2021.

The provision of aid is subject to the actual residence of the beneficiary, which is mentioned on the Residence Permit. The beneficiary of international protection is included in the integration programme coordinated by the IGI-DAI office territorially competent for the area where they reside.¹⁰⁰⁹

In case a beneficiary would like to change their place of residence, they have to communicate this intention to IGI-DAI where they started the integration programme and has the obligation, within 15 days from the date of moving to the new address, to present themselves to the IGI-DAI office territorially competent for the area in which they now reside or, as the case may be, to the relevant territorial entity of the Aliens Authority, to register themselves and to make the necessary changes to the identity document.¹⁰¹⁰

IGI-DAI reported that 1,564 beneficiaries of international protection benefited from non-refundable financial aid in 2022.¹⁰¹¹

IGI-DAI indicated that 1,500 beneficiaries of international protection were enrolled in the integration programme in 2023.¹⁰¹² Out those 1,500 persons, 739 were beneficiaries of international protection newly enrolled in the integration programme in 2023, and 761 continued in 2023 the integration programme they started in 2022. 16 were unaccompanied children. BIPs enrolled in the integration programme in 2023 mainly came from Syria, Somalia, Afghanistan, Ukraine and Iraq. Further information was not provided by IGI-DAI (e.g. regarding non-refundable financial aid in 2023).

2. Application procedure for aid

The authority responsible for granting non-refundable aid is the County Agency for Payments and Social Inspection (*Agenția Județeană pentru Plăți și Inspecție Socială*, AJPIS). The funds necessary for granting aid are provided from the budget of the Ministry of Labour and Social Protection through the Agency for Payments and Social Inspection of the County.¹⁰¹³

The application for non-refundable aid is drafted individually by each beneficiary of international protection who fulfils the conditions set out in the law or by their legal representative or guardian, according to a template established by IGI.¹⁰¹⁴ This requirement raises issues in practice for unaccompanied children in Bucharest. An unaccompanied child beneficiary of international protection may not access non-refundable financial aid due to the fact that he was not appointed a legal representative by DGASPC, since the legal representative only assists unaccompanied asylum-seeking children during the asylum procedure and not after they are granted a form of protection.

AIDRom reported that in Timișoara, unaccompanied children's cases are taken over by DGASPC and are represented by the social worker/case manager within DGASPC Timișoara. In Bucharest, there are still difficulties in monitoring unaccompanied minors due to the lack of staff at the level of DGASPC, as well as the workload of their employees.¹⁰¹⁵

Children have access to financial aid represented by the monthly allowance for children by the state only when they are 18. Until then, the money is collected in an account on behalf of the beneficiary. Upon

¹⁰⁰⁹ Article 60(1) Asylum Decree.

¹⁰¹⁰ Article 52(2) Asylum Decree.

¹⁰¹¹ Information provided by IGI-DAI, 22 February 2023.

¹⁰¹² Information provided by IGI-DAI, 18 January 2024. See also information available [here](#).

¹⁰¹³ Article 20(5) Asylum Act.

¹⁰¹⁴ Article 60(2) Asylum Decree.

¹⁰¹⁵ Information provided by IOM Romania, 19 February 2022.

leaving the centre, the child will live in a DGASPC centre, and the director of the centre becomes the legal representative of the child.¹⁰¹⁶

In practice, the application is made within 3 months of the date of granting international protection, with an NGO's assistance. IGI-DAI forwards the file of the beneficiary to the AJPIS for review. The application must be accompanied by the decision granting international protection, the temporary residence permit, as well as a certificate attesting the registration in the integration programme issued by the territorially competent IGI-DAI office.¹⁰¹⁷

In order to establish the right to aid, the AJPIS makes a social investigation within 10 days from the receipt of the application to confirm that the applicant lacks the necessary means of subsistence.¹⁰¹⁸ The Executive Director of the AJPIS approves granting the financial aid, starting with the following month in which the application was registered with the territorial agency, on the basis of the documents submitted by IGI-DAI.¹⁰¹⁹ Until the first month of payment of the aid, beneficiaries who have no means of subsistence shall receive from IGI-DAI material aid equal to the amount granted to asylum seekers, within the limits of available funds, but for no more than three months.¹⁰²⁰

IGI-DAI reviews the situation of each beneficiary of aid, twice a year, depending on the active participation of the person in the activities stipulated in the individual integration plan and submits to the competent AJPIS proposals for extending the period of granting, suspending or terminating the payment of aid.¹⁰²¹

AIDRom reported that if the integration officer decides that the participation of the beneficiary is inconsistent, or they have not learned enough, they may exclude them from the program and they will, therefore, lose the financial aid. The financial aid is also lost if they find a part-time job. In order to receive the aid after the first 6 months, beneficiaries must submit a certificate to AJPIS that they are students or persons enrolled in AJOFM. Enrolment at AJOFM should be done by IGI-DAI; however, it is done by AIDRom where possible. The financial aid may also be lost when these documents are not lodged in time. Another challenge in accessing this help is that the money must be collected directly from AJPIS, and this can only be done 2-3 days a month and there is no monthly fixed day. The practice is that the AJPIS representatives contact the beneficiaries by phone, informing them when they can pick up the money. In case the beneficiary does not pick the money up in time, they are returned to the central fund, and an application has to be submitted to recover the aid.¹⁰²²

The same procedure for collecting the financial aid was also reported by IOM Romania. Difficulties may occur when beneficiaries of international protection move to another county, which falls within the competence of another IGI-DAI centre.¹⁰²³

No problems to obtain financial aid were reported in Șomcuta Mare, Galați, Rădăuți, Bucharest.

The JRS representative in **Galați** reported that AJPIS considered that the application for the financial aid should be submitted within 3 months of the decision being issued and not of the decision becoming final. A complaint was filed in this regard and the court decided that the commencement date for the 3 months' time limit is the day when the judgment has become final. The financial aid is lost for the entire family if one of the members of the family is working and the amount per family member is more than the financial aid.

In 2023, the JRS representative in **Galați** reported that there continued to be cases in which BIPs were denied the non-refundable aid or for whom its benefit was terminated. The current legislation is not

¹⁰¹⁶ Information provided by IOM Romania, 19 February 2022.

¹⁰¹⁷ Article 60(2)-(3) Asylum Decree.

¹⁰¹⁸ Article 60(5) Asylum Decree.

¹⁰¹⁹ Article 60(4) Asylum Decree.

¹⁰²⁰ Article 22(3) Integration Ordinance.

¹⁰²¹ Article 60(6) Asylum Decree.

¹⁰²² Information provided by AIDRom, 14 January 2021.

¹⁰²³ Information provided by, 19 February 2022.

satisfactory, as the 3-month limit is absolute and if the person requesting this support becomes employed, it ceases. However, the fact that a BIP may have to give up a job for various reasons or be fired is not taken into account.¹⁰²⁴

Beneficiaries of international protection who participate in the integration programme, who do not meet the conditions for receiving non-refundable financial aid and who have no means of subsistence, are supported in order to fulfil the legal conditions for obtaining the minimum inclusion income.¹⁰²⁵

Beneficiaries of international protection also have the right to benefit from social insurance, social assistance measures and social health insurance, under the conditions provided by the law for Romanian citizens.¹⁰²⁶

G. Health care

Beneficiaries of international protection have the right to benefit from health insurance under the conditions provided by the law for the Romanian citizens.¹⁰²⁷ Persons suffering from mental health problems, including torture survivors and traumatised persons also have access to treatment in the same conditions as Romanian nationals.

Challenges in practice include lack of awareness of how the Health Insurance House (*Casa de Asigurări de Sănătate*, CAS) works and what it entails. Therefore, NGOs play a key role in assisting beneficiaries of international protection to overcome all the practical obstacles, which would be insurmountable without this type of support.

For 2023, information was provided by CNRR¹⁰²⁸ and IOM Romania.¹⁰²⁹ CNRR states that beneficiaries of international protection receive superficial support in terms of access to health services. From the counselling activities that CNRR carried out in 2023, in most cases it was found that beneficiaries are not fully aware of how to access this right. For beneficiaries of international protection who are not working, access to health services is extremely difficult. Also, in hospitals, beneficiaries who speak rare languages do not have access to an interpreter, often interpreting through acquaintances. Moreover, there have been cases when family doctors refused to register beneficiaries of international protection. IOM highlighted that they support beneficiaries of international protection by paying for medical services / purchasing medicines / covering the (partial) cost of medical insurance through the project budget (e.g. InterACT- Active participation and integrated assistance for migrants in Romania, a project implemented by IOM in partnership with AIDRom). However, the amount paid is not always sufficient to cover the needs of the beneficiaries, especially those with chronic health problems. IOM also underlined that the communication with doctors is hampered by the language barrier. It is therefore necessary to accompany beneficiaries to doctors' offices and to provide an interpreter. In such situations it is essential that doctors are also willing to work with an interpreter.

This is confirmed by JRS Romania regarding Region 2. Moreover, the contribution that must be paid by BIPs who do not work to access state medical insurance is very high (approximately RON 1,800 (EUR 361) / year). When one subtracts rent from the non-refundable aid received by BIPs, they already do not have money left for food, or medical insurance. Under the AMIF funded project for Region 2, until funding ended in October 2023, BIPs were supported with payment of their health insurance for 6 months. Medication costs are also very high. The situation of BIPs that are not in the integration programme, that have finished it or other similar situations is also critical.¹⁰³⁰

¹⁰²⁴ Practice based observation by JRS Romania, April 2024.

¹⁰²⁵ Article 22(1) Integration Ordinance.

¹⁰²⁶ Article 20(1)(g) Asylum Act.

¹⁰²⁷ Article 20(1)(g) Asylum Act.

¹⁰²⁸ Information provided by CNRR, 15 January 2024.

¹⁰²⁹ Information provided by IOM, 4 January 2024.

¹⁰³⁰ Practice based observation by JRS Romania, April 2024.

Beyond the financial aspect, JRS Romania highlighted that BIPs suffer from the general deficiencies of the Romanian medical system, as also faced by Romanian nationals. The referral to the specialist can take 3/6 months or even more, and most BIPs cannot afford to pay for a consultation with a specialist doctor at private clinics, so they have to wait for these very long periods of time. JRs also highlighted that family doctors regularly refuse to register BIPs.¹⁰³¹

The JRS representative in **Rădăuți** reported difficulties regarding the identification of family doctors. Family doctors refuse to register beneficiaries of international protection, including children, because they have to register patients for at least six months and are afraid that beneficiaries will leave Romania. Beneficiaries who decide to stay for long term have family doctors. For the ones who have no health insurance ICAR Foundation is covering the costs of medical consultations and treatment if necessary.

Another reported issue is related to health insurance. Persons who do not earn an income are obliged to pay state health insurance for 12 months, which equals 6 gross national salaries, irrespective of the date of filing the declaration.¹⁰³² An annual health insurance (valid for 12 months) costs the equivalent of six gross minimum wages, which was 2,550 RON/ €520, and 10% (social insurance contribution rate for health), that is 1,530 RON/ €310.

NGOs may reimburse the cost. The payment of one month of health insurance triggers an obligation to pay for the entire year in order to access health services. If beneficiaries stop paying health insurance, they enter into debt. If they commit to stay for six months, ICAR Foundation may pay for their health insurance.

In **Galați**, within the project implemented by JRS on integration it is possible to pay for the state health insurance for a maximum of 6 months. It was reported by the JRS representative that for medical consultations and laboratory tests it is necessary to submit a written order from the primary care doctor, the family doctor. Because it is hard to identify medical doctors for beneficiaries, this task is performed by the medical doctor of IGI-DAI. The situation was the same in 2023.¹⁰³³

LADO/ASSOC mentioned that beneficiaries do not encounter problems in the health system if they pay for their health insurance. The only hardship is caused by the lack of knowledge of Romanian. It was emphasised that the ASSOC representative offers support to beneficiaries in finding family doctors¹⁰³⁴

IOM Romania reported the following issues faced by beneficiaries of international protection in relation to the health care system:

- ❖ Inadequate understanding of how the health insurance system works;
- ❖ Lack of financial resources needed to pay for the social health insurance;
- ❖ Even if they are insured, there are treatments and investigations that are not covered by the state health insurance and must be paid for by the beneficiaries;
- ❖ High waiting time for certain investigations
- ❖ Linguistic and cultural barriers.

IOM Romania further acknowledged the important role of NGOs implementing integration projects, in supporting beneficiaries in accessing health services.¹⁰³⁵

AIDRom reported that sometimes language barriers in healthcare lead to miscommunication between the medical professional and the beneficiary of international protection. AIDRom also pointed out that family doctors are reluctant to register foreigners.¹⁰³⁶ This was still the same in 2023.

¹⁰³¹ Practice based observation by JRS Romania, April 2024.

¹⁰³² Article 180(3) Fiscal Code.

¹⁰³³ Practice based observation by JRS Romania, April 2024.

¹⁰³⁴ Information provided by LADO/ASSOC, 3 February 2022.

¹⁰³⁵ Information provided by IOM Romania, 19 February 2022.

¹⁰³⁶ Information provided by AIDRom, 14 January 2022.

In **Giurgiu**, it was reported by the AIDRom representative that through the project in which they were partners with Global Help. MyRo they also provided medical assistance to beneficiaries up to 850 RON/ 173 EUR, which could also have included the reimbursement of health insurance. However, in the last two years they had not covered such costs, because beneficiaries were either not interested or they were employed. The appointment of family doctors was not an issue as the medical doctor employed by the ICAR Foundation was also a family doctor and beneficiaries were registered with her.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	27 January 2014	Ordonanța nr. 1/2014 pentru modificarea și completarea Legii nr. 122/2006 privind azilul în România și a Ordonanței Guvernului nr. 44/2004 privind integrarea socială a străinilor care au dobândit o formă de protecție sau un drept de ședere în România, precum și a cetățenilor statelor membre ale Uniunii Europene și Spațiului Economic European	https://bit.ly/3wIJrax (RO)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	24 December 2015	Legea nr. 331/2015 pentru modificarea și completarea unor acte normative în domeniul străinilor	https://bit.ly/3wpLIXU (RO)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	24 December 2015	Legea nr. 331/2015 pentru modificarea și completarea unor acte normative în domeniul străinilor	https://bit.ly/3wpLIXU (RO)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	24 December 2015	Legea nr. 331/2015 pentru modificarea și completarea unor acte normative în domeniul străinilor	https://bit.ly/3wpLIXU (RO)

The following section contains an overview of incompatibilities in transposition of the CEAS in national legislation:

Directive	Provision	Domestic law provision	Non-transposition or incorrect transposition
Directive 2011/95/EU Recast Qualification Directive	art. 17 (1) (d)	28 (1) (d) Asylum Law	Article 17 (1) (d) from the Directive 2011/95/EU stipulates that a third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that they constitute a danger to the community or to the security of the Member State in which they are present. The national legislation, namely Law No. 122/2006 on asylum in Romania, with subsequent amendments and additions, stipulates in Article 28(1)(d) that "subsidiary protection shall not be granted to foreign nationals and stateless persons when there are serious grounds for believing that they constitute a danger to public order and national security of Romania", thus establishing a cumulative condition, and it is not sufficient that a foreign national or stateless person is only a danger to public order or national security. In view of this state of affairs, the operational situation revealed the need to amend the above-mentioned legal provision in order to establish the conditions for exclusion in an alternative, rather than cumulative, manner, depending on the degree of danger.
Directive 2013/33/EU Recast Reception Conditions Directive	Art 20(5)	Art 55^1 Asylum Decree	According to article 20(5) decisions for reduction or withdrawal of material reception conditions shall be based on the particular situation of the person concerned, especially with regard to persons covered by Article 21, taking into account the principle of proportionality. Member States shall ensure a dignified standard of living for all applicants. These provisions were not transposed in the Asylum Act and Decree.
Regulation (EU) No 604/2013 Dublin III Regulation	18(2)	94^1 Asylum Act	For persons whose applications are considered to have been tacitly withdrawn, i.e. persons who have left Romania and moved on to another EU Member State, and the asylum procedure has been discontinued, the asylum procedure may be continued if the person makes an asylum claim within 9 months of the decision to close the file, issued in case of implicit withdrawal. If the time limit has expired, the asylum claim is considered a Subsequent Application. Therefore, persons who withdraw their asylum applications and have not left the territory of the EU for at least 3 months or have not been returned to a third country

			<p>or to the country of origin cannot continue their asylum procedure in case they return to Romania. As a consequence, they will have to lodge a subsequent application. This is not in line with the second paragraph of the article 18(2), which clearly states that when the Member State responsible had discontinued the examination of an application following its withdrawal by the applicant before a decision on the substance has been taken at first instance, that Member State shall ensure that the applicant is entitled to request that the examination of their application be completed or to lodge a new application for international protection, which shall not be treated as a subsequent application. Moreover, the Dublin III Regulation does not foresee a time limit for the possibility to continue the asylum procedure.</p> <p>The Romanian Asylum Act does not prescribe the possibility to continue the asylum procedure if the previous application of the returned person has been rejected at first instance. In this case the person returned has to submit a subsequent application. According to Article 18(2), Member States responsible shall ensure that the person whose application was rejected only at first instance has or has had the opportunity to seek an effective remedy.</p>
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