

Temporary Protection Romania

2023 Update

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Romania](#).

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Temporary Protection Procedure

A. General

The Romanian Asylum Act provides that temporary protection is granted in case the Council of the European Union establishes the existence of a massive flow of displaced persons.¹ Romania may propose the issuance of a decision stating the existence of a massive flow of displaced persons to the Council of the European Union. The proposal should include a description of the specific groups of persons to whom the temporary protection will apply, the date on which the temporary protection would take effect and an estimate of the scale of movements of the displaced persons.²

In case temporary protection is granted by a decision of the Council of the European Union, the Romanian Government, at the proposal of the IGI, issues a decision with the concrete conditions for ensuring the temporary protection of displaced persons on its territory will be provided, as well as the source of financing the expenses to provide temporary protection.³

Soon after the outbreak of the conflict in Ukraine, a taskforce was set up at government level to monitor the situation and coordinate measures. After meetings on 26 and 27 February 2022, it was concluded that amendments to the existing legal framework were necessary in order to ensure the capacity to respond to the situation on the ground. Consequently, on 27 February 2022 the Government adopted the Emergency Ordinance 15/2022, which was amended by Government Ordinance 20/2022.

On 18 March 2022, according to the provision of the Asylum Act, based on Council Decision (EU) 2022/382, the Romanian Government issued Government Decision No. 367/2022 regarding the establishment of conditions for ensuring temporary protection, as well as for the amendments of some normative acts in the field of foreigners.

On the most essential applicable laws in force concerning temporary protection in Romania, see the following table:

Title (EN)	Original Title (RO)	Web Link
Act No. 122 of 4 May 2006 on Asylum in Romania <i>Last updated: 3 September 2016</i>	Legea nr. 122 din 4 mai 2006 privind azilul în România Formă actualizată: 3 septembrie 2016	http://bit.ly/2g3FTjf (RO)
Government Emergency Ordinance No. 15/2022 regarding the mechanisms of support and humanitarian assistance by the Romanian state to foreign citizens or stateless persons in special situations, coming from Ukraine 27 February 2022	ORDONANȚĂ DE URGENȚĂ nr. 15 din privind acordarea de sprijin și asistență umanitară de către statul român cetățenilor străini sau apatrizilor aflați în situații deosebite, proveniți din zona conflictului armat din Ucraina 27 februarie 2022	https://bit.ly/3BMIEjL (RO)

¹ Art. 131 para. 1 Asylum Act

² Art. 131 para. 2 Asylum Act

³ Art. 131 para. 4 Asylum Act

<p>Government Decision No 368 from 26 April 2023 for establishing the amounts, conditions and mechanism for granting financial aid as set up by Government Emergency Ordinance No. 15/2022</p>	<p>Hotărârea nr. 368 din 26 aprilie 2023 pentru stabilirea cuantumului, condițiilor și a mecanismului de acordare a sumelor pentru acordarea de urgență a Guvernului nr. 15/2022 privind acordarea de sprijin și asistență umanitară de către statul român cetățenilor străini sau apatrizilor aflați în situații deosebite, proveniți din zona conflictului armat din Ucraina.</p>	<p>https://bit.ly/3KuQ6TL (RO)</p>
<p>Government Ordinance No. 20/2022 regarding the support and humanitarian assistance to children, adults, people with disabilities, and all Ukrainians who come to Romania 8 March 2022</p>	<p>ORDONANȚĂ DE URGENȚĂ nr. 20 privind modificarea și completarea unor acte normative, precum și pentru stabilirea unor măsuri de sprijin și asistență umanitară 8 Martie 2022</p>	<p>https://bit.ly/3lwLQ5F (RO)</p>
<p>Government Decision No. 367/2022 on Temporary Protection <i>TP Decree</i> 18 March 2022 Last modified: 2 September 2022 by Decision no. 1.077/2022</p>	<p>HOTĂRÂRE nr. 367 din 18 martie 2022 privind stabilirea unor condiții de asigurare a protecției temporare, precum și pentru modificarea și completarea unor acte normative în domeniul străinilor HOTĂRÂRE nr. 1.077 din 31 august 2022 pentru modificarea și completarea Hotărârii Guvernului nr. 367/2022 privind stabilirea unor condiții de asigurare a protecției temporare, precum și pentru modificarea și completarea unor acte normative în domeniul străinilor</p>	<p>https://bit.ly/3ICAjIn (RO)</p>
<p>Government Decision no. 336/2022 for establishing the mechanism by which natural persons, who host Ukrainian refugees, benefit from the reimbursement of food expenses 11 March 2022</p>	<p>HOTĂRÂRE nr. 336 din 11 martie 2022 privind stabilirea mecanismului de decontare din bugetul Inspectoratelor Județene pentru Situații de Urgență / Inspectoratului pentru Situații de Urgență București-Ilfov a cheltuielilor cu hrană cetățenilor străini sau apatrizilor aflați în situații deosebite, proveniți din zona conflictului armat din Ucraina, găzduiți de persoane fizice, precum și pentru alocarea unei sume din Fondul de rezervă bugetară la dispoziția Guvernului, prevăzută în bugetul de stat pe anul 2022, pentru suplimentarea bugetului Ministerului Afacerilor Interne 11 Martie 2022</p>	<p>https://bit.ly/3OzGTg0 (RO)</p>

Government Decision no. 337/2022 on the granting of gratuities and facilities for the transport of foreign nationals or stateless persons in special situations from the area of armed conflict in Ukraine 12 March 2022	Hotararea 337/2022 privind acordarea de gratuități și facilități pentru transportul cetățenilor străini sau apatrizilor aflați în situații deosebite, proveniți din zona conflictului armat din Ucraina 12 martie 2022	https://bit.ly/3ICBbGF (RO)
Ministry of Education Order no. 3325/2022 on the recognition and award of transferable study credits for Ukrainian students with no documents that prove their studies 3 March 2022	ORDIN nr. 3.325 din 2 martie 2022 privind completarea anexei la Ordinul ministrului educației nr. 5.140/2019 pentru aprobarea Metodologiei privind mobilitatea academică a studenților 3 martie 2022	https://bit.ly/3BRH2UH (RO)
Government Emergency Ordinance no. 100 regarding the approval and implementation of the National Plan of Measures regarding the protection and inclusion of displaced persons from Ukraine, beneficiaries of temporary protection in Romania 29 June 2022	ORDONANȚĂ DE URGENȚĂ nr. 100 din 29 iunie 2022 privind aprobarea și implementarea Planului național de măsuri cu privire la protecția și incluziunea persoanelor strămutate din Ucraina, beneficiare de protecție temporară în România, precum și pentru modificarea și completarea unor acte normative	https://bit.ly/3MuemWO (RO)

According to UNHCR, in 2023 there was no significant number of non-Ukrainians who were displaced directly or indirectly by the conflict. IGI-DAI reported that 428 other nationalities (non-Ukrainians) registered for temporary protection in Romania throughout the year.

According to UNHCR's Operational Data Portal, the top 5 nationalities of third-country nationals who became beneficiaries of temporary protection are: Russian Federation - 112, Republic of Moldova - 103, Iraq - 34, Israel - 18, Azerbaijan - 15.

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 admitted that this number might also include a share of pendular movement.

According to UNHCR, in 2023 51,984 Ukrainians obtained temporary protection in Romania. This brings the total number of Ukrainians who received temporary protection in Romania to 148,409, according to data centralised on 15 February 2024. According to the data aggregated on 10 December 2023, there were 83,675 refugees from Ukraine present in Romania.⁴

IGI implements the temporary protection procedure in Romania. They reported that a large number of employees was involved in registering beneficiaries of temporary protection, a situation that carried over in 2023. Employees were assigned to this task, including through changes to their job description. Furthermore, the number of responsible staff was dependent on the number of beneficiaries who wanted to register, so an exact number of staff involved in this procedure cannot be provided.

⁴ UNHCR, Romania Annual 2023 Overview: Ukraine Refugee Situation Update, 31 December 2023, available at: <https://bit.ly/3Vrlitn>.

IGI-DAI underlined that in the case of temporary protection, persons are considered beneficiaries of this type of protection based on Council Decision 382/2022 and not based on any request lodged.

As of 10 December 2023, the total number of individuals registered for temporary protection in the country was 149,493, according to the data provided by the Government of Romania. Women and children made up 73% of this refugee cohort.⁵

B. Qualification for temporary protection

Until 2 September 2022, in line with the Council Implementing Decision, the Temporary Protection Decree⁶ provided that the following persons may apply for temporary protection:

- (a) Ukrainian nationals residing in the territory of Ukraine before 24 February 2022;
- (b) stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection (for example, having a refugee status) or equivalent national protection in Ukraine before 24 February 2022;
- (c) family members of the persons referred to in points (a) and (b)
- (d) stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin.
- (e) other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person referred to in point (a) or (b) at the time.

The following persons shall be considered as family members: spouses, minor children who have not reached the age of 18, unmarried, without distinction as to whether they were born in or out wedlock or adopted. Close relatives, in the sense of point c), are the ascendants and descendants up to the second degree, respectively collateral relatives up to the third degree.

As of 2 September 2022, when the Temporary Protection Decree was amended by the Decision 1077/2022, the scope of temporary protection was broadened as follows:

- (a) Ukrainian citizens, regardless of the time of arrival in Romania, and their family members;
- (b) third-country nationals non-Ukrainians or stateless persons who benefited in Ukraine before 24.02.2022 from international protection or an equivalent national form of protection, regardless of the time of arrival in Romania, and their family members;
- (c) third-country nationals non-Ukrainians or stateless persons who left Ukraine on or after 24.02.2022 and who prove that they have legal residence in Ukraine, based on a permanent residence permit issued in accordance with Ukrainian legislation, and who are unable to return in safe and durable conditions to their country or region of origin and their family members - if the sponsor is recognised by the Romanian authorities as a beneficiary of temporary protection.⁷

Family members of the persons referred to in letter a) and b) are, regardless of their nationality:

- ❖ spouses (legally married);
- ❖ unmarried minor children of the beneficiaries or of the spouse, whether they were born in or out wedlock or adopted;

⁵ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

⁶ Art. 1 para 2 a), b) and c) and para. 2¹ and para. 2² TP Decree.

⁷ IGI, Information on the new legislative provisions regarding the expansion of the categories of persons, refugees from Ukraine, who can be granted temporary protection, available in Romanian at: <https://bit.ly/430M7Gg>.

- ❖ other close relatives who lived together, as part of the family, when the events that led to the massive influx of displaced persons took place and who were at that time totally or mainly dependent on the person provided for in a) or b) who benefit from temporary protection;
- ❖ Other close relatives who lived together, as part of the family, when the events that led to the massive influx of displaced persons took place and on whom the person provided for in a) or b) was at that time totally or mainly dependent, and who cannot return, under safe and stable conditions, to their country or region of origin. In this situation, kinship in the direct line up to the second degree (parents, grandparents, children, grandchildren) is considered, respectively kinship in the collateral line up to the third degree (brothers, sisters, uncles, aunts, nephews of brothers).⁸

People fleeing Ukraine who do not fall under the scope of the temporary protection regime may make an asylum application.

Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a massive influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and having the effect of introducing temporary protection was extended until 4 March 2024. Permits issued to beneficiaries of temporary protection in Romania are valid for the entire period of application of the EU Decision, thus they will be automatically extended, no request in this regard being necessary.

Third-country nationals who left Ukraine after 24 February 2022 due to Russia's aggression and who requested temporary protection from the Romanian state, were also allowed to enter the country, even if they were not in possession of a valid travel document pursuant to Council Implementing Decision (EU) 2022/382.

428 other nationalities (non-Ukrainians) registered for temporary protection in Romania, throughout 2023.⁹

C. Access to temporary protection and registration

1. Admission to territory

There are no reports or testimonies in 2023 suggesting that anyone fleeing Ukraine was refused entry at the Ukrainian-Romanian border crossing points during the year. The Border Police reported that the highest influx of third-country nationals who arrived (directly or indirectly through the territory of the Republic of Moldova) from the conflict zone was recorded in the first month after the beginning of the war in Ukraine, and they were allowed to enter the country, without requiring an entry visa, regardless of the type of document held, for humanitarian reasons, in accordance with the provisions of Article 6(5) of Regulation (EU) 2016/399. This situation was also applicable to those in transit.

Third-country nationals, who left Ukraine after 24 February 2022, due to Russia's aggression, and who requested temporary protection from the Romanian state, were also allowed to enter the country, even if they were not in possession of a valid travel document pursuant to Council Implementing Decision (EU) 2022/382. Thus, the Border Police ensured access to asylum/temporary protection procedures for all persons who requested it (at border crossing points or in the border area/green border - in the case of persons who fraudulently crossed the state border) as a form of protection from the Romanian state. In addition, the Border Police emphasised that, in the context of Russia's aggression against Ukraine, the application of the Agreement between the European Union and Ukraine on readmission has been suspended, which means that there were no return procedures carried out for any persons detected by

⁸ Ibid.

⁹ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

the border police, in connection with the unauthorised crossing of the state border from Ukraine in Romania.

2. Freedom of movement

There are no reports that individuals entitled to temporary protection not holding a biometric passport or biometric travel document experienced any issue in moving within the country territory or while attempting to continue their journey towards other European countries.

3. Registration under temporary protection

The authority responsible for registering the temporary protection application in Romania is IGI. At the time of presenting themselves to the authorities, the following steps will be undertaken:

- ❖ signing a consent form regarding the processing of personal data;
- ❖ the personal documents they present are photocopied;
- ❖ the personal documents are verified;
- ❖ the person is photographed;
- ❖ the following personal data are recorded: surname and first name, date of birth, citizenship, sex, identity, civil status, family situation, family ties, address in Romania (if known);
- ❖ the persons receives a residence permit in Romania with a personal numerical code (*'cod numeric personal / CNP'* in Romanian).

There is no need to present a proof of the address where the person lives in Romania, if this is not possible.

Each person wishing to be registered needs to be physically present, in order to be photographed. Children must be present in order to be identified, photographed and registered.

Persons are considered beneficiaries of temporary protection under Council Decision 382/2022 and not based on a request that is further assessed like an asylum request. However, there are two exceptions, when temporary protection is assessed, namely: for an assessment of return to the country of origin for some categories of non-Ukrainian citizens and in cases of exclusion from temporary protection, when a decision may be appealed against. No such cases were reported for 2023.

IGI-DAI reported that all beneficiaries registered are communicated to the EU Platform.

At the beginning of the conflict, Ukrainian citizens did not express the intention to apply for temporary protection, because they believed that within 90 days the conflict would end and there would be no need to register. During this period, IGI-DAI provided information on temporary protection to persons accommodated in public owned spaces, such as schools. NGOs also provided them with information on this. Persons living in cities with no IGI-DAI centre to register temporary protection, were provided with transport by the government to register.

Ukrainian citizens and third-country nationals fleeing Ukraine, who entered Romania with any kind of documents, can remain legally in Romania for up to 90 days, even if they do not register as beneficiaries of temporary protection. They may register as a beneficiary of temporary protection in Romania throughout the period of validity of the temporary protection.

The relevant documents for registration as a beneficiary of temporary protection are, depending on the situation, the following:

- ❖ identity documents (identity card, driving licence, travel document or any other authentic document with a photograph);
- ❖ documents which prove the status of the person in Ukraine (for example, permanent residence permit, document issued to beneficiaries of international protection, etc.);

- ❖ documents which prove the family ties (for example, family card, birth / marriage certificate, etc.).

Upon registration the person receives a residence permit in Romania with a personal numerical code ('*cod numeric personal / CNP*' in Romanian).

No problems were reported with registration. Registration was done swiftly, no delays reported.

Individuals who have been excluded from the granting of temporary protection or family reunification can appeal against the rejection decision issued by the IGI-DAI. The decision may be challenged within 10 days from the communication. The court renders a definitive decision within 30 days.¹⁰ No such cases were reported.

In 2023, 25,484 women and 26,928 men applied for temporary protection in Romania. Out of these, 14,120 were minors, including 611 unaccompanied and separated children. 428 of those who obtained temporary protection were of other nationalities (non-Ukrainian).¹¹

4. Legal assistance

In order to ensure the most complete information about the legal regime of refugees in Ukraine, the National Union of Romanian Bars (UNBR) and the bars in the country provide a bilingual Romanian-Ukrainian Guide, a hotline dedicated exclusively to Ukrainian citizens for legal information and a list (continuously updated) of lawyers who can provide free legal assistance, speaking English, French, Italian, Spanish, Hungarian, Russian and Ukrainian.

The Equality and Human Rights Action Centre (ACTEDO), a human rights organisation from Romania stands in solidarity with Ukraine and the Ukrainian people and provides pro bono legal assistance to people affected by the war started by Russia, joining the campaign "Lawyers for refugees" of the National Union of Romanian Bar Associations.

Out of the 34 implementing partners gathered under the Regional Refugee Response Plan (RRP), UNHCR lists 19 carrying out protection-related activities. These organisations reported combined activities of "legal counselling and assistance" that reached 78,471 persons in 2023. Besides that, there were 19,908 persons that received counselling support through helplines and 54,937 persons who had their cases referred to specialised services. Other protection-related activities include capacity-building for practitioners and volunteers, awareness-raising (on the availability of services and on the dangers of sexual exploitation, abuse and harassment), psychological support, cash assistance (partly) and promotion of social cohesion. Legal assistance activities are undertaken throughout the country and with a stronger emphasis on the north-eastern part of the country (along the border with Ukraine) and in large urban areas. More than half of the people targeted under protection activities were women (52.59%), followed by men (19.75%), girls (14.96%) and boys (12.69%).

Specifically on the topic of legal assistance, the RRP has the following organisations providing assistance: CNRR, FONSS, IOM, Migrant Integration Centre Brasov, NRC, PATRIR, Sensiblu. Their activity in 2023 was mainly focused in the areas along the RO-UKR border (North and Eastern part of the country) and in areas in the centre of the country (such as Brasov).¹²

5. Information provision and access to NGOs

The Asylum Act provides the right for beneficiaries to be informed, in writing, in a language they are expected to understand, of the provisions relating to temporary protection.¹³

¹⁰ Art. 142 Asylum Act.

¹¹ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

¹² UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

¹³ Art.133 para. (1) b) Asylum Act.

To facilitate refugees' access to response services, one-stop centres, such as Blue Dots and the integrated support hub at RomExpo in Bucharest have been established and provide a comprehensive set of services and support, from registration to material items to information and counselling. Help lines and information websites were also launched.¹⁴

UNHCR reported that in 2023, through the RRP, 88 accommodation sites and facilities were supported. These were mainly located in the North-Eastern part of the country, in areas along the border with Ukraine. In addition to this, 13 Blue Dot spaces operated throughout the year (also close to border areas).¹⁵

Dopomoha (Help) is a web support and information platform for migrants fleeing the war in Ukraine, where they may find up to date information in Romanian, Ukrainian English and Russian on entry requirements, education, labour and other useful information. The website was created by Code for Romania in partnership with the Department for Emergency Situations (DSU), UNHCR, IOM and CNRR ING Bank.

The government also established an information website in Romanian and Ukrainian with detailed information upon arrival in Romania, education, health, labour, legal assistance and others.¹⁶

IGI-DAI also published useful information for people fleeing from Ukraine on their website.¹⁷

A call centre supported by IOM, UNHCR, UNICEF and WHO, was also established. It is available on weekdays (Mon-Fri, 8:00 – 16:00) and provides information on rights and services in the following areas: health, education, social protection and labour.¹⁸

With the support of UNHCR, AIDRom implements a project providing support to Ukrainian refugees who are settled in the Western part of the country (Timisoara, Arad and Oradea). The main activities were centred around access to information, legal advice and referral to social services for a target of at least one thousand Ukrainian nationals.

According to the Border Police after the completion of the border formalities, depending on the support needed, persons fleeing Ukraine were referred to representatives of the local authorities, county council, NGOs and volunteers present in the vicinity of the crossing points.¹⁹

Under the Regional Refugee Response Plan, the 30+ partners provided specialised activities for informing refugees coming from Ukraine on several topics. These were listed under the specific working groups/ clusters overseen by UNHCR. For the entire 2023, UNHCR reported the following centralised numbers: awareness raising on services and refugee rights (91,792 persons), awareness raising on GBV-related issues (52,900 persons), information provision on trafficking (21,394 persons), awareness raising on sexual exploitation, abuse and harassment (96,129 persons), information on access to health services (28,344 persons). This was done at the national level, in numerous sites where activities take place, on individual basis, as well as in Blue Dot spaces (13 were reported to be operational during 2023), child-friendly spaces and community spaces²⁰.

¹⁴ UNHCR, Regional Refugee Response Plan - 2023 Romania Chapter, 28 February 2023, available at: <https://bit.ly/45BX9Dr>.

¹⁵ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

¹⁶ Romanian Government, Department for accountability social community and vulnerable groups, available at: <https://bit.ly/3lQ1Nns>.

¹⁷ See in Romanian: <https://bit.ly/3NeP4O5>.

¹⁸ UNHCR, Inter-Agency Operational Update, March 2023.

¹⁹ Border Police, 'Summary of Border Police activities carried out in 2022', available in Romanian at: <https://bit.ly/3WGQQKl>.

²⁰ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

D. Guarantees for vulnerable groups

According to UNHCR, reporting mechanisms have been in place since the early days of the refugee influx to identify and refer vulnerable refugees at the border points, including unaccompanied and separated children, persons with disabilities and persons with serious medical needs, to specialised NGOs and services.²¹

Based on UNHCR reporting unaccompanied and separated children were referred to the government family tracing and reunification services, received appropriate support family and community alternative care arrangements, and legal counselling on access to relevant services and guardianship procedures.²²

There was also an open-source software, Primero, helping 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, the National Authority for the Protection of Child Rights and Adoption (NAPCRA) reported that 18,782 children had been registered. This is now seen as a good practice in the region with potential for developing cross-border case management and referral mechanisms.²³

Mental health and psychosocial support services are provided by several NGOs, such as IOM Romania, Terre des Hommes, Save the Children, World Vision and also WHO.²⁴ IOM Romania provides mental health and psychosocial support in several cities across Romania, including Bucharest, Brasov, Cluj-Napoca and Iasi, through a team of psychologists, caseworkers, and other specialised personnel from IOM and Implementing partners (IPs). In December, IOM organised individual counselling sessions for adults and children, group sessions, family counselling, formal and non-formal activities. The Migrant Integration Center, with support of the Danish Refugee Council, developed a mobile team to assist communities outside of the City of Brasov.

In the RRP, 11 partners work on health-related issues. Throughout the year, 8,115 people were reached through counselling consultation (in all the implementation sites of the partners). In addition to this, continuous high-volume activities were carried out for children; mental health and psychological support (including recreational services and group activities) reached 92,097 children.

In 2023, there were 51 984 Ukrainian nationals who obtained temporary protection in Romania. Out of these, 51.38% were male and 48.62% female. The population included a total of 14,120 children (7,461 boys and 6,659 girls).²⁵

²¹ UNHCR, *Regional Refugee Response Plan - 2023 Romania Chapter*, 28 February 2023, available at: <https://bit.ly/45BX9Dr>.

²² Ibid.

²³ Ibid.

²⁴ UNHCR, *Inter-Agency Operational Update*, March 2023.

²⁵ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

- | | |
|---|----------------------------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection? | Until 4 th March 2025 |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 3 February 2024? | 148,409 |

The General Inspectorate for Immigration issues the beneficiaries of temporary protection with a residence permit on the territory of Romania and assigns a personal identification number (*cod numeric personal / CNP* in Romanian). The residence permit and the personal numerical code are used in the interaction with the Romanian authorities in order to enjoy the specific rights attached to temporary protection.

Permits issued to beneficiaries of temporary protection in Romania are valid for the entire period of the application of the EU Decision, so they will be extended automatically, without the need for a request in this regard.

IGI-DAI reported that based on the guidelines of the EU Commission, beneficiaries of temporary protection enjoy freedom of movement, if they meet the legal travel conditions. Therefore, they have the possibility to register in more than one Member State, nonetheless they may only benefit from the afforded rights in one country. A beneficiary of temporary protection may not relinquish his/her status, only the related rights afforded in a Member State.

There are two possibilities for renouncing the related rights:

1. Relinquishment or renunciation may be the result of an express request from the beneficiary made at one of the IGI structures. In this case he/she will be issued a document attesting this.
2. If the person is not physically present in Romania, such a request may be lodged at the Romanian Embassy or Consulate where he/she is present. After the administrative procedure the Embassy or Consulate will issue the above-mentioned document.

IGI-DAI mentioned that relinquishment of related rights does not imply a de-registration of the respective person. There have been no re-registrations of temporary protection status following return from Ukraine to Romania.

51,484 residence permits were issued to beneficiaries of temporary protection in 2023. No temporary protection permits were withdrawn.²⁶

2. Access to asylum

Beneficiaries of temporary protection can lodge an application for asylum at any time and have their application processed. If a person fleeing Ukraine makes an asylum request and, at the end of the asylum procedure, he/she is not granted a form of international protection (refugee status or subsidiary protection), he/she will continue to enjoy temporary protection until the expiry of the period for which it was granted.

60 Ukrainians made an asylum claim in Romania in 2023.

²⁶ UNHCR, Ukraine Situation: Romania, Overview of Temporary Protection Directive, available at: <https://bit.ly/3Kr8sVP>.

B. Family reunification

The Asylum Act prescribes that in cases where families were already formed in the country of origin and were separated due to the circumstances during the mass flow, the following persons will be considered family members of the beneficiary of temporary protection:

- (a) wife/husband;
- (b) the unmarried minor of the beneficiary or of his/her spouse, without distinguishing whether he/she is born out of wedlock or adopted.

When one or some of the family members of the beneficiary of temporary protection are not yet in Romania, family reunification will be carried out if it is found that they need protection and are not in one of the cases provided for exclusion from temporary protection.²⁷

The national legislation does not include material requirements on accommodation, income or health insurance.

Family members are issued documents granting them permission to stay on the territory of Romania. The same residence permit as the beneficiary of temporary protection.

C. Movement and mobility

IGI-DAI reported that based on the guidelines of the EU Commission, beneficiaries of temporary protection enjoy freedom of movement, if they meet the legal travel conditions. Therefore, they have the possibility to register in more than one Member State, nonetheless they may only benefit from the afforded rights in one country. A beneficiary of temporary protection may not relinquish his/her status, only the related rights afforded in a Member State.

IGI-DAI reported that based on the guidelines of the EU Commission, beneficiaries of temporary protection enjoy freedom of movement, and can travel towards other EU MS once they are registered if they meet the legal travel conditions.

D. Housing

Indicators: Housing

- | | |
|---|----------------------|
| 1. For how long are temporary protection beneficiaries entitled to stay in reception centres? | Not available |
| 2. Number of persons fleeing Ukraine staying in collective centres as of 12/23 | No longer applicable |
| 3. Number of beneficiaries staying in private accommodation as of 12/2023 | Not available |

The majority of Ukrainian refugees in Romania live in urban and peri-urban areas, primarily in private accommodation within the host communities. Since 1 May 2023, the support program for housing dedicated to Ukrainian refugees in Romania was changed. This was based on decision no. 368 adopted by the Government on 26 April 2023, which established new amounts, conditions and mechanisms for granting lump-sum amounts for humanitarian assistance of Ukrainians. This decision firstly extended the period for providing assistance to refugees from Ukraine to 31 March 2024 (from the previous end-date of 31 December 2023). The amounts awarded were also changed: from the 50 RON/ day for

²⁷ Art. 135 Asylum Act.

accommodation and 20 RON/ day for food and subsistence, it was changed to 2000 RON/ month per family (750 RON/month for single persons) for accommodation and 600 RON/month, per person for food and subsistence. This aid is given for the first four months and starting with the fifth, the food and subsistence aid is suspended. In terms of legal requirements, the new procedure stipulates that:

- ❖ aid in the first month is given to those that were granted temporary protection and are registered with a local authority (city hall).
- ❖ in months 2-4, beneficiaries need to provide an employment contract or register with the local employment agency (exceptions are provided for students, persons living with disabilities, people older than 65 years, people with children under 2 years, respectively under 3 years if the child is disabled), have their kids enrolled in school or participating in educational activities run by NGOs.
- ❖ starting from month 5, in order to benefit from financial aid, refugees need to provide one of the following: proof of income in Romania or proof of enrolment in higher education; exceptions are made for persons living with disabilities, those caring for small children (under 2 years or age, respectively under 3 years if the child is disabled) and elderly persons (older than 65 years).²⁸

In addition to the larger national scheme in place, UNHCR reported that through the Regional Refugee Response Plan, in 2023, 3,090 persons were assisted to access collective accommodation, 140 were helped in finding private accommodation and 22 received cash assistance for renting a private accommodation.

People fleeing the war in Ukraine have been provided with housing in collective sites - public buildings such as schools, community services, where assistance, services and protection are available.

UNHCR reported that in 2023, through the RRP, 88 accommodation sites and facilities were supported. These were mainly located in the North-Eastern part of the country, in areas along the border with Ukraine. In addition to this, 13 Blue Dot spaces operated throughout the year (also close to border areas)²⁹.

IGI-DAI has no responsibilities for accommodation for beneficiaries of temporary protection.

E. Employment and education

1. Access to the labour market

Ukrainian citizens who do not have documents proving their professional qualification or experience wishing to work in Romania do not require a work permit for a period of 12 months, with the possibility of extension, by periods of 6 months, for a maximum of one year. They have to provide an affidavit of their professional qualification and experience and that they do not have a criminal record that is incompatible with the activity they carry out or are going to carry out in Romania.³⁰ They have to register with the territorial agencies for employment and have the right to be employed under the same conditions as Romanian citizens.

The provision mentioned before does not apply to Ukrainian citizens, who wish to access or practice in Romania, independently or as an employee, the professions of doctor, dentist, pharmacist, general medical assistant, midwife, doctor veterinarian and architect.³¹

Based on temporary protection, they are issued a residence permit for a period of 12 months, with the possibility of extension, which also allows them to work. Ukrainian citizens who want to work in Romania do not need a work permit or visa.

²⁸ Dopomoha.ro, available at: <https://bit.ly/4aO3Tzp>.

²⁹ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

³⁰ Art. VI para. (3) GEO 20/2022.

³¹ Art. VI para. (6) GEO 20/2022

Access to the labour market is guaranteed under the conditions provided by law for Romanian citizens, although temporary protection beneficiaries cannot be employed in jobs that require Romanian citizenship or of an EU Member State or in public institutions with attributions and responsibilities in national security sector.

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). It is expected that this number will increase as the condition to continue receiving financial aid was linked to registration with one of the employment agencies (modification adopted in mid-2023). According to the Romanian Government, the highest number of active employment contracts recorded are in Bucharest (2,764), Timiș (355), Maramureș (362), Bistrița-Năsăud (322), Arad (269), Cluj (280), Constanța (263), Brașov (249), Ilfov (205), and Sibiu (202). 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).³²

2. Access to education

The Asylum Act prescribes that beneficiaries of temporary protection have the right to have access to the state education system under the conditions provided by law for Romanian citizens, in the case of beneficiaries of temporary protection who have not reached the age of 18.³³

GEO 15/2022 further expands on the right to education providing that minor children fleeing Ukraine have the right to education in educational institutions in Romania under the same conditions and with funding from the same budgets as for Romanian pre-schoolers and school aged children.

They have the right to free accommodation in boarding schools, food allowance, the right to receive school supplies, clothing, footwear, textbooks.³⁴

According to the Romanian Government, at the end of 2023 out of the total 46,812 Ukrainian children with temporary protection, 78% were enrolled in the education system, as auditors³⁵ or pupils. At the preschool level, out of 14,290 children, 11,242 were auditing and 3,048 attended as pupils; at the primary school level, out of 10,620 children, 7,315 were auditing and 3,307 attended as pupils; at the secondary school level, out of 13,662 children, 8,915 were auditing and 4,747 attended as pupils.

UNHCR reported that under the Education cluster, 11 implementing partners provided services in various areas of Romania. In 2023, extracurricular and after-school activities (non-formal) were provided for 46,273 children and 38,830 children were enrolled in schools, with the support of the schemes put in place by the mentioned 11 organisations.³⁶

UNHCR reported that, as part of the RRP, in 2023 1,566 children benefited from Romanian language classes and another 551 from English language classes.³⁷

Before enrolment, the state of health of children is examined in the educational facility and they are issued a medical document. If they are not vaccinated, they can benefit from the vaccination scheme according to the National Vaccination Program carried out by the Ministry of Health.

The GEO 15/2022 provides that after acquiring the status of observers, children with mobility impairments have the right to education or with chronic diseases in complex medical assistance units.³⁸

³² Romanian Government, Report on the Integration of Ukrainian Refugees in Romania (covering February 2022 - December 2023), available at: <https://bit.ly/4aKkFiR>.

³³ Art.133 para. 1 g) Asylum Act

³⁴ Art.10 para. (1) a) and b) GEO 15/2022.

³⁵ "Auditors" may attend classed, but are not officially enrolled in the class and they do not receive grades.

³⁶ Romanian Government, Report on the Integration of Ukrainian Refugees in Romania (covering February 2022 - December 2023), available at: <https://bit.ly/4aKkFiR>.

³⁷ UNHCR Operational Data Portal, 2023 Romania Refugee Response Plan, available at: <https://bit.ly/3XsnK4r>.

³⁸ Art. 11 para. (6) b) GEO 15/2022.

Beneficiaries of temporary protection may participate in free vocational training courses³⁹ organised by the National Employment Agency (ANOFM), if they are registered with one of the territorial employment agencies. Registration at the county employment agencies is done on the basis of the identity card, passport or any other document that certifies their identity.⁴⁰

For students or PhD candidates who cannot prove they have completed their studies with documents issued by the higher education institution he/she previously attended in Ukraine, the Romanian higher education institution evaluates their level based on its own criteria and respecting the best international practices, learning outcomes, competencies and skills and decides on the recognition and award of transferable study credits. The student or PHD candidate has to provide their diplomas before he/she finalises their studies in Romania.⁴¹

In the academic years 2022-2023 and 2023-2024, Ukrainian nationals may benefit from funding from the state budget or other sources, through the Ministry of Education and, respectively, higher education institutions.⁴²

This was based on Order no. 3.325/2022 issued by the Ministry of Education, in place until 8 May 2024 when the new Order 4.262,⁴³ also issued by the Ministry of Education, repealed the previous one.

F. Social welfare

Access to free of charge social welfare is ensured for persons with disabilities accompanied or unaccompanied, elderly persons who come from the area of the armed conflict in Ukraine. The persons accompanying them also benefit from social services under the same conditions.⁴⁴

Local public administration authorities may hire, without competition, social workers or other specialised personnel, as appropriate, within the public social assistance services at local and county level and within the social services in which there are beneficiaries who come from the armed conflict area of Ukraine, depending on their needs, for a specific period of not more than 3 years.⁴⁵

Public providers of social services, accredited under the law, can set up day care and public and private residential centres for adults with disabilities coming from Ukraine, depending on their needs, for a determined period, but not more than 3 years. These social services may be established in an urgent manner.⁴⁶

The authority responsible for granting social assistance is DGASPC- Directorate-General for Social Assistance and Child Protection.

According to a JRS representative, the state child allowance is not granted to Ukrainian children because the Temporary Protection document issued does not include their area of residency. As for other social welfare they have to prove that they are not receiving the respective benefits in the country of origin. 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

³⁹ Art 133 para. (1) c) Asylum Act.

⁴⁰ Romanian Government, Work in Romania, available in Romanian and Ukrainian at: <https://bit.ly/3lJLA3q>.

⁴¹ Art. 3 paras (2) and (3) of the Minister of Education Order no. 3325/2022.

⁴² Art. 10 para. 4 of the Minister of Education Order no. 3325/2022.

⁴³ Order 4.262, available at: <https://bit.ly/45a8zhP>.

⁴⁴ Art. 2[^]1 paras (1) and (2) and art. 2[^]3 of the Government Emergency Ordinance 15/2022.

⁴⁵ Art. 2[^]5 of the Government Emergency Ordinance 15/2022.

⁴⁶ Art. 2[^]7 paras (1) and (2) of the Government Emergency Ordinance 15/2022.

up to the same amount as Romanian nationals.⁴⁷ 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.

Based on a survey with refugees from Ukraine conducted by IOM Romania between March 2022 and February 2023 the main challenges encountered when accessing basic benefits were the language barrier mentioned by 62% of those interviewed, while 61% consider that the benefits provided were not enough to cover their needs. In addition, a lack of information regarding the benefits they were entitled to, such as the complexity of the system, or having no knowledge on how to apply were also issues mentioned by temporary protection beneficiaries.⁴⁸

According to an Inter-Agency Operational report, one of the most pressing gaps is the limited availability of services for refugee children with disabilities and special needs. Children with disabilities have been further referred by government authorities to third party social services providers (NGOs) due to limited capacity of state authorities, mainly DGASPC.⁴⁹

UNHCR quotes difficulties in measuring services awarded to refugees from Ukraine because the Temporary Protection document in the country does not include refugees' area of residency. Noting the following: 'this also hinders the state from being able to carry out proper social welfare monitoring and assessments to ensure vulnerable refugees (e.g., older persons and persons with disabilities) are included in these schemes. Documents issued by authorities to confirm residence are not always accepted by service deliverers at local level.'⁵⁰

G. Health care

Foreign nationals or stateless persons coming from the area of armed conflict in Ukraine benefit from medical services, medical supplies, medicines, medical devices and medical services included in the national curative health programmes, like Romanian citizens who are insured, without paying contributions to the social health insurance system, the personal contribution for the medicines granted in the outpatient treatment and with exemption from co-payment. Medical services in specialised outpatient healthcare are provided without the need to present a referral from the doctor (a form used in the social health insurance system).⁵¹

According to the UNHCR, Inter-Agency Operational Update, access to primary health care services is difficult for Ukrainian children and caregivers, due to language, information, financial and administrative barriers. A study done by WHO, among refugees shows that access to information and the language barrier remain the two biggest issues. However, efforts are made to promote the employment of medical interpreters.⁵²

It was also reported that access to the Romanian healthcare system through registration with a family doctor is still a need. Family doctors are unable to get reimbursed by National Health Insurance House for all the services they have provided to children and adults and those who had previously agreed to take on refugee patients have started to report overwhelming amounts of work, which has made them gradually refuse new registrations.⁵³

⁴⁷ Adevarul, Alocații de stat pentru copiii ucraineni din România. Cățibanivorprimi DOCUMENT, 11 June 2023, available at: <https://bit.ly/3Kx3RRK>.

⁴⁸ IOM, Ukraine Reponse, 2022-2023, Romania – Survey with refugees from Ukraine, available at: <https://bit.ly/45BCPSH>.

⁴⁹ UNHCR, Regional Refugee Response for the Ukraine Situation, Inter-Agency Operational Update, March 2023.

⁵⁰ UNHCR, 2022 Final Report Regional Refugee Response Plan for the Ukraine Situation (March – December 2022), 28 March 2023, available at: <https://bit.ly/43Bslv8>.

⁵¹ Article 1 para.(1) d) and article 1 para. (4) Decree 15/2022, see: <https://bit.ly/3O0MTBY>.

⁵² UNHCR, Inter-Agency Operational Update, March 2023.

⁵³ Ibid.

Another issue that may hinder access to family doctors is the fact that the Temporary Protection document in the country does not include beneficiaries' area of residency, which causes delays and challenges. This precludes state authorities to conduct proper social welfare monitoring to ensure that vulnerable temporary protection beneficiaries are included in these schemes. It was also noted that documents issued by authorities to confirm residence are not always accepted by service deliverers at local level.⁵⁴

⁵⁴ UNHCR, *2022 Final Report Regional Refugee Response Plan for the Ukraine Situation (March – December 2022)*, 28 March 2023, available at: <https://bit.ly/43Bslv8>.