

COUNTRY
CHAPTER

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ROMANIA

BY THE GOVERNMENT OF ROMANIA



Romania Overview

Resettlement programme since: 2008	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2011:

Admission targets for UNHCR submissions :	
Total Resettlement Admission Target:	

Regional Allocations for 2011:

	Africa	
	Asia and Pacific:	
	Middle East and North Africa	
	Europe:	
	Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2011 Description, additional comments:
Emergency resettlement procedures	No specific quota
Medical cases	No specific quota
Women-at-risk cases	I
Unaccompanied children	
Family Reunion (within programme)	

1. Resettlement Policy

In Romania, the relevant provisions on resettlement are contained in **Law no. 122/2006 on Asylum in Romania**, and in the **Government Decision no. 1596/2008 on resettlement in Romania**. According to these legal norms, Romania was willing to accept within the timeframe 2008 to 2010 a total of 120 refugees in need of resettlement, in annual in-takes of 40 persons.

A consultative body of a non-legal nature, called the "**Resettlement Committee**", has been established in order to determine a) the States where resettlement operations are to take place, and b) the number of refugees in need of resettlement which will be received by Romania.

The Resettlement Committee is composed of representatives from the Ministry of Administration and Interior and the Ministry of Foreign Affairs. The President of the Committee is the General Director of the **Romanian Immigration Office (RIO)**. The decisions of the Resettlement Committee must be approved by the Minister of Administration and Interior and by the Minister of Foreign Affairs, and can only be implemented by the RIO once both these approvals have been obtained.

The RIO is the main institution with responsibilities in the field of refugee resettlement in Romania. As a result, RIO is involved in all phases and procedures relating to resettlement, including in the decision making on the countries of origin of refugees and countries of asylum of refugees to be received by Romania via resettlement (through the Resettlement Committee) and on the specific operational logistics to conduct the selection of refugees and their transfer and reception in Romania.

According to the Romanian legal provisions relating to resettlement an application for resettlement to Romania must be signed by every single refugee submitted by the United Nations High Commissioner for Refugees (UNHCR) for resettlement.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

The **Law no. 122/2006 on Asylum in Romania** defines who is eligible for refugee status and provides the general framework on resettlement.

Under this Law, aliens may be granted:

- (a) refugee status; or
- (b) subsidiary protection; or
- (c) temporary humanitarian protection.

Refugee status can be granted, upon request, to an alien who is outside his or her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, and is unable, or, owing to such fear, is unwilling to obtain the protection of that country, as well as to stateless persons who are outside the country where they used to reside due to the same reasons as mentioned above, and who are not able or, due to such fear, are unwilling to return.

Subsidiary protection shall be granted to aliens or stateless persons who fail to meet the requirements to be granted refugee status, however, solid reasons exist to believe that, should they be returned to their country of origin or to the country they used to have their habitual residence, they will suffer *serious harm*, and are not able or, due to such fear, are unwilling to be granted the protection of their country.

The term *serious harm* shall mean:

- 1) death penalty or execution; or
- 2) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or
- 3) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

During periods of armed conflicts, to which Romania is not a party, temporary humanitarian protection shall be granted to persons who originate from conflict areas.

3. Criteria for Resettlement

As stated earlier, Government Decision no. 1596/2008 regulated the resettlement quota and the relevant administrative procedure for resettlement.

A refugee in need of resettlement is defined as an alien found on the territory of another state who has been recognized as a refugee in accordance with the 1951 Geneva Refugee Convention, or an alien recognized as a refugee by the UNHCR in accordance with Article 1 A of the 1951 Geneva Refugee Convention and its Protocol, who is not benefiting from effective protection, and does not have the possibility of integration in the country of asylum or the possibility of voluntary repatriation to his or her country of origin in conditions of safety and dignity.

The Government Decision no. 1596/2008 expired at the end of 2010 and the Government of Romania is in the process of issuing another Government Decision to address future resettlement quotas and operations undertaken by Romania.

A group of indicators have been established by the Romanian authorities in order to select individuals who have been granted refugee status in accordance with the provisions contained in the 1951 Geneva Refugee Convention, found on the territory of other States, and for candidates proposed for resettlement to Romania by the UNHCR.

In order to be considered for resettlement to Romania, an individual must meet the following requirements:

- (a) He or she has been recognized as a refugee in accordance with Article 1A of the 1951 Geneva Refugee Convention and its Protocol by a State or by UNHCR;
- (b) He or she does not benefit from effective protection on the territory of the country of asylum;
- (c) He or she does not have integration perspectives in the country of asylum;
- (d) He or she does not have perspectives for voluntary repatriation to the country of origin under conditions of safety and dignity;
- (e) He or she does not present a threat to public order, national security, health or public moral;
- (f) He or she presents potential for integration in the Romanian society;
- (g) He or she has expressly accepted to be resettled to Romania.

4. Resettlement Allocations/Processing Priorities

Romania does not operate a system of sub-quotas and has no specific processing priorities for any given caseload. Equally, Romania does not operate a resettlement programme that includes non-UNHCR allocations.

5. Submission and Processing via Dossier Selection

According to the Romanian legal provisions, there are two ways of selecting refugees for resettlement, namely a) dossier based selections and b) in-country selection missions.

Whilst selection missions to countries of asylum is considered the main method, dossier based selections may be used if a selection mission to an asylum country cannot be organised, based on a reasoned decision of the Director General of RIO (article 8 para.1 GD no. 1596/2008).

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Even in the case of a selection mission, a pre-selection of possible candidates (refugees in need of resettlement) is undertaken, based on the files received from UNHCR, before interviewing the refugees in the asylum country.

Upon the decision of the Resettlement Committee on the countries of origin and the countries of first asylum of refugees to be resettled to Romania, and following the authorization by the Minister of Administration and Interior and by the Minister of Foreign Affairs, RIO proceeds to draft and forward to UNHCR a request proposing possible candidates for resettlement to Romania (accompanied by the request for resettlement):

6.2 Preparations and Case Documentation

Upon receipt of the refugees' case (the Resettlement Referral Form - RRF) from UNHCR, RIO carries out the following activities:

- (a) Receives and registers the resettlement files submitted by UNHCR. The files must contain the information note on the resettlement proposal together with the identification data of the refugees proposed for resettlement and their individual files;
- (b) Verifies and analyses the data contained in the files submitted by UNHCR according to the competencies of services within RIO.

The purpose of this verification and analysis is to establish whether there are reasons to exclude any of the refugees submitted by UNHCR from being interviewed in their country of

asylum, and to identify aspects that shall be kept in mind during the future interview proceeding in the country of asylum.

The results of the verifications and data analysis are included in a Report listing the refugees that are to be interviewed in the country of asylum. A brief explanation is provided when there is a decision not to interview a particular refugee. UNHCR is informed of the names of the refugees pre-selected for interview, or where appropriate, of those approved for resettlement upon examination of a dossier submission.

After forwarding the list with the pre-selected refugees to be interviewed in country of asylum, the **Romanian Immigration Office (RIO)** establishes contact with the UNHCR Representation in Romania or directly with the competent authorities from the country of asylum in order to agree over the practical details of the selection mission, namely the following:

- sharing of an information package to be used during initial sessions to provide information to the pre-selected refugees in the country of asylum;
- identifying and reserving a location where the interviews with refugees are to be carried out;
- ensuring the identification and use of interpreters;
- scheduling the pre-selected refugees for an interview;
- establishing the way the medical test will be carried out, if applicable;
- organizing other aspects of interest for the practical success of missions depending on the situation in the current country of asylum of the refugees to be interviewed.

When necessary RIO, through the contact person of the Ministry of Foreign Affairs (nominated in the Resettlement Committee), may establish contact with the Romanian diplomatic Representation in the first country of asylum in order to obtain support in carrying out the future selection mission.

The purpose of the interviews with the refugees is to evaluate their situation in accordance with the resettlement selection criteria. Based on the results of the evaluation, the selection mission will propose the refugees to be accepted for resettlement in Romania.

The family members of the Principal Applicant are also interviewed by the selection mission. At the beginning of the interview, the refugees are explained the purpose of the interview and the selection procedure. The medical evaluation is carried out individually by a medical doctor.

The information session on the rights of refugees in Romania can be carried out in the beginning of the day for all refugees who will be interviewed during the day or at the beginning of each interview. The interview is carried out by the integration officer assisted by the head of the mission.

The officer conducting the interview with the refugee, assisted by the integration officer, counsels the interpreters prior to the interview on the rules which they must observe when interpreting.

6.4 Decision Making Process

A report is drafted for each individual refugee case which contains the conclusions of the evaluation with respect to each of the selection criteria. This report is signed by the members of the selection mission. The members of the selection mission draft a decision concerning the refugees who are accepted for resettlement based on consultation. Upon return to Romania, the Head of the selection mission will propose the list of refugees to be accepted for resettlement. The list of accepted refugees must be approved by the Director General of RIO. Once this approval is obtained, the acceptance decisions are shared with UNHCR.

7. Emergency Cases/Urgent Cases

Romania does not have specific provisions for the consideration of urgent or emergency resettlement cases.

8. Special Categories/Special Needs

Romania does not have specific provisions for the consideration of sub-quotas dedicated to cases with specific needs.

9. Medical Requirements

Medical staff is included in the selection team.

10. Orientation (pre-departure)

In preparation of the travel of the refugees approved or selected in accordance with the Romanian legislation, the Romanian Immigration Office (RIO) may organize cultural orientation and counseling sessions in countries of asylum.

The purpose of the cultural orientation in the asylum country is to offer to the refugees selected for resettlement in Romania an overall image of the country, and practical information regarding their transfer from their country of asylum to Romania. The cultural orientation is also the initiation of a process that should help the refugees acquire certain abilities and attitudes necessary for them to adapt to the particularities of the host society.

The objectives of the cultural orientation in the country of asylum are to:

- (a) offer information relating to Romania;
- (b) assist the selected refugees in developing the necessary abilities to integrate into the host society (for instance, how to obtain a job, how to access social and health services etc.);
- (c) explore the attitudes necessary to a successful integration (for example, flexibility, openness, initiative, self-sufficiency);
- (d) manage refugees' expectations relating to Romania; and
- (e) explain to refugees the expectations of the Romanian society with regards to their integration in Romania.

The cultural orientation of the refugees selected in the country of first asylum is conducted by the integration officers of the Romanian Immigration Office (RIO), Directorate for Asylum and Integration (DAI), as follows:

- (a) The actual cultural orientation sessions are conducted in groups to facilitate active involvement of the participating refugees, taking into account the current conditions in country of first asylum and the profile of the group of refugees that have been selected for resettlement to Romania.
- (b) Before starting the cultural orientation sessions, the integration officer instructs the interpreter on the rules regarding the way the sessions are to be run.
- (c) During the cultural orientation, the facilitators give special attention to create a working climate based on trust, collaboration and acceptance of differences. Participants are encouraged to ask questions and to employ their resources by discussing their own culture and themes which are of interest to them and in the context of the agreed upon agenda.
- (d) At the end of each day the integration officer together with the participants summarizes the essential aspects discussed and presented during the day.

Upon return to Romania, the integration officer is expected to conduct an evaluation of the cultural orientation mission, including an evaluation of the future information needs of the selected refugees, as well as proposals for future cultural orientation activities. Upon approval by ORI, the evaluation is forwarded to the regional center that will ensure the reception of the selected refugees in Romania. This evaluation should form the basis for the development of further cultural orientation sessions within the integration program.

11. Travel

Refugees approved for resettlement under the resettlement programme, who are mentioned in the decision of the Romanian Immigration Office (RIO), are exempted from the compulsory visa regime.

The selected refugees may be allowed to enter Romanian territory on the basis of the following travel documents:

- (a) Refugee certificate issued by UNHCR;
- (b) Travel document issued by the International Committee of the Red Cross; or
- (c) A laissez-passer issued by RIO exclusively for the purposes of travelling to Romania.

After having established the details of the transfer procedure, and at least 24 hours before the moment of transfer, RIO shall communicate to the General Inspectorate of the Border Police the following:

- (a) Estimated date and hour of the arrival of the refugees to Romania;
- (b) Means of transportation and border crossing point intended for the entrance in Romania;
- (c) Information of refugees to enter Romania;
- (d) RIO decision.

Note: The transfer to Romania and the cultural orientation sessions for Myanmar refugees selected in 2009 was implemented by RIO and the Romanian Red Cross and financed through the European Refugee Fund.

12. Status on Arrival and the Path to Citizenship

Upon entry to Romania, the Romanian Immigration Office (RIO) shall issue documents, as provided by the relevant legal provisions, recognizing the refugees as having refugee status in Romania.

Resettled refugees have the same rights and obligations in Romania as the refugees recognized by the Romanian State through its asylum procedure.

13. Domestic Settlement and Community Services

The refugees resettled to Romania have the same rights and obligations as the refugees recognized as such by the Romanian authorities through the asylum procedure, and they benefit from the same assistance in terms of integration.

13.1 Actors

In Romania a number of institutions are responsible for the integration of non-nationals in their field of activity. The Ministry of Administration and Interior through the Romanian Immigration Office (RIO) is responsible for the coordination and monitoring of policy issues, and is also competent to organize, through its regional structures, specific services in order to facilitate the integration of the different categories of non-nationals in the Romanian society.

At the institutional level the coordination is mainly carried out through meetings with the decision makers (organized on the **National Strategy on Immigration**), and meetings at experts level (organized on a regular basis by RIO). A number of economical and social rights, such as the right to employment, housing, education, and the right to medical and social assistance and integration programmes are cited in the relevant legal provisions in order to achieve integration.

13.2 Reception and Integration

The integration program aims at supporting aliens who were granted a form of protection in Romania in the process of acquiring the abilities and the knowledge necessary to adapt to the Romanian society.

The integration program consists of a free course of Romanian language (beginner level), sessions on cultural orientation and counseling, accommodation in a RIO center during the program and provision of financial assistance for two months up to obtaining the reimbursable subsidy. The integration program lasts for one year and is carried out following an individual integration plan for each adult.

Persons with special needs (disabled, aged, unaccompanied minors, mono-parental families, victims of torture) may benefit of a prolonged integration program.

The integration programs are organized by the regional centres of RIO; the Romanian language courses are organized in cooperation with the local school inspectorates, following a defined curriculum and using special handbooks. The curricula of the cultural orientation course are established at RIO level, comprise 39 hours and contain modules on the Romanian geography and history, the Romanian Constitution, the Romanian culture, and European values as reflected in the Charter of Fundamental Rights of the European Union.

With a view to supplementing the social assistance granted to asylum seekers and refugees, the RIO cooperates, on the basis of protocols, with non-governmental organizations.

14. Family Reunification of Refugees

The person who was granted a form of protection may lodge an asylum application in respect of his/ her family members, if the family members are outside the territory of Romania.

The applications shall be lodged at the Romanian Immigration Office (RIO) or its territorial branches. If, after an evaluation has been carried out, the family relation has been proven by the beneficiary of the form of protection or, as the case may be, a marriage before entering the territory of Romania, a request will be made to the Ministry of Foreign Affairs to issue the visa and the travel documents for the family member/s.

Romania does not recognize same-sex relationships/ marriages. Therefore there are no such provisions in refugee related laws.

Specifically on family reunification, the following is stipulated in the Emergency Ordinance 194/2002, also known as "Aliens Law" in Romania, at Section 5, Article 46 (Long Term Visa granted for family reunification):

(1) A sponsor in possession of a temporary stay permit, with the validity of one year, or of a permanent stay permit, or the beneficiary of the refugee status or subsidiary protection, can solicit family re-unification for:

a) husband/wife,

b) minor unmarried children, belonging to the sponsor or to the wife/husband of the sponsor, including those adopted and in the effective care of the sponsor or of the wife/husband of the sponsor.

(2) The Romanian Immigration Office can approve, if conditions required under the law are fulfilled, family reunification for other following categories:

a) First grade relatives in ascending line for the sponsor or its wife/husband, in case they are in the impossibility of supporting themselves independently and they do not benefit of adequate family support in the country of origin.

b) Adult unmarried children of the sponsor and of its/wife/husband, in case they cannot support themselves independently due to medical reasons.

(3) Unaccompanied minors, benefiting of the refugee status or of subsidiary protection, can solicit family reunification for:

a) First grade relatives in ascending line or the legal guardian; or

b) when those do not exist or cannot be identified, any other relative of the minor.

15. References/Resources

- Government Decision no 1596/2008 on Resettlement to Romania
- Handbook on Resettlement to Romania (2010)