

**Law related to the approval
of Government Emergency Ordinance no. 113/2005
to amend and complete
Government Emergency Ordinance no. 194/2002
related to the regime of aliens in Romania**

The Parliament of Romania hereby passes the present law.

Art. I. – Government Emergency Ordinance no. 113 of 14 July 2005 to amend and complete Government Emergency Ordinance no. 194/2002 related to the regime of aliens in Romania published in the Official Gazette of Romania, Part I of 25 July 2005, is hereby approved, with the following amendments and completions:

1. At the sole article, point 3, paragraph (1) of article 12 shall read as follows:
“Art. 12 – (1) The alien who entered the Romanian territory illegally shall be compelled to announce this to the competent territorial police body within 3 days from the date of entrance. The citizens of the European Union member states and of the states of the European Economic Space shall be excepted from this provision”.
2. At the sole article, after point 8, point 8(1) shall be introduced, which shall read as follows:
“8(1). At article 24, paragraph (1), letter h) shall read as follows:
«h) religious or humanitarian activities – to aliens who wish to enter Romania in order to carry out activities in the domain of the recognised religious denominations, upon their request, or for humanitarian purposes;»”.
3. At the sole article, after point 9, point 9(1) shall be introduced, which shall read as follows:
“9(1). At article 26, after paragraph (3), paragraph (4) shall be introduced, which shall read as follows:
«(4) The collective visa may be granted at the border by the competent bodies and in the case of the foreign sailors having the same citizenship, who demand for transit in groups of 5 to 50 persons, in order for them to board, re-board, or leave a ship in view of repatriation upon the termination of the work contract, as well as in the case of crew exchanges.»”
4. At the sole article, after point 30, point 30(1) shall be introduced, which shall read as follows:
“30(1). At article 91, paragraph (3) shall read as follows:
«(3) The court may order that the alien be taken into public custody, until being expelled, but the period of custody shall not exceed 2 years.»”
5. At the sole article, after point 31, point 31(1) shall be introduced, which shall read as follows:
“31(1). At article 93, paragraph (3) shall read as follows:
«(3) In the case of the aliens against whom the order of expulsion, the court may decide that the alien be taken into public custody until carrying out the expulsion by

the police bodies, in conformity with the provisions of the Penal Procedure Code, but the public custody period shall not exceed 2 years.»”

6. At the sole article, after point 31(1), point 31(2) shall be introduced, which shall read as follows:

“31(2). At article 99, paragraph (1), after letter f), letter g) shall be introduced, which shall read as follows:

«(g) the aliens against whom the order was decided of being taken into public custody in order to enforce the measure of expulsion, and who could not be expelled within 2 years.»”

7. At the sole article, after point 31(2), point 31(3) shall be introduced, which shall read as follows:

“31(3). At article 99, paragraph (2) shall read as follows:

«(2) Toleration shall not be granted to aliens who were declared undesirable.»”

Art. II – Aliens Authority shall grant the tolerated status to aliens against whom the court ordered the measure of expulsion and who, on the date that the present law is enforced, have been in public custody for more than two years.

Art. III – Government Emergency Ordinance no. 194/2002 related to the regime of aliens in Romania, republished, with the subsequent amendments and completions, including the ones brought by the present law, shall be republished, and the texts shall receive new numbers.

The present law was adopted by the Parliament of Romania, observing the provisions of article 75 and of article 76, paragraph (1) from the Constitution of Romania, republished.

on behalf of the
Chamber of Deputies Chairman,
DANIELA POPA

Senate Chairman
NICOLAE VACAROIU

Bucharest, 25 October 2005
No. 306