

GOVERNMENT OF ROMANIA

ORDINANCE

on the Social Integration of Aliens who Were Granted a Form of Protection in Romania

CHAPTER I

General Provisions

Art.1 - This ordinance aims to facilitate the social integration of the aliens who were granted a form of protection in Romania through ensuring their access to the following rights: the right to work, the right to housing, the right to medical and social assistance, the right to education, as well as through specific activities, included in the integration programs, which have as purpose the cultural accommodation and learning of the Romanian language.

Art.2 - For the purpose of this ordinance, the following terms shall be defined as follows:

a) social integration represents the process of active involvement of the aliens who were granted a form of protection in Romania, laid down in Article 1(a),(b) in Government Ordinance No. 102/2000 on the status and regime of refugees in Romania, with the subsequent amendments and supplements, into the economic, social and cultural life of the Romanian society, in order to prevent and fight against their social marginalization.

b) integration programs are ensembles of measures and activities necessary to facilitate the social integration of aliens who were granted a form of protection in Romania, which shall be carried out upon request, with the cooperation of public institutions, local communities and non-governmental organizations involved in this area, under the coordination of the National Refugee Office within the Ministry of Administration and Interior.

Art.3 – The integration programs for aliens who were granted a form of protection in Romania shall be established and implemented according to the needs of the beneficiaries and taking into consideration their cultural specificity.

Chapter II

Access to Social Rights

Section I

Access to Work and Housing

Art.4 – The aliens who were granted a form of protection in Romania shall have free access to the labour market under the same conditions established by law for Romanian citizens.

Art.5 – (1) The aliens who were granted a form of protection in Romania shall have free of charge access to measures for the encouragement of employment and the other services offered by the National Agency for Employment.

(2) The National Agency for Employment decides upon the necessary measures to be taken in order to customize the services offered according to the needs of the beneficiaries of the integration programs.

Art.6 – The persons who were granted a form of protection in Romania shall have access to housing under the same conditions established by law for Romanian citizens.

Section 2

Access to Health Social Insurance and to the National System of Social Insurance and Assistance

Art.7 – The aliens who were granted a form of protection in Romania shall have access to the package of basic services offered by system of health insurance under the same conditions established by law for the insured Romanian citizens.

Art.8 – The aliens who were granted a form of protection in Romania shall have access to the system of social insurance and to the national system of social assistance under the same conditions established by law for the Romanian citizens.

Section 3

Access to the Educational System

Art.9 – The access of the aliens who were granted a form of protection in Romania to all forms of education shall be granted under the conditions established by law for the Romanian citizens.

Art.10 – (1) The Ministry of Education, Research and Youth shall free of charge evaluate through an exam the level of knowledge of minors who were granted a form of protection in Romania, in order to register them in the

appropriate year of study, in accordance with the norms applied to Romanian students.

(2) The minors shall be free of charge benefit from a preparatory year, with a view to their integration into the Romanian educational system, organized by the Ministry of Education, Research and Youth.

(3) The minors shall be beneficiaries of the state child support under the same conditions established by law for the Romanian children.

Art.11 – Upon request, The Ministry of Education, Research and Youth shall ensure the acknowledgement of diplomas and attestation of studies and qualifications from the country of origin, under the conditions set by the Romanian legislation.

Section 4

Access to Specific Activities for Cultural Accommodation, Counseling and Learning of the Romanian Language

Art.12 – (1) The National Refugee Office shall organize cultural accommodation sessions having as purpose to familiarize aliens who were granted a form of protection in Romania with traditions, customs and the specificity of Romanian society.

(2) The National Refugee Office may cooperate with other public institutions and non-governmental organizations, in order to organize and develop the sessions for cultural accommodation and counseling activities.

Art.13 – (1) The adult aliens who were granted a form of protection in Romania shall benefit free of charge from courses of Romanian language organized by the specialized departments of the Ministry of Education, Research and Youth in cooperation with the National Refugee Office.

(2) The National Refugee Office may provide the necessary locations for the courses mentioned under paragraph 1 to be organized and take place in, as far as it is possible.

(3) The Ministry of Education, Research and Youth shall ensure the qualified personnel necessary for the Romanian language courses for adults and for the preparatory year for minors, as well as the adequate preparation for such courses.

(4) Within 3 months after the publication date of this law, the Ministry of Education, Research and Youth shall establish the length and the curricula for the Romanian language courses function of age groups.

(5) Upon finishing the preparatory Romanian language courses, the Ministry of Education, Research and Youth shall issue, upon request and free of charge, attestation certificates for the Romanian language, corresponding to the level of Romanian language proficiency of the persons that have attended such courses.

CHAPTER III

Participation Protocol for the Integration, Housing and Financial Aid Programs

Art.14 – The aliens who were granted a form of protection in Romania are included in the integration programs upon individual requests and on grounds of a protocol signed between the person applying for the integration program on the one side and the National Refugee Office, on the other side, which shall further on be referred to as protocol.

Art.15 – The application for taking part in integration activities must be submitted within 30 days of the obtaining the form of protection or of the entry into force of this law, in the case of aliens who have obtained the form of protection prior to this date but have not benefited from integration programs.

Art.16 – After submitting the application, the alien applying for the integration programs shall be interviewed by the designated employees of the National Office for Refugees, to which point an assessment form of the individual needs shall be drawn up, in order to establish the type of assistance or the activities necessary for the social integration of the person in question.

Art.17 – On grounds of the evaluation form, an individual plan of integration measures shall be drawn up, further on referred to as individual plan, which shall provide for the objectives established for the beneficiary, deadlines, activities necessary for accomplishing the objectives, responsible persons, institutions and/or organizations. The beneficiary shall be informed of this plan and its implementation shall be closely monitored by the National Refugee Office.

(2) The activities to be included, individually or cumulated, in the plan mentioned under paragraph (1) are the following:

- a) counseling and support activities in order to ensure the access to the rights mentioned under art. 1;
- b) cultural accommodation sessions;
- c) Romanian language courses.

Art.18 – (1) The protocol provides for: identification data of the parties, rights and obligation for each party, the implementation period for the plan, the circumstances in which it could be prolonged, the circumstances in which the accomplishment of the measures established by the plan is altered or even stopped.

(2) The assessment form and the individual plan are appended to the protocol.

Art.19 – (1) The validity term of the implementation of the individual plan be of 6 months as for the date of signing the protocol or as for the date stipulated by the protocol.

(2) Upon the motivated request of the beneficiary and on the basis of the evaluation conducted at the end of the period stipulated under paragraph (1), the National Refugee Office may approve the extension of the implementation period by maximum 6 months.

Art.20 – (1) The persons taking part in the integration programs and do not have means of support may be beneficiaries, upon request, of accommodation in places destined for this purpose, administered by the Ministry of Administration and Interior, provided vacant places are available.

(2) The maximum period a person may be accommodated under the conditions under paragraph 1 shall be of 6 months, having the possibility of extending it with 6 more months for motivated reasons, with the approval of the head of the National Refugee Office and provided it does not exceed the implementation period of the integration program.

(3) The National Refugee Office, within programs carried out in cooperation with city halls and non governmental organizations, may offer supplementary accommodation spaces for the aliens who take part in integration programs. In this respect, the National Refugee Office may conclude cooperation conventions with the city halls and non-governmental organizations, under the conditions set by law.

(4) The accommodation in the locations mentioned under paragraphs (1) and (2) shall be made on the basis of a rent established at local level for the locations belonging to the state or to the local administrative authorities and of paying support expenses.

Art.21 – (1) The aliens who were granted a form of protection in Romania and who do not have any means of subsistence shall have the right to a guaranteed minimum income under the conditions of the law.

(2) The content of the file necessary for obtaining the guaranteed minimum income is to be taking into consideration the specific situations of the aliens who were granted a form of protection.

(3) Up to the first month of receiving the social support, the aliens who were granted a form of protection in Romania and who do not have any subsistence means shall benefit from a financial support equal in amount to that of asylum seekers, granted by the National Refugee Office.

Art.22 – (1) The aliens who were granted a form of protection in Romania and shall have the following obligations, after having signed the protocol:

- a) to regularly take part in the activities established in the individual plan;
- b) to make efforts to undergo all steps of the program, according to the signed integration protocol;
- c) to comply with the discipline, behavior norms and those established by the persons in charge with the course and the internal regulations of the accommodation centers;
- d) to inform the National Refugee Office in writing on any change that could influence the presence in the integration activities.

(2) – Not complying with the obligation under paragraph (1) shall lead to several sanctions stipulated in the individual plan, including the annulment of the right to accommodation and the financial aid mentioned under art. 21, paragraph (3).

CHAPTER IV

The Role of the State Institutions and of the Local Authorities

Section 1

The Role of the National Agency for Employment

Art.23 – The aliens who were granted a form of protection in Romania shall be registered at the National Agency for Employment within one month since signing the protocol.

Art.24 – The National Agency for Employment, in cooperation with the National Refugee Office, shall draw up the necessary measures for each person taking part in the integration program, in order for him/her to find a working place, taking into consideration the cultural, educational and familial profile of the latter.

Art.25 – Within 6 months as for the registration, the National Agency for Employment shall offer the adults an opportunity of employment, anywhere in the country, where there are positions fit to their qualifications.

Art.26 – (1) The aliens taking part in the integration program have the obligation of complying with the decision of the National Agency for Employment and the National Refugee Office as regards the local community where the person is to live and work. (2) If the provisions of paragraph (1) are not respected, the support offered by the Romanian authorities for integration shall be ceased.

Section 2

The Role of Local Authorities

Art.27 (1) After the integration program finishes, the National Refugee Office shall guide the assisted persons to the community where they shall receive a job and informs them about the possibility of receiving social housing, according to the provisions of this law.

(2) The local authorities shall be bound to ensure, as far as it is possible, adequate social housing to the persons who were granted a form of protection in Romania and who are to move to the respective community, under the same conditions as for Romanian citizens.

(3) In case the local authorities are not able to ensure housing, the beneficiary of the protection form may rent a dwelling place in the respective local community, based on a renting contract.

(4) The National Refugee Office shall subsidize the rent of the social housing offered by the local authorities, referred to under paragraph (1), as far as funds are available, for a period of one year.

(5) The local authorities are bound to facilitate the access of the aliens who were granted a form of protection in Romania to social support, medical assistance and education, under the provisions of the law.

Section 3

The Role of the National Refugee Office

Art.28 – The National Refugee Office, within the Ministry of Interior, shall coordinate the activity of the other state institutions, local authorities and non governmental organization involved in the process of integration of aliens who were granted a form of protection in Romania and monitor individual cases.

Art.29 – (1) Yearly, no later than 1 July, the National Refugee Office shall submit a note on the number of persons estimated to benefit from the integration activities for the next year to the Ministry of Education, Research and Youth, the National Agency for Employment, the National House for Health Insurances and the National Authority for Child Protection and Adoption.

(2) This estimated number may be rectified by the National Refugee Office if the circumstances caused by events in the next year require this change.

CHAPTER V

Assistance for Persons with Special Needs

Art.30 – (1) For the purpose of this law, “special cases” shall be considered the aliens who were granted a form of protection in Romania having a low potential for self support caused by objective factors and independent of their will.

(2) Special cases shall be considered the following:

- a) disabled persons;
- b) persons who have reached the retirement age and who do not benefit from a pension;
- c) unaccompanied minors;
- d) victims of torture;
- e) one - parent families with underage children.

Art.31 – (1) The cases under Article 31, paragraph (2), points a), b), d) and e) shall benefit from the same protection regime provided for in the legislation in force for similar cases of Romanian citizens and from the assistance offered by state institutions with competence in these domains.

(2) The National Refugee Office may offer housing in its centers to the vulnerable persons referred to under paragraph (1), who do not need specialized support and who do not benefit from housing from the specialized institutions, as far as locations and funds are available.

(3) For thoroughly grounded reasons, the National Refugee Office may agree to extend the integration program over the limit referred to under article 19.

Art.32 – (1) In the case of unaccompanied minors who were granted a form of protection in Romania, the superior interest of the child, which includes the preservation of cultural identity, shall be taken into consideration in the selection of the specific form of protection.

(2) Unaccompanied minors who were granted a form of protection in Romania shall be included in the child protection system in accordance with internal legislation in the field.

(3) The National Authority for Child Protection and Adoption establishes the necessary measures to adapt the services offered to the specific needs of the unaccompanied minors who were granted a form of protection in Romania.

CHAPTER VI

The Budget

Art.33 – (1) Depending on the number of persons estimated each year, according to article 29, paragraph (1), the National Refugee Office proposes including distinctly in the budget the necessary funds for carrying out in good conditions the activities in their competence, provided for in this law for the integration of aliens who were granted a form of protection in Romania.

Art.34 – The provisions under article 34 apply correspondingly to the Ministry of Education, Research and Youth, the National Agency for Employment, the National House for Health Insurances and the National Authority for Child Protection and Adoption.

Art.35 – (1) In order for the activities established in the integration programs to be carried out in good conditions, the institutions that have these integration programs in their competence may resort to the services or interpreters and experts.

(2) The remuneration for the services referred to under paragraph (1) shall be granted under the terms of the law, from the funds designated for the integration activities, included in the budgets of the respective institutions.

CHAPTER VII

Transitional and Final Provisions

Art.36 – (1) In order to accomplish the goals of this ordinance, a department specialized in integration shall be grounded within the National Refugee Office.

(2) For the purpose of paragraph (1), the responsibilities of the integration department and the supplementation of the organizational chart of the National Refugee Office with the necessary personnel for its well functioning shall be approved by an Order of the minister for Administration and Interior.

Art.37 – The National Refugee Office, together with the other competent public institutions, shall cooperate according to their competence with nongovernmental organizations and international organizations, in order to identify additional financial resources, necessary for the development of integration programs for aliens who were granted a form of protection in Romania.

Art.38 – Function of the available funds, the National Refugee Office may make or order, under the terms of the law, research studies regarding the process of integration of aliens who were granted a form of protection in Romania and may conduct public informing and public awareness campaigns.

Art.39 – Article 5, point d) of the law number 203/1999 regarding the work permits, with the subsequent amendments and additions, changes to the following:

“d) aliens who were granted a form of protection in Romania”.

Art.40 – To the Article 53 of the Government’s Emergency Ordinance number 150/2002 regarding the organization and functioning of the social health insurances system, with subsequent amendments and additions, shall be added a new paragraph, with the following content:

”(5) The time period for which the aliens who were granted a form of protection in Romania should pay the legal amount in order to become insured shall be computed since the date when the respective form of protection was obtained.”

Art.41 – This ordinance shall enter into force within 90 days since the date of its publication in the Romanian Official Monitor, part I.

Art.42 – In order for this ordinance to be exercised, the Ministry of Administration and Interior shall elaborate the Methodological Norms, which are to be approved by Government’s Decision, within 90 days since the publication of this document in the Romanian Official Monitor, part I.

Art.43 – Upon the entrance into force of this ordinance, the articles 23 paragraph (3) point a) and paragraph (4) from the Government’s Decision No.102/2000 on the statute and regime of refugees in Romania and the Government’s Decision No. 1191/2002 on the social and professional integration of refugees, published in the Romanian Official Monitor No. 815 of 18.12.2001 shall be repealed.

Prime minister
ADRIAN NASTASE

Countersigning

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Ioan Rus
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