

GOVERNMENT OF ROMANIA

METHODOLOGICAL NORMS/2006

for the enforcement of Law No 122/2006 on asylum in Romania

Official Gazette 805 of September 25, 2006

No	Title	Date	OG	Amendments
1	<u>Decision No 653/2013</u> - amending the Methodological Norms for the enforcement of <u>Law No 122/2006</u> on asylum in Romania, approved through the Government Decision <u>No 1.251/2006</u>	September 3, 2013	Official Gazette 559/2013	<u>Art. 60., Art. 61., Art. 62., Art. 63</u>
2	<u>Decision No 898/2011</u> - on setting the form and content of resident permits, travel documents, as well as of other documents issued to aliens	September 29, 2011	Official Gazette 690/2011	<u>Art. 40, Art. 50, Art. 53, Art. 70, ANNEX No 2, ANNEX No 6, ANNEX No 1, ANNEX No 4, ANNEX No 5</u>
3	<u>Decision No 1566/2008</u> - amending and supplementing the <u>Government Decision 557/2006</u> setting the date of the issuing of electronic passports, as well as their form and content	December 15, 2008	Official Gazette 842/2008	<u>Art. 84</u>
4	<u>Official Gazette 833/2006</u> Corrigendum	October 10, 2006	Official Gazette 833/2006	<u>Art. 84</u>

CHAPTER I

General Provisions

Article 1

Object of the regulation

The rights and obligations, general and specific to asylum seekers and persons who were granted a form of protection in Romania, receiving applications, registering and keeping record of asylum seekers and persons granted a form of protection, the asylum procedure, the procedure of annulment and termination of any form of protection, as well as assistance to asylum seekers and persons granted a form of protection, except assistance granted in accordance with Government Ordinance No 44/2004 on the social integration of aliens who were granted a form of protection in Romania, approved with amendments through Law No 185/2004, with further modifications, shall be regulated in accordance with the provisions of Law No 122/2006 on asylum in Romania, hereinafter referred to as *the law*, and of these methodological norms.

CHAPTER II

Conditions for exercising the rights and meeting the obligations provided for by law

Article 2

The right to be informed

- 1) The information provided for under [article 17\(1\)\(f\)](#) in the law shall be made in writing by the civil servant responsible with receiving the asylum application, in accordance with the model established by the order of the General Director of the National Office for Refugees.
- 2) The civil servants with competence shall be bound to inform the asylum seekers on the means they may contact the nongovernmental organizations, the United Nations High Commissioner for Refugees and on the means they may obtain assistance and legal representation.
- 3) Through order of the General Director of the National Office for Refugees, the civil servant responsible with ensuring the conditions for accomplishing the activities provided for under paragraph 2 shall be appointed.

Article 3

The right of the asylum seeker to be issued a temporary identity document

Upon request, the National Office for Refugees shall issue free of charge, a certificate attesting the status of asylum seeker to aliens in the situations provided for under [article 17\(1\)\(h\)\(i\)](#) and (ii) in the law.

Article 4

The right to take part in activities of cultural adaptation

(1) The activities of cultural adaptation for asylum seekers shall consist of sessions familiarizing asylum seekers with the traditions, customs and values of the Romanian culture and offering practical information on the Romanian society and shall be ensured by the specialized staff of the National Office for Refugees, in the centres for the reception and accommodation of asylum seekers.

(2) The National Office for Refugees may cooperate with non-governmental organizations with a view to carrying out the activities of cultural adaptation for asylum seekers.

Article 5

Specific rights of asylum seekers with special needs

(1) The asylum seekers shall be evaluated by the specialized staff of the National Office for Refugees so as to establish whether they are to be included in the category of persons with special needs.

(2) The asylum seekers with special needs shall benefit of psychological assistance from the part of the specialized staff of the National Office for Refugees.

(3) The National Office for Refugees may notify specialized institutions designated to offer the necessary assistance to asylum seekers with special needs, function of the specificity of each person's need.

(4) The National Office for Refugees may cooperate with non-governmental organizations so as to assist asylum seekers with special needs.

Article 6

The access of minor asylum seekers to education

(1) The access of minor asylum seekers to education shall be free, unconditioned and shall be exercised under the same conditions as for minor Romanian citizens.

(2) The methodology, teachers, handbooks and teaching materials necessary for carrying out the introductory course so as to register the minor asylum seekers in the national education system shall be ensured by the Ministry of Education and Research.

(3) The National Office for Refugees may make available the space necessary for carrying out the introductory course, in the centres for reception and accommodation of asylum seekers, as well as didactic materials.

(4) The applications for registering the minor for the introductory course shall be submitted by the parents or designated legal representative at the headquarters of county school inspectorates, respectively the Bucharest Schools Inspectorate.

Article 7

The obligation of not leaving the place of residence

- 1) In order to obtain the authorization provided for under Article 19(g) in the law, the asylum seeker is bound to address himself/herself to the National Office for Refugees or, if the case may be, to its territorial structures, with a motivated request which shall be immediately solved.
- 2) In the case it is necessary for the asylum seeker to present himself/herself before authorities or in court in a place other than his/her place of residence, the authorization of the National Office for Refugees shall no longer be necessary.

Article 8

The obligation of undergoing medical examination

In the cases provided for under [article \(19\)](#) (h) of the law, the asylum seeker shall be bound to undergo only the medical examination established for reasons of public health.

CHAPTER III

Forms of protection and the asylum procedure

SECTION I

Common Provisions

Article 9

Acts of persecution

(1) In establishing whether the condition referring to persecution is met, in accordance with [Article 23](#)(1) of the law, the competent authorities shall take into account the actions and deeds that:

- a) are serious enough through their nature or because of being included in a systematic practice, as well as because of their iteration, so that they represent a serious violation of the fundamental human rights, especially of the rights from which no derogation can be made in accordance with [Article 15](#)(2) on the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 1950, ratified through [Law No 30/1994](#); or
- b) consist of a multitude of diverse measures, including violation of human rights, which are serious enough to affect a person to the same extent as the one mentioned at point (a).

(2) The actions and deeds set out in paragraph (1) may be considered to represent persecution if based on reasons such as: race, nationality, religion, affiliation to a certain social group or political opinion, no matter if the reasons are real or attributed to the respective person by the agent of persecution.

(3) The acts of persecution, which can be considered as such in accordance with paragraph (1), may take the form of:

- a) acts of physical or mental violence, including acts of sexual violence;
- b) legal, administrative, police and/or judicial measures, which are discriminatory or are applied in a discriminatory manner;
- c) disproportionate or discriminatory prosecution or punishment;
- d) denial of judicial redress resulting in a discriminatory or disproportionate punishment;
- e) prosecution or punishment as a result of refusing to perform military service in case of conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in [Article 25](#)(1) of the law;
- f) abuse or acts of gender –specific as well as child-specific nature.

Article 10

Reasons of persecutions

When assessing the reasons of persecution, the following elements shall be taken into account:

- (a) the concept of race shall in particular include considerations of colour, descent or membership of a particular ethnic group;
- (b) the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, participation in or abstention from the participation in formal worship in public or private contexts, either alone, or in community with others, other religious acts or forms of expressing worship, forms of personal or communal conduct based on or mandated by any religious belief;
- (c) the concept of nationality shall not be confined to the notion of citizenship or statelessness, it shall include membership of a group determined by its cultural, ethnic or linguistic identity, through common geographical or political origins or through the relation with the population of another State;
- (d) a group shall be considered to form a certain social group where in particular:
 - i) members of the respective group share innate characteristics or a common background, which cannot be changed, or share characteristics or beliefs which are so fundamental to identity or conscience of the respective person, reason for which the person should not be forced to renounce it;
 - ii) the group has a distinct identity in the relevant country, because it is perceived as being different from the surrounding society;
 - iii) depending on the circumstances in the country of origin, a particular social group may include a group based on the common characteristics of sexual orientation. Sexual orientation shall not be understood to include acts considered to be criminal in accordance with the national legislation of the Member State. Aspects referring to gender may be included in the notion of sexual orientation, under the condition that this is the sole reason for the enforcement of this article;
- (e) the concept of political opinion shall in particular include the holding of an opinion regarding a certain issue, related to possible agents of persecution, mentioned under Article 11 and to their policies and methods, whether or not that opinion has been acted upon by the applicant.

Article 11

Agents of persecution

When establishing the actions and facts of persecution, the competent authority shall take into account whether these were exercised especially by the following agents of persecution:

- (a) the State;
- (b) parties or organizations controlling the State or a substantial part of the state territory; or

(c) non-governmental agents, if the agents mentioned at points (a) and (b), including international organizations, are not able or do not want to ensure protection against persecution or when they take responsibility for or tolerate the acts of non-governmental agents.

Article 12

Well founded fear of persecution or being exposed to serious risk

Upon establishing the well founded fear of persecution, in accordance with [Article 23](#)(1) of the law, and the serious risk in accordance with [Article 26](#)(1) of the law, the competent authority shall take into account if these were caused by events which took place before having left the country of origin, as well as if those were caused by events which took place after having left the country of origin. Also, the competent authority shall take into account whether the well founded fear of persecution, for the purpose of [Article 23](#)(1) of the law and the serious risk, for the purpose of [Article 26](#)(1) of the law, may be caused also by actions carried out by the applicant after having left the country of origin, especially when it was established that the respective actions represent the expression and continuation of the beliefs or orientations which the respective person had in the country of origin.

Article 13

The active role

(1) The authorities with competence in solving asylum applications shall be bound to analyze all the relevant aspects of the asylum application in cooperation with the applicant, if the case, or upon his/her request.

(2) In view of accomplishing the obligation provided for under paragraph (1), the authorities with competence in solving the asylum applications may, under the conditions of the law, request the expertise, may consult experts, may make checks related to the identity of the asylum seekers or persons granted a form of protection.

Article 14

Entry on the Romanian territory

In applying the provisions of [Article 24](#)(2), [Article 27](#)(2) and [Article 71](#)(3) of the law, the last entry on the Romanian territory before obtaining the refugee status, or, if the case, the subsidiary protection, shall be taken into account.

SECTION 2

Ordinary procedure

Article 15

Asylum application

(1) The civil servants of the authorities with competence in receiving the asylum applications shall hand over the standard form presented in Annex 1 to these methodological norms to the applicant and shall explain the way to fill it in.

(2) In the case the applicant cannot write, the civil servant receiving the application shall fill in the form in accordance with the oral statement of the applicant and this form shall be signed or shall have affixed the fingerprint of the applicant and shall be signed by the civil servant who filled it in and by the interpreter, if the case.

(3) If the applicant holds identity documents, the civil servant shall compare the data included in the application and indicate to the applicant the incongruities in the application in order to make the appropriate changes.

Article 16 **Processing the asylum application**

(1) The assessment of an asylum application shall be based on individual elements and taking into account the following:

(a) all relevant facts as they relate to the country of origin at the time of taking a decision on the application, including the legislation in the country of origin and the manner in which this is applied;

(b) relevant statements and documentation presented by the applicant, including information on whether the applicant has been or may be subject to persecution for the purpose of [Article 23\(1\)](#) of the law, or to serious harm, or the possibility of existing of a serious risk, for the purpose of [Article 26\(1\)](#) of the law;

(c) the individual situation or personal circumstances of the applicant, including factors such as background, gender, age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which he/she has been or could be exposed would amount to persecution or serious harm, for the purpose of [Article 23\(1\)](#), respectively [Article 26\(1\)](#) of the law, if the case may be;

(d) whether the actions of the applicant, subsequent to the moment of leaving the country of origin were engaged in for the sole or main purpose of creating the conditions necessary to submitting an application for asylum, so as to assess whether these activities shall expose the applicant to persecution or to serious harm if returned to the country of origin, for the purpose of [Article 23\(1\)](#), respectively [Article 26\(1\)](#) of the law, if the case may be, in the case of return to the country of origin;

(e) whether the applicant could benefit of the protection of another state where he obtained citizenship;

(2) The fact that an applicant has been subject to persecution or serious harm or a direct threat of persecution or such harm is a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm, for the purpose of [Article 23\(1\)](#), respectively [Article 26\(1\)](#) of the law, if the case may be, unless there are good reasons to consider that such persecution or serious harm shall not be repeated.

(3) In accordance with [Article 13\(1\)\(b\)](#) of the law, the civil servants with competence in consulting the information from the applicants' country of origin means must consult any information available in public sources web sources, libraries, opinions of experts in the field, reports and materials of institutions, centres and organizations specialized in this respect and materials issued by the Romanian Ministry of Foreign Affairs, as well as any other sources that may contribute to finding out about the situation in the country of origin.

Article 17

Civil servants with competence in solving asylum applications

Civil servants provided for in [Article 48](#) of the law shall have long term postgraduate studies in the legal field, a bachelor degree, as well as specialized knowledge in the field of migration.

Article 18

Activities carried out by the National Office for Refugees and its territorial structures after the registration of the asylum application

(1) After the asylum application is registered, the National Office for Refugees and its territorial structures, through the appointed staff, shall:

- a) inform the asylum seeker in respect to the rights and obligations as asylum seeker;
- b) make checks in the records of the National Office for Refugees in order to establish whether the applicant previously submitted an asylum application under the declared identity, as well as any other checks necessary for solving the case, in accordance with the legal acts in force;
- c) hold the travel document of the asylum seeker, which can be temporarily returned to the holder, upon request and for well-founded reasons;
- d) take the photo and the fingerprints of the applicant;
- e) make the personal file of the applicant, which shall contain the asylum application, the interview questionnaire as well as the documents necessary for solving the case and/or related to the case;
- f) communicate in writing to the applicant the date and hour to present himself/herself for the interview;
- g) issue the temporary identity document for the applicant, within three days;
- h) register the application for the temporary financial support for the asylum seekers, necessary for living costs, the standard form being established at the level of the National Office for Refugees.

(2) The asylum application, submitted to one of the authorities referred to in [Article 35\(b\)-\(e\)](#) of the law, shall be immediately submitted to the National Office for Refugees, accompanied by a notification regarding the applicant and the documents he/she holds. The information shall contain the hour the person presented himself/herself, the documents that he/she holds, the persons accompanying him/her, other elements contributing to the operational solving of the case.

Article 19

Correlation of applications and the individual character of the application

(1) In the case provided for under [Article 14\(2\)](#) of the law, the decisions shall contain an individual analysis of the situation of each asylum seeker.

(2) In the case stipulated under [Article 37\(3\)](#) of the law, the competent authority shall inform the aliens who submitted a collective application for being granted a form of protection that they are bound to submit an individual application.

Article 20

Submission of the asylum application

- (1) In the cases stipulated in [Article 38](#)(1) and (2) of the law, the authorities provided for under [Article 35](#)(b)-(d) in the law shall issue the applicant a temporary certificate valid for 48 hours, according to the model form established through order of the General Director of the National Office for Refugees, which makes the proof of the asylum seeker status of the alien.
- (2) In the cases stipulated in [Article 38](#)(4) and [Article 39](#)(4) of the law, the asylum seeker shall be transported under escort. The costs for accompanying the asylum seeker shall be borne by the authorities that the accompanying persons represent.

Article 21

Minors submitting an asylum application

- (1) In the case of an alien unaccompanied minor who expressed the will to obtain asylum, in front of the competent authorities, a report shall be drafted which registers the manifested will.
- (2) Unaccompanied minors asylum seekers shall be registered in the records of the National Office for Refugees, in a special register which includes the declared identity data.
- (3) The civil servant who registers the unaccompanied minor as asylum seeker shall immediately notify the competent authority for child protection in the jurisdiction of which the accommodation centre is situated and where the asylum application is to be submitted, with a view to initiating the procedure of appointing a legal representative.
- (4) In the case an unaccompanied minor asylum seeker manifests his/her will, in accordance with [Article 39](#)(4) of the law, the notified authorities shall draft a notification paper which shall be immediately sent to the National Office for Refugees. The notification paper shall contain the identity data of the applicant, the documents possessed, the persons accompanying him/her as well as other relevant data.
- (5) In the case referred to in [Article 39](#)(4) of the law, when the unaccompanied minor asylum seeker is in a detention place, the National Office for Refugees shall take over the applicant at the end of serving the sentence and only if the asylum procedure has not been finalized.

Article 22

Informing the unaccompanied minor asylum seeker on undergoing a medical examination for age determination

The information provided for under [Article 16](#)(4) of the law shall be made in writing, in accordance with the model established by order of the General Director of the National Office for Refugees.

Article 23

The interview for determining a form of protection

- (1) The interview for determining a form of protection, provided for in [Article 45](#) of the law, shall be registered in writing in an interview minute.

(2) After the content of the interview minute is read, the minute shall be signed on each page by the asylum seeker or, if the case, by the legal representative or curator of the asylum seeker, as well as by the interpreter, the lawyer and civil servant who were present during the interview.

Article 24

Granting subsidiary protection

Subsidiary protection shall be granted under the conditions stipulated in [Article 26](#) in the law, to the extent to which the foreign citizen or stateless person is not in any of the situations stipulated in [Article 28](#) in the law.

Article 25

Renouncing the asylum application in the administrative stage

(1) In the case provided for in [Article 51](#)(1) of the law, the asylum seeker shall be informed on the consequences of the renunciation act by the civil servant who received the application.

(2) In the case provided for in paragraph (1), a form shall be filled in. The form shall be drafted in Romanian and a language which the applicant is reasonably considered to understand. The form shall be drafted in accordance with the model form established at the level of the National Office for Refugees and shall contain the act of renouncing and the information on its consequences.

(3) Through the decision provided for in [Article 51](#)(2) of the law, the act of renouncing the asylum application shall be acknowledged and the decision of closing the case shall be taken.

(4) In the case the renouncing request is submitted to one of the authorities referred to under [Article 35](#) (b)-(e) of the law, this shall immediately be sent to the National Office for Refugees.

Article 26

Prolongation of the term for solving the asylum application

For the implementation of [Article 52](#)(2) of the law, the civil servant shall draft a notification which motivates the need for prolonging the procedure and which shall be submitted for the approval of the General Director of the National Office for Refugees.

Article 27

The obligation of leaving the Romanian territory

The National Office for Refugees shall inform the Authority for Aliens on the situation of the aliens whose asylum applications were denied at the end of the asylum procedure and who are bound to leave the Romanian territory within the interval provided for in [Article 53](#)(3) of the law.

Article 28

Submission of complaint

- (1) The civil servant who registers the complaint provided for under [Article 55](#)(1) of the law shall check and, if the case, guide the applicant with regard to the aspects of form that are missing from the content of the complaint.
- (2) The National Office for Refugees shall immediately send the competent court the copy of the complaint together with all the necessary documents with a view to solving the complaint.

Article 29

Proof of initiating the appeal

The asylum seeker shall make the proof of initiating the appeal provided for under Article 66(1) of the law through the proof of mail delivery date or through the personal copy of the appeal application submitted at the Court registry office. If these are not available, the proof of initiating the appeal shall be made in accordance with the provisions of the civil procedure code

SECTION 3

The procedure of solving an asylum application submitted by the family members of the person who was granted the refugee status or subsidiary protection in Romania

Article 30

The civil status documents of the family members of the person who benefits from a form of protection

- (1) In the case provided for in [Article 71](#)(1), together with the application, the person who was granted the refugee status or subsidiary protection shall also present original documents (birth certificate, marriage certificate, identity card, etc) clearly attesting the family ties between the family member on behalf of which the application is submitted and the respective person, or, if such documents are not available, data necessary to prove the status of family member.
- (2) In order to obtain the supplementary data and information related to family ties, as well as to clarify other relevant aspects related to the asylum application submitted for the family members, the National Office for Refugees shall carry out an interview with the person who was granted a form of protection under the conditions of [Article 23](#) and 26 of the law.
- (3) In the case the beneficiary of the form of protection does not present to the National Office for Refugees sufficient documents attesting his/her family ties with the family member on behalf of which he/she submits the application, claiming that the original documents are with the family member who is in a third country, the National Office for Refugees shall communicate the list of necessary documents to the General Directorate for Consular Affairs within the Ministry of Foreign Affairs.
- (4) The General Directorate for Consular Affairs shall require the Romanian diplomatic mission or consular office in the country where the family member of the beneficiary of the form of

protection in Romania is to verify the existence of the documents required by the National Office for Refugees. These documents shall be presented at the Romanian diplomatic mission or consular office by the family member on behalf of whom the application was submitted.

(5) The documents provided for in paragraph (4) shall be sent, in copy mentioning “in conformity with the original”, through the General Directorate of Consular Affairs, to the National Office for Refugees by the Romanian diplomatic mission or consular office from the country where the family member on behalf of which the application was submitted is.

Article 31

Complying with the conditions for family reunification

(1) In the case the conditions provided for in [Article 30](#) are met, the National Office for Refugees shall send the General Directorate for Consular Affairs a note confirming the compliance with the conditions for family reunification by the family member of the beneficiary of a form of protection in Romania.

(2) In the case of non-observance of the conditions provided for in [Article 30](#), the civil servant provided for in [Article 48](#)(2) of the law shall issue a decision denying the asylum application submitted, in accordance with [Article 71](#)(1) of the law. The denial of the application can only be based exclusively on the lack of documents attesting marriage or family ties.

(3) The decision provided for in paragraph (2) shall be communicated to the person who submitted the asylum application for the family members outside the Romanian territory.

(4) The family reunification procedure, provided for under [Article 71](#) of the law shall be finalized as soon as possible, without exceeding 9 months from the date of application submission. In the case there is a need for further checks, the term of 9 months may be prolonged with maximum 6 months.

Article 32

Family member in a third country

(1) If the family member of the beneficiary of a form of protection in Romania is in a third country, with no national valid travel document, the National Office for Refugees shall require the General Directorate for Consular Affairs to grant the visa and issue the travel title on his/her name.

(2) The diplomatic mission or consular office in the country where the family member is shall be instructed to issue the document stipulated in paragraph (1) to the holder after having checked the latter's identity.

Article 33

Family member in the country of origin

(1) If the family member of the person who benefits from a form of protection in Romania is in the country of origin, the National Office for Refugees shall transmit the General Directorate for Consular Affairs a note confirming the compliance with the conditions for family reunification, in accordance with [Article 71](#) of the law, by the family member of the beneficiary of a form of protection in Romania.

(2) The General Directorate for Consular Affairs shall send the notification, as soon as possible, to the Romanian diplomatic mission or consular office in the country where the family member of the beneficiary of a form of protection in Romania is and the diplomatic mission or consular office shall be instructed to grant the respective person, upon request, entry visa for Romania, with 30 days stay right, after having determined his/her identity and only if presenting a valid travel document.

Article 34

No identity proof of the family member

If the family member does not present sufficient documents attesting his/her identity, the diplomatic mission or consular office shall not issue the entry visa or, if the case, shall not issue the travel document required by the National Office for Refugees.

Article 35

Automatic initiation of the family reunification procedure

The agreement provided for under Article 72(2) of the law shall be made in written form, in accordance with the model established by order of the General Director of the National Office for Refugees.

SECTION 4

Accelerated Procedure

Article 36

Unfounded asylum application

(1) The asylum application shall be considered as manifestly unfounded, in accordance with Article 76(1)(b) and Article 76(3)(f) of the law, when the asylum seeker repeatedly and severely breached the provisions of Article 19 of the law.

(2) The list with safe countries of origin, approved by Order of the Minister of Administration and Interior, in accordance with Article 77(1) of the law, shall be published in the Official Monitor of Romania, Part I.

SECTION 5

Border Procedure

Article 37

Formulating the asylum application

(1) In the case the applicant does not speak Romanian and no interpreter can be made available, the border police employee shall immediately send the National Office for Refugees the application drafted by the applicant in the language he/she knows, signed and dated, the language aspect being also mentioned.

(2) The asylum applications, submitted at a state border crossing check point in the airport and sent to the National Office for Refugees, shall be accompanied by a notification regarding the applicant, which shall contain the hour the person presented himself/herself, the flight transporting him/her to Romania and carrier company the documents possessed, the persons accompanying him/her, other elements relevant to the operational solving of the case.

Article 38

Administration of the accommodation spaces for the asylum seekers

The spaces in the transit area allocated to accommodating the asylum seekers, as well as the centres provided for in [Article 87\(2\)](#) of the law shall be administered in accordance with the legislation in force.

Article 39

The transfer under escort of the asylum seeker

(1) The asylum seeker may be transferred under escort from the transit area of the state border crossing check point or of the centre provided for in [Article 87\(2\)](#) of the law to the transit area of another state border crossing check point, for the purpose of implementing the order of leaving the Romanian territory, included in the decision denying the asylum application.

(2) The transfer of the applicant and ensuring his/her presence in court, upon the court request, shall be made without considering the applicant as legally allowed to enter the Romanian territory.

SECTION 6

The procedure of solving the application for granting the access to a new asylum procedure

Article 40

Granting permission of stay on the Romanian territory

(1) On the date of registering the application for granting the access to a new asylum procedure, the National Office for Refugees shall inform the Authority for Aliens regarding the interval of permitting the stay on the Romanian territory, provided for in [Article 89\(1\)](#) in the law.

(2) In the interval for which the permission of stay on the Romanian territory was granted, provided for in [Article 89\(1\)](#) of the law, the enforcement of the order through which the aliens is bound to leave the Romanian territory shall be suspended.

(3) In the case provided for in [Article 89\(1\)](#) of the law, the alien shall be issued a temporary stay certificate, in accordance with the model provided for in Annex 4 to the Government [Decision No 898/2011](#) on setting the form and content of residence permits, travel documents, as well as of other documents issued to foreigners.

amended through

Government Decision No 898/2011 on setting the form and content of residence permits, travel documents, as well as of other documents issued to foreigners, of September 7, 2011, Official Gazette 690/2011;

Article 41

Conditions for the access to a new asylum procedure

- (1) In the case the conditions provided for in Article 88(1) of the law are complied with, the analysis of the application for granting the access to a new asylum procedure shall be made exclusively from the perspective of the provisions of Article 88(2) of the law.
- (2) In the case the conditions provided for in Article 88(1) of the law are not complied with, a decision of denial shall be issued, to which the notification provided for in Article 91(3) of the law shall be annexed.

Article 42

Denying the permission to stay on the Romanian territory

The decision provided for in Article 89(3) of the law shall contain exclusively the reasons at the basis of not granting the permission of stay on the Romanian territory.

Article 43

Effects of the decision of granting the access to a new asylum procedure

- (1) After a decision of granting the access to a new asylum procedure was taken, the alien shall be informed on the rights, obligations, the procedure of solving the application and the date of the interview.
- (2) After granting the access to a new asylum procedure, a new file of the alien shall be made and the previous file(s) shall be attached thereto.
- (3) Pursuant to the decision of granting the access to a new form of protection and to Article 92 of the law, the National Office for Refugees shall inform the competent authorities as regards the annulment of the order through which the respective alien was bound to leave the Romanian territory.

SECTION 7

The procedure of safe third country

Article 44

Publishing the list of safe third countries

The list with safe third countries, approved by Order of the Minister of Administration and Interior, in accordance with Article 97 of the law, shall be published in the Official Monitor of Romania, Part I.

Article 45

Access to the asylum procedure

For the purpose of implementing the provisions of [Article 95](#)(2) of the law, the civil servant specially appointed to carry out the interview and solve the application shall issue a decision through which the applicant is granted the access to the asylum procedure.

Article 46

Foreign requests of taking over asylum seekers

(1) Under the conditions of [Article 96](#) of the law, the National Office for Refugees may receive requests of taking charge or taking back aliens on its territory, on the basis of the safe third country principle.

(2) The civil servants specially appointed provided for in [Article 48](#)(2) of the law, shall analyze the arguments *de jure* and *de facto* presented in the request from the perspective of safe third country procedure, requesting any public institutions, agencies or organizations which function on the Romanian territory, any information or documents necessary for the analysis of the situation of the aliens and taking a decision on taking charge or taking back. The confidentiality of the processed data shall be ensured in accordance with [Article 10](#) of the law.

(3) In the case the checks indicate the fact that Romania is responsible for the analysis of the asylum application of an alien from the applicant state, the civil servants specially appointed shall issue a decision through which Romania accepts the responsibility and shall include the practical details for the subsequent transfer.

(4) The transfer of persons for whom Romania accepted the responsibility pursuant to the principle of safe third country shall be made under the same conditions as those provided for in [Article 125](#) of the law. The expenses related to the transfer of these persons, from the moment of taking over shall be borne by the Romanian authorities.

CHAPTER IV

Withdrawal or annulment of the refugee status or of the subsidiary protection

Article 47

Termination of the circumstances on the basis of which the refugee status was acknowledged or subsidiary protection was granted

(1) In the cases provided for in [Article 98](#)(1)(e) and (f) of the law, it shall be analyzed whether the change of circumstances is not substantial and is of temporary nature, when the fear of persecution of the beneficiary of the refugee status is well founded.

(2) In the cases provided for in [Article 99](#) of the law, it shall be analyzed whether the change of circumstances is not temporary and whether it is significant to such extent that the beneficiary of subsidiary protection is no longer exposed to serious harm, pursuant to the provisions in [art. 26](#)(1) of the law.

Article 48

Analysis of changes in the country of origin

(1) In the case there are major changes in the situation in the country of origin or in the treatment applied to a particular category of persons in the respective country, the National Office for Refugees may initiate a procedure for reviewing the situation of the persons who were granted the refugee status or subsidiary protection and who originate in the respective country.

(2) In the case provided for in [Article 103\(1\)](#) of the law, the request addressed to the beneficiary of the form of protection to present himself/herself to the National Office for Refugees or, if the case, to its territorial structures for the purpose of carrying out an interview in order to clarify his/her situation, shall be accompanied by a notification according to the model established at the level of the National Office for Refugees.

Article 49

Finalizing the procedure of withdrawal or annulment of the form of protection

In accordance with [Article 106\(1\)](#) of the law, the procedure of withdrawal, or, if the case, annulment of the form of protection shall be finalized, except the cases solved in accelerated procedure, when the review procedure is immediately finalized, within 7 days from the date of notifying the decision of the National Office for Refugees which established the continuation of the form of protection granted, from the date of expiry of the legal term of submitting the complaint or, if the case, of the appeal or from the date of court ruling regarding the appeal.

CHAPTER V

Issuance of identity documents and travel documents as well as validity renewal

Article 50

Renewal of temporary identity documents validity for asylum seekers

(1) In the case stipulated in [art. 17 \(1\)\(h\)](#) of the law, a temporary identity document shall be issued to aliens requesting asylum. The template of such documents is stipulated in annex No 3 to the [Government Decision No 898/2011](#).

(2) The validity of the temporary identity document for asylum applicants shall be successively renewed throughout the asylum procedure and up to the expiry of the 15-day term from the completion of such procedure, in case the asylum application is denied, respectively up to the completion of the asylum procedure, in case the applications are denied as manifestly groundless pursuant to the accelerated settlement procedure.

amended through

[Government Decision No 898/2011](#) on setting the form and content of residence permits, travel documents, as well as of other documents issued to foreigners, of September 7, 2011, [Official Gazette 690/2011](#);

Article 51
Residence permit

- (1) After the granting of one of the forms of protection stipulated in [art. 22](#) of the law, a residence permit shall be issued to the alien, free of charge, according to the template in annex No 1 to the [Government Decision No 898/2011](#).
- (2) The residence permit attests the identity, the right of stay on the territory of Romania, and the holder's residence.
- (3) The residence permit is issued based on the documents in proof of the legal residence.
- (4) With a view to attesting the residence, the beneficiary of the form of protection shall be bound to submit the following documents: sales contract, lease contract registered at the Financial Administration or, if the case may be, bailment contract concluded in accordance with [Article 8\(b\)](#) of the Law No 36/1995 on notary public and notary activities, with further amendments, or any other legalized documents making the proof of housing rights obtained by the beneficiary.

Article 52
The obligation of beneficiaries of a form of protection to declare certain changes

- (1) The beneficiaries of a form of protection shall be bound to declare the following at the National Office for Refugees:
 - (a) change of residence
 - (b) changes in the personal situation related to their citizenship, within 30 days from the event
- (2) The beneficiary of a form of protection who changes his/her residence shall be bound, within 15 day from the date of moving to the new address, to present himself/herself to the structures of the National Office for Refugees under whose jurisdiction the residence is, or, if the case may be, to the structures of the Authority for Aliens with territorial competence, in order to be recorded and appropriate mentions to be made in the identity document.

Article 53
Drafting, issuance and annulment of the travel documents

- (1) A fee shall be paid for the travel documents for beneficiaries of the refugee status or subsidiary protection for issuance, respectively renewal, in accordance with the law.
- (2) The travel documents of the persons granted the refugee status or subsidiary protection shall be annulled in the case the form of protection granted was terminated or annulled after finalizing the termination procedure, or the annulment one
- (3) The form, content, and security elements of travel documents are stipulated in annexes No 5 and 6 to the [Government Decision No 557/2006](#) on setting the date on which electronic passports are issued, as well as the form and content thereof, as subsequently amended and supplemented.

(4) The form and content of the identity documents for refugees and the persons who were granted subsidiary protection are stipulated in annex No 3.

amended through

[Government Decision No 898/2011](#) on setting the form and content of residence permits, travel documents, as well as of other documents issued to foreigners, of September 7, 2011, [Official Gazette 690/2011](#);

Article 54

Annulment, amendments and corrections in the records

The annulment, amendments and corrections in the records related to identification data of the applicants shall be made upon the approval of the General Director of the National Office for Refugees or of the person appointed by the latter, in accordance with the legislation in force.

CHAPTER VI

Financial support for asylum seekers and persons granted a form of protection

Article 55

Food alimony

(1) The asylum seeker shall receive, upon request, food within the limit of 3 RON/person/day, accommodation within the limit of 1.8 RON/person/day and other expenses, within the limit of 0.6 RON/person/day in accordance with the conditions set out in [Article 17\(1\)\(j\)](#) of the law.

(2) While drafting the state budget, when registering a rate of inflation of at least 5% compared to the last month of updating the above mentioned amounts, these shall be increased with the rate of inflation, by Government decision.

(3) In accordance with [Article 87\(3\)](#), the asylum seeker accommodated in the centres referred to under Article 87(2) of the law, shall receive free of charge a daily food alimony within the limit of caloric values, as follows:

- (a) food limit = 3645 calories - for the asylum seeker adult or minor over the age of one;
- (b) food limit = 3175 calories - for the pregnant asylum seeker, as well as for sick asylum seekers during their hospitalization in wards (stationary)
- (c) food limit = 860 calories – supplement free of charge for the asylum seeker pregnant between month 5 and 9 or who has given birth and does not feed the baby up to the age of 1;
- (d) food limit = 1225 calories – supplement for the asylum seeker who has given birth and feeds the baby up to the age of 1;
- (e) food limit = 1190 calories - supplement for each child between 0 and 5 month including, who is together with one or both parents asylum seekers
- (f) food limit =1650 calories - for each child aged 6-12 who is together with one or both parents asylum seekers.

(4) The food limits shall be established by order of the Minister of Administration and Interior.

Article 56

Financial assistance for housing

- (1) The financial support for housing, in accordance with [Article 17\(5\)](#) of the law, shall contain the right provided for in [Article 55](#) of these methodological norms.
- (2) *Accommodation in the centres for reception and accommodation of asylum seekers for the entire interval of the asylum procedure* means ensuring accommodation conditions, counselling conditions and recreational spaces, maintenance of the spaces, personal hygiene, laundry and clothing wash as well as conditions for the preparation and serving the food.
- (3) The materials necessary to ensure the conditions provided for in paragraph (2), as well as their utility interval shall be established by order of the Minister of Administration and Interior.
- (4) The amount representing food support and other expenses provided for in [Article 55](#) shall be granted to the asylum seeker, upon request, through cash payments in advance, made every two weeks.
- (5) In the case the asylum procedure is finalized, the amounts provided for in paragraph (4) granted in advance to the asylum seekers shall not be taken back.
- (6) The *procedure interval* means the interval between the moment of the expression of will under the conditions of Article 34(1) of the law and the moment of finalizing the asylum procedure under the conditions of Article 17(7) of the law.

Article 57

The administration of the centres for reception and accommodation

- (1) In establishing the accommodation places in the centres for the reception and accommodation administered by the National Office for Refugees, the necessary measures shall be taken in order to maintain, as much as possible, the families united. These measures shall be implemented with the agreement of the asylum seekers.
- (2) The National Office for Refugees shall take the measures necessary to ensure the protection of the family life of asylum seekers accommodated in the centres for reception and accommodation. The measures which are taken in this respect shall be established by internal regulation of these centres.
- (3) The transfer of asylum seekers from one accommodation place to another shall be made only in the case of necessity and upon the approval of the management of the National Office for Refugees. The asylum seekers shall be ensured the possibility to inform their legal advisers on the transfer and their new address.
- (4) The staff in the accommodation centres shall be appropriately prepared and shall be bound to respect the principle of confidentiality as it is defined in the national legislation as regards any type of information obtained during carrying out the activity.

Article 58

Financial assistance for minor asylum seekers

- (1) Minor asylum seekers shall be accommodated together with the relatives accompanying them, irrespective of the degree of kinship.
- (2) Asylum seekers over the age of 16, who do not possess the necessary subsistence material means, shall be accommodated in the centres for the reception and accommodation subordinated to the National Office for Refugees, up to the expiry of the 15-day interval since the date of finalizing the asylum procedure in accordance with [Article 17](#)(7) of the law, in the case they were not granted a form of protection.
- (3) Accommodation of asylum seekers unaccompanied minors who are under the age of 16 shall be made in accordance with the provisions in [Article 74](#) in [Law No 272/2004](#) on the protection and promotion of the rights of the child, with further amendments.
- (4) The opinion of the asylum seeker unaccompanied minor related to the place to be accommodated shall be taken into account and shall be granted due attention, having in mind his/her age and the degree of maturity.
- (5) Unaccompanied minors who were granted a form of protection on the Romanian territory in accordance with the law, after the asylum procedure provided for in [Article 17](#)(1) was finalized, shall be introduced in the system of services for child protection, organized at the level of county councils, respectively local councils of Bucharest sectors and shall benefit from all the rights provided for by the law for the child in difficulty. Unaccompanied minors aged between 16 and 18 may choose to stay in the centres for the reception and accommodation administered by the National Office for Refugees.
- (6) In the case the asylum application submitted by the unaccompanied minor was denied after finalizing the asylum procedure provided for in [Article 17](#)(1), the Directorate for Child Protection shall take all the steps provided for by the law in order to establish a measure of protection for the respective minor and shall inform the Authority for Aliens on the situation, which acts in accordance with the law.
- (7) The measure of protection provided for in paragraph (6) shall apply up to the date of the minor's return to the country of his/her parents' residence or in the country where other family members willing to take over the minor were identified.

Article 59

Internal regulation of the centre for reception and accommodation

- (1) The activity of the centres for reception and accommodation of asylum seekers shall be carried out on the basis of the internal order regulation which establishes the rights and obligations of the persons accommodated in the respective reception and accommodation centres.
- (2) The person accommodated in the centre for the reception and accommodation shall be informed on the provisions of the internal order regulation, under signature, in a language known by the person.

(3) In the case of serious or repeated non-observance of the internal order regulation, the head of the reception and accommodation centre may approve the evacuation of the respective person, following that the latter should benefit from the accommodation amount provided for in [Article 55](#).

(4) The National Office for Refugees, through the specialized staff in the reception and accommodation centres, shall ensure the public order, the protection of the asylum seekers accommodated and takes measures in order to prevent acts of violence in the accommodation spaces.

CHAPTER VII

Granting the rights and recovering the support offered to persons who were granted a form of protection

Article 60

Granting reimbursable support

(1) The application for the financial reimbursable support provided for in [Article 20\(1\)\(m\)](#) of the law shall be drafted by each family member who was granted a form of protection or, if the case may be, by the legal representative or curator, who meet the legal conditions, in accordance with the model established at the level of the National Office for Refugees.

(2) The applications for reimbursable support shall be submitted within two months since the form of protection was granted, at the National Office for Refugees, which shall send them to be solved, up to the date of 5 of each month, to the county, respectively Bucharest Directorates for dialogue, family and social solidarity. The applications shall be submitted together with the copy of the identity document.

(3) The reimbursable support shall be approved through decision of the Executive Director of the county, respectively Bucharest Directorate for dialogue, family and social solidarity, starting with the month following the application submission, on the basis of the social investigation and the documents sent by the National Office for Refugees.

(4) In order to set the right to the non-reimbursable aid, the executive manager of the territorial agency shall order the performance of the social security investigation, within no more than 10 days from the receipt of the application, confirming that the applicant lacks the required subsistence means. The template in annex No 2 to the Methodological Norms for the enforcement of the [Law No 416/2001](#) on the minimum guaranteed income, approved through the [Government Decision No 50/2011](#), as amended and supplemented, can be used for the performance of the social security investigation.

amended through

[Decision No 653/2013](#) - amending the Methodological Norms for the enforcement of [Law No 122/2006](#) on asylum in Romania, approved through the [Government Decision No 1251/2006](#) of August 27, 2013, [Official Gazette 559/2013](#);

Article 61

Payment of the reimbursable support

(1) The reimbursable support shall be granted on a monthly basis, to each person who has been granted a form of protection. In the case of minors who received a form of protection and did not reach the age of 14, the support shall be granted to the legal representative.

(2) In the case of children for whom the social security measure stipulated in [art. 58 \(1\)\(c\) of Law No 272/2004](#), as subsequently amended, was set, the non-reimbursable aid shall be granted based on an application filled in and signed by the manager of the general social security and child protection directorate subordinated to the county council, respectively to the local councils of Bucharest City, hereinafter referred to as the *general directorate*, including for children entrusted to the private body accredited and licensed according to the law. The amounts representing the non-reimbursable aid shall be paid in the account opened on the child's behalf by the general directorate for the payment of state child allowance, with the adequate enforcement of the provisions of [art. 6](#), 13, and 14 of the Methodological norms for the enforcement of the provisions of [Law No 61/1993](#) on state allowance for children, as well as for the regulation of the methods for the setting and payment of the state child allowance, approved through [Government Decision No 577/2008](#), as subsequently amended.

(3) For the children under paragraph (2) who do not have an account for the payment of the state allowance, the general directorate is bound to open an account in full compliance with the provisions of [art. 6](#) of the Methodological Norms for the enforcement of the provisions of [Law No 61/1993](#) on child state allowance, as well as for the regulation of the settling and payment of child state allowance, approved through [Government Decision No 577/2008](#), as subsequently amended.

(4) The payment of the non-reimbursable aid for parties who were granted a form of protection in Romania, other than those stipulated in paragraph (2), shall be performed by territorial agencies, based on payrolls.

(5) In order to ensure the payment of the non-reimbursable aid, territorial agencies shall monthly draw up a grounding note concerning the required budgetary credits, which they send to the National Agency for Payments and Social Inspection. The monthly budgetary credits required are centralized by the National Agency for Payments and Social Inspection and sent to the Ministry of Labour, Family, Social Protection and Elderly for the opening of budgetary credits.

(6) If the aid is suspended, the beneficiary shall be bound to request in writing the resumption of payments to the territorial agency.

amended through

[Decision No 653/2013](#) - amending the Methodological Norms for the enforcement of [Law No 122/2006](#) on asylum in Romania, approved through the [Government Decision No 1251/2006](#) of August 27, 2013, [Official Gazette 559/2013](#);

Article 62

Prolongation of initial interval of granting reimbursable support

(1) The extension of the initial period of granting the reimbursable support with maximum 3 months may be made, under the conditions established by law, if the persons who are able to work and received a form of protection make the proof of presenting themselves to the county, respectively Bucharest employment agencies in order to apply for a job and did not decline a job offered by these institutions.

(2) The persons in one of the following situations shall be exempted from the provisions of paragraph (1) on the conditions to be met for the prolongation of the initial interval of granting the reimbursable support:

- (a) have under their care at least one child aged up to 7;
- (b) are unable to work, this being proved by a medical certificate;
- (c) attend one of the full time education courses provided for by the law, up to the age of 25 or, if the case may be, the age of 26, if graduated studies exceed 5 years of studies;
- (d) comply with the legal conditions for retirement upon request, in accordance with the Romanian legislation,
- (e) fall under the category of unaccompanied minors who were granted a form of protection.

(3) The non-reimbursable aid term shall be extended through a decision of the executive manager of the territorial agency, exclusively upon the beneficiary's written request, which shall be registered with the territorial agency.

(4) In order to set the extension of the aid granting term, the territorial agency can request any and all documents in proof from the beneficiary or information from the competent bodies.

amended through

[Decision No 653/2013](#) - amending the Methodological Norms for the enforcement of [Law No 122/2006](#) on asylum in Romania, approved through the [Government Decision No 1251/2006](#) of August 27, 2013, [Official Gazette 559/2013](#);

Article 63

Obligation of reimbursing the support

Abrogated

amended through

[Decision No 653/2013](#) - amending the Methodological Norms for the enforcement of [Law No 122/2006](#) on asylum in Romania, approved through the [Government Decision No 1251/2006](#) of August 27, 2013, [Official Gazette 559/2013](#);

CHAPTER VIII

The procedure of responsible member state

Article 64

Models of information

- (1) The model of the notification form for the asylum seeker, in accordance with [Article 118](#) of the law, is presented in Annex 7 to these methodological norms.
- (2) The model of the notification form for the alien with illegal stay, in accordance with [Article 122](#)(1) of the law, is presented in Annex 8 to these methodological norms.
- (3) The model of the notification form for the asylum seeker, in accordance with [Article 144](#) of the law, is presented in Annex 9 to these methodological norms.

CHAPTER IX

Temporary protection

Article 65

Establishment, implementation and withdrawal of temporary protection

The establishment, implementation and withdrawal of the temporary protection shall be subject to regular consultations with the United Nations High Commissioner for Refugees (UNHCR) and other relevant international organizations.

Article 66

The capacity of beneficiaries of temporary protection to satisfy their own needs

In the case the persons benefiting from temporary protections are employed or carry out independent activities, when determining the proposed level of support, their ability of covering their own necessities shall be taken into account.

Article 67

The rights of beneficiaries of temporary protection

The notification provided for in [Article 133](#) of the law shall be made in writing by the National Office for Refugees. The model of the form shall be established by order of the General Director of the National Office for Refugees.

Article 68

Conditions for admission and granting the temporary protection

- (1) Romania shall communicate to the European Union Council and the European Commission – in figures or in general terms – the capacity of the Romanian state of receiving persons that are eligible for temporary protection.

(2) After the adoption of the decision provided for in [Article 131](#)(1) of the law, Romania may indicate a capacity of additional reception through the notification of the European Union Council and the European Commission. This information shall be sent to the United Nations High Commissioner for Refugees (UNHCR).

(3) The competent authorities of the Romanian state, acting in cooperation with competent international organizations, shall ensure that the eligible persons defined in the European Union Council decision referred to under [Article 131](#)(1) of the law, who have not yet reached the territory of the European Union, have expressed their will to be received on the Romanian territory.

Article 69

Making available information related to beneficiaries of temporary protection

With a view to the enforcement of [Article 135](#)(8) and [Article 140](#)(4) of the law, the National Office for Refugees shall register all the information referring to beneficiaries of temporary protection, in accordance with Annex 10 to these methodological norms.

Article 70

The transfer of beneficiaries of temporary protection

(1) In the case provided for in [Article 140](#) of the law, the National Office for Refugees shall coordinate and implement the transfer of the beneficiaries of temporary protection in and out of Romania.

(2) The amount necessary to cover the expenses related to internal and international transportation of the transferred persons, guarding and escort during the transport, issuance of the document provided for in [Article 140](#)(7) of the law shall be borne from the budget of the Ministry of Administration and Interior, through the National Office for Refugees, function of the real cost, within the limit of funds allocated for this purpose from the state budget.

(3) The document provided for in [Article 140](#)(7) of the law, a document the template whereof is set in annex No 7 (c) to the [Government Decision No 898/2011](#), shall be issued to the alien.

amended through

[Government Decision No 898/2011](#) on setting the form and content of residence permits, travel documents, as well as of other documents issued to foreigners, of September 7, 2011, [Official Gazette 690/2011](#);

Article 71

Voluntary repatriation and take back

(1) The information provided for in [Article 138](#)(1) of the law shall be made in writing in accordance with the model established at the level of the National Office for Refugees.

(2) In the situation provided for in [Article 138](#)(1) of the law, the persons who benefit from temporary protection and who renounce to the form of protection granted for the purpose of voluntary repatriation shall fall under the legislation on the legal status of aliens in Romania from the day the National Office for Refugees was informed on the act of renouncement.

(3) In the situation provided for in [Article 138\(2\)](#) of the law, the National Office for Refugees shall assess whether the temporary protection interval has expired and whether the circumstances at the basis of granting the form of protection have changed in the country of origin.

(4) In the case set out in paragraph (3), the civil servant provided for in Article 48(2) of the law shall issue a founded decision.

(5) In the case the request for taking back the alien in Romania is approved, the alien shall be granted the access to the territory on the basis of the decision issued by the civil servant provided for in [Article 48\(2\)](#) of the law.

(6) The means of appeal, in accordance with [Articles 85-87](#) of the law may be applied against the decision denying the take back request.

Article 72

The analysis of the exclusion clause

(1) In the case provided for in [Article 141\(1\)\(a\)\(ii\)](#) of the law, the severity of the persecution shall be weighed against the nature of the criminal offence the respected person is suspected of. Cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes.

(2) The rule set out in paragraph (1) shall be applied to all participants in the crime.

Article 73

Communicating data to European institutions

The National Office for Refugees shall, on a regular basis and as soon as possible after granting the temporary protection, communicate to the competent European institutions the data related to number of persons benefiting from this form of protection and information regarding the national legislation for the implementation of the temporary protection.

CHAPTER X

Transitional and final provisions

Article 74

Exemptions related to the access to asylum procedure

(1) The exemptions set out in [Article 4](#) of the law refer to situations provided for under [Article 91\(2\)\(b\)](#) and [Article 95\(3\)](#) and [Article 120\(2\)\(a\)](#) of the law.

(2) In all instances, the decision denying the access to the asylum procedure falls under the competence of the National Office for Refugees.

(3) The decision set out under paragraph (2) may be appealed against in the competent court, under the law.

Article 75

Exemptions related to non-refoulement

(1) In the case of asylum seekers who are in one of the situations set out in Article 44 of the [Law No 535/2004](#) on the prevention and combating of terrorism, the National Office for Refugees shall take the decision of withdrawing the temporary identity document, while the competent authorities shall, if the case, take the decision of taking into public custody, in accordance with the provisions of the Government Emergency Ordinance No 194/2002 on the status of aliens in Romania, republished, with further amendments and modifications.

(2) The measures of expulsion, extradition or forced return shall be enforced immediately after the asylum application was denied through court decision.

Article 76

The Centre for Documentation

The Centre for Documentation within the National Office for Refugees shall be the compartment specialized in offering information from the country of origin of the asylum seeker to the factors interested and involved in the procedure of determining whether a form of protection shall be granted or not.

Article 77

The national contact point for the field of asylum in the relation with the European Union Institutions and with the other Member States

(1) The National Office for Refugees within the Ministry of Administration and Interior shall be the national contact point for the field of asylum in the relation with the institutions of the European Union and the other Member States. The Ministry of Administration and Interior shall notify the European Commission and the other Member States on the national contact point.

(2) The National Office for Refugees shall take adequate measures to ensure the direct cooperation in the exchange of information with the competent authorities in the field of asylum from the other Member States.

Article 78

The obligation for regular communication

The National Office for Refugees shall regularly communicate to the European Commission the data related to number of persons, classified function of gender and age, which benefit from the condition of admission, as well as complete information related to the type, name and format of the documents provided for under [Article 17\(1\)\(h\)](#) of the law.

Article 79

New model of the identity and travel documents

Up to the moment the new models of temporary identity documents for asylum seekers, identity document and travel documents for the beneficiaries of the refugee status and of subsidiary protection enter into force, the current ones shall continue to be used.

Article 80

Access of asylum seekers to the labour market in Romania

The access of asylum seekers to the labour market in Romania shall be regulated by joint order of the Minister of Labour, Social Solidarity and Family and Minister of Administration and Interior who shall be issued within 90 days from the date these methodological norms enter into force.

Article 81

Interpreters taking part in the procedures of the National Office for Refugees

(1) The payment of the services for interpreters required by the National Office for Refugees shall be made in accordance with the legislation in the field and shall be ensured from the budget of the Ministry of Administration and Interior through the National Office for Refugees.

(2) In the case the interpreting services presuppose the transport of the interpreter outside the place of residence, the payment of transport and, if the case, the per diem expenses shall be ensured in accordance with [Government Decision No 543/1995](#) on financial rights of employees of public institutions and autonomous institutions with special conditions for the interval of detachment and delegation to another place, as well as in the case of transport, within the same place of residence, for work purposes, republished, with further amendments and modifications, from the budget of the Ministry of Administration and Interior through the National Office for Refugees.

(3) In special cases, when sworn interpreters cannot be identified or used, the services of other specialists knowing that particular language shall be used, upon the acceptance of the National Office for Refugees and of the asylum seeker.

(4) The National Office for Refugees shall ensure the drafting of the list of interpreters taking part in the procedures carried out by this institution.

Article 82

Access of third persons to the spaces administered by the National Office for Refugees

(1) The National Office for Refugees shall ensure the access of the staff of non-governmental organizations with which it has concluded cooperation protocols, in the spaces necessary for carrying out the counselling activities and those for legal assistance for the asylum seekers during the procedure of granting a form of protection or for the purpose of granting other forms of assistance.

(2) The representatives of the United Nations High Commissioner for Refugees (UNHCR) shall have access to all the accommodation spaces of the National Office for Refugees.

(3) In order to carry out counselling activities, the National Office for Refugees shall ensure the staff of non-governmental organizations with which protocols were concluded, with the necessary spaces in the centres for reception and accommodation under its administration.

Article 83

Entrance into force of certain provisions of the methodological norms

The provisions of [Articles 64-73](#) shall enter into force upon the date of Romania's accession to the European Union.

Article 84

Repealing of legal acts

On the date these methodological norms enter into force, the Order of the Minister of Interior and of the Minister of Foreign Affairs No 213/A/2.918/2002 on the establishment of the common procedure for solving an application for the refugee status to the family members of the person who was granted the refugee status in Romania, published in the [Official Gazette, Part I, No 207 of 27 March 2002](#), as well as any other opposite provisions shall be repealed.

amended through

[Official Gazette 833/2006](#) Corrigendum of October 10, 2006, [Official Gazette 833/2006](#);

Article 85

Annexes to the methodological norms

Annexes 1-11 shall be integral part of these methodological norms.

These methodological norms transpose:

- [Article 3\(3\)](#), [Article 13\(3\)](#), [Article 25\(1\)](#), (2) and [Article 27](#) of the Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
- [Article 5\(2\)](#), [Article 8](#), [Article 14\(3\)](#), (4), (5) and [Article 17\(2\)](#) of the Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;
- [Article 4\(3\)](#), (4), (5), [Article 5\(1\)](#), (2), [Articles 9](#), 10, [11\(2\)](#), [Article 20\(4\)](#), [Article 35](#) of the Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals on or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

These methodological norms create the framework necessary for the direct enforcement, upon the date of Romania's accession to the European Union, of Council Regulation (EC) No 1.030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, published in the Official Journal of the European Communities No L 157 of 15 June 2002 and of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, published in the Official Journal of the European Communities No L 383 of 29 December 2004.

Annex No 1
to the methodological norms

File No/.....

MINISTRY OF ADMINISTRATION AND INTERIOR
NATIONAL OFFICE FOR REFUGEES
Centre.....

Declared identity

Yes ... No....

CERERE de azil
(Application for asylum)

1) Numele solicitantului (Name and Surname)
.....

2) Numele părinților (Parents' names/ father, mother)
.....

3) Data și locul nașterii (Date and place of birth)
.....

4) Stare civilă : necăsătorit / căsătorit / divorțat / văduv (Civil status: single/
married/divorced/widow(er))
.....

5) Numele, data și locul nașterii soțului/soției (Spouse's name, date and place of birth)
.....

6) Membrii de familie care vă însoțesc (Family members accompanying you)
.....

7) Țara de origine / domiciliu (Country of origin/ residence)
.....

8) Document de călătorie (Travel document)
.....

9) Solicit azil în România, pentru următoarele motive: (I apply for asylum in Romania due to
the following reasons):
.....

10) Data și modul de părăsire a țării de origine (Date and way of leaving the country of origin)
.....

11) Țările tranzitate până la intrarea în România și perioadele de ședere pe teritoriile acestora
(Countries crossed before entering Romania and intervals of stay on the territories of these
countries)
.....

12) Data și modul de intrare în România (Date and way of entering Romania)
.....

13) Reședința în România (The residence in Romania)
.....

14) Limbile vorbite (Languages spoken)
.....

15) Data programării la interviu (The date of interview)

Annex No 2
to the methodological norms

**TEMPORARY IDENTITY DOCUMENT
for asylum seekers**

ABROGATED

Annex No 3
To the methodological norms

**FORM AND CONTENT OF THE IDENTITY DOCUMENT
for refugees and persons granted subsidiary protection**

The document shall have the form of a card whose characteristics, fields, number and type of security elements must correspond to the standards of the European Union regarding residence, established through the Council Regulation (CE) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals and the Decision of the European Union Council No 398D0701 of 3 December 1998 regarding the use of a unitary format for residence permits. These may be adapted in accordance with the dynamics of the domestic standards and of the European Union standards in the field.

– The format and shape of the document: according to SR EN ISO/ICE 7810 (Romanian Standards Institute), for ID-1 format cards.

FIELDS OF THE DOCUMENT
(Side I)

- 1) Document title: TEMPORARY STAY PERMIT
- 2) Document number: this field shall contain special security elements and the ROU logo
- 3) Family name and First name: this field shall contain the surname and first name of the holder, in this particular order
- 4) Personal numeric code: this field shall contain the 13 digits algorithm, first digit being 7 or 8 depending of the sex of the document holder
- 5) Expiry date: this field shall indicate the date (day, month, year) until the document is valid.
- 6) Date and place of issue: this field shall indicate the date of issue which contains day month and year and the place where the document was issued
- 7) Document type: STAY PERMIT
- 8) Holder's signature
- 9) Purpose of stay: the form of protection granted shall be indicated here

(Side II)

- 1) Citizenship: shall contain the country whose citizen the holder is
- 2) Sex: expressed through the letters M or F
- 3) Date and place of birth: shall contain the day month and year of birth and the country where the holder was born
- 4) Residence in Romania: full address in Romania of the asylum seeker shall be written
- 5) Digitized data: readable through optical means

NOTE:

The photo shall be placed of side I, in the low left corner.

The state coat of arms shall be affixed on side I, in the right part.

The document shall be protected through a special laminated multilayered coat.

The name of the fields shall be written both in Romanian and English.

Annex No 4

ABROGATED

Annex No 5

ABROGATED

Annex No 6

to the methodological norms

**TEMPORARY STAY DOCUMENT
for aliens who apply for access to a new asylum procedure**

ABROGATED

Annex No 7
to the methodological norms

NOTIFICATION
For asylum applicants

MINISTRY OF ADMINISTRATION AND INTERIOR
NATIONAL OFFICE FOR REFUGEES
Accommodation and Procedures Centre No

Date.....

We hereby inform you that, in accordance with [Article 118](#) of [Law No 122/2006](#) on asylum in Romania, information related to the application for asylum as well as your personal data may become subject to information exchange between the European Union Member States or other states which may have agreed through a special agreement to participate in the European Agreement further mentioned.

Fingerprints shall be taken from you and stored in the national database and the EURODAC European system in accordance with [Article 4](#)(1) of the Council Regulation (EC) No 2725/2000 and [Article 118](#) of [Law No 122/2006](#). The EURODAC database shall be consulted in order to determine the Member State responsible with examining a request for asylum launched in one of the Member States in accordance with the Council Regulation (EC) 343/2003.

You have the right to be informed regarding the personal data stored in the EURODAC database and which Member States introduced the data in the central unit in Luxembourg. You are also entitled to request corrections of improper data or deletion of data wrongfully inserted.

If proved that another Member State is responsible with examining your asylum application and the respective Member States accepts such responsibility, you shall be transferred to the respective state. In such a case, you will be issued a decision for the denial of the access to the asylum procedure in Romania and an order of transfer to the responsible Member State.

Signature of the employee

Signature of the applicant

Signature of the translator / interpreter

Annex No 8
to the methodological norms

MINISTRY OF ADMINISTRATION AND INTERIOR
AUTHORITY FOR ALIENS
Department / Office

**NOTIFICATION
FOR ALIENS WITH ILLEGAL STAY**

For the purposes of [Article 122\(1\)](#) of [Law No 122/2006](#) on asylum in Romania, we inform you that your personal data, including fingerprints obtained from you, may be subject to information exchange between Member States of the European Union or other States that have agreed to through a special agreement to take part in the Council Regulation (EC) 343/2003, with the sole purpose of determining the Member State responsible with processing your asylum request.

Fingerprints shall be taken from you and checked in the European EURODAC system according to [Article 11\(1\)](#) of the Council Regulation (CE) No 2725/2000 and [Article 122](#) of [Law No 122/2006](#). EURODAC database shall be consulted in order to establish if you previously submitted an asylum application on the territory of another Member State.

You have the right to be informed with regards to the personal data which is checked in the EURODAC database and which Member State introduced the respective data in the central unit in Luxembourg.

If proved that another Member State is responsible with processing your asylum application and accepts such responsibility, you shall be transferred to the respective State. In such a case, the National Office for Refugees shall issue a decision for your transfer to the responsible Member State.

Signature of the employee

Signature of the applicant

Signature of the translator / interpreter

Annex No 9
to the methodological norms

MINISTRY OF ADMINISTRATION AND INTERIOR
GENERAL INSPECTORATE OF BORDER POLICE
Border Police Point / Sector.....

Date.....

NOTIFICATION
for asylum seekers

We hereby inform you that, in accordance with [Article 118](#) of [Law No 122/2006](#) on asylum in Romania, the information regarding your asylum application as well as your personal data may be subject to information exchange between the Member States of the European Union or other States which have agreed through a special agreement to take part in the abovementioned European Agreement.

Fingerprints shall be taken from you and stored in the national database and the European EURODAC system in accordance with [Article 4\(1\)](#) of the Council Regulation (EC) No 2725/2000 and [Article 118](#) of [Law No 122/2006](#). The EURODAC database is consulted in order to determine the Member State responsible with processing an asylum application launched in one of the Member States in accordance with Council Regulation (EC) No 343/2003.

You have the right to be informed with regards to the personal data which is stored in the EURODAC database and which Member State introduced the respective data in the central unit in Luxembourg. You are also entitled to request corrections of improper data or deletion of data wrongfully inserted.

If proved that another Member State is responsible with processing your asylum application and accepts such responsibility, you shall be transferred to the respective State. In such a case, the National Office for Refugees shall issue a decision denying the access to the asylum procedure in Romania and an order of transfer to the responsible Member State.

Signature of the employee

Signature of the applicant

Signature of the translator / interpreter

Annex No 10
to the methodological norms

Information on the beneficiaries of temporary protection

Information referred to in [Article 135\(8\)](#) and [Article 140\(4\)](#) of [Law No 122/2006](#) on asylum in Romania include, function of necessities, one or more of the documents mentioned hereunder:

- a) personal data regarding the respective person (name, citizenship, date and place of birth, civil status, family ties);
- b) identity documents and travel documents of the respective person;
- c) documents as proof of family ties (marriage certificate, birth certificate, adoption certificate);
- d) other significant information for determining the identity of the person or family ties;
- e) temporary stay permits, visa or temporary stay permits denial decisions issued for the respective concerned by the Member State and the documents at the basis of taking such decision;
- f) applications for temporary stay permits and visa submitted by the respective person and being processed by the Member State and the stage of procedure in these cases.

The required Member State shall notify the applicant Member State on any changes in the information provided.

Annex No 11
to the methodological norms

Model border crossing document in case of transfer of beneficiaries of temporary protection

**BORDER CROSSING DOCUMENT
(PASS)**

ABROGATED

Foot notes: