

Decision No. 1. 182, 13 November 1996, on the Implementation of Law No. 15/1996 relating to the Status of Refugees in Romania

Date of entry into force: 13 November 1996

(This is an unofficial translation prepared by UNHCR Bucharest)

Having in view the provisions of Law No. 46 of 4 July 1991 by which Romania acceded to the Convention relating to the Status of Refugees, concluded in Geneva on 28 July 1951, and to the Protocol relating to the Status of Refugees, concluded in New York on 31 January 1967,

Considering the necessity of meeting the European standards for asylum procedures provided for in the recommendations of the Council of Europe, including those standards contained in the June 1995 Resolution of the European Union on minimum guarantees for asylum procedures,

Taking note also of the recommendations of the United Nations High Commissioner for Refugees, submitted through the Liaison Office for Romania in April 1996,

On the basis of the provisions of Article 9 and Article 28 of Law No. 15/1996 relating to the Status and Regime of Refugees in Romania,

The Government of Romania decides:

CHAPTER I - General Provisions

Article 1

Registration of refugee status applications, interviewing of applicants, analysis of reasons invoked for obtaining refugee status, as well as the procedure for rendering of decisions by the Commission set up in this respect by representatives of the Ministry of Interior, Ministry of Foreign Affairs and Ministry of Labor and Social Protection, will be conducted in accordance with the provisions of Law No. 15/1996 relating to the Status and Regime of Refugees in Romania and the present Decision.

Article 2

- (1) Foreign nationals or stateless persons from areas affected by armed conflicts of internal character, as well as those who are in need of temporary protection on humanitarian grounds, can benefit, upon request, from the provisions of Article 2 of Law No. 15/1996.
- (2) Applicants whose claims are based on economic grounds or other grounds than those stipulated in Paragraph 1 of Article 1, Article 2 and Article 5 of Law No. 15/1996 do not benefit from refugee status.

CHAPTER II - Procedure for Granting Refugee Status

Article 3

Refugee status can be granted to a foreign national or a stateless person who submits a written request and is entitled to such status under the provisions of the law; in the case of minors or mentally disabled persons who are unable to express their consent, request for refugee status is made by their legal representative. Collective requests for refugee status are not accepted.

Article 4

Refugee status applications must be formulated in a language of international usage and must include the following information in conformity with the model contained in Annex No 1: identity data of the applicant and his/her accompanying family members; country of origin; type of travel document used to enter Romania or, if the applicant is not in possession of such a document, the reasons for this aspect; reasons invoked by the applicant for obtaining refugee status; when and how the applicant left the country of origin; countries transited on the way to Romania and the length of stay on the territories of those countries; date and mode of entry to Romania; date of filing the application and the signature of the applicant.

Article 5

- (1) The public authority who receives an application for refugee status has the obligation to inform the applicant for refugee status about the procedures he/she should follow and the obligations he/she has to fulfil.
- (2) The public authority will proceed with a preliminary interview of the applicant, which involves a discussion on issues relating to the applicant's arrival in Romania, the reasons invoked for leaving the country of origin and other data considered necessary for the clarification of certain aspects which are to be examined thoroughly during the interview.

Article 6

- (1) In the case of persons who are illiterate or are unable to write their application personally, the public authority responsible for receiving applications for refugee status will complete an application on the basis of the declaration made orally by the applicant, and the application will be certified with the fingerprinting of the applicant as well as by the signature of the public authority in front of whom the applicant was fingerprinted.
- (2) In a situation where an applicant can neither speak nor write in a language of international usage, the applicant will fill his/her application in the language he/she knows.
- (3) In all cases, the application will be signed or fingerprinted by the applicant.
- (4) Fingerprinting of applications may be carried out for all applicants for refugee status.
- (5) The refugee status determination procedure is considered as beginning from the moment that the individual concerned has expressed, in accordance with the law, his/her desire to obtain protection in Romania, even if the application was not personally written by the applicant for refugee status.

Article 7

- (1) For the purposes of interviewing of applicants for refugee status and assessment of the reasons invoked for obtaining refugee status, a Commission, formed of the following member is appointed effective the date of issuance of the present Decision:

President - Head of the Refugee Office of the General Directorate of Border Police, Aliens, Migration Problems and Passports of the Ministry of Interior;

Members - A representative of the Ministry of Foreign Affairs;

A representative of the Ministry of Labour and Social Protection.

- (2) The Commission will notify the applicant for refugee status in writing of the time and place set for the interview, giving him/her the necessary amount of time to prepare his/her case.
- (3) The Commission will proceed with interviewing the applicant and analyzing the reasons invoked by the applicant for obtaining refugee status on the basis of the model questionnaire in Annex No 2 and the preliminary interview conducted at the time the application for refugee status was submitted.
- (4) The statements made by the applicant in connection with the questions contained in the questionnaire will be recorded on the questionnaire itself or separately, in the form of a declaration. Irrespective of the form in which they are prepared, these documents shall be signed or, as appropriate, their authenticity confirmed by the fingerprint of the interviewee and the signature of the public authority in front of whom the documents were completed.
- (5) If the applicant does not understand or speak Romanian language or other language in which he/she is interviewed, the Commission will ensure the services of an interpreter.

Article 8

Until the claim for refugee status is determined, the General Directorate of Border Police, Aliens, Migration Problems and Passports will issue the applicant with a temporary identity document similar to the model in Annex No 3.

Article 9

- (1) Acceptance or rejection of an application for refugee status is to be made through motivated decision adopted with a majority of the votes of the Commission, and will be immediately communicated in writing to the applicant.
- (2) If the request was accepted, the decision is communicated to the applicant without motivation of the decision.
- (3) If the request was rejected, written communication must include: a description of the case, an outline of the motives presented by the applicant in support of his/her case, findings of fact based on an assessment of the motives, legal reasoning, and a concise statement of the Commission's decision.

Article 10

The provisions of Article 6 of Law No. 15/1996 concerning access to the territory of Romania of the foreign national or stateless person arriving directly from a territory where his/her life or liberty is threatened in the sense of Article 1 of the same law also include situations where the foreign national or stateless person transits third countries which are not signatory of international conventions relating to the status of refugees or where the person concerned was unable to claim refugee status on the territories of transited countries owing to reasons not imputable to him/her.

CHAPTER III - Granting of Entitlements and Recovery of Assistance Granted to Refugees

Article 11

- (1) The request for assistance provided for in paragraph i of Article 15 of Law No. 15/1996 is formulated as per the model in Annex No 4 by each family member with refugee status or, as appropriate, by the legal representative of minors under the age of 14 and of other incapacitated persons, who meet the conditions stipulated in the law.
- (2) Requests for granting of assistance to refugees are submitted to the Refugee Office of the General Directorate of Border Police, Aliens, Migration Problems and Passports. Within the first five days of each month, the Refugee Office will submit these requests, along with copies of the Commission's final decision as provided for in Article 7 and the refugee's identity document, to the County Directorates of Labor and Social Protection or the General Directorate of Labor and Social Protection of the Municipality of Bucharest for a decision, with notifications drafted in conformity with the model in Annex No 5.
- (3) Requests for assistance will be approved on the basis of a social inquiry by the director of the Country Directorate of Labour and Social Protection or of the General Directorate of Labor and Social Protection of the Municipality of Bucharest. Following approval, the documents are retained by the offices for social assistance of these public institutions.

Article 12

Assistance to refugees is provided monthly to each person individually and is established at the level of the minimum salary. For minors under 14 years of age having refugee status, the assistance is granted to their legal representative.

Article 13

Refugees who benefit from free board and lodging, according to regulations in force, will be granted assistance under the provisions of Law No. 15/1996 as a difference between the established monthly allowance and the value of free board and lodging.

Article 14

Payment of the monthly allowance to refugees is effected commencing on the first month after the request was approved; it will be made through payroll or, depending on the situation, money order.

Article 15

- (1) The initial period of assistance can be extended by up to three months in accordance with the law, if refugees fit to work prove that they presented themselves to an employment office and that they did not refuse a job offer made by the employment office.
- (2) The obligation of proof provided for in paragraph 1 above does not have to be met by:
 - a) persons who have under their care children up to the age of 7 years;
 - b) persons under 26 years of age who are enrolled full-time in educational institutions, provided for by the law;
 - c) persons who fulfill the legal conditions for retirement upon request, in accordance with Romanian legislation.

Article 16

- (1) Upon the first payment of the monthly allowance, refugees will fill in and sign an undertaking, as per the model in Annex No 6, with an obligation to reimburse to the paying institution within a period of one year the funds they are to receive in the form of allowance provided for by the law, providing they earn an income permitting this. Refusal to fill in and sign the undertaking will result in withdrawal of assistance.
- (2) The responsibility for ensuring reimbursement of the funds as provided for in paragraph 1 above within the period prescribed by the law rests with the County Directorates of Labour and Social Protection and the General Directorate of Labour and Social Protection of the Municipality of Bucharest.

CHAPTER IV - Final Provisions

Article 17

For activities relating to record-keeping and the secretariat work of the Commission appointed under the provisions of Article 7, the organizational structure of the Refugee Office of the General Directorate of Border Police, Aliens, Migration Problems and Passports and the number of posts foreseen in Annex No 7 are approved effective the date of issuance of the present Decision.

Article 18

The conditions in which work permits are granted to persons who have obtained refugee status will be set out by a specific regulation of the Minister of Labor and Social Protection.

Article 19

Annexes No 1-7 form an integral part of the present Decision.

PRIME-MINISTER

Nicolae Văcăroiu

Counter-signature:
Minister of Interior,
Doru Ioan Tărăcil
pp. Minister of Foreign Affairs,
Lazăr Comănescu, Secretary of State
Minister of Finance,
Florin Georgescu
Minister of Labor and Social Protection,
Dan Mircea Popescu

Bucharest, 13 November 1996

No. 1.182

Embassy of Romania in
Border Check Point
Department for Aliens, Migration Problems and
Passports
Refugee Office.....

APPLICATION FOR REFUGEE STATUS

No.....of.....

Family name, given/Christian name

.....

Date and place of birth

.....

Family members accompanying you

.....

Country of origin.....

1. Travel document.....

Validity, issued visas.....

2. I claim refugee status in Romania for the following reasons:.....

.....

.....

.....

3. Date and way of leaving the country of origin

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.....

.....

4. Transit countries before entering Romania and the stay periods on their territories.....

.....

.....

5. Date and way of entering into Romania

.....

Date

.....

Signature

.....

**ROMANIAN COMMITTEE FOR
MIGRATION PROBLEMS**

QUESTIONNAIRE FOR REFUGEE STATUS DETERMINATION

1. a) Family name, first name (in block letters)
- b) Country of origin
- c) Sex
2. Present address
-
-
-
3. Religion
4. Marital status (single, married, widower)
5. Date of birth (day, month, year)
6. Place of birth (country and location)
7. Nationality:
 - a) at birth
 - b) have you changed your nationality? In what conditions
 -
 - c) present nationality (if different from a) or b) why so).....
 - d) If you are a stateless person, how did you become one (?)
 -
 -
8. Ethnic group you belong to
9. Education
 - a) School attended - indicate length and level of education
 -
 -
 -
 - b) University education - university attended - indicate length and degrees obtained
 -
 -
 -
10. Occupation:
 - a) Profession or specialization
 - b) Present occupation.....
 - c) Previous occupation.....

11. Family members with whom you live in Romania

Family name, first name Sex (M/F) Relationship Date and place of birth Nationality

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Indicate professional qualifications or special skills which your family members have:

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.....

12. Previous place of residence:

a) Country of residence before departure

b) Last place of residence in this country

c) Other countries in which you lived (indicate periods)

13. Languages:

a) Mother tongue

b) What other languages do you speak?

14. Were you registered with another international organization dealing with refugees? If yes, indicate the following:

a) Name of organization

b) What rights did they consider you were entitled to

c) What kind of assistance have you received from this body

15. Do you presently benefit from material assistance? (If yes, indicate the source)

16. Do you own any movable or immovable property in your country of origin or in any other country? If yes, please describe.....

17. Are you entitled to pension rights in your country of origin or in any other country? If yes, please elaborate

18. What documents do you have in your possession?

a) Passport: No....., Date of issuance

Issuing authority and place of issuance

Valid until.....

b) Travel Document(s) other than the passport:

Type

No

Date of issuance.....

Issuing authority and place of issuance

Valid until.....

c) Do you have the right to return to the country which issued your passport or travel documents? If yes, indicate until when.....

d) If you do not have a passport, indicate if you are in the possession of any other document which can establish your identity and if yes, what is this document?.....

.....

e) Were you issued any certificate by another international organizations dealing with refugees, such as IRO or UNRWA? If yes, please describe.....

.....

19. Indicate political organizations or other similar organizations to which you or members of your family belong or belonged (or to which you had an active contribution) in your country of origin:.....

.....

.....

20. When did you leave your country of origin? (How did you leave, with or without authorization?)

.....

.....

21. Entry in Romania

a) Date of entry

b) How did you enter Romania (illegally, with authorization, with a valid passport, travel document, visa or a work contract?)

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22. Why did you leave your country of origin ?

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If you do not wish to return - indicate the reasons (give a detailed answer and if necessary add a separate sheet of paper)

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23. Are you registered with a consulate or other authority of your country abroad? If yes, please elaborate. If no, what are the reasons?

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24. Were you ever convicted by a tribunal? If yes, please specify charges and convictions.....

.....

.....

.....

25. What is your status in Romania?

.....

26. Please add all necessary information which could help you, in your opinion, in the determination of your entitlement to refugee status

.....

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27. In what country would you like to establish yourself and why?

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.....

.....

Date.....

Signature.....

TEMPORARY IDENTITY DOCUMENT
- specimen -

PHOTO

ROMANIA
MINISTRY OF INTERIOR
General Directorate of Border
Police, Aliens, Migration Problems
and Passports
REFUGEE OFFICE

Issued at
Valid until.....
Extension of validity until

TEMPORARY IDENTITY DOCUMENT FOR
APPLICANTS FOR REFUGEE STATUS
NO...../...../.....

Registration No

Day.....Month.....Year.....

**REQUEST
for assistance for refugees**

I, the undersigned

citizen ofhaving been granted refugee status in Romania, as confirmed by the Travel Document series.....no....., issued by the Ministry of Interior at, born in, Street.....No....., block entrance Apartment....., Post Office no....., county/sector....., kindly request your approval to be accorded monthly reimbursable assistance as provided for in Article 15, para i) and Article 16, para e) of Law No. 15/1996 regarding the Status and Regime of Refugees in Romania.

I hereby declare that I do not have any income, reason for which I request this assistance.

Date.....

Signature.....

MINISTRY OF INTERIOR

GENERAL DIRECTORATE OF BORDER
POLICE, ALIENS, MIGRATION PROBLEMS
AND PASSPORTS
Refugee Office

No...../.....

To: The General Directorate of Labour and Social Protection
ofCounty

General Directorate of Labour and Social Protection of the
Municipality of Bucharest

Attached we are sending you the request for monthly assistance made by the refugee
....., along with a copy of the final decision of the Commission
referred to in Article 7 of the Government Decision No.1.182/1996 and a copy of the Travel Document
of the applicant, on the basis of which we kindly ask you to establish the entitlement and the period for
which this assistance is granted in accordance with the provisions of Law No.15/1996 regarding the
Status and Regime of Refugees in Romania.

Date.....

Head of Refugee Office.....

**UNDERTAKING
regarding reimbursement of assistance**

I, the undersigned.....,citizen, with refugee status in Romania, as confirmed by Travel Document series....., no....., issued by the Ministry of Interior on.....undertake to pay to the Directorate of Labor and Social Protection of the County of..... by the date of..... the amount of....., representing the reimbursable assistance I received pursuant to the provisions of Article 15, para i), and Article 16, para e), of Law No 15/1996 regarding the Status and Regime of Refugees in Romania.

I understand that non-compliance with the present undertaking will result in investigation, according to the law, in order to recover the entire amount of assistance.

Prepared on..... in three copies, one of which I have received.

Completed and signed in front of us.

Signature 1 ¹

Signature 2 ²

¹ Signature of the person obliged to pay

² Signature of the head of office

**The organizational structure and number of posts of the Refugee Office
of the General Directorate of Border Police, Aliens,
Migration Problems and Passports**

- 1 Officer - Head of Refugee Office

1. Department for reception and registration of asylum claims

- 1 officer -head of department;

- 3 officers and 3 subofficers for activities relating to reception, registration, fingerprinting, preliminary interviewing and issuing of temporary identity documents for asylum-seekers;

- 2 sub-officers - programmers, for computerized data entry and compilation of statistics;

- 1 sub-officer, driver;

- 1 typist (civilian).

TOTAL: 4 officers, 6 subofficers, 1 civilian

2. Department for interviewing, processing of data, documentation, proposals to the Commission, liaison with competent bodies and issuing of identity documents for refugees

- 1 officer - head of department;

- 6 officers for interviewing, data processing, documentation regarding country of origin information, case preparation and submission to the Commission responsible for analyzing the validity of the grounds invoked by applicants for refugee status, liaison with bodies handling refugee matters and monitoring of assistance to refugees;

- 3 subofficers for secretariat activities and issuance of Travel Documents for refugees;

- 1 typist (civilian)

TOTAL: 7 officers, 3 subofficers, 1 civilian