

**ECRE COUNTRY REPORT 2002: ROMANIA**

**ARRIVALS**

**1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years:**

Table 1:

<b>Month</b>	<b>2001</b>	<b>2002</b>	<b>Variation +/- (%)</b>
January	143	114	-20.3
February	223	83	-62.8
March	297	52	-82.5
April	180	94	-47.8
May	226	127	-43.8
June	207	66	-68.1
July	238	116	-51.3
August	202	79	-60.9
September	170	57	-66.5
October	184	81	-56.0
November	100	56	-44.0
December	110	75	-31.8
<b>TOTAL</b>	<b>2,280</b>	<b>1,000</b>	<b>-56.1</b>

Source: National Refugee Office.

**2. Breakdown according to the country of origin/nationality, with percentage variation:**

Table 2:

<b>Country</b>	<b>2001</b>	<b>2002</b>	<b>Variation +/- (%)</b>
Iraq	626	350	-44.1
India	157	127	-19.1
China	43	89	+107.0
Bangladesh	22	65	+195.5
Sudan	43	45	+4.7
Iran	101	41	-59.4
Turkey	33	38	+15.2
Somalia	171	34	-80.1
Afghanistan	777	33	-95.8
Pakistan	84	31	-63.1
Syria	13	25	+92.3
<i>Stateless Palestinians</i>	42	23	-45.2
Republic of Congo	19	14	-26.3
Jordan	6	11	+83.3
Nigeria	3	10	233.3
Egypt	9	7	-22.2
Georgia	3	7	+133.3
Moldova	1	6	+500.0
Lebanon	10	5	-50.0
Sri Lanka	7	3	-57.1
Cameroon	4	3	-25.0
Russian Federation	1	3	+200.0

Sierra Leone	30	2	-93.3
Liberia	2	2	-
Burkina Faso	1	2	+100.0
Mali	1	2	+100.0
Bosnia-Herzegovina	0	2	-
Israel	0	2	-
FRY	22	1	-95.5
Algeria	12	1	-91.7
DR Congo	4	1	-75.0
Ukraine	2	1	-50.0
FYROM	1	1	-
Angola	1	1	-
Yemen	1	1	-
Kuwait	0	1	-
Armenia	0	1	-
Bulgaria	0	1	-
Kenya	0	1	-
Western Sahara	0	1	-
Chechnya (Russian Federation)	7	0	-100.0
Eritrea	5	0	-100.0
Djibouti	3	0	-100.0
Rwanda	2	0	-100.0
Guinea	2	0	-100.0
Morocco	2	0	-100.0
Peru	1	0	-100.0
Central African Republic	1	0	-100.0
Tanzania	1	0	-100.0
Kazakhstan	1	0	-100.0
USA	1	0	-100.0
Burundi	1	0	-100.0
Mauritania	1	0	-100.0
<i>Others</i>	0	6	-
<b>TOTAL</b>	<b>2,280</b>	<b>1,000</b>	<b>-56.1</b>

Source: National Refugee Office.

**3. Persons arriving under family reunification procedure:** 5 (2001: Figure unavailable).

There was one case of a recognised refugee from Iraq being reunited with his family (a wife and four children). These family members are not included in the figures under paragraphs 1 and 2 above.

**4. Refugees arriving as part of a resettlement programme:**

No refugees arrived in Romania as part of a resettlement programme in 2002.

**5. Unaccompanied minors: 53 (2001: 121).**

Table 3:

<b>Country</b>	<b>2001</b>	<b>2002</b>	<b>Variation +/- (%)</b>
Bangladesh	0	15	-
India	3	12	+300.0
Afghanistan	93	11	-88.2
Iraq	7	8	+14.3
Somalia	10	5	-50.0
Sudan	0	2	-
Sierra Leone	5	0	-100.0
Iran	2	0	-100.0
Egypt	1	0	-100.0
<b>TOTAL</b>	<b>121</b>	<b>53</b>	<b>-56.2</b>

Source: National Refugee Office.

**RECOGNITION RATES**

**6. The statuses accorded as an absolute number and as a percentage of total decisions:**

Table 4:

<b>Status</b>	<b>2001</b>		<b>2002</b>	
	<b>First instance Number</b>	<b>%</b>	<b>First instance Number</b>	<b>%</b>
No status awarded	2,232	94.9	952	94.9
Convention status	83	3.5	36	3.6
Subsidiary protection	38	1.6	15	1.5
<b>TOTAL</b>	<b>2,353</b>	<b>100</b>	<b>1,003</b>	<b>100</b>

Source: National Refugee Office.

Comments: 84 and 60 persons were granted Convention status on appeal in 2001 and 2002 respectively.

**7. Refugee recognitions (1951 Convention: as an absolute number) according to country of origin, at first instance and appeal stages:**

Table 5:

<b>Country of origin</b>	<b>2001</b>		<b>2002</b>	
	<b>First instance</b>	<b>Appeal</b>	<b>First instance</b>	<b>Appeal</b>
Iraq	15	30	19	17
Somalia	4	1	4	7
Sudan	3	-	2	8
FRY	3	-	3	3
Iran	14	2	2	3
Republic of Congo	10	7	2	2
Afghanistan	10	23	-	3
Sierra Leone	2	7	-	3
Lebanon	-	1	-	3
Syria	-	1	-	3
Egypt	2	1	-	2
<i>Stateless Palestinians</i>	9	3	1	1

Turkey	4	-	1	1
Tunisia	-	-	1	1
Israel	-	-	1	-
Cameroon	1	1	-	1
Rwanda	1	-	-	1
Liberia	1	-	-	1
Sri Lanka	-	3	-	-
DR Congo	1	1	-	-
Nigeria	1	1	-	-
Angola	1	-	-	-
Georgia	1	-	-	-
Central African Republic	-	1	-	-
<i>Others</i>	-	<i>1</i>	-	-
<b>TOTAL</b>	<b>83</b>	<b>84</b>	<b>36</b>	<b>60</b>

Source: National Refugee Office.

## RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

### 8. Persons returned on safe third country grounds:

Despite having regulated the safe third country principle in the relevant legislation, and having adopted a list of safe third countries, this notion has so far not been applied in practice. This is either due to appeals by asylum seekers against their removal from Romania on the basis of the safe third country principle, or because asylum seekers were returned to Romania under readmission agreements as third country nationals (not specifying their status as asylum seekers or refugees). Aliens who have transited Romania and crossed the border in an irregular manner, for example to Hungary or Bulgaria, are, when apprehended by the Border Police, returned to Romania on the basis of existing readmission agreements. According to the information provided by the authorities, the Romanian Border Police check with the National Refugee Office whether aliens returned from abroad had submitted asylum applications in Romania, and the Authority for Aliens in Romania is able to establish from the common database whether an alien on Romanian territory was ever registered with the National Refugee Office.

A number of aliens who had moved on to Hungary in an irregular manner turned out to be registered as asylum seekers in Romania, although no detailed figures are available. They were not returned on the basis of the safe third country principle, however, because they never applied for asylum in Hungary. There have similarly been cases of asylum seekers registered with the Bulgarian authorities entering Romania without applying for asylum. The National Refugee Office asserts that a person who transits Bulgaria before applying for asylum in Romania would normally have his or her application processed under the Romanian procedure, because verification of an individual's status with Bulgarian counterparts would involve a lengthy procedure. It seems that the situation is similar as regards Hungary, considering that the National Refugee Office has never received a request from the Hungarian asylum authorities to accept an asylum seeker based on the safe third country principle.

As regards EU Member States, which are considered safe third countries by Romania, asylum seekers who transit Romania (without having lodged an asylum application) and apply for asylum in an EU Member State would not normally be accepted by Romania on the basis of the safe third country principle, as Romania would consider that country responsible for examining the asylum claim based on their own legislation. Therefore, problems of orbit cases may arise in the event of asylum seekers arriving in one of these states after having transited Romania, if the respective EU Member State in turn considers Romania to be a safe third country.

9. **Persons returned on safe country of origin grounds:** Figures unavailable.
10. **Number of applications determined inadmissible:** Figures unavailable.
11. **Number of asylum seekers denied entry to the territory:** Figures unavailable.
12. **Number of asylum seekers detained, the maximum length of and grounds for detention:** Figures unavailable.
13. **Deportations of rejected asylum seekers:** Figures unavailable.
14. **Details of assisted return programmes, and numbers of those returned:**

No such programmes were instituted by Romania in 2002.

15. **Dublin Convention practice comments:**

Romania is not party to the Dublin Convention.

## **SPECIFIC REFUGEE GROUPS**

16. **Developments regarding refugee groups of particular concern:**

No information was provided.

## **LEGAL AND PROCEDURAL DEVELOPMENTS**

17. **New legislation passed:**

In 2002 a number of legal instruments were adopted which impacted upon and further developed the asylum regime in Romania. Legislative developments included:

- Modification of exclusion clauses, formulated *ad litteram* as in the 1951 Geneva Convention, and adoption of specific provisions of legal aid and subsistence assistance to asylum seekers detained in closed centres during the border procedure.
- New law on unemployment insurance and active employment measures, with the inclusion of refugees and persons granted other forms of international protection in mainstream state employment services.
- Revised procedure for reunification of recognised refugees with their family members (see paragraph 25 below).
- Romania's accession to the European Convention on Nationality.
- Modification of the lists of safe third countries and safe countries of origin.

18. **Changes in refugee determination procedure, appeal or deportation procedures:**

There were no significant changes in these procedures in 2002.

19. **Important case-law relating to the qualification for refugee status and other forms of protection:**

No information was provided.

**20. Developments in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate:**

Interpretation by the authorities of 'national security' exceeds the scope of Article 33(2), leading to arbitrary violations of the 'non-*refoulement*' principle and no possibility of judicial review. The authorities interpret the concepts of public order and national security widely, and invoke them to justify the prolonged detention of asylum seekers or stateless persons in the Otopeni Detention Centre. Moreover, the authorities often subsequently decide to cancel the validity of refugee status in an arbitrary manner, again based on a wide interpretation of these concepts, through a mere administrative decision, and in the absence of any conviction of a particularly serious crime.

**21. Developments regarding readmission and cooperation agreements:**

Romania signed readmission agreements with the following countries: Austria, Belgium, the Netherlands, Luxembourg, Bulgaria, the Czech Republic, Croatia, Denmark, Finland, France, Germany (including a separate Protocol for stateless persons), Greece, Hungary, India, Ireland, Italy, Latvia, Moldova, Norway, Poland, Portugal, Slovenia, the Slovak Republic, Spain, Sweden, and Switzerland.

The readmission agreements with Albania and Lebanon are pending as the ratification process continues, while there are negotiations ongoing with the United Kingdom, Lithuania, the Russian Federation, Ukraine, FYROM, China, Egypt, Bangladesh and Sri Lanka.

**THE SOCIAL DIMENSION**

**22. Changes in the reception system:**

There were no significant changes in the reception system in 2002.

**23. Changes in the social welfare policy relevant to refugees:**

There were no significant changes in the social welfare policy relevant to refugees in 2002.

**24. Changes in policy relating to refugee integration:**

As regards the integration of recognised refugees, the Government Decision No.1191/2001 entered into force on 18 December 2001. Provisions include access to Romanian language learning, vocational training, employment, social welfare and medical insurance, as well as accommodation for one year in government reception centres. In the absence of sufficient funding for such measures, the Ministry of Interior requested UNHCR Romania and NGOs to assist in the planning, and to continue to fill the gaps until the authorities are prepared to take over. This legislation is considered an important step towards the government assuming responsibility for integration.

**25. Changes in family reunion policy:**

Ministerial Order 213/A/2918, issued in February 2002, establishes a new procedure for family reunification. It provides for the National Refugee Office to receive and decide on applications for family reunification by recognised refugees in Romania. According to the established procedure, once the request for family reunification is approved the National Refugee Office will issue travel documents for the respective family members, to be delivered at embassies or consulates abroad. For the purposes of family reunification, aliens are authorised to enter Romania on a family visa as regulated under the Aliens Law. Upon verification of their identity, dependants of refugees in Romania are entitled to receive refugee identity documents themselves.

## **OTHER POLICY DEVELOPMENTS**

### **26. Developments in resettlement policy:**

There were no significant developments in resettlement policy in 2002.

### **27. Developments in return policy:**

There were several cases in which the Aliens authorities had taken asylum seekers to their respective embassies, or otherwise violated the confidentiality principle, in order to return them to their countries of origin; this despite the fact that their asylum applications were still pending, or that a new asylum application had been submitted by a finally rejected asylum seeker on the basis of new evidence.

### **28. Developments in border control measures:**

Article 35(2) of the November 2000 Refugee Law exempts asylum seekers from penalties for illegal entry, in conformity with Article 31(1) of the 1951 Convention, providing that 'applicants for refugee status determination procedures shall not be liable to penal penalties for illegal entry or stay on the territory of Romania'.

On 15 February 2001 the General Inspectorate of Border Police and the National Refugee Office concluded a Protocol on joint controls of passengers disembarking flights from destinations with 'high migration potential'. Illegal travellers are immediately returned to their country of origin, while persons applying for refugee status will receive support from the National Refugee Office.

### **29. Other developments in refugee policy:**

There were no other significant developments in refugee policy.

## **POLITICAL CONTEXT**

### **30. Government in power during 2002:**

The political situation was stable over the reporting period. There were no elections and the Social Democratic Party continued to rule in coalition with the small Humanist Party, while the conclusion of a protocol with the Democratic Union of Hungarians in Romania ensured the parliamentary majority.

### **31. Governmental policy vis-à-vis EU developments:**

Throughout 2002 Romania made considerable progress in its EU accession negotiations. In 2002 Romania had opened all the chapters in its EU negotiations, and sixteen out of the thirty-one chapters were provisionally closed. Romania was invited to join the European Union by 2007 through a decision of the Copenhagen EU Summit held in December 2002.

### **32. Asylum in the national political agenda:**

No information was provided.

