

## ROMANIA

## 1 Arrivals

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

Table 1:

Month	2003	2004	Variation +/- (%)
January	67	46	-31.3
February	45	81	+80.0
March	97	42	-56.7
April	151	30	-80.1
May	83	36	-56.6
June	105	27	-74.2
July	51	41	-19.6
August	81	42	-48.1
Sept.	45	54	+20.0
October	64	57	-10.9
November	54	38	-29.6
December	42	50	+19.04
<b>Total</b>	<b>885</b>	<b>544</b>	<b>-38.5</b>

Source: National Office for Refugees

## Comments

The decreasing trend may be the result of a change in migration routes (through Ukraine) and the strengthening of border controls, as part of counter-terrorism measures.

## 2 Breakdown according to the country of origin/nationality, with percentage variation

Table2:

Country	2003	2004	Variation +/- (%)
China	164	85	-48.1
India	155	65	-58.06
Iraq	247	64	-74.08
Turkey	38	45	+18.4
Somalia	62	40	-35.4
Pakistan	21	28	+33.3
Bangladesh	5	25	+400.0
Iran	47	24	-48.9
Syria	11	19	+72.7
Georgia	-	14	-
Moldova	4	13	+225.0
Congo	-	11	-
Liberia	6	10	+66.6
Sudan	6	9	+50.0
Palestine	13	9	30.7
Cameroon	-	8	-

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Russia	-	7	-
Yugoslavia	9	7	-22.2
DRC	13	7	-46.1
Jordan	12	6	-50.0

Source: National Office for Refugees

### Comments

A lower number of applications from China, Iran and Iraq have been registered, however they remain among the main countries of origin.

### 3 Persons arriving under family reunification procedure

One family from Congo Brazzaville followed the reunification procedure and two children came to Romania.

### 4 Refugees arriving as part of a resettlement programme

Romania does not operate any resettlement programmes.

### 5 Unaccompanied minors

In 2004 there were 6 requests from unaccompanied minors.

Table 3:

Country	2003	2004	Variation +/- (%)
Somalia	14	4	-71.4
India	1	1	0
Liberia	-	1	+100.0
Iraq	4	-	-400.0
Afghanistan	2	-	-200.0
<b>Total</b>	<b>21</b>	<b>6</b>	<b>-71.4</b>

Source: Romanian National Council for Refugees

## 2 Recognition Rates

### 6 The Statutes accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions

Table 4:

Statutes	2003		2004		2004		2004	
	First instance Number	Appeal %	Number	%	First instance Number	Appeal %	Number	%
No status awarded	654	87.2	-	-	376	83.2	-	-
Convention status	69	9.2	-	-	61	13.5	24	
Subsidiary status	27	3.6			15	3.3	44	
Other								
<b>Total</b>	<b>750</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>452</b>	<b>100</b>	<b>68</b>	

Source: National Office for Refugees

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### Comments

There is no information available on appeals submitted in 2003 and 2004.

People who are granted Convention Status are awarded a long term residence permit, which is renewable each year.

Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance and appeal stages

Table 5:

Country of origin	2003		2004		2004		2004	
	First instance Number	%	Appeal Number	%	First instance Number	%	Appeal Number	%
Somalia	5	7.2	4	4.2	25	40.9	1	4.2
Iraq	42	60.8	44	46.3	17	27.9	3	12.5
Yugoslavia					4	6.6	-	
Turkey	3	4.3	3	3.1	4	6.6	5	20.8
Iran	6	8.6	11	11.5	3	5	4	16.5
Congo	6	8.6	7	7.3	3	5	-	
Lebanon	2	3	-	-	1	1.6	-	
Syria	1	1.5	4	4.2	1	1.6	-	
Cameroon	-	-	1	1.1	1	1.6	1	4.2
Djibouti	-	-	-	-	1	1.6	-	-
Pakistan	-	-	1	1.1	1	1.6	-	-
Ethiopia	-	-	-	-	-	-	3	12.5
Palestine	-	-	3	3.1	-	-	2	8.3
Jordan	1	1.5	1	1.1	-	-	1	4.2
China	-	-	-	-	-	-	1	4.2
Liberia	-	-	-	-	-	-	1	4.2
Senegal	-	-	-	-	-	-	1	4.2
South Africa	-	-	-	-	-	-	1	4.2
Serbia and Montenegro	-	-	1	1.1	-	-	-	-
Russian Federation	1	1.5	-	-	-	-	-	-
Sudan	1	1.5	5	5.2	-	-	-	-
Yemen	1	1.5	-	-	-	-	-	-
Afghanistan	-		3	3.1	-	-	-	-
Cuba	-		1	1.1	-	-	-	-
Guinea	-		1	1.1	-	-	-	-
India	-		1	1.1	-	-	-	-
Kenya	-		1	1.1	-	-	-	-
Nigeria	-		1	1.1	-	-	-	-
Sierra Leone	-		2	2.1	-	-	-	-
<b>Total</b>	<b>69</b>	<b>100</b>	<b>95</b>	<b>100</b>	<b>61</b>	<b>100</b>	<b>24</b>	<b>100</b>

Source: National Office for Refugees

### 8 Subsidiary and other status granted (as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages

No figures available.

**3 Returns, Removals, Detention and Dismissed Claims**

**9 Persons returned on “safe country grounds”**

The safe third country principle was not applied in Romania during the reporting period. It was however applied in 2005. In March 2005, the National Refugee Office gave access to the ordinary procedure to an asylum seeker from Turkey after he transited Bulgaria, which Romania considers to be a safe third country. The Bulgarian authorities stated that they would admit the asylum-seeker if Romania rejected the application as manifestly unfounded.

**10 Persons returned on “safe country grounds”**

No figures available.

**11 Number of applications determined inadmissible**

Two cases (0.37% of the total number of applications), processed under an accelerated procedure, were declared inadmissible during 2004.

**12 Number of asylum seekers denied entry to the territory**

No figures available.

**13 Number of asylum seekers detained, the maximum length of and grounds for detention**

No figures available.

**14 Deportations of rejected asylum seekers**

No figures available.

**15 Details of assisted return programmes, and numbers of those returned**

There were none in 2004.

**16 Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin II Regulation**

Romania is not party to the Dublin Convention.

**4 Specific Refugee Groups**

**17 Developments regarding refugee groups of particular concern**

No developments.

## **5 Legal and Procedural Developments**

### **18 New legislation passed**

Ordinance 102/2000 was republished in 2004. It provides for modification of the rules on cessation, withdrawal and cancelling, a new definition of conditional humanitarian protection and brings recognized refugees under the same legal regime as persons granted conditional humanitarian protection. "Conditional humanitarian protection may be granted to an alien who risks being subjected to a violation of his or her rights in one of the following forms:

1. Likely sentencing to the death penalty or execution of such a penalty, or
2. subjection to torture, inhuman or degrading treatment or punishment; or
3. a serious individual threat to his or her life or physical integrity resulting from generalized violence in situations of internal or international armed conflicts, if the applicant belongs to the civilian population."

This ordinance brings the legislation in line with the 1951 Geneva Convention in respect of cessation and cancellation of refugee status. The ordinance also provides for an increase in the amounts of money being granted to beneficiaries of the refugee law and single jurisdiction of the courts. Single jurisdiction identifies one court that is competent according to the law to decide on certain cases. Previously, refugee cases could be determined by any local court within the country. Based on the new provisions, only courts in the area of the National Refugee Office or its branches may decide an application on appeal. It also provides for only representatives (legal counsellors) of the National Refugee Office to be the other party in the court procedure (to defend their eligibility decisions). Money granted to asylum-seekers from the budget of the Ministry of Administration and Interior increased to 25,000 lei/person/day for food (around 0.8 USD), 15,000 lei/person/day for accommodation (around 0.5 USD) and also includes 5,000 lei/person/day as pocket money (around 0.15 USD).

The Government approved Decision no. 616 regarding the National Strategy on Migration on 21<sup>st</sup> April 2004.

Law no. 272/2004 (Official Gazette no. 557/23<sup>rd</sup> June 2004) regarding the protection, promotion and guarantee of children's rights and Law no. 275/2004 (Official Gazette no. 557/23<sup>rd</sup> June 2004) regarding the National Authority for the Protection of Children's Rights were approved. The principle of the best interests of a child should prevail in all the decisions taken by the public authorities, including asylum seeking children and those with a form of protection. This includes the appointment of legal guardians, suspension of the administrative procedure for age assessment, legal assistance provided by one focal point (who may also represent them in court), assistance provided during administrative interviews and discussion of special cases in the Task Force on Vulnerable groups. The laws entered into force on January 1<sup>st</sup>, 2005.

Government Ordinance no. 73/2004 cancelled article 11, paragraph (2) of the Government Ordinance no. 44/2004 regarding the social integration of aliens who were granted a form of protection in Romania. The article gave a methodological acknowledgement ensured by The Ministry of Education, Research and Youth and by The Ministry of Labour, regarding the diplomas, attestations of studies and qualifications from the country of origin in the case of persons who were granted a form of protection. The Government Ordinance was published in the Official Gazette no. 787/26 August 2004 and entered into force within three days of publication.

Emergency Ordinance no. 194/2002 regarding the aliens' regime was amended and supplemented by Law no. 482/2004, published in the Official Gazette no. 111/27.11.2004.

**19 Changes in refugee determination procedure, appeal or deportation procedures**

Ordinance 102/2000 republished provides for a single jurisdiction of the courts and that the National Refugee Office should be the other party in the court procedure.

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

No information available.

**21 Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the nationality security debate**

No information available.

**22 Developments regarding readmission and cooperation agreements**

No information available.

**6 The Social Dimension**

**23 Changes in the reception system**

No developments.

**24 Changes in the social welfare policy relevant to refugees**

No developments.

**25 Changes in policy relating to refugee integration**

Ordinance 102/2000 that was republished in December 2004 brings recognized refugees under the same legal regime as persons granted conditional humanitarian protection and increases the amount of money being granted to beneficiaries of the refugee law.

**26 Changes in family reunion policy**

No developments.

**7 Other Policy Developments**

**27 Developments in resettlement policy**

No developments.

**28 Developments in return policy**

Romania continued to return rejected asylum seekers to their country of origin following verification with the embassies of their country of origin.

## **29 Developments in border control measures**

UNHCR, National Refugee Office and NGOs (Romanian National Refugee Council, Save the Children and ARCA) carried out training for border police on asylum and access to Romanian territory and RSD procedures, as well as on the principle of non-refoulement of asylum applicants.

## **30 Other developments in refugee policy**

There were no further developments in refugee policy in 2003.

## **8 Political Context**

### **31 Government in power**

The Parliamentary and presidential elections took place in November and December 2004. The Alliance D.A (Truth and Justice) formed from Democratic Party and the National Liberal Party won the elections. The new president elected is Traian Basescu.

### **32 Governmental policy vis-à-vis EU developments**

As mentioned in the 2004 Regular Report, Romania has taken further steps to bring its legislation in line with EU practices and to improve its capacity for receiving asylum applicants. These provisions are in part aimed at addressing the problem of integration of refugees and asylum seekers, but they still need to be implemented fully. The National Refugee Office has continued to promote inter-agency co-operation and also works closely with the Office of the UN High Commissioner for Refugees as well as local non-governmental organisations. Training has been provided to Moldovan officials (administrative eligibility officers and judges). Additional training should be provided to personnel in other Romanian services directly involved in asylum and refugee matters such as the national police, Aliens authority and Border Police and practical inter-agency co-operation at the working level with these institutions should be further enhanced. The remaining vacancies within the National Refugee Office should be filled and the new staff trained. Romania needs to adopt a EURODAC implementation plan soon and Romania's Automated Fingerprint Identification System (AFIS) workstations need to be upgraded to be EURODAC compliant.

### **33 Asylum in the national political agenda**

Refugees, illegal migration and readmission issues were included in the National Security Policy Chapter of the Government's programme at the end of 2004.

## **Biography**

Niculae Carcu, Stefan Leonescu, Nadina Morarescu, Tatiana Vlaicu

### ROMANIAN NATIONAL COUNCIL FOR REFUGEES

Our mission is to protect and promote through all legal means the human rights in general and the rights of refugees and asylum-seekers in particular.

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