

Preliminary report about migration in Romania

1. Types of migrants:

Migrants choose to move away not because of a direct threat to persecution or death, but mainly to improve their lives by finding a job abroad or in some cases for education, family reunification or other reasons. Unlike refugees who cannot return home safely, migrants do not encounter such obstacles when returning. If they choose to come home, they will continue to receive the protection of their government.

Refugees are people fleeing armed conflict or persecution. There were 22.5 million refugees worldwide in 2017. Their situation is often so dangerous and intolerable that they cross national borders to seek safety the country and thus become internationally recognized as "refugees" with access to assistance from States, UNHCR and other organizations. They are seen this way because it is too dangerous for them to go home and need a refuge elsewhere. These are people for whom asylum refusal is potentially lethal consequences.

The refugees are **asylum seekers**, but not all the asylum seekers are eventually recognized as refugees, as they all wait for their request of asylum to be accepted or not.

2. National legislation and policies about migrants in Romania

Unlike other European countries whose immigration policies are based on their own experience, Romania has adopted models successfully implemented by others, which are not fully adapted to the domestic institutional system. The result was an advanced legislation, combined with poor implementation in practice. In addition, Romania gradually transposed in the national legislation the requirements of the European Directives on Migration, also developed on the basis of experiences and practices of other members.

Forms of support made available by public authorities for social integration of foreigners and EU citizens present in Romania are mainly subject to regulation of Ordinance no. 44/2004 on the social integration of foreigners who have acquired international protection or a right of residence in Romania. At the moment, immigrants, defined as foreigners, are not of interest for the public institutions in Romania.

Legal framework of the cooperation between IOM and the Government of Romania

- **Law No. 291/14 November 2008** regarding the ratification of the Tripartite Agreement between the Government of Romania, the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) regarding the temporary evacuation to Romania of a number of persons in need of urgent international protection and their subsequent resettlement, signed in Bucharest on May 8th, 2008, and for the regulation of some procedural aspects of its implementation.

- [Law No.123 din 19 iunie 1998](#) regarding the acceptance by the Government of Romania of the IOM Charter.
- [HG.568/ 21 September 1992 \(Government Decision\)](#) regarding the approval of the Agreement between the Government of Romania and the International Organization for Migration regarding the legal status, privileges and immunities enjoyed by IOM in Romania.

National legislation regulating migration to Romania

- [The Constitution of Romania](#)
- [Law no. 331 from 16 December 2015](#) on amending and supplementing some normative documents regarding the status of foreigners in Romania.
- [Ordinance no. 25 of 26 August 2014](#) privind încadrarea în muncă și detașarea străinilor pe teritoriul României și pentru modificarea și completarea unor acte normative privind regimul străinilor în România
- [Ordinance no. 22 of 26 August 2014](#) for amending and supplementing the [Law no. 122/2006](#) regarding the asylum in Romania.
- [Order no. 418/2013 \(Ministry of Foreign Affairs of Romania\)](#) on amending the annex to the Order of the minister of foreign affairs no. 1.743/2010 for the approval of the Revised List of the states for the citizen's of which the procedure of invitation to granting the short-stay visas for entry in Romania, is necessary.
- [Law no. 157 of 2011](#) on amending and supplementing some normative documents regarding the status of foreigners in Romania.
- [Law no. 56 of 13 March 2007](#) on amending and supplementing the Government Emergency Ordinance no. 194/2002 regarding the foreigners status in Romania.
- [Emergency Ordinance no. 56 of 20 June 2007](#) regarding the employment and detachment of foreigners on the territory of Romania.

- [Government Ordinance no. 44 of 2004](#) regarding the social integration of foreigners who have acquired a form of protection or a right of residence in Romania.
- [Government Decision no. 1483 of 9 September 2004](#) on the approval of the Methodological Norms for the application of GEO no. 44/2004 on the social integration of foreigners who have acquired a form of protection.

- [Law 194 of 2002](#) on the regime of foreigners in Romania with subsequent amendments and completions.

EU legislative framework

The EU Acquis on Migration and Asylum is available on the European Commission's website: ec.europa.eu

Employment

With regard to employment services, the foreigners with a form of international protection, participating in the integration program, have the obligation to register with ANOFM (National Agency for Employment) as a person seeking a job and they cannot refuse a job without a good reason. They would attend courses for stimulating employment or training programs offered by ANOFM. This institution has the task to cooperate, with IGI (Office of Immigration) and

according to the cultural, educational, and personal profile of each person, an individual mediation plan will be made in order to establish connections between employers and the job seekers for employment or collaboration. (art. 59 from L.76 / 2002).

3. Facilities and services for Migrants in Romania

Integration

The cases of foreigners which enter Romania via legal or illegal means are handled by the General Inspectorate for Immigration (IGI), which operates six Regional Centers for Accommodation and Asylum Seekers in Bucharest and in Timis, Maramures, Suceava, Galati and Giurgiu counties, with a total capacity of over 1000 places.

These centers process asylum applications submitted by foreigners who are in Romania or at its borders, provide assistance and accommodation to applicants who do not have the means to support themselves as well as to refugees and people requiring subsidiary protection. The centers are open-door and asylum seekers are provided legal stay throughout the asylum procedure.

Asylum centers are provided with medical practices, rooms designed for recreation, sports and educational activities.

According to Law no.122/2006 with amendments on asylum in Romania, including amendments and supplements, asylum seekers receive an amount of 10 lei/day/person (2,22 euro/day/person) for food, 5 lei/day/person (1,11 euro/day/person) for accommodation and 6 lei/day/person (1,33 euro/day/person) for other expenses, 65lei/year/person (14,44 euro/year/person) for summer clothes and 100 lei/year/person (22,22 euro/person) for winter clothes. If the residential canters does not have enough places they received 570 lei /month per person (126,66 euro/month). They also benefit from free primary medical care and emergency hospital care, as well as free treatment in case of acute or chronic diseases.

Other benefits include access to compulsory primary education for children, participating in activities of cultural integration, access to the labour market after one year since the date of submission of the asylum request (in cases when the asylum procedure has not been finalized).

In accommodation centers, the rooms offer up to 10 places. In practice, the number of places can differ, according to the nature of groups accommodated (men, women, families or families with children etc.).

In Galati, Timisoara, Radauti (Suceava), Somcuta Mare (Maramures) and Giurgiu, bathrooms are communal but separate for men and women; in the Bucharest, every room has its own bathroom (toilet and shower). All centers have medical practices.

All accommodation centers are provided with spaces for preparing food and laundry machines. The asylum seekers have the obligation to provide cleaning services in the communal areas, such as kitchens, bathrooms, hallways, on a rotating basis.

According to the procedure upon arrival to the center, firstly, asylum seekers are informed on their rights and obligations and regarding the procedures to follow. They get fingerprinted and photographed, then receive a temporary ID certifying the status of asylum seeker and the right to stay on the Romanian territory until the decision regarding their request becomes final.

The procedure also provides for a medical examination, on which occasion it is assessed whether the person in question suffers from a medical condition and if there are clues as to whether the person in question is a torture victim or has been subject to inhuman or degrading treatment.

Further, the asylum seekers are assigned to one of the accommodation areas. They each receive two bed sheets, a pillow case and objects for personal hygiene, such as soap, toothpaste, tooth brushes, shaving cream and razors, as well as dishes to cook and eat with.

The six centers have an open door policy so that individuals who request asylum can leave the center, provided that they follow the internal code of rules. In general, access to and from centers is made daily, between 6 am - 22 pm.

Asylum seekers can leave their place of residence provided that they receive approval from the administration. If they possess the means to support themselves, they are free to change their residence, provided that they inform IGI workers.

Governmental assistance to individuals which received a form of protection has as a purpose their integration in Romanian society. The general objective of integration policies is to help refugees to become self-sufficient and independent from the assistance provided by the state or NGOs and to actively participate in Romanian society, economically, socially and culturally.

According to current legislation, individuals who have received a form of protection benefit from the same economic and social rights as Romanian citizens: the right to work, accommodation, healthcare and social assistance, social insurance and education.

In order to support the integration of this category of individuals, IGI runs integration programmes held over six months, with a possibility of extension to one year. During this period, the refugees benefit from accommodation in one of the centers administered by IGI and receive material support for two months, the amount being equal to that of asylum seekers, cultural orientation courses, social counselling and psychological support as well as Romanian language courses.

When individuals receiving a form of protection fall under the category of special cases - disabled individuals, individuals who are eligible for pension due to age but are not receiving it, unaccompanied minors, torture victims and/or single parents and their children - they can benefit from the extension of their integration programme until it established that the state of vulnerability has been overcome.

Similarly, through Employment Agencies, individuals receiving a form of protection benefit from the amount of 540 lei (120 euro) in irredeemable material support for six months, with the possibility of extension to nine months.

In addition to governmental assistance, NGOs implementing running projects funded through the European Refugee Fund provide several means of assistance, from medical and psychological assistance and facilitating access to education and the healthcare system to access to the labour market and providing food, clothing, footwear and household products.

Beside these centers, various associations implement projects of assistance and social services for refugees and asylum seekers such as the Information and Support Center for Immigrants or the Romanian National Council for Refugees. The Romanian National Council for Refugees www.cnrr.ro is a non-governmental organization founded in 1998, having been granted public utility status in 2003. RNCR's mission is to promote and defend through all legal means human rights in general, and migrants, refugees and asylum seekers' rights particularly. The services they are offering:

- legal and social counseling,

- online assistance
- training for authorities
- schooling and supplies
- installment packages
- material assistance
- language courses

Intercultural mediation

The *Migrant in Romania* Website www.migrant.ro functions as a platform for communication, information and consultation and represents a consistency regarding the steps into a better integration of migrants in Romania. The project was developed with European funds and was managed by the Office of Immigrations, Romania, in partnership with four other institutions. The aim of this project was to create an adequate intercultural environment to facilitate the integration of foreigners in Romania and to strengthen social cohesion by maintaining mechanisms for consulting the communities of foreigners created through previous programs.

The network of intercultural mediators consists of 20 people from the localities where the project is being developed (Timisoara, Cluj, Iasi, Constanta and Bucharest), which have the role of ensuring a stronger connection between the members of the migrant communities and the public authorities, respectively civil society. Mediators act as a cast, representing at the same time the "voice" of their communities in relevant situations, but also "translating" information and legislation for community members. These people have participated in a national training course and will attend courses to support their work locally, helping them develop effective collaboration between mediators, local authorities and local civil society.

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January 2018