

Information on procedural elements and rights of applicants subject to a Dublin transfer to Romania

The information was provided on: 13 April 2023

The information was provided by:
General Inspectorate for Immigration (Romania)

About this document

The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

How long do these steps normally take?

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

Once an asylum application is submitted, the applicant is entitled to receive assistance, according to the amended Law no. 122/2006 on asylum in Romania. Accommodation in a reception centre is available upon request by the applicant by filling out a form, and comprises personal hygiene and cleaning products, as well as necessary goods for preparation, cooking and serving meal. The accommodation form can be completed immediately after the request for international protection has been submitted or at any time during the entire period of the asylum procedure. Also, applicants receive material assistance for food, clothes and other expenses, if they lack the means of subsistence. The accommodation place is provided immediately. Regarding the information provision, the applicant is informed about rights and obligations at the moment of the submission of the application.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

According to the amended Law no. 122/2006 on asylum in Romania, applicants receive assistance on the following:

- Free accommodation, upon request, in one of the centres of the General Inspectorate for Immigration, which comprises personal hygiene and cleaning products, as well as necessary goods for preparation, cooking and serving meals.
- Material assistance for food, clothes and other expenses, for persons with no means of subsistence. On request, in case there are no material resources for subsistence, an amount of 20 RON per person per day for food, an allowance for the purchase of clothing of 200 lei RON in winter and 135 RON in summer and other expenses in the amount of 12 RON per person per day are provided.
- Access to the labour market under the conditions provided by law for Romanian citizens, after 3 months from claiming asylum, if the asylum procedure in the administrative phase is still ongoing and the delay cannot be attributed to the applicant, or in the judicial phase.
- Free primary health care and emergency hospital aid as well as medical assistance and free treatment in cases of acute and chronic illnesses;
- All minors that have applied for international protection follow Romanian language courses during a school year. After completing, they are enrolled in the Romanian compulsory school educational system, under the same conditions as minor

Romanian citizens. To ensure participation in courses, the General Inspectorate for Immigration grants packages of school supplies.

- Free cultural accommodation activities and, if needed, counselling and psychological support.
- All minors that have applied for international protection receive a monthly allowance provided by the state, under the same conditions as for Romanian citizens.

In addition to the governmental assistance, applicants and protection beneficiaries are supported also through AMIF projects.

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

At the moment of the submission of the asylum application and the request for the material assistance, and whenever it's necessary, the specialized staff from the General Inspectorate for Immigration staff conducts an assessment regarding the provision of the financial assistance, taking into account the amount of money the applicant holds. When the applicant has his own money for living and he can contribute to support himself, the financial assistance provided by the institution can be suspended and also he can be asked to return the money and further support himself (Government Decision no. 1251/2006).

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

Yes

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

The Romanian law (Government Decision no.1251/2016) states the limitation and withdrawal of the financial allowance provided by the state, in the following situations:

- a) The asylum seeker is leaving the residence place without informing the responsible Regional Centre of Procedure and Accommodation.
- b) The asylum seeker does not comply with the obligation to present himself whenever he is asked by the General Inspectorate for Immigration for providing additional information regarding his asylum procedure or he is not presenting himself for the appointments, after he was informed about it.
- c) The asylum seeker is constantly breaking the internal order regulation of the accommodation centre.

The decision of limitation or withdrawal of the financial assistance is individually adopted, objectively and impartially, motivated in fact and in law, and is taken only in regard with the amount of money provided for other expenses (local transportation, cultural services, press, different repairs etc), the money for food and clothes being guaranteed for ensuring a dignified standard of living for the applicant.

1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

Free primary health care and emergency hospital aid as well as medical assistance and free treatment in cases of acute and chronic illnesses.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Each regional centre has medical staff who covers primary medical assistance in the accommodation phase and also during the asylum procedure. At arrival, a medical check is carried out for all the persons. Some of the purposes of the medical check are to provide necessary health services, to detect any infectious diseases, to identify vulnerable applicants, to make the necessary adjustments in the applicants` living conditions. Also, during the asylum procedure, applicants are receiving medical consults and treatment each time a medical problem arise. In specific cases, when a specialist consultation is required, applicants are referred to a specialist. In case of emergency, they are transported to the hospital for emergency treatment.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

In the category of vulnerable persons are included minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents accompanied by their minor children, victims of human trafficking, persons suffering from serious illnesses, persons with mental illnesses and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, or in other special situations. Belonging to the category of vulnerable persons is determined after the submission of the asylum application, as soon as possible, by specialists from the General Inspectorate for Immigration and other competent authorities, based on an individual assessment, in order to take appropriate measures to ensure the rights and guarantees provided by the asylum law and provide specialized support.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Depending of the vulnerability, the case can be referred to the responsible authority for adequate measures. The General Inspectorate for Immigration monitors the situation of applicants with special reception needs and, together with the competent authorities, ensures that the assistance offered to them is granted throughout the asylum procedure.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

Applicants have the right to submit requests, notices or complaints. Also, the decision of limitation or withdrawal of the financial assistance can be appealed.

In addition, reception facilities are subject to monitoring visits conducted by the Ombudsman and other national and international organizations with responsibilities in the field of migration or human rights. These visits are focused on the reception conditions and involves also discussions with the applicants accommodated in the centres, regarding the accommodation conditions and the assistance provided.

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

How long do these steps normally take?

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

How long do these steps normally take?

Where can the applicant find this information, or be provided with this information?

Fundamental principle in the field of asylum, access to the asylum procedure is expressly regulated in art. 4 of Law no. 122/2006 on asylum in Romania, with subsequent amendments and additions, which provides that "The competent authorities ensure access to the asylum procedure for any foreign or stateless citizen, located on the territory of Romania or at the border, from the moment of manifestation of will, expressed in writing or orally, from which it can be concluded that he requests the protection of the Romanian state, except for the situations expressly provided by this law."

The exceptions provided for in art. 4 of Law no. 122/2006 refers to procedures regulated by the law in the field of asylum, and these exceptions do not affect the principle of non-refoulement, nor do they prevent the analysis of the foreigner's request. The aforementioned procedures are the procedure for resolving the application for granting access to a new asylum procedure, the first country of asylum, the European safe third country and the safe third country, as well as the procedure for determining the member state responsible for examining the asylum application.

According to art. 35 of Law no. 122/2006 on asylum in Romania, with subsequent amendments and additions, the competent authorities to receive an asylum application are:

- the structures of the General Inspectorate for Immigration;
- the structures of the Romanian Border Police;
- the police units within which detention and preventive arrest centers are established and operate;
- the structures of the National Administration of Penitentiaries within the Ministry of Justice.

According to art. 34 of Law no. 122/2006 on asylum in Romania, with subsequent amendments and additions, a person is considered an applicant from the moment of the manifestation of will, expressed in writing or verbally, in front of the competent authorities, from which it follows that he requests protection of the Romanian state.

From the moment of the manifestation of will, expressed in the above conditions, the foreigner benefits from the rights and has the obligations that belong to applicants, provided for in art. 17 – 19 of the above-mentioned normative act.

As a consequence, filling out the "asylum application" type form and taking notes are activities of a technical nature that complement the manifestation of will regarding the request for a form of protection. In the time interval, if it exists, between the manifestation of will and the completion of the asylum application form, the foreigner benefits from all the rights conferred by law, the most important of which is the protection against return.

Asylum applications are submitted personally by foreigners on the territory of Romania or at a control point for crossing the state border, including in the transit area. The submission of an asylum application, under the above conditions, cannot be refused. Asylum applications submitted outside the territory of Romania and collective ones are not accepted.

The foreigner is informed about the procedure when carrying out the activities of registering the asylum application or, as the case may be, the application for granting access to a new asylum procedure.

In the case of foreigners who are transferred to Romania as a result of the Dublin procedure, there are the following situations:

- the foreigner has not previously requested the protection of Romania, in which case he can submit the asylum request to the competent authorities;
- the foreigner previously applied for protection in Romania and the previous procedure was completed by issuing a closure decision as a result of the implicit waiver of the asylum procedure, but 9 months have not passed since that date, in which case the foreigner can file before the competent authorities asylum application;
- the foreigner is in the cases of art. 19 para. (2) and (3) of Regulation (EU) no. 604/2013 and the previous procedure was completed by issuing a decision to close the file, in which cases he can submit the asylum application to the competent authorities;
- the foreigner previously applied for protection in Romania and the previous procedure was completed by rejecting the application or by issuing a closure decision as a result of the implicit waiver of the asylum procedure (but 9 months have passed since that date) or as a result of the explicit waiver or when the foreigner is in the cases of art. 19 para. (2) and (3) of Regulation (EU) no. 604/2013, cases in which the foreigner can apply to the competent authorities for access to a new asylum procedure.

When the asylum application is submitted by the foreigner who is in public custody, the specialized structure on competent asylum issues is obliged to analyse the application and issue a reasoned decision in fact and in law, within 3 days, on granting access to the ordinary asylum procedure or the rejection of the application (if the foreigner is in the cases that can be subject to the accelerated procedure according to Law no. 122/2006).

In the situation where a decision granting access to the ordinary procedure cannot be issued based on the elements in the file, the applicant is interviewed under the law.

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

The request for asylum is resolved within 30 days from the receipt of the file by the official responsible for the case, with the possibility of successive extensions of this term, under the law, with periods of no more than 30 days, without exceeding 6 months of when submitting the application. Also, there is the possibility of extension by 9 months and/or 3 months, according to the law. In order to analyse the application and issue the decision, the applicant is interviewed, except in situations where this is not possible or if it results from the documents in the file that refugee status can be granted. The applicant has the right to remain on the territory of Romania until the asylum procedure is completed, being protected against expulsion, extradition or forced return, except for the situations provided by art. 44 of Law no. 535/2004 on preventing and combating terrorism. In the event of rejection of the asylum application, depending on the type of procedure, the foreigner has one or two appeals before the court.

The request for granting access to a new asylum procedure is resolved exclusively on the basis of the request and the documents from the file, the foreigner not being interviewed. In the situation where the conditions for granting the permission to stay on Romanian territory are not met, the official in charge of the case immediately issues a decision to this effect, against which the foreigner has only one appeal before the court. Regarding the granting of access to a new asylum procedure, the official issues the decision within 5 days from the registration of the request, there being no possibility of extending this term. In case of rejection of the access request, the foreigner has only one appeal before the court.

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

The provisions of art. 33 para. (2) lit. a)-d) of Directive 2013/32/EU (except letter e) of this paragraph) were transposed by Law no. 122/2006.

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

No. However, there are rules concerning different types of quarantine on public health grounds, as described below. These rules apply for all persons, and are not limited to applicants for international protection.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

The measures necessary in the field of temporary public health, in situations of epidemiological and biological risk, to prevent the spread of infectious diseases on the territory of Romania are regulated by Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk, republished, with subsequent amendments and additions, these being provided and applied exclusively for the defence of public health, respecting the fundamental rights and freedoms of citizens and of public order. All measures ordered based on this law will be proportional to the situation that determined them, limited in time to this and applied in a non-discriminatory manner (art. 2).

According to this law, a) quarantine of persons is a measure to prevent the spread of infectious diseases, consisting in the physical separation of persons suspected of being infected or carriers of a highly pathogenic agent from other persons, in spaces specially designated by the authorities, at home or at the location declared by the quarantined person, established by reasoned individual decision of the public health directorate, which will contain mentions of the date and issuer of the act, the name and identification data of the quarantined person, the duration of the measure and the legal remedy; b) zonal quarantine is a measure to prevent the spread of infectious diseases, which aims at the physical separation of people and activities, including the limitation of movement from a perimeter affected by an infectious disease to neighbouring perimeters, so as to prevent the spread of infection or contamination in outside this perimeter; c) isolation is a measure that consists in the physical separation of people affected by an infectious disease or of people carrying the highly pathogenic agent even if they do not show suggestive signs and symptoms, at home, at the location declared by the isolated person, in a health facility or at an alternative location attached to the health unit, in order to monitor the state of health and apply a treatment, as the case may be, a measure instituted for the purpose of healing and reducing the degree of contagion based on the consent of the persons or, in the absence thereof, by the reasoned individual decision of the direction of public health, which will contain mentions of the date and the issuer of the act, the name and identification data of the isolated person, the duration of the measure and the appeal provided by law.

3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

Applicants placed in a specially arranged closed space are immediately notified, in writing, in a language they understand or are reasonably assumed to understand, the reasons for the measure and the procedure for contesting it, the possibility of requesting public aid judicially under the terms of the law, the rights and obligations they have during their placement in the specially arranged closed space, as well as the suspension or termination of the measure, as the case may be.

According to art. 197 para. (7) and (8) of Law no. 122/2006 regarding asylum in Romania, with subsequent amendments and additions, the applicant for international protection who has been ordered to be placed in a closed space may, within 5 days, submit a complaint to the court of appeal in whose territorial jurisdiction is the accommodation center where it was placed, which is obliged to resolve it within 3 days from the date of receipt. The complaint does not suspend the measure and is exempt from the judicial stamp duty. The court decision is final. In the event that the court admits the complaint, the measure of placement in a specially arranged closed space ceases on the date of the court's decision.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

According to art. 197 para. (1) from Law no. 122/2006 regarding asylum in Romania, with subsequent amendments and additions, the placement in a specially arranged closed space is ordered in writing, for a period of 30 days, by an ordinance motivated in fact and in law by the specific prosecutor appointed within to the prosecutor's office next to the court of appeal in whose jurisdiction is the accommodation centre where the applicant for international protection is to be placed, at the reasoned request of the General Inspectorate for Immigration.

According to paragraph (3) of the same article, the extension of the duration of the measure of placement in a specially arranged closed space is ordered by the appeal court in whose territorial jurisdiction the accommodation centre where the applicant is placed is located, upon the reasoned request of the General Inspectorate for Immigrations, when for objective reasons the activities for which it was arranged cannot be carried out. The reasoned request is submitted at least 5 days before the expiration of the 30-day period, and the court must pronounce before the expiration of the 30-day period, through a decision that is final.

The period of placement in a specially arranged closed space cannot exceed 60 days, including in situations where the measure was ordered for reasons of national security.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

According to Law no. 122/2006 regarding asylum in Romania, with the subsequent amendments and additions, there are the following alternatives to the measure of placement in a specially arranged closed space:

- Obligation to appear at the headquarters of the structure of the General Inspectorate for Immigration

During the asylum procedure and during the procedure to determine the responsible member state, the General Inspectorate for Immigration can order, by reasoned decision, the obligation of the applicant for international protection to present himself periodically, at the established dates and times, as well as upon request, at the headquarters of one of its territorial structures.

- Establishment of residence in a regional centre for procedures and accommodation of applicants

During the asylum procedure and during the procedure to determine the responsible member state, the General Inspectorate for Immigration can order, by reasoned decision, the establishment of a place of residence for the applicant for international protection in a regional center for procedures and accommodation for applicants, even if he has means of maintenance, and obliging him not to leave that place without informing the head of the center.

3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

A person against whom the measure of placement in a specially arranged closed space was taken, during the stay in these places, have the following rights:

- to communicate directly or through correspondence with people outside the closed space;
- to use the telephone provided by the centre, at their own expense, daily, between 9:00 a.m. and 10:00 p.m.;
- to use, upon request, the personal mobile phone, within a limit of 20 minutes daily, in the visiting room or in another space determined by the management of the centre; during the period in which the applicant is under escort in order to travel outside the closed spaces, the use of the mobile phone is prohibited;
- to be visited by the following categories of people:

- representatives of national or international non-governmental organizations and bodies with responsibilities in the field of asylum or respect of human rights, authorized and accredited under the law, daily, between 9:00 a.m. and 8:00 p.m.;
- family members or, motivated, by other persons, three times a week, between 10.00 and 12.00 or 14.00 and 17.00, for a duration of no more than 60 minutes/day/ visit, as a rule, on Tuesdays, Fridays and Sundays;
- the legal representative or lawyer, daily between 9:00 a.m. and 8:00 p.m.

The visits are authorized by the director of the centre or his legal substitute. If there are no cooperation protocols with the organizations or bodies provided for in point (i), visits by their representatives are authorized by the general inspector of the General Inspectorate for Immigration. The visits take place in specially arranged places. Applicants can be visited by a maximum of two people at the same time. In justified situations, the director of the centre or his legal substitute can approve that the applicant receives the visit of more than two people at the same time.

- to receive packages or money and to make purchases;
- to submit requests, notices or complaints;
- to carry out cultural-educational and recreational activities, including outdoor, and to participate in counselling activities;
- to carry out religious activities

During the accommodation in a specially arranged closed spaces, applicants benefit from medical and psychological assistance, access to showers, food, maintenance and hygiene products, sheets etc.

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

According to Law no. 122/2006, during the asylum procedure, the foreigner who requests a form of protection has the right:

- to be assisted by a lawyer in any phase of the asylum procedure;
- to be advised and assisted by a representative of non-governmental organizations, Romanian or foreign, in any phase of the asylum procedure;
- to be provided, upon request, with legal and procedural information, including information on the procedure in the administrative phase, in accordance with the legislation on public judicial aid in civil matters, taking into account the foreigner's personal situation;
- to be provided, upon request, in accordance with the legislation on public judicial aid in civil matters, taking into account the foreigner's personal situation, information on the reasons for the decision to reject the asylum application, on the procedure for contesting the order by which he the measure of placement in a specially arranged closed space was ordered, as well as regarding the possibility of contesting the decision by which the granting, limitation or withdrawal of the material reception conditions was ordered.

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

According to GEO no. 51/2008 regarding public judicial aid in civil matters, benefits from public judicial aid in the forms provided for in art. 6 persons whose average net monthly income per family member, in the last two months prior to the formulation of the request, is below the level equivalent to 25% of the gross minimum basic salary in the country. In this case, the amounts that constitute public judicial aid are fully advanced by the state. Such persons thus receive free legal aid.

If the average net monthly income per family member, in the last two months prior to the formulation of the request, is below the level equivalent to 50% of the gross minimum basic salary in the country, the sums of money that constitute public judicial aid are advanced by the state in proportion of 50%.

Public judicial aid can also be granted in other situations, proportionate to the applicant's needs, if the certain or estimated costs of the process are likely to limit his effective access to justice, including due to differences in the cost of living between the member states in which he has his domicile or habitual residence in Romania.

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

Law no. 122/2006 provides for the following deadlines for submitting a complaint against the decision issued by the IGI:

- 10 days from the communication of the decision by which the asylum application was rejected or subsidiary protection was granted in the ordinary procedure;
- 10 days from the communication of the decision by which the request for access to a new asylum procedure was rejected as inadmissible;
- 7 days from the notification of the decision rejecting the asylum application in the accelerated procedure or at the border;
- 7 days from the communication of the decision by which the asylum application was rejected as inadmissible because the foreigner is a beneficiary of international protection in another member state;
- 7 days from the communication of the decision by which the asylum application was rejected as inadmissible in the procedure of the first country of asylum, of the safe European third country and of the safe third country.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

According to Law no. 122/2006, in all cases mentioned in question 4.3, the reasoned appeals submitted to the specialized structure on asylum issues of the General Inspectorate for Immigration that issued the decision or to the competent court and will be accompanied by the copy of the decision rejecting the request for asylum, as well as the documents or any other elements on which the appeal is based. If the reasoned appeal is submitted to the specialized structure on asylum issues of the General Inspectorate for Immigration, it is immediately submitted to the competent court, accompanied by the documents or any other elements that were the basis for issuing the decision. The appeal is filed by the legal representative in cases of minors under 16 years of age and by the guardian in cases where the applicant is not considered able to safeguard their own interests. Minors that are at least 16 and other adults may submit their appeal on their own behalf.

The appeal must include, according to the law, the name and residence of the petitioner, the name and headquarters of the competent structure that resolved the asylum request in the administrative procedure, the object of the request, the presentation of the factual and legal reasons on which the appeal is based, the indication of the evidence on which it is supported and be signed. When the proof is made through documents, a copy for the defendant and a copy for the court will be attached to the complaint. The copies shall be certified by the petitioner as conforming to the original.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

According to Law no. 302/2004 regarding international judicial cooperation in criminal matters, republished, asylum seekers, beneficiaries of refugee status or subsidiary protection in Romania, in cases where the extradition would take place in the country of origin or in any other state where life or freedom they would be put in danger or in which they would be subjected to torture, inhuman and degrading treatment, the analysis being carried out by the competent court to resolve the extradition request.

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

According to Law no. 122/2006, permission to stay on the territory of Romania for a period of 5 days from the date of registration of the application for granting access to a new asylum procedure is not granted if the documents in the file show that the application was submitted in an abusive manner to prevent the removal of the foreigner from the territory of Romania or if the foreigner has submitted the application for access to a new asylum procedure, after a previous application of this type was rejected as inadmissible or, if following the granting of access to a new asylum procedure, his request was rejected as manifestly unfounded. The case officer issues a decision not to grant permission to stay, which can be appealed within two days of notification. The resolution of the complaint is within the competence of the court in whose territorial range the specialized structure on asylum issues of the IGI that issued the decision is located.

If the request for granting access to a new asylum procedure is rejected as inadmissible, the foreigner can file a complaint within 10 days from the notification of the decision. The resolution of the complaint is within the competence of the court in whose territorial range the specialized structure on asylum issues of the IGI that issued the decision is located. Exercising the right of appeal against the decision of the IGI does not imply the granting of permission to stay on the territory of Romania.

In the case of filing an appeal, the foreigner can ask to be granted permission to stay on the territory of Romania, in which case he has the right to stay on the territory of Romania until the court pronounces on this request. If the foreigner's request is accepted, permission to stay in Romania is granted until the court pronounces on the complaint.