



Input by civil society organisations to the Asylum Report 2024

Dear Colleagues,

The production of the *Asylum Report 2024* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2023 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (**'Part B' of the form**).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2024 by **Thursday, 30 November 2023**.*





Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

Part A:

- ✓ New developments and improvements in 2023 and new or remaining challenges;
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- ✓ Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

Part B:

- ✓ New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

PART A: Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

As Romania's access to the Schengen area was denied and the pressure on migration and asylum systems it's expected to increase¹, 2023 was marked by significant legislative and policy changes in the migration field. The border capabilities were strengthened, more focus was provided on streamlining the return procedures² and the overall cooperation with international bodies was enhanced (FRONTEX, European Commission, EUAA).³

In 2023 there was an increase in the number of people attempting to illegally exit Romania after entering the country by legal means (work/study visas). Most of the asylum seekers registered this year, according to Romanian Border Police statistics, were migrants who arrived in the country legally who asked for international protection when apprehended by the Romanian Border Police while trying to cross Romania's western border. In contrast, there was a drastic decrease in the flow of migrants entering Romania from Serbia.

¹ The National Integrated Management Strategy Of Romanian State Borders for 2023 – 2027, approved by the Romanian Government in May 2023, June 2023, p. 28, available (Romanian only) at: <https://www.politiadefrontiera.ro/ro/main/i-strategia-nationala-de-management-integrat-al-frontierei-de-stat-a-romaniei-20232027-33737.html>

² For more details, please see question nr. 14

³ European Commission, Reporting on the results of the Pilot Project for fast asylum and return procedures with Romania, 18 October 2023, available at: https://home-affairs.ec.europa.eu/reporting-results-pilot-project-fast-asylum-and-return-procedures-romania_en





The AIDA Country Report indicates a decrease of alleged pushbacks from Romania to Serbia.⁴ There is no updated data for 2023 at this moment. However, Romanian National Council for Refugees (CNRR) was contacted by persons claiming potential abuses at the border which were notified to the border police. The institutional response to these claims remained hesitant. Such an example is the lack of CNRR access to potential beneficiaries on Otopeni Airport.

The conflict in Ukraine continued to result in high numbers of persons in need of protection at the border with Ukraine and Republic of Moldova, although not matching the afflux met in 2022. CNRR's monitoring activity in 2023 identified gaps in access to territory and the asylum procedure, mainly in situations involving TCN other than Ukrainians. For example, CNRR was contacted by persons from the Russian Federation and Belarus claiming a 'discouraged entry to Romania' from officers of the Border Police.

From the training sessions with the border police schools that CNRR organizes annually together with the National Border Police, CNRR observed that the students are very much focused on their responsibilities related to border security, losing sight of their responsibilities regarding access to asylum procedure for presumptive persons in need of protection. For this reason, it is imperative to constantly deliver training sessions to the border police covering the topics of fundamental human rights and international protection.

2. Access to information and legal assistance (including counselling and representation)

Romanian National Council for Refugees provides specialized legal counseling and assistance in all six regional centers for procedure and accommodation for asylum seekers, upon request, during the entire asylum procedure, and for beneficiaries of international protection whose situation is being reanalyzed or whose requests for family reunification were rejected. The counseling includes information provision, translation services of the documents, drafting of all the needed documents in the administrative and judicial phase.

Regarding the asylum seekers' representation in court, CNRR drafts requests for legal aid whenever is the case and appoints a lawyer from CNRR's network of lawyers for vulnerable cases within the financial limits provided by the ongoing projects.

The practice regarding the admission of legal aid requests in 2023 remained a positive one, with isolated exceptions when courts reject such requests on the grounds of the asylum seeker's income or whenever he/she had been previously counseled by an NGO.

The quality of legal aid assistance provided through the state's public service remains poor. Multiple asylum seekers counseled by CNRR have stated that the legal assistance provided by legal aid lawyers was done superficially, the lawyers did not discuss their case with them or did not show their willingness to thoroughly understand the situation. Also, in some cases, the appointed legal aid lawyers did not take the necessary steps to declare an appeal within the term provided by law. This happens because the legal aid lawyers are not properly trained and also not motivated to do so. For this reason, CNRR provides annually informative sessions for lawyers that work or want to work in the field of asylum.

⁴ AIDA, Access to the territory and push backs - Romania, 2022, available at: https://asylumineurope.org/reports/country/romania/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/#_ftnref45





3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

CNRR provides interpretation services during counseling sessions and translation services of personal documents needed in the asylum procedure. Thus there is a constant evaluation of the main languages spoken by the beneficiaries who are assisted, as well as the degree of interpretation needs coverage.

CNRR organizes specific training sessions with collaborating interpreters, in order to respond to the constant need to improve the linguistic assistance provided within the asylum procedure. Informative materials on interviewing during asylum procedure, the glossary with terminology related to the field and UNHCR recommendations regarding communication and interpretation techniques in cases of vulnerable people, who require a special attention, with special reference to unaccompanied minor, are periodically made available to collaborating interpreters. In addition to authorized interpreters, foreign students, beneficiaries of a form of protection and foreigners with legal residence are also considered whenever there is no authorized translator available (provided all parties agree with this).

No changes were reported regarding the legislation on authorized interpreters.

As in previous years, during 2023 there were also cases in which asylum seekers expressed their concern regarding the interpretation during the interview to determine a form of protection. During CNRR legal counselling sessions with the beneficiaries, some of them claimed that the interpreters did not exactly translate their answers, gave another meaning to the statements in the interview, or had a biased attitude towards them. According to the procedure, the interview note has to be read at the end, however beneficiaries often declare that this step didn't happen nor were they given the opportunity to express their will on this.

Moreover, there are cases when asylum seekers' interview (in administrative phase) or hearing (in judicial phase) is postponed due to the lack of interpreters, mostly in cases of very rare languages or dialects. Besides that, there are also financial reasons for the lack of interpreters. Some of the interpreters are complaining about the small fees or payment delays and in some cases they claimed they didn't receive the money at all.

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)
5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritized procedures or any special procedure for selected caseloads)

Asylum applications received by the border police are immediately sent to the General Inspectorate for Immigration, which must give a decision within 3 days from receipt. There are three possible outcomes:

- the person is granted a form of protection and access to the territory;





- the person is granted access to the territory and to the ordinary asylum procedure, whenever there is a need for further investigations;
- the asylum request is rejected for being evidently unfounded and the person is not granted access to the territory.

In case of rejection, the person may appeal the decision before the competent court of law within 7 days from communication. The decision of the court is final.

As per the statistical data shared by the Border Police, there were 5902 asylum requests received by the border police between January and June 2023, out of which 79,9% at the Arad County Inspectorate for Border Police. According to data shared by GII, 73,3% of the submitted asylum requests in Romania have been referred by the Border Police between January and September 2023, an increased percentage compared to the previous year.

According to the statistics provided by the European Commission's report on Romania, between March and September 2023, there were 5985 received asylum applications by the border police, out of which 2493 asylum applications were rejected under the accelerated procedure. The top three nationalities of applicants were from Bangladesh, Syria and Pakistan.⁵

The asylum requests lodged on the territory can be processed in an ordinary or in an accelerated procedure. From CNRR experience of counseling asylum seekers, the most common reason for processing asylum application in accelerated procedure is the obviously unfounded asylum request, based on the lack of well-founded fear or deliberately misleading the bodies or abusively resorting to the asylum procedure.

According to the law, asylum requests submitted by unaccompanied children are assessed with priority and cannot be subject to accelerated procedure.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

In 2023, the reception conditions and capacity remained stable. In October 2023, the GII regional center for procedures and accommodation for asylum seekers in Bucharest was reopened after almost 2 years of rehabilitation. It has a capacity of 390 places. During this time the asylum seekers were temporarily accommodated to the General Inspectorate for Immigration premises where the asylum related procedures are carried out (interviews, applications registration etc.).

Regarding the reception conditions, the Romanian Ombudsman has made a series of monitoring visits to the GII procedures and accommodation centers for asylum seekers, the most recent ones are from 2022, in Giurgiu, Galati, Maramures and Radauti. Among the main issues identified in the reports are the following: insufficient center staff (especially in the medical assistance department), lack of constant

⁵ European Commission, Reporting on the results of the Pilot Project for fast asylum and return procedures with Romania, 18 October 2023, p. 3, available at: https://home-affairs.ec.europa.eu/reporting-results-pilot-project-fast-asylum-and-return-procedures-romania_en





professional training for center staff, inadequate hygienic-sanitary conditions, accommodation spaces that require improvements/rehabilitation.⁶ No major improvements were reported since then.

In general, asylum seekers are accommodated in the GII centers, but they can also rent their own places, if they have the financial means. The persons in the centers have freedom of movement, but they need the approval of the management staff in case of long absence (more than 1 day). All the asylum seekers have to notify GII regarding any residency change.

Asylum seekers have the right to work after 3 months after they submitted the asylum request, if they don't receive a decision from the Immigration office, or even earlier than 3 months, in case they get into the judicial phase. In practice, it is very difficult for them to find a job or pursue vocational training due to the language barrier, the lack of personal documents (study/work diplomas) or the lack of necessary study level/work experience. These impediments forces many asylum-seekers to uptake low-skilled or underqualified jobs, but also impedes access to qualification courses and vocational training. Moreover, despite the fact that they can benefit from Employment Agency services in finding a job, they rarely rely on these due to the language barrier and the lack of proper counseling. These issues expose them illegal work and exploitation.

Regarding medical care, asylum-seekers have access to free primary and emergency medical care and treatment and they can be included in the national public health programs. As mentioned above, there is a lack of doctors and psychologists in the reception centers, therefore they are heavily relying on NGOs services in this matter.

Asylum seeker children have access to education in the same conditions as Romanian children. In practice, the lack of funding, delayed school enrollment and the lack of trained teachers hinders the overall learning experience of asylum seekers and their educational integration. Progress has been registered in terms of access to education, following the adoption in 2022 of the new Methodologies on diploma recognition, school enrollment and Romanian language classes for refugees. However, the effective implementation of these measures by school units has been affected by different interpretation approaches and by the lack of proper communication from the Ministry of Education.

Asylum-seekers with no financial means can receive, upon their request, a monthly allowance and seasonal financial aid for clothing. In practice, there are cases when asylum seekers are not properly informed about their rights and they don't apply for these social benefits in time.

7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

CNRR is usually informed by the center whenever a foreign person placed in public custody lodges an asylum request or a subsequent application. In other cases, CNRR is contacted directly by the persons or their family. In both situations the CNRR legal counselors have access to the center and provide counseling and assistance throughout the entire procedure (information provision and drafting of all the procedural documents).

⁶ Romanian Ombudsman reports on the monitoring visits in the Regional Centers for Procedures and Accommodation for Asylum Seekers, available (Romanian only) at: <https://igi.mai.gov.ro/category/rapoarte-si-studii/>





8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

No changes were registered regarding the procedure before the court.

Bureaucracy, short deadlines and inaccessible information on the procedure represent great challenges faced by the asylum seekers, making them heavily reliant on the guidance provided by NGOs in this phase. There are many situations when asylum seekers don't receive the court's notification (due to their own fault or not) and they miss the hearing. The absence from the hearing is most of the times interpreted by the court as a lack of responsibility and it may influence the decision to some extent. Accessing the file in court is also very difficult for asylum seekers due to the language barrier. Besides that, they don't benefit from legal representation in court, due to the lack of financial means to hire a lawyer or because they are not aware of their right to ask for a legal aid lawyer or the court rejects his/her legal aid request.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

No changes were registered regarding the procedure before the second court.

As well as in the first judicial phase, the debates take place in a secret session, and the asylum procedure is carried out in compliance with the principle of confidentiality. The procedure in the second judicial phase begins by submitting the appeal, within 5 days from the first decision. The deadline for justifying the appeal is 10 days from the date of communication of the first sentence. The appeal is judged within 30 -60 days from its registration by the court. The decision of the second court is final.

Asylum seekers face the same challenges as in the first judicial phase.

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

Article 13 of Law no. 122/2006 on asylum in Romania specifies that the assessment of an asylum request must be based on individualized examination of each specific case and on consulting country of origin information. Article 50 reiterates the fact that the asylum procedure should also include an objective evaluation of the situation in the asylum seeker's country of origin.

CNRR provides country of origin information to legal counselors, lawyers and judges. CNRR has implemented various projects based on providing country of origin information, funded through the Asylum, Migration and Integration Fund.

There are several types of materials written as part of the project, but most of the activity consists of providing objective and impartial information to specific questions addressed by legal counselors, lawyers and judges. This information is used either in the administrative or the judicial phases of the asylum procedure, and its provision is independent of the country of origin information that might be submitted by the General Inspectorate for Immigration.

Other materials are general country reports, country files or thematic reports - they constitute mainly compilations of reliable sources, as they are written through direct quotations. These documents serve the professional interests of all parties involved in the asylum procedure in Romania, and constitute





products written by the Romanian National Council for Refugees in partnership with the General Inspectorate for Immigration. Most materials are published on the INDICIUM website, available at the following link: <https://www.portal-ito.ro/#/home>.

11. Issues of statelessness in the context of asylum (including identification and registration)

As opposed to its neighboring countries (Ukraine, Moldova, Hungary), Romania does not have a dedicated statelessness determination procedure leading to protection status. The authorities justify the lack of such a procedure through the very low number of stateless people identified on Romanian territory over the years.

In November 2023, the General Inspectorate for Immigration (GII) reported there were 288 stateless people with residence permits in Romania, out of which 113 were beneficiaries of international protection. No rights are granted on the basis of statelessness, they depend on a person's respective status as an asylum-seeker, person with irregular residence status, person with a tolerated stay permit, or person granted a form of international protection or residence. If stateless people have a regulated stay in Romania, the GII ensures that they enjoy all the rights the country provides to either foreigners or to beneficiaries of international protection, depending on their status.

12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

There is no definition of vulnerable persons rather a non-exhaustive nomination of categories: 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, persons who have been subjected to torture, rape or other serious forms of psychological, mental, physical or sexual violence, or are in other special situations, similar to those previously mentioned.

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, based on an individual assessment. In order to carry out the individual assessment and take appropriate measures to ensure the rights and guarantees provided by this law, the competent authorities (child protection services, social services etc.) provide specialized support at the request of the General Inspectorate for Immigration.

All the information related to the vulnerabilities of an asylum seeker are introduced into a system (a database) from the registration moment, so that person can receive timely and adequate assistance, both from the GII and from the NGOs and access to an adapted procedure (legal representative in the case of separated minors, agreed interpreter and specialized officer in the case of SGBV victims, etc.).

The GII has a mechanism for early identification of vulnerable cases. It was designed and implemented with the aim of identifying vulnerable people from the moment they submit their asylum application so that they can benefit from adequate assistance.





It has proven to be an effective system. However, when it comes to persons whose vulnerability is not as obvious, such as mental health issues or victims of human trafficking, the mechanism is not as effective, mostly due to the lack of staff training.

Regarding the unaccompanied children, the GII takes the necessary measures to name, as soon as possible, a legal representative to assist him/her during the asylum procedure.⁷ Unaccompanied children under 16 are accommodated in the centers of the General Directorate of Social Assistance and Child Protection, while the ones over 16 are staying in the GII centers for asylum seekers. Although their asylum request should be assessed with priority, in a shorter time than for the non-vulnerable persons, this is not always happening due to the overload of cases and lack of staff.

- 13.** Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

In practice, there are a series of challenges that asylum seekers face in accessing their socio-economic rights. The most important is the language barrier. Government doesn't provide Romanian language classes for asylum seekers. These are usually organized by NGOs, depending on the available projects, which are temporary and insufficient.

Moreover, accessing national public health programs, health insurance, applying for social benefits (unemployment or child allowance), school enrollment, are characterized by heavy bureaucratic procedures that are very difficult to navigate without any guidance or assistance. Not to mention that public institutions services are not adapted to the specific needs of asylum seekers, the public servants are not aware of the legislation in this field and therefore their access to these rights is oftentimes denied requiring direct interventions from NGOs.⁸

In the case of temporary protection (TP) holders, the lacking residence address on the permit, in the absence of clear legal provisions, have led to hurdles for holders in getting their residence in Romania recognized as a basis for accessing services. Temporary protection holders with disabilities face barriers in accessing social assistance (including benefits and rehabilitation plans), parents of children are denied applications for state allowance, with [the government citing](#) the lack of a residence address mention on the permit.

Attempting to solve this issue, GII issued an annex (A4 format) to the TP residence permit containing the address. However, in the lack of an express legal provision, the annex has found little recognition among social services providers.

Despite a clear legislative basis in the [Government Emergency Ordinance nr.15/2022](#), the free access to the majority of health services for temporary protection holders is limited in fact by language barriers, lack of awareness among beneficiaries about the Romanian medical system, lack of awareness among medical service providers about the enrolment procedure, the generally strained availability of funds for medical services and the delayed reimbursements to the medical service providers.

⁷ For more details, please see question no. 18

⁸ For more details, please see question no. 6





In the case of unaccompanied children with temporary protection, CNRR observed a lack of unitary practices among social assistance and child protection directorates in dealing with their integration. While unaccompanied children who came alone to Romania were given special protection and were involved in the childcare centers and shelters, Ukrainian children who came accompanied by third persons or relatives other than their parents do not have appropriate legal representation, nor monitoring by the Romanian child protection services.

Regarding the housing of TP holders, in May 2023 there was a switch from the cost reimbursement for hosts to direct financial aid conditioned by certain integration criteria (such as employment and school enrollment). Many refugees struggled to gain employment and fulfill other conditions of the ongoing government housing support program, with many having been given eviction notices from government-supported centers, prompting them to search emergency housing elsewhere. This situation has put a strain on local government or non-governmental shelters in Bucharest, Braşov, Constanţa. Even though the number of newly arriving refugees remained relatively low, the availability of transit centers and emergency housing stayed at concerning levels. Additionally, a large number of local authorities have rejected applications for housing support due to incomplete or delayed submissions, as the [Government Decision Nr.368/2023](#) does not provide a full and comprehensive explanation of the terms and conditions for receiving housing support, nor does it cover personal or family situations where employment is next to impossible (single parents, people with severe disabilities without a Romanian disability certificate, chronic disease patients, elderly people etc.). The condition of school enrolment for children did lead to a significant enrolment rate in Romanian schools, but it remains unclear whether integration into the school system has been successful, given the limited resources and will of both the schools and the parents.

Not least, delayed payments of the housing support program contributed to a growing sense of insecurity within the communities of Ukrainian refugees with regards to the housing situation contributing to the decision of many Ukrainians leaving Romania for other EU countries or for returning to Ukraine.

14. Return of former applicants for international protection

In order to enhance the return procedure, on the 18th of May 2023 the Government passed a new law that amends the Law no. 122/2006 regarding asylum in Romania⁹ which in exchange created the opposite effect and a lot of burden for the asylum seekers.

Based on this change, asylum seekers are issued a return decision at the moment when their request for international protection is rejected in the administrative phase. Under the Emergency Ordinance of the Government no. 194/2002 on the regime of foreigners in Romania (hereinafter “OUG 194/2002”), the return decision can be appealed within a period of 10 days (return decision with a time limit for voluntary leave) or 3 days (return decision under escort).

Although the effects of the return decision are suspended until a final decision on the asylum request is issued, the procedure to complain against it is not suspended. OUG 194/2002 establishes different timeframes to appeal the return decision, depending on the type of return decision, and establishes the Court of Appeal as the competent court, unlike complaints against decisions rejecting asylum requests, which fall within the jurisdiction of Courts of First Instance and are submitted within different time frames depending on the asylum procedure (ordinary or accelerated).

⁹ The Emergency Ordinance of the Government No. 35/2023 for the amendment and completion of certain normative acts concerning foreigners and asylum in Romania, available (Romanian only) at: <https://legislatie.just.ro/Public/DetaliiDocument/274119>





Therefore, in practice, asylum seekers who are issued a decision rejecting their asylum application have to follow two judicial proceedings simultaneously, before two different courts, sometimes in two different cities, with different hearing times and different timeframes for lodging appeals. Taking into account the legal complexity of the two proceedings, which can be difficult for any person lacking legal training, alongside socio-cultural differences, culture shock, language barrier, and the fact that in most cases asylum seekers are not assisted by a lawyer, this situation represents a great challenge for them.

CNRR considers that all the barriers mentioned above restrict asylum seekers' access to justice and question the effective remedy available to them. The fact that domestic legislation provides for the possibility of appealing a return decision is not sufficient to guarantee this right. One of the conditions of an effective remedy is accessibility, which means that the individual is able to exercise their right in a simple and prompt way, without rendering their personal situation more difficult.

Regarding this situation, the Commission Recommendation (EU) 2023/682 of 16 March 2023 on mutual recognition of return decisions and expediting returns when implementing Directive 2008/115/EC of the European Parliament and of the Council (hereinafter "Commission Recommendation")¹⁰ expressly mentions that when the return decision is issued in the administrative phase of the asylum procedure, Member States should provide asylum seekers with the possibility of submitting appeals against the two administrative acts (the return decision and the decision rejecting the asylum request) at the same time **before the same court or tribunal or within the same timeframe.**

Moreover, this situation leads to overburdening the Courts of Appeal, the competent court to rule on the complaints against the return decision. In practice, so far, CNRR observed that some courts prefer to suspend the proceedings on the complaints until the end of the judicial phase of the asylum procedure (pursuant to article 413 of the Code of Civil Procedure¹¹), which leads instead to a longer return procedure than before the amendments.

At the same time, there are national Courts that reject the complaints against the return decision before the final decision on the asylum request. In these cases, if the asylum request is eventually admitted by the court, there will be this paradoxical situation in which the person will have a form of protection but also a final return decision.

For all these reasons, CNRR considers that the legislative change leads to the opposite effect to the one intended, as the proceedings on the complaints are actually delayed. Moreover, it makes the asylum procedure even more difficult to navigate for the asylum seekers by creating a very confusing system and it overburdens the courts with potential useless cases (when the person receives a form of protection).

Taking into consideration the Commission recommendation and amended proposal¹², CNRR considers that the two judicial procedures (on the return decision and on the asylum request) are interconnected

¹⁰ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023H0682>

¹¹ Art. 413 Code of Civil Procedure:

(1) The court can suspend the trial: 1. when the solution of the case depends, in whole or in part, on the existence or non-existence of a right that is the object of another judicial proceeding; [...] (2) The suspension will last until the decision adopted in the case that caused the suspension becomes definitive.

¹² Amended proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM/2020/611 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020PC0611>





and therefore recommends that both decisions shall be issued under the same document, having the same deadline of appeal and the same responsible court to judge the appeal.

Furthermore, the causes on the return decisions are subject to stamp fee and are not confidential, contrary to the causes on the asylum request. Taking into consideration the presumptive vulnerable situation of the asylum seekers and that return decision can also touch upon the personal situation of the asylum seekers, CNRR recommends that the causes against return decisions should be exempted from the stamp fee and should obey the confidentiality principle.

As regards the statistics, as it was already mentioned above, out of a total number of 5985 received asylum applications by the border police between March and September 2023, 2493 asylum applications were rejected under the accelerated procedure and 13% of rejected applicants were returned to their countries of origin. The top three nationalities of applicants were from Bangladesh, Syria and Pakistan.¹³

Former applicants of international protection, as per the provisions of national legislation have a limited period of time to exit the Romanian territory; those who lack the financial means to do it have the possibility to ask for support within the framework of AMIF funded assisted return projects; rather recently, a new type of support for return can be accessed by former applicants for international protection via the mechanism implemented by the General Inspectorate for Immigration under the auspices of the FRONTEX return and reintegration assistance tool. The latter proved to be more pragmatic in terms of operability since it is preferred by most of the beneficiaries.

Regarding the former applicants for international protection who did not comply with the obligation of exiting the territory of Romania, nor apply for support for return and reintegration to their country of origin, they can be subjected to removal under escort.

- 15.** Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)
- 16.** Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)
- 17.** National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

Law no. 122/2006 regarding asylum in Romania enshrines the principle of confidentiality during the asylum procedure¹⁴. For this reason, all the causes in court regarding asylum requests are not public and nobody has access to them except for the judges and the parties.

¹³ European Commission, Reporting on the results of the Pilot Project for fast asylum and return procedures with Romania, 18 October 2023, p. 3, available at: https://home-affairs.ec.europa.eu/reporting-results-pilot-project-fast-asylum-and-return-procedures-romania_en

¹⁴ Art. 10. “Confidentiality





18. Other important developments in 2023

In August 2023 came into force the joint order of the Ministry of Internal Affairs and the Ministry of Family, Youth and Equal Opportunities (hereinafter referred to as the “Joint Order”), which regulates in detail and clarifies the appointment, the attributions and the requirements of professional experience and training for the persons designated as legal representatives for migrant unaccompanied or separated children (UASCs), and also their cooperation with the General Inspectorate for Immigration (GII), with a focus on asylum seeker UASCs.¹⁵

The Joint Order is the product of a working group created in 2020, with members from UNCHR, GII, National Authority for the Protection of Children's Rights and Adoption (ANPDCA), and various NGOs, including CNRR. It was welcomed by all stakeholders involved in this matter as it provides vital clarifications.

First of all, the order addresses the terminological inconsistency within the legislative framework that has sparked many discussions over the years as it has a direct effect on the extent of the representative's duties. According to the Law no. 122/2006 on asylum, the GII takes the necessary measures to name, as soon as possible, a legal representative from the child protection authority to assist the asylum seeker UASC during the asylum procedure while Law no. 272/2004 on the protection and promotion of children's rights uses the term of “representative”. The order finally establishes the term of “representative” for the person that represents the interests of the UASC during the asylum procedure.

Secondly, it clarifies the exact responsibilities of the representative during the asylum procedure. The representative's responsibilities include general duties - which constitute the minimum standards for the protection of unaccompanied foreign children, and specific duties - which vary depending on where the children are housed (in child protection authorities centers, in GII reception centers, or in the community of refugees: at the persons with whom the children left the country of origin; the latter being applicable in the case of Ukrainian unaccompanied or children). The maximum number of children that representatives for unaccompanied foreign children may handle is 100. This number will be tested in practice and may be adjusted if needed.

Moreover, according to the Joint Order, specialists from non-governmental organizations or private social service providers have the opportunity to qualify and be appointed as representatives for unaccompanied foreign children. Special agreements will be concluded to facilitate this process. The obligation to train the persons appointed as representatives will be taken on by ANPDCA through the development of a framework curriculum, which will include training on the child protection system in Romania, as well as the asylum procedure and international protection in its various forms.

As a novelty, the Order introduces the representative's obligation to conduct monitoring visits to the unaccompanied and separated children who are left in the care of third parties. The representative must respect the monitoring visits schedule mentioned in the Joint Order regardless of the child's whereabouts,

All data and information relating to the asylum request is confidential. The obligation to respect confidentiality falls on all authorities, organizations with activities in the field of migration or third persons involved in the asylum procedure or who, accidentally, come into possession of such data.”

Art. 58. “Confidentiality during the procedure in court

(1) In the judicial phase of deciding on an asylum request, the debates take place in a secret hearing. (2) In the judicial phase, the asylum procedure is carried out respecting the principle of confidentiality.”

¹⁵ Order no. 119/20.643/2023, available (Romanian only) at: <https://legislatie.just.ro/Public/DetaliuDocument/273785>





including for the children housed in their community and who are in the care of the adults with whom they left their country to escape the conflict in Ukraine.

The Joint Order makes reference to an information system which has been recently introduced at local child protection authorities level to collect data and monitor the unaccompanied or separated children in Romania: An application called “SINA” - National Information System for Adoption - whose proper functioning is currently periodically reviewed as it is in a two-year maintenance period.

The joint order represents a great progress but there are also some concerns regarding it. The most problematic provisions are the ones related to unaccompanied and separated children who are left in the care of third parties with whom they left their country of origin.¹⁶ This possibility is not very well detailed and doesn't provide enough security safeguards as it can expose them to a wide variety of risky situations (negligence, human trafficking, exploitation etc.).

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2023

In 2023, through its Country of origin department, CNRR has compiled the following reports:

- Thematic report - LGBTQIA+ rights in West Africa - <https://www.portal-ito.ro/#/view/e407f77b-f202-450b-83ee-f61654caf966>
- Thematic report - Migration routes from Africa to Europe - <https://www.portal-ito.ro/#/view/ca2c714c-4f3c-4533-80b7-0b61cced5f14>
- General report - Somalia. Human rights situation and security issues - <https://www.portal-ito.ro/#/view/16116253-f0dc-4460-a36c-8dad8447a80b>
- Thematic reports - Latest developments in Sudan - <https://www.portal-ito.ro/#/view/cf5c411e-244c-43aa-8976-8ee1af0cda26>

Besides these, CNRR has produced over the years a series of informative materials dedicated to [asylum seekers](#) and [beneficiaries of international protection](#). In 2023, CNRR published an updated [brochure](#) regarding the first steps in Romania for the beneficiaries of international protection. While they might not necessarily fit into the category of publications, they are definitely relevant for the beneficiaries..

Moreover, regarding the temporary protection beneficiaries, please find [here](#) the link to the digital version of the textbook "Romanian language for Ukrainians. Level A1-A2" by Natalia Burduja. The textbook was published by the Romanian National Council for Refugees, in partnership with the United

¹⁶ Art. 14 of Order no. 119/20.643/2023. *The specific duties of the representatives of minors in the community under the care of adults with whom they left their country of origin are the following:*

a) maintain contact with the adults in whose care the minors in the community are;
b) maintain contact with the public social assistance services in whose records these minors are located;
c) it is ensured that adults and minors under their care, depending on their age and degree of maturity, know the rights of the child and the rights of asylum seekers or, as the case may be, of beneficiaries of international protection.





Nations High Commissioner for Refugees, and the launch of the digital version represents an important step in making teaching resources regarding Romanian language for Ukrainians accessible.

2. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	Title of publication	Name of author	Publisher	Date
1				
2				
3				
4				
5				

Contact details

Name of organisation: The Romanian National Council for Refugees

Name and title of contact person:
Niculae Cărcu, President

Email: carcu@cnrr.ro

x I accept the provisions of the EUAA [Legal and Privacy Statements](#)

