

DUBLIN II

regulation & asylum in Romania

guide for asylum seekers

You are now in **Romania**. A country situated in southeastern Europe, whose national capital is Bucharest. The official language is Romanian. Romania has 22 million inhabitants. It is a member of the European Union.



*This guide provides practical information
about the Dublin II procedure, asylum seekers' rights,
asylum proceedings and protection statuses.*

*It is written directly for asylum seekers under a Dublin process.
It will also be useful for people working in the asylum sector.*

*The information guide is available
in Arabic, English, Farsi, French, Russian and Somali.*

The Dublin regulation-european union

You cannot choose the country in which you wish to apply for asylum.

According to the Dublin regulation, **you can only apply for refugee status in one member state. Usually, this is the member state which you first reach. In practice this normally means that the country where you apply will return you to the appropriate state.**

This might happen where :

- your fingerprints were taken in another country (and stored on a common European database called EURODAC)
- you admit that you have been to, or through, another country, even if you didn't give your fingerprints
- it can be shown by some other source of evidence that you have been to, or through another country
- it can be shown that you were previously issued a visa for an EU country
- you tell the authorities that you wish to join your spouse, who is an asylum seeker or a refugee in another country

Alternatively, if your husband, wife or child is an asylum seeker or a recognised refugee in another member state, that country should be responsible for your asylum application only if you so desire. If you are an unaccompanied minor, the member state where your parent or parents, reside is responsible for your asylum application.

■ Article 3.4 dublin regulation

The asylum seeker shall be informed in writing in a language that he or she may reasonably be expected to understand regarding the application of this Regulation, its time limits and its effects.

The Dublin Regulation applies in the following countries Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Norway, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

the Regulation in Operation

The Take Charge Procedure

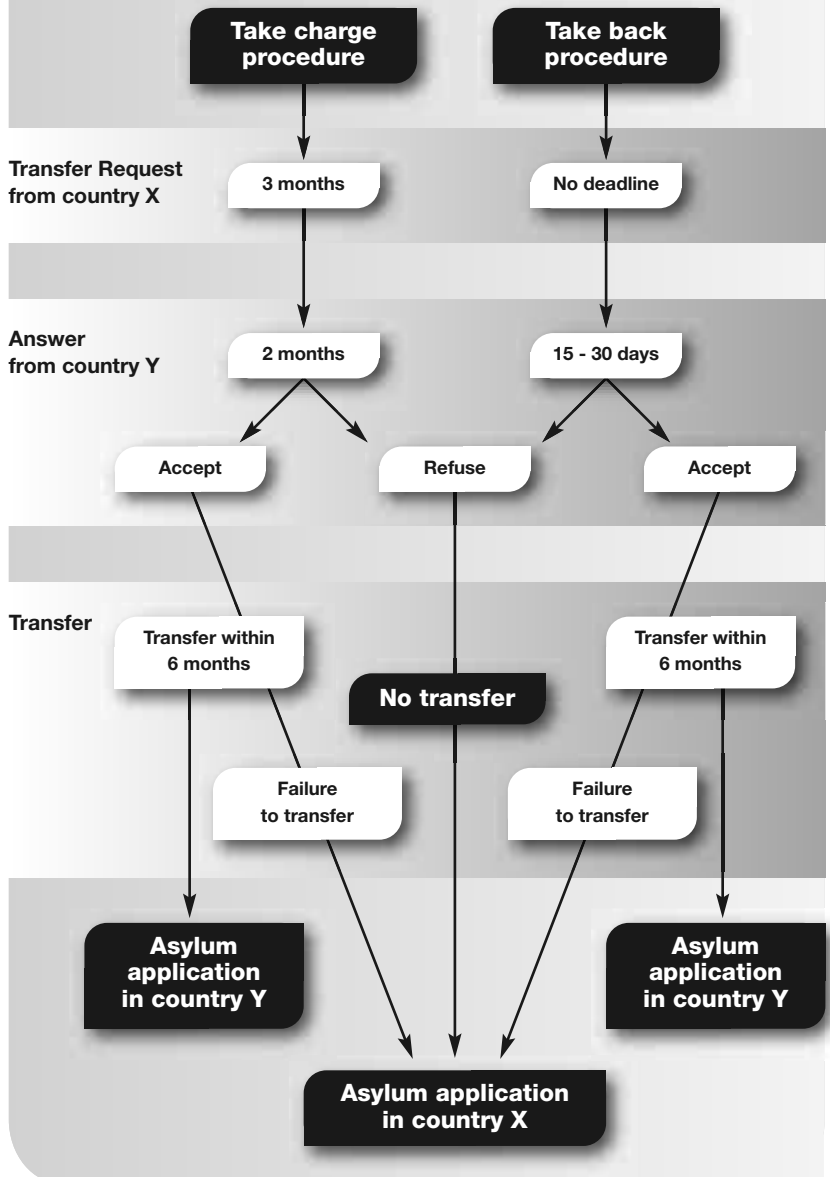
Where another member state is designated responsible under the criteria in the Regulation, that state is approached to take charge of you and to examine your application.

The Take Back Procedure

Where a member state has already examined or begun to examine your application, it may be requested to take you back, if you have left that member state.



You are in country X



Implementation of the Dublin regulation in Romania

How Dublin II is applied in Romania for outward transferees

I am asking for asylum in Romania. Why did the Romanian Immigration Office – Directorate of Asylum and Integration (RIO-DAI) place me under the Dublin procedure?

Because RIO-DAI presumes that another country may be responsible for the examination of your asylum claim.

When can it happen?

As asylum seeker:

After you submit an asylum application, a RIO officer will interview you about your itinerary and your fingerprints will be taken. If your fingerprints are found in the EURODAC or if there are elements to presume that another state may be responsible for your asylum claim.

As foreigner:

If you are apprehended on the Romanian territory without visa or illegally / if you are taken in public custody and you have submitted an asylum request / have fingerprints / visa / there are proofs that you were previously in another Dublin territory.

How does the Dublin procedure work?

You are allowed to remain on the Romanian territory until the end of the procedure.

As foreigner you will stay in a public custody centre.

You are issued a decision concerning the rejection of access to the asylum procedure and/or the transfer in the responsible state. It contains your personal data, the communication date, country of transfer, acceptance/silence of authorities with regards to your transfer and values authorization to remain.

You may contest the decision:

- **2 days after receiving the decision:** written appeal submitted personally at RIO together with a copy of the contested decision
- **The appeal does not suspend the transfer** and must be judged in 5 days!

The Dublin procedure sets in two phases:

1 Responsible state's determination phase

Romania requests other EU country to receive you back or take charge of your asylum application.

If this country refuses, Romania must examine your asylum application and, basically, issue you a temporary permit to stay.

If this country accepts, explicitly or implicitly, it will be responsible for your asylum application and your transfer to this country will be organised.

2 Transfer phase

RIO-DAI will inform you about the responsible country and communicate you the decision of transfer. In order to enforce the transfer, you can be placed in a public custody centre. It can happen immediately after receiving the decision or later.

■ Non effective transfer:

If the transfer has not been done within the 6 months' deadline since the requested country's positive decision and you have not absconded, Romania must examine your asylum application.

If you abscond, transfer's time limit may be extended up to 18 months.

If I am an asylum seeker what are my social rights?

■ Accommodation:

You have the right to be accommodated in the reception and accommodation center for asylum seekers and refugees managed by RIO - DAI.

■ Material allowance:

You have the right to receive, upon request, the necessary assistance for subsistence if you don't have the necessary financial means.

■ Healthcare:

You have the right to receive primary medical assistance and hospital emergency assistance free of charge.

Asylum-seekers with special needs have the right to receive adequate medical aid.

What other rights do I have?

You can benefit from all the rights foreseen for an asylum seeker. (See below the brochure of asylum procedure in Romania)

If I am a foreigner what are my rights?

You can benefit of all the rights foreseen by Romanian legislation regarding foreigners with legal status.

If you are in a **public custody centre** you have the right to:

- Legal, medical and social assistance.
- The respect of your opinion and specific nature in the religious, philosophical, cultural field.
- Be informed in writing, in the language you speak/ you understand, on the main reasons that led to this measure, the rights and obligations you have there.
- To communicate with the diplomatic and consular representatives of the state of origin.
- To be treated by the personnel of the centres respectfully and without any discrimination for reasons of race, sex, age, culture, nationality, religion or affiliation to a certain social group.
- Minors who are introduced in accommodation centre have the right to free access to the mandatory educational system.

What to do when transferred to Romania under Dublin II

You might be transferred to Romania by plane, boat or train and arrive at an international airport, port or train station. Romanian border's police will take you in charge. They should know about your arrival.

Sometimes they may not be informed about your arrival and situation. It is absolutely essential to express clearly that:

- **You want to apply for asylum in Romania!**
- **You have been transferred to Romania after a Dublin procedure.** You can show the transfer decision if you have it!

■ Take charge

If you haven't applied for asylum in Romania yet, your asylum application will be handled as a first application.

■ Take back procedure

If you have applied for asylum in Romania before, but you have not already received a final decision you will rejoin the application determination procedure at the point where you left.

If your first procedure ended, you will be taken in a public custody centre. The authorities will start the procedures of return to your country of origin.

You have the right to ask access to a new procedure but only if you have new evidence/ new elements.

Asylum procedure in Romania

Forms of protection that you can get in Romania

■ Refugee status

Refugee status is recognized, upon request, for the foreigner / stateless person who, as the result of a well founded fear of being persecuted because of race, religion, nationality, political opinion or membership to a particular social group, is outside the country of origin/ of usual residence and cannot or, owing to this fear, does not want the protection of this country.

■ Subsidiary protection

Subsidiary protection can be granted to the foreigner / stateless person who does not fulfil the conditions for refugee status and regarding whom there are well founded reasons to believe that, in the case of returning to the country of origin/ of usual residence, will be exposed to a serious risk and who cannot or, due to this risk, does not wish the protection of that country.



A serious risk is:

1. conviction to a death sentence or the execution of such a sentence;
2. torture, inhuman or degrading treatments or punishment;
3. a serious, individual threat to one's life or integrity, as a result of generalized violence in situations of internal or international armed conflict, if the applicant is part of the civilian population.

■ Temporary protection

Exceptional procedure meant to ensure immediate and temporary protection, in the case of a massive influx or imminently massive influx of people moved from third party countries who cannot return to their country of origin, especially if there is a risk that the asylum system cannot process this influx without negative side effects to its efficient operation.

Procedure for claiming asylum

How to submit your asylum claim?

You are considered asylum seeker from the moment you express your will, in written or orally, in front of the competent authorities.

The competent authorities to receive your asylum application are the branches of:

- Romanian Immigration Office (RIO)
- Romanian Border Police
- Romanian Police
- National Administration of Prisons within Ministry of Justice

The application is individual; must be submitted personally or, if it is applicable, by your tutor or legal representative.

The detailed application must be submitted in writing, in the Romanian language or in any other language you know, signed or fingerprinted. A representative of the competent authorities will hand you the form and will explain you how to complete it. In case you don't know how to write, the competent authorities will fill in the application according to your oral statement.

All the data and information regarding the asylum application are confidential.

Romanian authorities shall not apply any penal sanctions for illegal entry or residence to asylum seekers who entered or reside without permission in Romania.

How the application is considered?

The asylum application is resolved on the basis of existing documents that are in your file and the reasons presented by you, which are analyzed in relation to the concrete situation in the country of origin and in relation to your credibility.

You will have a questionnaire, establishing your personal information and that of the family members, the route travelled from the country of origin to Romania, possible asylum applications submitted in third countries or in a EU member state, the identification or travel documents that you have. You will have afterwards an interview made up of a hearing with an official of the RIO.



The interview is recorded in writing and will clarify the aspects necessary to analyze the asylum application.

If RIO considers necessary you can have a second interview.

Within 30 days you will receive a decision:

- granting refugee status OR subsidiary protection;
- rejecting the asylum application.

In the **accelerated procedure** (manifestly unfounded applications; people who are a threat to national security or public order in Romania; people who come from a safe country of origin), after conducting the interview and analyzing the reasons claimed the decision is issued within 3 days.

If you submit an application at the **state border checkpoints** a decision is issued within 3 days:

- granting form of protection and access to the country or,
- granting the access to the country and to ordinary asylum procedure or,
- rejecting the application as manifestly unfounded.

What to do if your asylum claim is rejected or you do not agree with the status granted?

You can submit an appeal personally, together with a copy of the contested decision, at RIO – DAI or at the local court within 10 days.

You will receive convocations at the address indicated in the appeal.

The local court can demand the asylum-seeker to take the stand when it is considered that the declarations are useful.

The appeal has to be solved within 30 days from receiving it and the decision has to be motivated within 5 days from the date of release. The procedure can last for a longer period of time due to: lack of interpreter, absence of the lawyer, necessary time to submit proofs etc.

■ The Local Court will issue a decision:

- granting refugee status OR subsidiary protection;
- rejecting the appeal.

You have 5 days to submit recourse if your appeal was rejected or if you do not agree with the form of protection granted.

RIO has the right to submit recourse **within 5 days**.

The deadline to motivate the recourse is 10 days from the date when the decision is communicated.

The recourse is tried within 30 days from the registration date by the Tribunal.

► The decision of the Tribunal is definitive and irrevocable.

■ Accelerated procedure: If a negative decision is issued you have **2 days** to make appeal. You have the right to remain on Romanian territory for the duration of the resolution of the appeal.

The court rules within 10 days and pronounces a motivated decision:

- accepting the appeal and dealing the case in ordinary procedure or
- rejecting the appeal.

► The decision of the court is irrevocable.

■ **Procedure at the state border checkpoints:** If a negative decision is issued you have 2 days to make appeal.

The court rules within 5 days and pronounces a motivated decision:

- accepting the appeal, granting access to the country and dealing the case in ordinary procedure or
- rejecting the appeal.

► **The decision of the court is irrevocable.**

RIO will issue a disposal to leave the territory.

If the appeal/ the recourse is submitted outside the legal deadline, you can request the suspension of the execution of the disposition to leave Romanian territory. In 7 days from registration, the solution is pronounced in the Council Chamber, without citing the parties, through an irrevocable conclusion.

Which is the procedure if I'm an unaccompanied minor or a vulnerable person?

The interests of a minor foreigner are protected by the legal representative with whom the asylum application is submitted, except if the minor has turned 14 years.

In the case of an unaccompanied minor foreigner who has expressed the will to obtain asylum, in writing or orally, before the competent authorities, he/she will be registered as an asylum-seeker, and the asylum application will be submitted at the moment a legal representative will be named.

RIO will immediately notify the child protection authority in order to begin the procedure of naming a legal representative. The asylum procedure is suspended but the minor has the rights recognized to asylum seekers.

Unaccompanied minors are granted the same protection offered to minor Romanians who are in difficult situations.

Interviews will be conducted in the presence of their legal representatives who will inform them about the purpose and possible consequences of the personal interview and will undertake the necessary steps to prepare the minor for the interview.

Interviewing is done in all the cases where it is possible, according to their psychic and degree of intellectual development and the maturity.

The access to education is free, unconditioned and in the same conditions as for Romanian minor citizens. RIO can offer adequate space for courses and buy school supplies.

The asylum-seekers that have special needs will benefit from the adaptation of the accommodation and assistance to suit their special needs in the accommodation centres and have the right to receive adequate medical aid. They are evaluated by RIO in order to be included in the category of persons with special needs and can benefit of the psychological assistance provided by specialized staff of RIO.

Interviews will be conducted by specialised officials of RIO and taking into consideration the special situation.

RIO can notify specialized institutions able to provide needed assistance and can collaborate with non governmental organizations.

Your rights as an asylum seeker

■ Your legal rights

- **Interpreter:** You have the right to be supplied, for free, with an interpreter who speaks your mother tongue/another language that you know.
- **Legal assistance:** You have the right to be assisted by a lawyer / legal counselor.
- **Information:** You have the right to be informed, in a language that you understand or is reasonably presumed that you know, the rights and obligations which you have.
- You have the right to contact and be assisted by an official of the United Nations High Commissioner for Refugees (UNHCR) and/or by a representative of NGO's.

■ Your social rights during the asylum procedure

- **Accommodation:** You have the right to be housed in the reception and accommodation centers for asylum seeker and refugees.
- **Allowance:** The amount is ~ 100 lei per month.
- **Health care:** You have the right to receive for free primary medical aid and emergency hospital aid; medical aid and free treatment, in the case of acute or chronic illnesses that imminently endanger your life.
- **Access to the labour market:** under the conditions stipulated by law for Romanian citizens, after one year since the submission of the asylum application, if your procedure is still pending.

Procedural outcome and consequences

If you are granted asylum, you are under the protection of the Romanian authorities.

You can claim various benefits and services:

- ▶ To remain on Romanian territory and obtain identity and travel documents;
- ▶ To choose a place of residence and to travel freely, under the conditions set by law for foreigners;
- ▶ To be employed, to exercise unpaid activities, to exercise freelance professions and to carry out legal activities, to perform commercial acts and deeds, under same conditions as Romanian citizens;
- ▶ To transfer the assets that you brought into Romania to the territory of another country, with the purpose of resettlement;
- ▶ To benefit of the best treatment stipulated by law for foreign citizens, regarding acquirement of movable and immovable property;
- ▶ Protection of intellectual property;
- ▶ Social insurance, measures of social assistance and social health insurance, under same conditions as Romanian citizens;
- ▶ Access to all types of education, under same conditions as Romanian citizens;
- ▶ Treatment equal to that granted to Romanian citizens, in terms of freedom of practicing your own religion and the religious education of your children;
- ▶ The right of protecting your personal information and any other details connected to your case;
- ▶ The right of association with regards to apolitical and non-lucrative associations and professional unions;



- ▶ Free access to courts and administrative assistance;
- ▶ To receive, upon request, a reimbursable aid, set at the level of the minimum gross salary for the country, for up to 6 months and an extension of maximum 3 months if, due to objective reasons, you don't have the necessary means of existence.
- ▶ To participate in the integration programs and to live in the RIO's centres, under the conditions stipulated by law;
- ▶ To establish the legal residence in Romania, according to the legislation regarding the legal status of foreigners;

■ **The identity documents are issued:**

If you have refugee status for 3 years/ If you have subsidiary protection for 1 year, with possibility of extension.

■ **The travel documents:**

Are issued for 1 year, with the possibility of extension.

■ **Family:**

- your form of protection can also be granted, on request, to family members (husband / wives if you were married before entering Romania; minor children supported by you and not married) **who are on Romanian territory.**
- you can submit an asylum application for the family members (husband / wives if you were married before entering Romania; minor children supported by you and not married) **if they are not on Romanian territory.**

If you are an unaccompanied minor RIO will automatically begin the reunification procedure, with the agreement of the legal representative and taking in consideration your best interest and your opinion, if possible.

■ **Naturalisation:** You can request Romanian nationality, in the conditions foreseen by Romanian legislation.

The asylum application is rejected

■ **Regular procedure**

If your asylum request is finally rejected you have now up to 22 days to leave the Romanian territory.

■ **Accelerated procedure/Asylum applications submitted at the state border checkpoints**

If your asylum request is finally rejected you have the obligation to leave Romanian territory **immediately.**

You can ask NGO's to assist you with voluntary repatriation or legal advice with regards to the regularisation of your staying if you can't go back to your country of origin!

You can receive a Return decision issued by RIO. You have the right to contest it in 10 days at the Court of Appeal! If the Return decision is under escort you have the right to contest it in 3 days at the Court of Appeal!

You can receive an Interdiction decision for a determined period of time. You can contest it in 10 days at the Court of Appeal!

If you are taken in a public custody centre you can appeal this measure in 5 days at the Court of Appeal!



Contact information

Regional reception platforms for asylum seekers / foreigners

Bucharest

■ RIO – Directorate for Migration

Eforiei street, no. 3-5, sector 5 / Tel: 021–310 13 2 • 021–311 18 27

■ RIO - Directorate for Asylum and Integration

Tudor Gociu street, no.24 A, sector 4 / Tel: 021–450 11 34 • 021–450 17 29

■ RIO – Regional Centre for Accommodation and Procedures for Asylum Seekers

Vasile Stolnicul street, no. 15, bl. 13, sector 2

Tel: 021–240 84 27 • 021–240 84 27 • 021–240 85 10

Galati

■ RIO - Directorate for Migration

Domneasca street, no. 102

Tel: 0236–468 384 • 0236–468 384 • 0236–407 000 • 0236–407 000 • 0236–468 384

■ RIO – Regional Centre for Accommodation and Procedures for Asylum Seekers

Savinesti street, no.2 / Tel: 0236–323 878 • 0236–323 878 • 0236–323 884

Suceava

■ RIO - Directorate for Migration

1 Mai boulevard, no. 7-9 / Tel: 0230–203 290 • 0230–203 291 • 0230–203 293

0230–203 294 • 0230–203 295 • 0230–522 753

Radauti

■ RIO – Regional Centre for Accommodation and Procedures for Asylum Seekers

Perilor street, no.2 / Tel: 0230 – 564 462 • 0230 – 564 462 • 0230 – 564 463 • 0230 – 564 463
• 0230–564 464

Baia Mare

■ RIO - Directorate for Migration

Scolii street, no. 1 / Tel: 0262–207 650 • 0262–207 650 • 0262–207 651

Somcuta Mare

■ RIO – Regional Centre for Accommodation and Procedures for Asylum Seekers

Cetatii street, no. 1A / Tel: 0262–280 004 • 0262–280 004 • 0262–280 004

Timisoara

■ RIO - Directorate for Migration

Armoniei street, no.33 / Tel: 0256–421 240 • 0256–421 240 • 0256–421 240

■ RIO – Regional Centre for Accommodation and Procedures for Asylum Seekers

Armoniei street, no.33 / Tel: 0256–421240 • 0256–421240 • 0256–421240

Non-Governmental Organization/ International Organizations

■ Jesuit Refugee Service Romania - JRS Romania

Ilie Opris street, no. 54, sector 4, Bucharest

Tel : 0040.213.322.457 • 0040.213.325.361 • 0040.732.129.237

www.jrsromania.org

jrsromania@gmail.com

■ Romanian National Council for Refugees – CNRR

Mantuleasa street, no. 42, etaj 3, ap. 10, sector 2, Bucharest

Tel : 0040.213.126.210 • 0040.314.050.275 • 0040.213.126.210

www.cnrr.ro

office@cnrr.ro

■ Romanian Forum for Refugees and Migrants – ARCA

Austrului street, no. 23, sector 2, Bucuresti

Tel : 0040.212.527.357 • 0040.212.520.815

www.arca.org.ro

office@arca.org.ro

■ Save the Children Romania

Intr. Stefan Furtuna, no.3, sector1, Bucharest

Tel : 0040.213.166.176 • 0040. 213.124.486

www.salvaticopiii.org

■ Medical Center for the rehabilitation of victims of torture - ICAR

Unirii street,no.70, bl. J5, sector 3, Bucharest

Tel : 0040.213.212.221

www.icarfoundation.ro

icar@dnt.ro

■ United Nations High Commission for Refugees - UNHCR

Primăverii 48 A, sector 1, Bucharest

Tel : 0040 21 2017873 • 0040 21 2101594 • 0040 21 2101594

<http://www.unhcr-budapest.org/romania/>

Transnational Dublin project

Transnational advisory and assistance network for asylum seekers under a Dublin process

In order to overcome the shortcomings of the Dublin II Regulation, the French association Forum réfugiés coordinates a 18-month project which aims to develop tools for comprehensive and reliable information on the procedure of the Dublin Regulation and the asylum national systems and monitoring tools for asylum seekers placed under the Dublin procedure.

The main objective of this project is to create a european network of associations providing follow-up and assistance to asylum seekers in their charge, finding themselves under the Dublin procedure.

Dublin II Regulation: Council Regulation No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member States responsible for examining an asylum application lodged in one of the Member States by a third-country national.

European partner organizations:

Asyl in not (Austria), Italian refugee Council (Italy), Comisión Española de Ayuda al Refugiado (Spain), Danish Refugee Council (Denmark), Dutch refugee council (Netherlands), Forum réfugiés (France), France Terre d'Asile (France), Helsińska Fundacja Praw Człowieka (Poland), Hungarian Helsinki Committee (Hungary), Irish Refugee Council (Ireland), Jesuit refugee service (Romania), Organisation Suisse d'Aide aux Réfugiés (Switzerland), Vluchtelingenwerk Vlaanderen (Belgium).

Project website ► <http://www.dublin-project.eu>