

# Challenges and needs of local authorities on migration management and integration mechanisms in Romania

**Baseline report**  
**May - August 2023**



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Congress of Local and Regional Authorities of the Council of Europe  
F-67075 Strasbourg Cedex  
France  
E-mail: congress.adm@coe.int

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Authorities of the Council of Europe

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## Foreword

The project “Strengthening resilience in local and regional authorities facing migration challenges” is implemented by the Congress of Local and Regional Authorities (the Congress), in the framework of the Council of Europe Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025) and with the support of Germany.<sup>1</sup> It contributes to building strong local democracy and inclusive, resilient and sustainable societies in Poland, the Republic of Moldova and Romania. The overall objective of the project is to strengthen resilience in local and regional authorities facing migration challenges so that they are able to provide sustainable and democratic solutions to citizens and migrants in the targeted countries.

The Congress Secretariat contracted a team of experts to conduct a baseline assessment of the challenges and needs faced by local authorities and their elected representatives (mayors and councillors) in Poland, the Republic of Moldova and Romania with regard to migration management and integration mechanisms.

The analysis has been conducted per country and covers the period May 2023 to August 2023. The methodology for the assessment has been similar for all three countries: a desk review followed by a set of key informant interviews.

The present assessment report has been drafted by Pr. (Dr.) Cosmin Corendea, O.P. Jindal Global University, and edited by the Congress Secretariat. It aims to identify trends and challenges and develop key recommendations on how to enhance multi-level dialogue and institutional positioning of local authorities vis-à-vis their central government.

The assessment report will serve as basis to evaluate results at the end of the implementation period, and its findings will help to refine the workplan and activities of the project.

## 1. Migration in Romania: overview and definitions

Migration to Romania (immigration) is least common, compared to other EU countries, with Romania having merely 1.7% of the population foreign born as of 2022, indicating that Romania is more a country of transit, than a country of destination.<sup>2</sup> It might be said, correspondingly, that Romania had the highest quota of emigrants in 2021, namely 76.8% within the total number of immigrants in the EU member states.<sup>3</sup>

Asylum applicants in Romania come primarily from Syria (this includes refugees of the Syrian Civil War), Lebanon, Iraq and Tunisia. While in 2018, most asylum applicants were from Iraq, Syria, and Iran; in 2020, they were from Afghanistan, Syria and Iraq.<sup>4</sup>

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<sup>1</sup> [Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe \(2021-2025\)](#)

<sup>2</sup> [Eurostat website, on migration and migrant population statistics](#), March 2023

<sup>3</sup> Idem

<sup>4</sup> [Romanian Inspectorate for Immigration website, reports section](#) [Romanian]

Still, the number of migrants, and to a greater extent, labour migrants, in Romania has increased steadily over the last years. In 2021, approximately 148,000 foreign citizens were registered with legal stay in Romania, with the majority coming from Moldova, Turkey, China, Syria and Nepal.<sup>5</sup> Most of these third country nationals came for work, or for family reasons, to study, to obtain international protection or for long-term residence.

Moreover, after the 2022 Russian invasion of Ukraine, a large number of Ukrainians started migrating into Romania, including ethnic Romanians from the Bucovina territory across the Romanian-Ukrainian border.<sup>6</sup>

### **a) Migrant**

According to the Government Emergency Ordinance No. 194/2002 regarding foreigners' regime in Romania, a 'foreigner' is 'a person who does not have Romanian citizenship, the citizenship of another member state of the European Union or the European Economic Area, or the citizenship of the Swiss Confederation'.<sup>7</sup>

Besides, the Government Decision No. 508/2001 regarding the access to mandatory education in Romania for the children of migrant workers from European Union states defines 'migrant worker' as 'a citizen of a member state of the European Union who has been granted the right of residence in Romania, who has his domicile or residence in Romania and who carries out or has carried out a gainful activity on the territory of the Romanian state based on an individual employment contract or in another form regulated by Romanian legislation'.<sup>8</sup>

### **b) Asylum-seeker**

Law No. 122/2006 regarding asylum in Romania defines 'applicant or asylum seeker' as 'the foreign citizen or stateless person who has expressed his will to obtain international protection in Romania, as long as the asylum procedure regarding his request has not been completed'.<sup>9</sup>

### **c) International protection**

According to Law No. 122/2006 regarding asylum in Romania 'international protection' is a 'refugee status or the status conferred by subsidiary protection'.<sup>10</sup>

The same law also defines the term 'refugee' as 'the foreign citizen or stateless person who meets the conditions set forth in the Convention on the Status of Refugees, concluded in Geneva on July 28, 1951, hereinafter referred to as the Geneva Convention, to which Romania acceded through Law no. 46/1991'.<sup>11</sup>

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<sup>5</sup> [Romanian Inspectorate for Immigration website, the report for 2021](#), February 2022 [Romanian]

<sup>6</sup> [Romanian Government website: Statement of the Prime Minister on Bucovina Day](#), November 2022

<sup>7</sup> [Government Emergency Ordinance No. 194/2002 regarding foreigners' regime in Romania](#) (article 2 letter a) [Romanian]

<sup>8</sup> [Government Decision No. 508/2001 regarding the access to mandatory education in Romania for the children of migrant workers from European Union states](#) (article 1 paragraph 1) [Romanian]

<sup>9</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 2 paragraph 1 letter b) [Romanian]

<sup>10</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 2 paragraph 1 letter a1) [Romanian]

<sup>11</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 2 paragraph 1 letter f1) [Romanian]

A 'refugee status' is a 'form of international protection through which the Romanian state recognizes the quality of refugee, under the conditions of this law'.<sup>12</sup>

'Subsidiary protection' is a form of international protection granted by the Romanian state, within the conditions of the present law'.<sup>13</sup>

#### **d) Temporary protection**

Law No. 122/2006 regarding asylum in Romania defines 'temporary protection' as 'the exceptional procedure intended to ensure, in the case of a massive flow or an imminent massive flow of displaced persons from third countries who cannot return to their country of origin, immediate and temporary protection of such persons, in especially if there is a risk that the asylum system will not be able to process this flow without adverse effects for its efficient operation, in the interest of the persons in question and other persons who need protection'.<sup>14</sup>

#### **e) Displaced persons**

Law No. 122/2006 regarding asylum in Romania also states that 'displaced persons' are 'citizens of third countries or stateless persons who were forced to leave their countries or regions of origin or were evacuated, especially in response to the call of international organizations, and who cannot return safely due to the situation that persist in that country, which may fall within the scope of art. 1 lit. A from the Geneva Convention or other national or international instruments that Romania is obliged to respect, by which international protection is granted, in particular:

- 1.(i) persons who have left areas of armed conflict or generalised violence.
- 2.(ii) persons exposed to major risks or who were victims of systematic or generalised violations of their rights'.<sup>15</sup>

#### **f) Additional definitions of relevance to the field of migration**

According to Government Emergency Ordinance No. 194/2002 regarding foreigners' regime in Romania, a 'resident' is 'the foreigner holder of a temporary residence permit granted under the conditions of this emergency ordinance'.<sup>16</sup>

The same text defines 'vulnerable persons' as 'minors, unaccompanied minors, disabled persons, elderly persons, pregnant women, single parents with minor children and persons who have been subjected to torture, rape and other serious forms of mental, physical or sexual violence'.<sup>17</sup>

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<sup>12</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 2 paragraph 1 letter g) [Romanian]

<sup>13</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 2 paragraph 1 letter h) [Romanian]

<sup>14</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 2 paragraph 1 letter i) [Romanian]

<sup>15</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 2 paragraph 1 letter l) [Romanian]

<sup>16</sup> [Government Emergency Ordinance No. 194/2002 regarding foreigners' regime in Romania](#) (article 2 letter c) [Romanian]

<sup>17</sup> [Government Emergency Ordinance No. 194/2002 regarding foreigners' regime in Romania](#) (article 2 letter z) [Romanian]

## 2. A brief history of migration in Romania

In the 1990s and early 2000s, after the fall of communism, Romania experienced emigration with citizens seeking better economic prospects abroad. While Romania is still a country of immigration, in recent years, it has also seen an increase in immigration from neighbouring countries such as Moldova, Ukraine, Bulgaria and Serbia. Additionally, there has been a growing influx of refugees and asylum seekers from the Middle East and North Africa – the numbers remain relatively small compared to other European Member states as Romania is more a transit country than a country of destination.<sup>18</sup>

In fact, in relation to the war in Syria during the 2015 EU Justice and Home Affairs Council devoted to the EU response to the unprecedented levels of migratory movements and the refugee crisis, Romania's official position was to reject mandatory refugee quotas, arguing that it cannot receive more than 1,785 refugees.<sup>19</sup> This specific number constituted the number of places which were available in the country's refugee centres.

The Romanian representatives' position may have considered the country's population's opinion reflected for instance in the research conducted that same year by a private social research and marketing institute, and according to which 75.6% of the Romanian population would be against receiving refugees or migrants from the Middle East.<sup>20</sup>

As initiatives to promote integration, Regulation (EU) No 516/2014<sup>21</sup> created the Romanian National Programme Asylum Migration and Integration Fund<sup>22</sup> in view of 'focus[ing] on the actions aimed at addressing the current situation in asylum and immigration in Romania based on the statistics on asylum applications, legal stay in Romania, persons benefiting from integration programmes, returnees, as well as the latest trends and perspectives in the main countries of origin of the targeted persons'.<sup>23</sup>

Some of the Asylum Migration and Integration Fund projects include:

- comprehensively supporting the active participation of Romania in the efforts of the Member States of the European Union to implement sustainable solutions in response to the real international protection needs of people displaced due to the conflict in Syria in neighbouring countries, namely Jordan, Lebanon and Turkey;
- supporting the social, economic and cultural inclusion of beneficiaries of a form of protection and third-country nationals in the Romanian society by providing assistance in an integrated manner, by providing the information and services they need (e.g. education, health, employment, housing and social services, active participation in community life), and also

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<sup>18</sup>In terms of measures already adopted in Romania in order to address the classification of the country as a transit country, please see footnote in the Conclusion Section below, regarding the Emergency Transit Centre established in the city of Timisoara, in 2009.

<sup>19</sup>[Statement of the Romanian Home Affairs Minister](#), September 2015 [Romanian]

<sup>20</sup>[INSCOP research on migration into Romania in 2015](#), December 2015 [Romanian]

<sup>21</sup>[Regulation \(EU\) No 516/2014](#), accessed in August 2023

<sup>22</sup>[Romanian General Immigration Inspectorate website](#), accessed in August 2023 [Romanian]

<sup>23</sup>[Description of the AMIF Programme](#)

- strengthening the collaboration and active involvement in activities of institutions/authorities, the private sector, civil society, other entities that can support the integration of migrants;
- supporting the effective integration process for beneficiaries of a form of protection and third-country nationals, with a predilection for the categories of vulnerable people or people with special needs, offering complementary services to those provided by the state and personalized according to individual needs;
  - developing the systemic framework, the integration tools and the institutional capacity (governmental and non-governmental) to ensure the adaptation and integration of beneficiaries of a form of international protection and third country nationals in the Romanian society.<sup>24</sup>

### 3. Impact of the war in Ukraine

Romania is amongst the countries which receive the largest numbers of refugees from Ukraine since the beginning of the Russian invasion. Indeed, according to data from the UNCHR<sup>25</sup>:

- 134,627 individual refugees from Ukraine recorded in Romania as of 4 June 2023;
- 138,849 refugees from Ukraine registered for temporary protection or similar national protection schemes as of 4 June 2023;
- 2,535,347 border crossings from Ukraine (since 24 February 2022) as of 11 June 2023;
- 1,033,818 border crossings from Moldova (since 24 February 2022) as of 11 June 2023;
- 2,096,005 border crossings to Ukraine (since 24 February 2022) as of 11 June 2023.

While data from international organisation such as the UNHCR or the International Organisation for Migration (IOM) is clear and easily accessible, there is only limited data readily available from Romanian national/local authorities. Nevertheless, the relevant sections of the international organisations' websites specify that their data has been obtained from Romanian authorities or the Government. Hence, while the provision of information and data from the Romanian authorities towards international organisations functions properly, there is room for improvement regarding the accessibility of information from the Romanian authorities towards the public, including citizens or organisations.<sup>26</sup>

More specifically, during the desk review: (i) telephone numbers of public authorities were either not working or not updated; (ii) there was no readily available email address to be used in order to obtain information from such institutions; (iii) websites did not clearly indicate or were not intuitive enough for a user to carry out a search and find the information needed; (iv) the eventual numbers or statistics found were not conclusive for the scope of this study. For example, one could find the total number of immigrants in Romania for a specific year, but not see the immigrants' nationality.

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<sup>24</sup> [Romanian General Immigration Inspectorate website, AMIF projects section](#), accessed in August 2023 [Romanian]

<sup>25</sup> [UNHCR website, Ukraine Refugee Situation in Romania](#)

<sup>26</sup> The reason for that may be, that while towards the international or European organisations or institutions, the Government is obliged to gather and provide information in a certain manner or up to a certain detail or within a deadline (otherwise, sanctions may be imposed, etc.), towards the public or its citizens, even if certain provisions impose general obligations of transparency, it is often more difficult for an interested party (citizen, group of citizens, NGOs) to request the Government and obtain information not readily available or enforce a decision against the public institution (through judicial review procedure, e.g.).



Additionally, some categories such as those for refugees or asylum seeker/applications do not appear, and it may be that these categories are in fact included in the 'tourist' section.<sup>27</sup>

For the reasons above, the data indicated in this section largely reflect information on people fleeing Ukraine found on the IOM and UNHCR websites. Romania is also one of the countries featured in the Ukraine Refugee Situation and Response Plan.<sup>28</sup>

The table below compiles information regarding the border regions of Romania through which refugees from Ukraine entered the country, as well as data on their population, and the financial aid which their public administrations received from the General Institute for Emergency Situations in order to cover the refugees' food and accommodation expenses.

<b>County</b>	<b>Population<sup>29</sup></b>	<b>Number of refugees crossing border with Ukraine<sup>30 31</sup></b>	<b>Financial aid received from the General Institute for Emergency Situations<sup>32</sup></b>
<b>Brasov</b>	546 615	N/A	8 million EUR
<b>Bucharest/ Ilfov</b>	<ul style="list-style-type: none"> <li>• Bucharest: 1 716 961</li> <li>• Ilfov: 542 704</li> </ul>	N/A	28 million EUR
<b>Constanta</b>	655 997	N/A	25 million EUR
<b>Galati</b>	496 892	239 843 (Galati border)	N/A
<b>Maramures</b>	452 475	456 267 (Sighet border)	9 million EUR
<b>Suceava</b>	642 551	1 187 025 (Siret border)	7 million EUR
<b>Tulcea</b>	193 355	375 892 (Isaccea border)	N/A
<b>Vaslui</b>	374 700	200 746 (Albita border)	N/A

Separately, since February 2022, a large majority of Romanians seem to favour the help and assistance of Ukrainian refugees by the Romanian state. As such, according to a study carried out in

<sup>27</sup> [Romanian National Institute for Statistics website and database search](#), [Romanian]

<sup>28</sup> [UNHCR website, Ukraine Refugee Situation: Overview](#)

<sup>29</sup> [Romanian National Institute for Statistics, data on Romania's counties population as of December 2021](#), [Romanian]

<sup>30</sup> [UNHCR website, Ukraine Refugee Situation: Border crossings](#)

<sup>31</sup> As for the number of refugees that were transferred from Moldova to Romania, these can be either a) the numbers shown as fast track transfers – UNHCR indicates a number of 14,012 transfers from Moldova to Romania (done together by the UNHCR, IOM and Romania's Department for Emergency Situations), or b) part of the refugees entering through Tulcea, Galati and Vaslui counties, as these counties have borders with Moldova.

<sup>32</sup> [Romanian General Institute for Emergency Situations, data on financial aid granted up to December 2022](#), [Romanian]

early 2023, 64% of the population considered that Romania must continue granting support to refugees coming from Ukraine.<sup>33</sup>

According to the findings of a survey conducted by the European Union Agency for Fundamental Rights (FRA) in 2022 on displaced people's experiences in the EU, Romania is a country in which:<sup>34</sup>

- (i) A large percentage of respondents (65%) did not pay for housing (compared to other EU countries such as Poland and Italy);
- (ii) Volunteers provided assistance more than any other category, according to 59% of the respondents;<sup>35</sup>
- (iii) The proportion of respondents who said that they had been treated unfairly at some point was the lowest (40%);
- (iv) Medical and psychological support was sought in a higher proportion compared to other states (88%).

Besides, the high percentage of people seeking medical and psychological support in Romania may have been the result of the legal framework applicable in terms of asylum seekers and Ukrainian refugees, as follows:

- Asylum seekers' right to receive free primary and hospital emergency medical assistance, as well as free medical assistance and treatment in cases of acute or chronic diseases which put their life in imminent danger;<sup>36</sup>
- Ukrainian citizens, as well as foreign citizens or stateless persons in specific situations who come from war-hit zones in Ukraine, enter Romania and request international protection in Romania, which require medical services, sanitary materials, medicines and medical devices, benefit from the basic service package provided in the framework contract regarding the conditions for providing medical assistance, medicines and medical devices within the social health insurance system and in its application rules, as well as medicines, materials sanitary, medical devices and medical services included in the national curative health programs, similar to Romanian insured persons, without payment of the social health insurance contribution, and without payment for the medicines given as treatment.<sup>37</sup>

Also, in terms of practical support received by people fleeing Ukraine, the platform Dopomoha (meaning 'help' in Ukrainian), a project created by Code for Romania in partnership with the Department for Emergency Situations, the UNHCR, the IOM and the National Romanian Council for Refugees, has updated lists of NGOs and private medical clinics offering mental health services.<sup>38</sup>

NGOs and partnerships in Romania have also carried out specific projects including:

- Open Fields project aimed at vulnerable people such as mothers, children, elder people, ill persons or refugees with disabilities from North-Western part of Romania, granting

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<sup>33</sup> [Avangarde study results on granting support to Ukrainians, March 2023 \[Romanian\]](#)

<sup>34</sup> [FRA report "Fleeing Ukraine", February 2023](#)

<sup>35</sup> This refers to the category of volunteers, as opposed to state actors or authorities. So, in the case of Romania, it was the category of volunteers who was more visible to Ukrainians or to people fleeing the war in Ukraine or who was perceived as being more actively involved in providing assistance. For more information, please see the FRA report "Fleeing Ukraine" indicated in footnote immediately above.

<sup>36</sup> [Law No 122/2006 on asylum](#) (article 17 letter m)) [Romanian]

<sup>37</sup> [Government Emergency Ordinance No 15/2022](#) (article 1 paragraph 4) [Romanian]

<sup>38</sup> [Dopomoha platform, Health section](#), accessed August 2023

vouchers/cash allowances for their basic needs, psychological support, facilitation for health investigation and medical treatment. The project also includes the provision of travel assistance for family reunification or to reach the desired final destination;<sup>39</sup>

- Rohealth project aimed at supporting the need to associate entities in the fields of health and bio-economy in order to increase their competitiveness, promoting and supporting cooperation through sustainable national and international partnerships between private companies, universities, research organisations and public entities/authorities. It also gathered and published information around organisations ensuring free medical services for Ukraine (comprising a detailed list of medical services and cities where these can be contracted).<sup>40</sup>

#### 4. Responsibilities of local authorities

New legislation has been enacted (and published in the Romanian Official Journal as soon as 27 February 2022) to set the framework for granting support and humanitarian assistance to persons coming from the area of the armed conflict in Ukraine.<sup>41</sup> A task force was established at the level of the Government with main responsibilities to monitor the situation and coordinate measures at the level of governmental structures, in order to ensure the functioning of all public services (Ministry of Health, Ministry of Education, Ministry of Labour, Ministry of Development, Ministry of Family).<sup>42</sup>

In terms of limitations or obstacles due to the nature of legislation, emergency ordinances provide a lesser degree of legal certainty compared to laws, as emergency ordinances are issued by the government without the same level of scrutiny and debate, which may lead to ambiguity or uncertainty regarding their interpretation and application. This has indeed created confusion among Romanian citizens, businesses, and the legal community, in what concerns the regime of support and assistance granted to persons coming from the area of the armed conflict in Ukraine.

The legislation aimed at addressing issues and situations such as:

- (i) Assisting persons who do not request a form of protection according to Law No. 122/2006 on asylum in Romania, in temporary accommodation and humanitarian assistance camps;<sup>43</sup>
- (ii) Adopting and implementing the best response options to the political, security and humanitarian challenges generated by the Ukrainian humanitarian crisis;
- (iii) Amending the normative framework regarding the attributions and powers of the Ministry of Home Affairs, so that the Romanian state can provide effective assistance to persons (both foreign citizens and stateless persons in situations of immediate risk) originating from Ukraine.

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<sup>39</sup> [Open Fields website](#), accessed August 2023 [Romanian]

<sup>40</sup> [Rohealth website](#), accessed August 2023 [Romanian]

<sup>41</sup> [Government Emergency Ordinance No. 15/2022 regarding the provision of humanitarian support and assistance by the Romanian state to foreign citizens or stateless persons in special situations, coming from the area of the armed conflict in Ukraine](#) [Romanian]

<sup>42</sup> [Romanian Government website, on creating the task force for Ukraine](#) [Romanian]

<sup>43</sup> [Romanian Labour Ministry website, on Instructions for granting social services for elderly or dependant people, coming from Ukraine conflict zones](#) [Romanian]

The abovementioned legislation has been subsequently modified as follows:

- (i) On 7 March 2022, to address:<sup>44</sup>
  - i.1. Financing the expenses of the Ministry of Family, Youth and Equal Opportunities and of public institutions and other subordinate structures, given the accommodation provided in its units;
  - i.2. Identifying solutions to facilitate the access of Ukrainian citizens to the labour market in Romania;<sup>45, 46, 47</sup>
  - i.3. Granting the right to education for pre-school minors, pre-schoolers, and for students from Ukraine;
  - i.4. Stimulating donations from a fiscal point of view;
- (ii) On 23 March 2022, to address:<sup>48</sup>
  - ii.1. Diversifying the accommodation options;
  - ii.2. Providing effective assistance to foreign citizens or stateless persons in special situations, coming from Ukraine;
- (iii) On 29 June 2022, to address:<sup>49</sup>
  - iii.1. Adopting exceptional measures in the field of health, education, employment, housing, of vulnerable people, children and young people, in order to facilitate their inclusion in the national social dynamics;<sup>50</sup>
- (iv) On 12 April 2023, to address:<sup>51</sup>
  - iv.1. Complementing the housing support measures with measures of social protection and integration on the labour market, which would ensure a perspective for those persons who wish to stay in Romania in the medium or long term;
  - iv.2. Considering the budget deficit targets for the year 2023, in the context in which the support measures are fully supported by the state budget, without any external contribution.

An additional piece of legislation has been published in the Romanian Official Journal on 11 March 2022, more specifically the Government Decision No. 336/2022 regarding the establishment of the settlement mechanism, from the budget of the County Inspectorates for Emergency Situations/the Bucharest-Ilfov Emergency Situations Inspectorate, of food and accommodation expenses of foreign citizens or stateless persons in special situations, coming from the armed conflict zone in Ukraine, hosted by natural persons; as well as for the allocation of an amount from the Budgetary Reserve Fund at the disposal of the Government, provided for in the state budget for 2022, to supplement the budget of the Ministry of Internal Affairs.<sup>52</sup>

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<sup>44</sup> [First amendment of Government Emergency Ordinance No. 15/2022](#) [Romanian]

<sup>45</sup> Although the wording is referring solely to the “Ukrainian citizens” in this case, still applying not merely a literal interpretation of the law, but a teleological interpretation of the law, it may be held that the solutions provided by this piece of legislation apply to (as even its name suggests) “foreign citizens or stateless persons in special situations, coming from the area of the armed conflict in Ukraine”.

<sup>46</sup> [Romanian Labour Ministry website, on Procedure to employ persons coming from Ukraine conflict zones](#) [Romanian]

<sup>47</sup> [Romanian Labour Ministry website, on integration of Ukrainian citizens into the Romanian labour market](#)

<sup>48</sup> [Second amendment of Government Emergency Ordinance No. 15/2022](#) [Romanian]

<sup>49</sup> [Third amendment of Government Emergency Ordinance No. 15/2022](#) [Romanian]

<sup>50</sup> [Romanian Health Ministry website, on free medical services offered for Ukrainian citizens](#) [Romanian]

<sup>51</sup> [Fourth amendment of Government Emergency Ordinance No. 15/2022](#) [Romanian]

<sup>52</sup> [Government Decision No. 336/2022](#) [Romanian]

### **a) Responsibilities covered under regulations**

The responsibilities (under the newly adopted Government Emergency Ordinance No. 15/2022) are covered by legislation enacted at the level of the government, with local authorities generally executing the mandate granted to them by central authorities, with only some degree of power to regulate the manner of execution. This reflects the highly centralised nature of Romania's administrative system,<sup>53</sup> with the central government controlling the local government.<sup>54</sup>

### **b) Competences and role of municipalities**

There are only a few references on (strictly) local competences in the legislation enacted for helping persons coming from Ukraine conflict zones (under the newly adopted Government Emergency Ordinance No. 15/2022):

- the public social assistance service at the county or local level provides social services for disabled adults and elderly people with reduced mobility or in a situation of dependency, who do not have valid identity documents, and which are initially referred to the General Inspectorate for Immigration so that their legal regime is established (article 2<sup>4</sup> of the Government Emergency Ordinance No. 15/2022);<sup>55</sup>
- the local public administration authorities can hire social workers or other specialised staff, without holding exams, within the public social assistance services at the local and county level and within the social services in which there are beneficiaries who come from the area of the armed conflict from Ukraine, depending on their needs, for a certain duration, but not more than 3 years (article 2<sup>5</sup> of the Government Emergency Ordinance No. 15/2022);
- the public providers of social services can establish centres for social services for adults with disabilities who come from the armed conflict zone in Ukraine, depending on their needs, for a determined period, but not more than 3 years, by means of a decision of the county council (article 2<sup>7</sup> of the Government Emergency Ordinance No. 15/2022).

### **c) Distribution of competences between the national/subnational level and local/regional level actors**

According to the general rules regulating the activity carried out by the competent authority dealing with migration in Romania (the General Inspectorate for Immigration), the distribution of competences at national and local level for the authority is characterised by the national, central

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<sup>53</sup> [European Commission website, Public Administration characteristics and performance in EU28: Romania](#), April 2018

<sup>54</sup> Nevertheless, this does not imply that local authorities are not involved or consulted in the definition of policies, because as a principle of Romanian Administrative Law, the authorities and public institutions have the general obligation to inform and submit for consultation and for public debate the regulatory acts.

<sup>55</sup> As for the children, in the legislation covering children's protection (so, this is not specifically covered in the legal framework regarding migrants/refugees), there are provisions on who provides social assistance (i.e. local authority for child protection) to unaccompanied children (art. 77 paragraph (1) of Law No. 272/2004 regarding the protection and promotion of children's rights): "In the situation where the child seeking asylum is unaccompanied by the parents or by another legal representative, the support of his best interests during the asylum procedure is ensured by the general direction of social assistance and child protection in whose administrative-territorial radius is the territorial body of the Ministry of Internal Affairs where the application is to be submitted".

authority coordinating and controlling the activity carried out by territorial, local authorities, with no clear/defined roles for the local structures for immigration.<sup>56</sup>

## 5. Compatibility with international standards on migration

During the asylum process, the foreigner willing to obtain a protection measure is entitled to all rights thoroughly indicated within the Law No. 122/2006 (derived from the EU legislation and transposed into Romanian law).<sup>57</sup> Also, the general framework applicable to foreigners in Romania clearly stipulates that the foreigners living legally in Romania enjoy the general protection of persons and goods, guaranteed by the Constitution and other applicable laws, and also the rights in the international treaties to which Romania is part of.<sup>58</sup>

Since Romania is an EU Member state it must ensure coherence with fundamental human rights, democracy and rule of law, which are enshrined in EU laws. Besides, Romania has transposed EU Directives on asylum, through the Law No. 122/2006, which regulates and establishes mainly:<sup>59</sup>

- the legal regime of foreigners who request a form of protection in Romania,
- the legal regime of foreigners who are beneficiaries of a form of protection in Romania,
- the procedure for granting, terminating and cancelling a form of protection in Romania, as well as
- the procedure for establishing the state member responsible for analysing the asylum application.

Also, Romania transposed Directives on the regime applicable to foreigners, through the Government Emergency Ordinance No. 194/2002 regarding foreigners' regime in Romania, which constitutes the framework regulating:<sup>60</sup>

- the entry, stay and exit of foreigners to or from the territory of Romania,
- their rights and obligations, as well as
- specific immigration control measures, in accordance with obligations incumbent to Romania through international documents which Romania is part of.

As an example of recent projects undergone by Romania, with EU support, in the asylum, return, border management and international cooperation, and also of the manner in which it improved the asylum legislation.<sup>61,62</sup>

- Romania has changed national law in two respects: "*to allow for the participation of EUAA [EU Asylum Agency] experts in the registration and assessment of asylum applications,*" and "*to*

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<sup>56</sup> [Order of the Ministry of Foreign Affairs No. 10/2017 on the approval of the Regulation on the organization and operation of the General Inspectorate for Immigration](#) [Romanian]

<sup>57</sup> [Law No. 122/2006 regarding asylum in Romania](#) (article 17) [Romanian]

<sup>58</sup> [Government Emergency Ordinance No. 194/2002 regarding foreigners' regime in Romania](#) (article 3) [Romanian]

<sup>59</sup> Directive 2001/55/EC, 2003/86/EC, 2011/95/EU, 2013/32/EU, 2013/33/EU.

<sup>60</sup> Directive 2001/40/EC, 2001/51/EC, 2003/86/EC, 2003/109/EC, 2003/110/EC, 2008/115/EC, 2009/50/EC, 2009/52/EC, 2011/98/EU, 2014/36/EU, 2014/66/EU, 2016/801/EU, 2004/114/EC, 2005/71/EC.

<sup>61</sup> [Romanian delegation note on Pilot Project in the area of asylum, border management and international cooperation](#), June 2023

<sup>62</sup> [European Commission press release on "Migration management"](#), June 2023

*allow for the issuing of a negative decision on international protection together with a return decision."*

- Romania cooperated with Frontex to align its national IT systems for deportations with the agency's own, and "*Romanian authorities will host and use the first Frontex Mobile Surveillance Vehicles at Romanian - Serbian border section of the Terra 2023 operational area.*"

## **6. Inspiring local practices**

### *Brasov*

The Cattia Community Centre was established to register and host refugees arriving in Brasov, with more than 80 beds, providing hot meal and snacks, rooms for mother and child, healthcare, legal assistance and integration events for refugees.<sup>63</sup>

### *Bucharest*

Terre des Hommes, a Swiss organisation for children's aid, established a Community Centre endeavoured to respond to the immediate needs of children, young people and mothers arriving in Romania in terms of protection, mental health and psycho-social support, as well as to provide social assistance to Ukrainian families either individually or in partnership with refugee residential centres and other NGOs.<sup>64</sup> The Centre is collaborating with other 12 centres that host families and help parents with essential products and information to integrate and guide them medically, professionally, legally.

### *Constata*

Local authorities have established a number of working groups to better coordinate access to social services. In particular, the Operative Group aims to identify and protect unaccompanied minors. It is constituted by representatives of the social protection services, the school's inspectorate, the public health services and non-governmental organisations. In addition, local authorities are also collaborating JRS Association, an international Catholic organisation, in order to arrange events and establish good practices in view of integrating Ukrainian citizens within Romania.

### *Galati*

Local authorities are collaborating with local non-governmental organisations to ensure adequate interpretation and translation services for Ukrainian refugees, and therefore facilitate their access to social services and local facilities. In addition, a cross-sectoral working group has been established at the municipal level to facilitate the registration of refugees to different social services.

### *Relevant online platforms*

The platform *Care for Ukraine* was set up to support refugees, to provide Ukrainian children with opportunities for development, study and play, and to propose creative workshops and social counselling for parents.<sup>65</sup>

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<sup>63</sup> [Cattia Community Centre website](#) [Romanian]

<sup>64</sup> [Terre des Hommes Community Centre presentation](#)

<sup>65</sup> [Care for Ukraine platform](#), accessed September 2023. [Romanian]

Entrepreneurs are supported through a platform created by *Asociatia pentru Bine* and *Next Advertising agency*, which invited Ukrainians with business-development ideas to propose future projects and to benefit from targeted workshops.<sup>66</sup>

Two platforms were set up to facilitate job-seeking and job matching for Ukrainian refugees, namely *Dopomoha platform* and *Jobs4Ukraine*.<sup>67</sup>

## 7. Recommendations

### 1. **Effective multilevel governance** through:

- **Decentralised public administration** (during the whole process, from implementation to termination), also with more competences at local level, and a hands-on approach by regional/county authorities;
- **Decentralised (allocation of) funds to local authorities:** sometimes frictions intervened between locals (providing accommodation or food) and the authority liable for reimbursement of costs to locals. Hence, ensuring that funds for these type of emergency situations are allocated to local authorities would accelerate the flow towards the provider of basic resources;
- **Transparency in public spending:** there is currently no regulation asking NGOs to show how they spend public funds, nor is there a best practice guide to avoid potential biases. If such regulation were to be created, it should also encourage cooperation between public authorities and NGOs;
- **Establishing an authority on migration** capable of answering challenges which local authorities may face, in terms of accommodation, food, transport and language would also be useful;
- **Accountability:** Raising the level of accountability at local level for the information which authorities gather, and for the support they provide to refugees during the time they spend in their circumscription;
- **Claims mechanism:** Not having one authority handling the process through which the refugees are granted a stay in Romania and the relevant support/aid can mean that claims are handled with delays, and are potentially not solved due to the fact that each authority declines responsibility for a certain matter (e.g., a mother with two children not having a residential permit because of a local authority decision, and of the legislation not covering special situations). Additionally, having a sole authority/agency responsible for refugees and people fleeing conflict zones ensures more accountability, clarity and transparency of the process.

### 2. **Data collection and clear procedures:** More transparency and publication of data at local/national level, collected at regular intervals and published in accessible locations. While it seems that the provision of information and data from the Romanian authorities towards international organisations functions properly, there is room for improvement when it comes to

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<sup>66</sup> [UA made in RO website](#), accessed September 2023. [Romanian]

<sup>67</sup> [Jobs4Ukraine details](#), accessed September 2023. [Romanian]



the accessibility of information from the Romanian authorities towards the Romanian public, engaged citizens at local level or organisations. In a similar vein, it would be worthy to establish clearer processes with concrete data and information to be taken from the people fleeing Ukraine/people in emergency situations, and to be further registered in specific platforms, so that the identification of people is duly and swiftly done.

3. **Context-based response:** Adopting more measures to address Romania's characteristic of transit country (as opposed to a country of destination), and offer temporary services for ensuring accommodation, health support, basic needs of people in transit. This may mean more organised and locally managed centres, considering the large influx of people of potentially different nationalities and religions, and considering that people may have distinct needs depending on their country of destination.
4. **Peer exchanges and capacity building**, notably through:
  - **Cross-border (international) collaboration (cooperation):** With other neighbouring countries part of the Ukraine Refugee Situation and Response Plan;
  - **Training/ Research:** For a better performance with new digital tools (e.g., the platform created to register refugees from Ukraine);
  - **Establishing working groups:** As the local/ county/ central authorities, which are most involved in managing the influx of refugees seem to be same, no matter the locality, working groups could be established at county level in order to cooperate, and share information to improve local authorities' processes, information communicated to refugees, as well as financial obligations towards the locals who provide resources to the refugees.

The baseline country report for Romania presents an assessment of the challenges and needs faced by local authorities regarding migration management and integration mechanisms.

The text presents key developments in the country's migration policy, assesses the impact of Russia's war of aggression against Ukraine, and describes the responsibilities of local authorities in the current legal and policy frameworks. The report outlines key trends and challenges in migration management and integration, and proposes recommendations to enhance multi-level dialogue and strengthen institutional frameworks for local authorities as leaders of change.

This baseline report is prepared within the framework of the multilateral project "Strengthening resilience in local and regional authorities facing migration" implemented in Poland, the Republic of Moldova and Romania under the framework of the Council of Europe Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025).

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