COUNTRY FACTSHEET* – Smuggling of migrants

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LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

ROMANIA

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GENERAL INFORMATION ON MIGRATION

MAIN FIGURES AND TRENDS

1. Prosecution – general data

In the course of 2022 at the level of the prosecutor's offices within the Public Ministry there were registered 1488 files concerning trafficking in migrants, 705 being finalized, of which 135 with referrals to court (indictments and plea agreements).

2. Prosecution carried out by Directorate for the Investigation of Organized Crime and Terrorism (hereinafter DIOCT)

Compared to the period 2019-2021, during 2022-2023, the cases newly registered at the DIOCT which refer to offences of trafficking in migrants and initiation of a criminal organization have significantly increased (they doubled).

Thus, during 2019-2021, the newly registered cases with this object within the Directorate were increasing: from 65 new criminal cases registered in 2019, to 79 new cases in 2020 and respectively to 97 new criminal cases in 2021.

In 2022 there is a significant increase of the criminal cases (152 newly registered cases), the trend being maintained in 2023 (186 new cases until the end of September 2023).

During the years 2022-2023, DIOCT finalized and submitted to the courts 413 indictments (for offenders holding various citizenships - of which 216 people were also subject to pre-trial arrest measures), accused of having committed offences of criminal organization specialized in committing offences of trafficking in migrants. In these cases, the prosecutors have issued 35 indictments and signed 38 plea agreements.

Compared to 2019-2021 (when 136 offenders have been indicted through 22 indictments and 19 plea agreements), there is a sustained and constant, growing effort by the judicial authorities to prosecute such criminal cases, bringing to criminal responsibility the persons involved and of dismantling the criminal organizations that act along in the field of trafficking in migrants within the territory of Romania.

During the period 2024-2025, newly registered cases at the DIOCT level indicated a decreasing trend (155 cases were registered in 2024, respectively 93 in 2025 compared to previous years) and which was also reflected in the number of people sent to trial (84 people sent to trial in 2024, respectively 177 people sent to trial in 2025), with 10 indictments and 14 plea agreements being issued during 2024, respectively 10 indictments and 17 plea agreements during 2025.

MIGRATORY ROUTES

Migration routes have dynamically evolved. These routes were significantly influenced by different factors, both in the countries of origin and in the countries of transit and destination. Trafficking in migrants refers to the European countries as destination countries, but also Europe as a transit area towards North America.

Key factors for illegal migration in the Balkans: humanitarian crises and insecurity in Afghanistan, disastrous floods and poverty in Pakistan, degraded humanitarian aid in Syria, security instability in Iraq and the Gaza Strip, armed conflict in Ukraine, the coup of state in Niger and political instability in other African states.

Romania is a transit country and is part of the so-called Eastern Mediterranean route, with migrants who originates mainly from Asia.

Romania is part of the Balkan route with the following particularities:

- migrants illegally enter the area by foot from the Serbian border, using the means provided by the facilitators. The statistics mainly highlighted migrants of Iraqi, Syrian, Turkish, Afghan, Pakistani nationality;
- migrants illegally entering the green zone/border point with Ukraine. The statistics mainly highlighted migrants coming from India, Pakistan, Bangladesh;
- igrants illegally crossing the border with Bulgaria in the green zone at border checkpoints. The statistics mainly highlighted migrants of Iraqi, Syrian and Turkish nationality.

There have been reported few cases of migrants arriving in Romania at the Black Sea (several isolated cases in 2017 and 4 cases in 2022).

On the way out from Romania, the majority of detections or illegal border crossings are made at the border with Hungary, as the migrants' first step into Schengen area. The preferred destination countries are Germany, Italy and Great Britain.

The accession of Croatia at the end of 2022 to the Schengen area, and subsequently of Romania and Bulgaria starting with 01.01.2025, have led to a redistribution of the interest and logistics of criminal groups in the Balkan area, by redirecting the migratory flow to the Bulgaria-Serbia-Bosnia - Herzegovina - Croatia route, respectively on the Bulgaria - Romania - Hungary route, but with a lower preponderance.

The tendency of the leaders of criminal groups to concentrate on the territory of Bulgaria, especially the border area with Turkey, has been observed, in the context of the accession of Bulgaria and Romania to the Schengen area starting with 01.01.2025. Romania has become a transitional state in which the western part of the country is no longer attractive from the perspective of the operation of safe-house locations that would temporarily host migrant groups. The groups of Romanian drivers are recruited in the online environment generally through Tiktok and operate on the territory of Bulgaria, without having a direct connection with the level of organization of criminal activity on the national territory.

It is also noteworthy the refinement of the methods of access to the European Union used by the leaders of criminal groups, through the use of legal screens given to obtain the legal nationality of work visas, study visas, especially from countries such as Bangladesh, India, Pakistan, Nepal, Vietnam, Sri Lanka, and which led over time to the establishment of coordinated criminal groups.

INSTITUTIONAL ORGANISATION

The institutional actors involved in the activity of prevention, detection and criminal prosecution from the perspective of migration traffic are:

- The Romanian Border Police (the central unit) with all its subordinate structures (territorial units) which is part of the Ministry of Internal Affairs, a specialized police institution of the Romanian state that exercises its powers regarding the supervision and controlling the state border crossing, prevention and combating illegal migration and specific acts of cross-border crime that fall under their purview, compliance with the legal regime of the state border, passports and foreigners.

- The Directorate for Combating Organized Crime (central unit) with all its subordinate structures (territorial units) is a specialized police unit, within the General Inspectorate of the Romanian Police (GIRP), with general territorial competence, at the national level and which carries out the activity of combating organized crime, including migrant trafficking, committed in the framework of an organized criminal group.

- The Public Ministry (The Prosecutor's Office next to the High Court of Cassation and Justice) has assignments on combating and bringing to criminal responsibility from the perspective of offences regarding the state border (fraudulent crossing of the state border, facilitating the illegal stay in Romania, evasion of removal measures from Romanian territory, migrant trafficking) through all ordinary national prosecutor's offices (prosecution offices attached to first instance courts, prosecutor's offices attached to district courts), within the limits of territorial jurisdiction, while there is also a shared competence between these ordinary prosecution units (only in relation to prosecutor's offices attached to district courts and with reference to the offence of trafficking in migrants) with a specialized prosecution unit (Directorate for the Investigation of Organized Crime and Terrorism – DIOCT which is a specialized prosecution unit with competence in performing the criminal investigations in criminal cases of trafficking in migrants committed within a criminal organization).

A significant share of newly opened criminal cases is based on ex officio actions performed by specialized police bodies. The increasing trend of this type of criminal cases registered at the DIOCT level is due to a constant, joint and sustained effort of the judicial authorities involved, together with specialized police bodies and other structures with specific attributions, in order to identify, investigate and dismantle criminal organizations that act in the field of trafficking in migrants within the territory of Romania.

It is found that the criminal investigations carried out by the specialized prosecutors of DIOCT together with the specialized police units were aimed at dismantling some of the criminal organizations specialized in committing offences of trafficking in migrants. The average number of offenders who have been indicted (8 people/indictment during 2022-2023, as 5 people/indictment during 2024-2025 also highlights, on the one hand, the complexity of the criminal investigations, but also the efforts of the judicial authorities to identify and bring to criminal responsibility the offenders who act within criminal organizations.

The complex nature of the criminal cases prosecuted by DIOCT is also highlighted by the cross-border component of these criminal investigations, meaning that in the prosecuting of such criminal cases the instruments of international cooperation (European Investigation Orders) were used and especially founding the joint investigation teams, through EUROJUST and with the support of EUROPOL.
Also, from an operational point of view, the specialized police bodies in Romania in the field of combating migrant smuggling are actively involved in the Operational Task Force mechanisms, respectively in the Operational Working Groups managed and supported at the Europol level, as well as at the INTERPOL level, being focused on combating cross-border criminal activities of migrant smuggling in special segments of migrant smuggling, especially in the extended migrant routes. Turkey-Bulgaria-Romania, but also on identifying "high interest targets", called H.V.T. (high value targets) and the established groups, as well as identifying methods for dismantling them.

Relating the DIOCT's case law analysis on the offences of trafficking in migrants committed within a criminal organization and considering Romania as a transit country in the migration route, it resulted from the criminal investigations carried out that the persons acting from the territory of Romania are part of cells of some criminal organizations from the lower echelons of some cross-border criminal groups and whose leaders act from the territory of other states, usually the states of destination and states of origin.

LEGISLATIVE FRAMEWORK

The trafficking in migrants is criminalized in the art. 263 of the Romanian Criminal Code.

This offence involves recruitment, instructing, guiding, transporting, transferring or harboring individuals for the purposes of fraudulently crossing Romania's state border. The criminal penalty provided by law is imprisonment from 2 to 7 years.

When the offence of trafficking in migrants is committed under one of the following aggravating circumstances:
- in order to obtain, directly or indirectly, a material gain;
- using means that endanger the life, integrity or health of the migrant;
- by subjecting the migrant to inhuman or degrading treatment,

the penalty provided by law is imprisonment from 3 to 10 years a ban on the exercise of certain rights.

The attempt shall be also punishable.

The Romanian Criminal Code also criminalizes:

- the fraudulent crossing of the border which encompasses entering or leaving the country by fraudulently crossing Romania's state border and which it is punished by an imprisonment between 6 months and 3 years or by a fine (art. 262);

- facilitating illegal stay in Romania which means that any individual who facilitates, by any means, the illegal stay on the Romanian territory of an individual who is a victim of offenses of trafficking in human beings, juveniles or migrants, who is not a Romanian citizen and does not reside in Romania shall be punished by imprisonment between 1 and 5 years and a ban on the exercise of certain rights; If the mean used is in itself an offense, the rules for multiple offenses shall apply (art. 264);

- evading expulsion from Romanian territory which means evading the fulfillment of the obligations ordered by the relevant authorities to the alien against whom measures were taken for the expulsion from Romanian territory or against whom a prohibition of the right to stay was ordered; the offence shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine (art. 265).

JUDICIAL FRAMEWORK

The Directorate for Investigating Organized Crime and Terrorism (DIOCT) is a specialized prosecutor's office that has the material competence to prosecute those criminal cases which have as their object offences of trafficking in migrants committed in the framework of a criminal organization.

At the same time, it should be noted that prosecuting the criminal cases of trafficking in migrants is in the general competence assigned to the prosecutor's offices attached to the district courts.

Related to these general aspects circumscribed to the general and special competence thus assigned, it is worth noting that the DICOT has a special competence to prosecute criminal cases (limited to criminal organizations specialized in committing offences of trafficking in migrants) and a shared competence with ordinary prosecutor's offices (which prosecute the offences of trafficking in migrants committed outside a criminal organization).

Since 2021, a division dedicated to fighting trafficking in human beings was set up within DIOCT.

According to the Romanian Criminal Procedure Code, offences of trafficking in human beings fall within the competence of district courts. The appeals are ruled on by the Courts of Appeal.

INTERNATIONAL COOPERATION

International cooperation takes place on the basis of the relevant Council of Europe, UN and EU instruments, as well as bilateral treaties. Romania is also able to cooperate in the absence of a treaty, on the basis of international courtesy, with the assurance of reciprocity (granted by the Minister of Justice).

Romania has concluded bilateral treaties with Algeria, Australia, Canada, New Zealand, Brazil, China, Cuba, Egypt, Jordan, Kazakhstan, Republic of Moldova, Morocco, Mongolia, Syria, United States of America and Tunisia.

At national level, Law no. 302/2004, with subsequent amendments, regulates international judicial cooperation in criminal matters.

According to article 10 of the aforementioned law, the competence to fulfil the specific duties of the Romanian central authority in the field of judicial cooperation in criminal matters belongs to and shall be exercised by:

a) the Ministry of Justice, by the specialized directorate, if the requests concern extradition, the European arrest warrant, transfer of sentenced persons, the freezing order, the confiscation order, recognition and enforcement of judgments and of criminal judicial documents, international letters rogatory, any other form of international judicial assistance which relate to the trial activity or the stage of enforcement of criminal judgments, as well as, regardless of the trial stage, when, as the case may be, this Law provides otherwise or the request is made under the international courtesy or the Ministry of Justice is appointed as a single central authority designated according to the international treaties to which Romania is a party;
b) the Public Ministry, through its specialized structures, when the international letters rogatory or the other forms of international judicial assistance relate to the activity of criminal investigation and prosecution;
c) the Ministry of Internal Affairs, through the specialized structure, if it relates to criminal records.

Cooperation can also take place directly, whenever the applicable treaty allows (especially in the application of EU instruments).

Furthermore, in order to facilitate execution of requests and exchange information in an efficient and timely manner, judicial authorities also benefit from the assistance of contact points (especially to the European Judicial Network, but from other networks as well) and the support of the Romanian desk at Eurojust.

RELEVANT CASES

The year of 2023 was characterized by the dynamism of the cases pending prosecution, the cooperation through EUROPOL in all existing cases (from the level of DIOCT – the central structure), also maintaining this approach in the territorial units which have dealt with case law regarding trafficking in migrants. The results took shape in the participation in operational meetings at the EUROPOL headquarters and coordination meetings at the EURO JUST headquarters, carried out both online and in person, the approach to detections being carried out both in the country and abroad in an integrated way.

At the central level, DIOCT together with the Directorate for Combating Organized Crime (DCCO specialized police unit within the GIRP) have completed in 2023 three large-scale actions, with a special media impact, whose case notes are presented chronologically as follows:

1. **Operation Aladdin**

On 30 of May 2022, criminal investigation officers from the DCCO – Office of Combating Trafficking in Migrants reported ex officio that several persons of Romanian and Turkish nationality, under the coordination from outside the country of some Turkish and Syrian citizens, constituted a cross-border criminal organization that is centered on committing offences of trafficking in migrants of Turkish and Iraqi origin, on the route Turkey - Bulgaria/Serbia - Romania - Germany. The criminal file was instrumented under the coordination of DIOCT - Central Structure. In the case, a joint JIT YOLCU/ALADDIN investigation team was concluded with the authorities from Germany and Serbia, and several criminal cells operating from Turkey, Serbia, Romania and Germany were identified.

Within the Operation YOLCU, the German authorities identified and seized 68 documents, with 13 suspected persons and 549 trafficked migrants. In parallel, within the Operation ALADDIN, the Romanian authorities have identified and detained 25 material documents, with 14 suspected persons and 313 trafficked migrants. For each transport, migrants were charged amounts between 4.000 and 10.000 euros, depending on the trafficking segment (for example, from Romania to Germany, amounts between 4.000 and 5.000 euros were charged).

On 7 of June 2023, 11 home searches and 4 bench warrants were executed in Romania for questioning as a suspect at the DIOCT headquarters. During the home searches, the mobile devices used by the members of the criminal organization were seized, 3 cars with a total market value of 100.000 euros, the sum of 5.500 euros, and 10.000 lei were seized. Following the hearings, 4 people were detained for 24 hours, and later the Bucharest District Court ordered their pre-trial arrest for 30 days, for committing the offences of forming an organized criminal organization and trafficking in migrants, facts included in the provisions of art. 367 para. 1 and 3 of the Romanian Criminal Code, art. 263 para. 1 and 2 of the Romanian Criminal Code, with application of art. 38 para. 1 of the Romanian Criminal Code.

At the same time, in Germany, 4 house searches were carried out, which led to the detection and arrest of the main suspect who was operating from this country. Following the action to dismantle the criminal organization, on 11 of august 2023, another defendant in the case was heard. He was found in Bulgaria and returned to the Romanian authorities on the basis of a European Arrest Warrant, the Bucharest District Court ordering the pre-trial arrest for 30 days.

The first conclusions drawn after carrying out a first stage of investigations indicated elements identified as being in freedom, both in Romania, as well as in Poland and Turkey, which were still acting along in trafficking in migrants. There have been resumed the electronic supervision warrants and specific criminal investigation activities have been carried out. Following the criminal investigation activities, as well as the monitoring of the electronic surveillance warrants, on 28 of august 2023 a new action was carried out to dismantle a criminal cell for which sufficient evidence was collected, by carrying out 6 home searches (two of which being safe-house locations) and the criminal prosecution of 5 suspects.

Following the hearings, 3 people were detained for 24 hours, and later the Bucharest District Court ordered their pre-trial arrest for 30 days, for having committed offences of forming a criminal organization and trafficking in migrants, facts included in the provisions of art. 367 para. 1 and 3 of the Romanian Criminal Code, art. 263 para. 1 and 2 of the Romanian Criminal Code, with application of art. 38 para. 1 of the Romanian Criminal Code. On the occasion of the home searches, there was seized the amount of 1.000 euros and 7 cars with a total value of 35.000 euros were frozen.

In order to prosecute the cell formed by Turkish citizens acting from the territory of Turkey, the case prosecutor initiated an international rogatory commission, targeting 4 suspects who were residents in the Istanbul area. At the same time, 3 other persons of interest for whom it is necessary to be brought to criminal responsibility are currently located in Poland and Germany, being the subject of a case disjoining ordered by the case prosecutor.

Total balance:

- 22 people investigated;
- 9 people pre-trial arrested;
- 2 people investigated under the judicial control measure;
- 17 home searches;
- 13 bench warrants.

On 20 of November 2023, the case prosecutor sent the investigated persons to court by issuing the indictment.

2. <u>Operation Noodle</u>

On 30 of September 2019, judicial police officers from GIRP - Directorate for Combating Organized Crime, together with General Inspectorate of the Border Police (GIBP - Directorate for Prevention and Combating Illegal Migration and Trans-Border Crimes) have reported ex officio, regarding a criminal organization formed by Romanian and Indian citizens, who, starting from September 2019, initiated and constituted an criminal organization, and then they instructed, guided, transported, transferred and harbored Vietnamese citizens in the purpose of the fraudulent crossing of the Romania's state border, thus being reported to DICOT the central structure where there was registered a new criminal file.

Based on the delegation of DIOCT, the DCCO and the subordinate structures jointly carried out specific activities, namely the collection of data and information in order to administer the evidence in this criminal case. There have been detected 13 illegal transports carried out of 101 migrants of Vietnamese origin.

The criminal organization was coordinated by several Vietnamese and Romanian citizens, some of them settled in Romania, who created a well-organized criminal chain with ramifications in several states in the Eastern Europe, with the well-defined objective of trafficking in migrants of Vietnamese origin in European states such as Germany, the Czech Republic, France or Great Britain. The migrants were those who were located in Romania with legal work visas, recruited through social networks or directly from the airports in Romania at the time of their arrival to carry out legal paid activities, in order to fraudulently access European states, being trafficked in this sense by the members of the group.

EUROPOL input was used to investigate the case and a constant exchange of information was carried out with partners from Germany, Hungary, the Czech Republic and Vietnam. At the same time, in order to streamline the informational flow and establish the investigative details, the authorities from the mentioned states participated in 4 coordination meetings under the auspices of EUROPOL.

During criminal investigations and collecting evidence regarding the criminal activity of the criminal organization, there have been 13 incidents of illegal trafficking of Vietnamese migrants, with a number of 101 illegal migrants, some of them being detected at the Romanian-Hungarian border hidden in fright transport vehicles in conditions that endangered their lives and bodily integrity.

Also, during the criminal investigation activities, it was found that the Vietnamese migrants recruited by the members of the criminal organization were temporarily transferred from the workplaces located all over Romania to various safe-house locations within the radius of the City of Bucharest, where, in order to ensure the transport optimization, the suspected persons gathered groups of 8-10 migrants, which they later loaded into means of transport such as vans or trucks, most of the time having compartments specially created for concealment, endangering the lives and integrity of the migrants. For the services offered, the members of the criminal group charged amounts ranging from 4.000 to 8.000 euros, depending on the country of destination, sums of money that were paid in Vietnam by the members of the migrants' families remaining in the country of origin, most of the time through indebtedness under burdensome conditions.

On 22 of November 2023, in order to dismantle the criminal organization, a number of 9 house searches were carried out in Bucharest, and in the counties of Ilfov and Hunedoara, there have been executed 23 bench warrants to bring the suspects and witnesses. 7 people were detained for 24 hours and for 4 were subject to the measure of judicial control which was ordered for committing the offences of constituting a criminal organization and trafficking in migrants. These facts were included in the provisions of art. 367 para. 1 and 3 of the Romanian Criminal Code and art. 263 para. 1 and 2 of the Romanian Criminal Code, with application art. 38 para. 1 of the Romanian Criminal Code.

At the time of the activities carried out, there have been frozen: 4 cars with a total market value of 100.000 euros, and the sums of 202.400 lei, 22.400 euros, 1.500 euros.]

The suspected persons who were detected during the action and home searches were taken to the DIOCT headquarters for hearings and the case prosecutor ordered their detention for 24 hours for 7 of them.

Total balance:

- 19 people investigated;
- 7 people detained and subsequently pre-trial arrested;
- 9 home searches;
- 23 bench warrants.

Given the cross-border nature of this form of crimes, the effective investigative tool in documenting the activity of criminal organizations in committing the offence of trafficking in migrants is represented by the Joint Investigation Teams (JITs). The constant presence of organized crime fighting units within such joint investigation teams is a particular indicator of the level of involvement and the manner in which migrant trafficking cases are addressed, given the fact that the European average in cases of migrant traffic is approximately 12 JITs in permanent progress.

In order to ensure the integrated approach of cases which refers to trafficking in migrants, Romania has been a permanent partner in several joint investigation teams since 2017, as follows:

- JIT CATCHER IN THE RYE - criminal investigation carried out by DIOCT - Central Structure – jointly with the authorities in Austria and Slovenia, completed with indictments and final convictions;
- VAN POLICE JIT - criminal investigation carried out by DIOCT - Timișoara Territorial Service in 2018 with the German authorities, completed with indictments and final sentences of conviction;
- JIT ZANK - criminal investigation carried out by DIOCT - Central Structure, jointly with the authorities in Germany, Hungary and Great Britain, completed with indictments and final sentences of conviction;
- JIT COLOMBOPHILLE - criminal investigation carried out by DIOCT - Central Structure, jointly with the French and German authorities, case closed in March 2022;
- JIT BARBERSHOP - criminal investigation carried out by DIOCT - Central Structure, jointly with the German authorities, case closed in November 2022 and finalized by ordering indictments;
- JIT YOLCU/ALADDIN - criminal investigation carried out by DIOCT - Central Structure, jointly with the German and Serbian authorities - finalized by ordering indictments.