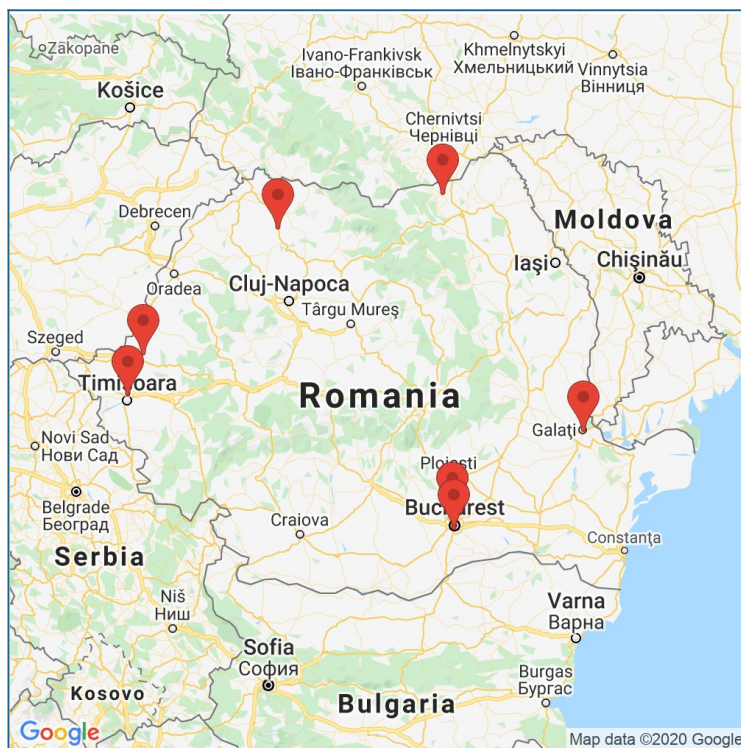


Romania Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2018)	304
Detained minors (2017)	0
Immigration detention capacity (2018)	471
Persons expelled (2018)	1,705
International migrants (2019)	462,552
New asylum applications (2019)	2,750

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/europe/romania>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	304	2018	Top nationalities of detainees	Pakistan, India, Russian Federation	2018
	690	2017			
	671	2012			
	533	2011			
	471	2010			
Number of apprehensions of non-citizens	2,565	2018	Immigration detainees as a percentage of total international migrant population	0.2	2017
	3,340	2017		0.3	2010
	2,430	2016			
	2,010	2015			
	2,335	2014			
	2,400	2013			
	2,145	2012			
Estimated total immigration detention capacity	471	2018	Number of dedicated long-term immigration detention centres	2	2018
Estimated capacity of dedicated long-term immigration detention centres	274	2018	Number of transit facilities	3	2018
Number of persons removed/returned (voluntary returns and deportations)	1,705	2018	Number of deportations/forced returns only	415	2018
	1,815	2017		440	2017
	1,865	2016		350	2016
	1,995	2015		180	2015
	2,085	2014		290	2014
	2,235	2013			
	2,890	2012			
Percentage of persons removed in relation to total number of people placed in removal procedures	82	2018	Criminal prison population	20,254	2019
	92	2017		27,133	2017
	90	2016		32,346	2014
	100	2014			
Percentage of foreign prisoners	1.2	2019	Prison population rate (per 100,000 of national population)	105	2019
	1.1	2016		138	2017
	0.6	2014		162	2014

Demographics and immigration-related statistics

		Observation Date			Observation Date
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Population	19,200,000	2020	International migrants	462,552	2019
	19,511,000	2015		370,800	2017
	21,400,000	2012		226,900	2015
				198,800	2013
				156,000	2010
International migrants as a percentage of the population	1.9	2017	Refugees	3,860	2019
	1.2	2015		4,157	2018
	0.9	2013		3,924	2017
				2,855	2016
				2,598	2015
Ratio of refugees per 1000 inhabitants	0.15	2016	Total number of new asylum applications	2,750	2019
	0.11	2014		1,894	2016
	0.06	2012		1,546	2014
				2,511	2012
Refugee recognition rate	25.9	2014	Stateless persons	227	2018
				238	2017
				249	2016
				294	2015
				297	2014

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law		2019	
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Constitution of Romania (Constituția României), article 23	1991	2003
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Ordinance regarding the regime for foreigners in Romania (Aliens Ordinance) (Ordonanță De Urgență nr. 194 din 12 decembrie 2002 privind regimul străinilor în România)		2002	2018
	The Asylum Act (AA) (Lege nr. 122 din 4 mai 2006 privind azilul în România)		2006	2016

LAWS AND REGULATIONS			
Regulations, standards, guidelines	Name		Year Published
		Regulation of Centres for Aliens Taken into Public Custody (Public Custody Centres Regulation) (Regulament din 30 iulie 2014 centrelor de cazare a străinilor luați în custodie publică)	
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Immigration-status-related grounds	Name		Observation Date
	Detention to effect removal		2019
	Detention to prevent absconding		2019
	Detention for failing to respect a voluntary removal order		2019
	Detention to prevent unauthorised entry at the border		2019
	Detention during the asylum process		2019
	Detention to establish/verify identity and nationality		2019
	Detention to ensure transfer under the Dublin Regulation		2019
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name		Observation Date
	Detention on public order, threats or security grounds		2019
	Detention for suspicion of terrorist-related activities		2019
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2014
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized entry	730	2014
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Has the country decriminalized immigration-related violations?	Has the country decriminalized immigration-related violations?		Observation Date
	Yes		2019
LENGTH OF DETENTION			
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date
	540		2019

LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	540		2019	
LENGTH OF DETENTION				
Maximum length of detention for persons detained upon arrival at ports of entry	Number of Days		Observation Date	
	20		2019	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Information to detainees	Yes		2019
	Right to appeal the lawfulness of detention	Yes		2019
	Complaints mechanism regarding detention conditions	Yes		2019
	Access to free interpretation services		infrequently	2018
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Designated non-secure housing	Yes	infrequently	2014
	Supervised release and/or reporting	Yes	infrequently	2014
	Registration (deposit of documents)	No	No	2014
	Release on bail	No	No	2014
	Electronic monitoring	No	No	2014
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Asylum seekers	Provided	No	2019
	Unaccompanied minors	Prohibited	No	2017
MANDATORY DETENTION				
Mandatory detention	Filter	Name	Observation Date	
	No	No	2019	

COVID-19 UPDATES

	Update Status	Observation Date
<p>Latest Update</p>	<p>Romania’s National Preventive Mechanism, the People’s Advocate, requested information from the Interior Ministry’s General Inspectorate for Immigration (IGI) to provide answers to the Global Detention Project’s Covid-19 survey. Based on information it received from the IGI, the People’s Advocate reported that during the state of emergency, the right of persons to request international protection was not restricted. However, in order to ensure the protection of their staff, IGI suspended the receipt of applications for granting or extending the right of residence, and moved the process to an online application platform. The processing of these applications was not suspended, but a number of additional protection measures were established including obligation to use masks for all people present (IGI staff, applicant, lawyer, and interpreter); conducting interviews through video-conference systems; and the communication of documents by fax and email. Moreover, People’s Advocate indicated that in Romania, applicants for international protection held in accommodation centres are not deprived of their liberty as the centres have an open regime and the spaces provide for collective accommodation of asylum seekers. As regards the confinement of non-citizens in public custody centres, there were no releases. Certain transfers and returns were conducted, but only after the fulfillment of the conditions imposed by the readmission agreements concluded between Romania and the countries of origin or transit. The People’s Advocate also confirmed that no migrants or asylum seekers were released. In terms of protective measures in the centres, the Advocate stated that in the centres managed by IGI, a series of prophylactic measures were adopted to prevent the spread of Covid-19, but that no generalised Covid-19 tests were done. In cases of suspicion of infection, individuals were immediately referred to the Local Public Health Directorate. The People’s Advocate mentioned that as of mid-July, there had been no confirmed cases of Covid-19 among asylum seekers or non-citizens in public custody. Returns were only possible when readmission agreements could be implemented or when charter flights were organised by interested third countries, for the repatriation of their own nationals. The measures implemented by IGI to prevent the spread of the disease have been taken in strict accordance with the provisions issued at national level in this regard, and no new policies have been adopted.</p>	<p>2020</p>
	<p>According to the International Organisation for Migration (IOM) office in Bucharest, responding to the Global Detention Project’s Covid-19 survey, Romania has not established a moratorium on new immigration detention orders nor is it considering one. In addition, no immigration detainees have been released as a result of the Covid-19 pandemic and they are not being tested for the disease. The IOM Bucharest office indicated that all removals have been halted but that no new policies were adopted in response to the pandemic. However, prevention measures were taken in all asylum centres, for instance, depending upon the migration route, newly registered asylum seekers are placed given a 14 days quarantine period. UNHCR and their partner AIDROM, working in collaboration with the Romanian government, are taking measures to maintain business as usual at the Timisoara Emergency Transit Centre (ETC). Both staff and refugees have been provided with face masks and latex gloves and refugees have been informed of the importance of basic hygiene to prevent the spread of Covid-19. Alcohol-based hand sanitisers, soap, tissues, and cleaning products have also been distributed around the centre. Some governments, such Norway’s, which periodically accept refugees housed at the ETC, have implemented measures to continue assessing potential refugees placements. Instead of having Norwegian officers travel from Oslo, the interviews are conducted online. The UNHCR representative in Romania stated that UNHCR had expressed its appreciation to “the Romanian government for its decision to keep the borders open for people fleeing war and persecution.” Due to European lockdowns imposed in March as governments tried to contain the spread of Covid-19, many countries were left without the thousands of seasonal workers that they normally rely on, many of whom come from Romania. On 4 April, Romania’s government agreed to allow seasonal workers to fly abroad on charter flights organised by Western European farmers, provided there was agreement with the authorities in the countries of destination. In mid-May, the Romanian Transport Minister informed Parliament that there had been 188 charter flights carrying seasonal workers to Germany, the Netherlands, the United Kingdom, Italy, Belgium, and Austria. However, hundreds of Romanian migrant workers were reportedly quickly infected while working at slaughterhouses in Germany and the Netherlands. On 28 April, a coronavirus outbreak at a slaughterhouse in Berkenfeld resulted in the infection of some 200 Romanians, one of whom died. In early May, another outbreak took place at a Dutch meat-processing plant where 270 Romanians work. In a bid to lure some migrant workers back home, the Romanian Agriculture Minister announced a package of at least 20 million EUR to support young farmers who had previously worked abroad. The minister told Parliament that the government would raise the minimum monthly wage in the agricultural sector to 3000 lei (\$690 US dollars) per month to persuade Romanian migrants to remain in the country. On 28 May, the European Council on Refugees and Exiles (ECRE) reported that the Romanian border guard agency had been enlarged in an effort to tighten measures to prevent “illegal” migration. ECRE also reported that all Dublin transfers, including family reunification procedures, were suspended and repatriation procedures were suspended or cancelled as air companies have cancelled flights to the Middle East and North Africa.</p>	<p>2020</p>
	<p>In Romanian prisons, measures such as the curtailment of visitation hours have been taken to minimise the risk of Covid-19 spread. However, on 18 March 2020, a riot broke out at the Satu Mare prison, leaving three inmates dead and two others seriously injured. The GDP has been unable to find any reports indicating that authorities have taken measures to assist migrants and asylum seekers, including those in detention.</p>	<p>2020</p>

INTERNATIONAL LAW

Relevant international treaties and date of ratification

International treaties	Name	Ratification Year
	CRPD, Convention on the Rights of Persons with Disabilities	2011
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2009
	CRSSP, Convention Relating to the Status of Stateless Persons	2006
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2002
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2002
	CRSR, Geneva Convention Relating to the Status of Refugees	1991
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1991
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1990
	CRC, Convention on the Rights of the Child	1990
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1982
	ICCPR, International Covenant on Civil and Political Rights	1974
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1974
	VCCR, Vienna Convention on Consular Relations	1972
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1970
Ratio of relevant international treaties ratified	14/19	

Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2003
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1993
	ICERD, declaration under article 14 of the Convention	1970

Relevant international treaties and date of ratification

Ratio of complaints procedures accepted	Number	Observation Date
	3/7	
	3/7	

Relevant international treaties and date of ratification			
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year
	Human Rights Committee	§36: The State party should use alternatives to detention for asylum seekers and migrants and , in cases where the individual is detained , ensure that the detention is reasonable, necessary and proportionate in the light of the circumstances and reassessed over time . The State party should ensure that children are not deprived of their liberty except as a measure of la st resort and for the shortest period of time , taking into account their best interests.	2017
	Committee against Torture	§12(b): Refrain from detaining asylum seekers and aliens, promote alternatives to detention, and revise its policy in order to bring it into line with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum Seekers and Alternatives to Detention	2015
Regional treaties, regulations, and directives			
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
	CPCSE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		2011
	ECHR1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)		1994
	ECHR7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)		1994
	ECHR12, Protocol 12 to the European Convention on Human Rights		2006
	ECPT, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment		1994
	CATHB, Convention on Action against Trafficking in Human Beings		2006
	ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as the European Convention on Human Rights)		1994
Regional treaties, regulations, and directives			
Regional treaty reservations	Name		Reservation Year
	ECHR1Article 2		1994

Bilateral/Multilateral agreements linked to readmissions

	Name	Year in Force	Observation Date
Bilateral/multilateral agreements linked to readmission	Germany	1992	2017
	Austria	2002	2017
	Belgium	2006	2017
	Bulgaria	2000	2017
	Croatia	2002	2017
	Spain	1997	2017
	Estonia	2005	2017
	Finland	2001	2017
	France	1994	2017
	France	2007	2017
	Greece	1995	2017
	Hungary	2002	2017
	Ireland	2001	2017
	Italy	1998	2017
	Latvia	2004	2017
	Lithuania	2004	2017
	Luxembourg	2006	2017
	Netherlands	2006	2017
	Poland	1994	2017
	Portugal	2003	2017
	Czech Republic	2004	2017
	United Kingdom	2004	2017
	Slovakia	2005	2017
	Slovenia	2002	2017
	Sweden	2002	2017
	Iceland	2008	2017
	Norway	2003	2017
	Switzerland	2009	2017
	Albania	2005	2017
	Macedonia	2006	2017
	Moldova	2002	2017
	Russian Federation	2012	2017
Lebanon	2004	2017	
Turkey	2004	2017	

Non treaty-based international human rights mechanisms				
Visits by special procedures of the Human Rights Council	Name	Year of Visit	Observation Date	
	Special Rapporteur on contemporary forms of slavery	2010		
	Special Rapporteur on the human rights of migrants	2009		
Non treaty-based international human rights mechanisms				
Relevant recommendations by UN Special Procedures	Name	Recommendation Excerpt	Recommendation Year	Observation Date
	Special Rapporteur on the human rights of migrants	<p>§105: (a) Consider the recommendations made by the Working Group on Arbitrary Detention in a 2009 report to the Human Rights Council, particularly the call to States to study the set of measures contained in the United Nations Convention against Corruption, with a view to implementing them for the prevention and prosecution of corrupt practices and other efforts in combating arbitrary detention; (b) Restrict the use of detention for immigration purposes, ensuring that it is a measure of last resort, only permissible for the shortest period of time and when no less restrictive measure is available, and therefore to use and make available alternative measures to detenti on both in law and in practice; (c) Take measures to review national laws applicable to the detention of migrants to ensure that they are harmonized with international human rights norms that prohibit inhumane treatment and ensure the due process of law; (d) Take all necessary steps to ensure that migrants in detention are granted all guarantees associated to the due process of law, kept informed on the status of their cases and receive specialized free legal assistance and interpretation, during the entire procedure, including at administrative stages;</p>	2010	
Non treaty-based international human rights mechanisms				
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date	
	No	2018	2019	
	No	2008	2017	
	No	2013	2017	

INSTITUTIONAL INDICATORS		
Governing structures		
Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2019
Governing structures		
Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2018

Institutions responsible for immigration detention																
Custodial authority	Agency		Ministry		Ministry Typology				Observation Date							
			Ministry of Interior		Interior or Home Affairs				2010							
			Ministry of Interior		Interior or Home Affairs				2006							
Institutions responsible for immigration detention																
Detention Facility Management	Entity Name					Entity Type				Observation Date						
	General Inspectorate for Immigration					Governmental				2018						
	Romanian Immigration Office					Governmental				2010						
	General Inspectorate of the Border Police					Governmental				2010						
	General Inspectorate of the Border Police					Governmental				2006						
Institutions responsible for immigration detention																
Formally designated detention estate?	Formally designated immigration detention estate?					Types of officially designated detention centres							Observation Date			
	Yes					Dedicated immigration detention facilities							2019			
Institutions responsible for immigration detention																
Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date	
	Yes		Yes	Yes												2018 2015
Detention monitoring institutions																
Authorized monitoring institutions	Institution					Institution Type				Observation Date						
	Jesuit Refugee Service					Non-Governmental Organizations (NGO)				2018						
	Romanian National Council for Refugees					Non-Governmental Organizations (NGO)				2018						
	Romanian Institute for Human Rights (Instituției Avocatul Poporului)					National Human Rights Institution (or Ombudsperson) (NHRI)				2016						
	European Committee for the Prevention of Torture (CPT)					International or Regional Bodies (IRBs)				2006						
Detention monitoring institutions																
Is the national human rights institution (NHRI) recognized as independent?	Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?										Observation Date					
	No										2016					
Detention monitoring institutions																
Does NHRI carry out visits?	Does NHRI carry out visits in practice?							Observation Date								
	Yes							2016								
Detention monitoring institutions																
Does NHRI have capacity to receive complaints?	Does NHRI have capacity to receive complaints?							Observation Date								
	Yes							2016								

Detention monitoring institutions		
Does NHRI publicly release reports on immigration detention?	Does NHRI publicly release reports on immigration detention?	Observation Date
	Yes	2018
Detention monitoring institutions		
Does national preventive mechanism (NPM) carry out visits?	Does NPM carry out visits in practice?	Observation Date
	Yes	2016
Detention monitoring institutions		
Does NPM publicly release reports on immigration detention?	Does NPM publicly release reports on immigration detention?	Observation Date
	Yes	2016
Detention monitoring institutions		
Do NGOs carry out visits?	Do NGOs regularly carry our visits?	Observation Date
	Yes	2018
Foreign sources of funding for detention operations		
Does the country receive external sources of funding?	Benefitted from non-state funding sources?	Observation Date
	Yes	2017
	Yes	2016
	Yes	2015
	Yes	2014

Foreign sources of funding for detention operations

	Description of non-state assistance	Observation Date
Description of foreign assistance	During the period 2014-2017, Romania used funds provided through the EU's Asylum, Migration, and Integration Fund (AMIF) for various detention-related activities, including one or more of the following: increased staff at detention facilities; renovation of detention facilities; operational costs of running detention facilities; interpretation and healthcare services; legal assistance for detainees; leisure, cultural and educational activities at detention facilities. Proposed future regulations for this fund include encouraging recipients to consider possible joint use of reception and detention facilities by more than one Member State (see "The Way Forward, p.39).	2017
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More information about immigration detention in Romania is available at the website of the Global Detention Project (www.globaldetentionproject.org)