Access to procedures and non-refoulement - Romania

Overview

Content updated and validated on: 17/09/2025

Relevant EU legislation

Romania is bound by the recast Asylum Procedures Directive and has transposed its provisions through the Law No 122 of 4 May 2006 concerning asylum in Romania | Lege nr. 122 din 4 mai 2006 privind azilul în România, (18 May 2006) and further amendments.

National legislation

Law No 122 of 4 May 2006 concerning asylum in Romania | Lege nr. 122 din 4 mai 2006 privind azilul în România, (18 May 2006) and further amendments.

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	General Inspectorate for Border Police | Inspectoratul General pentru Poliția de Frontieră	Not applicable

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Area	Competent national authority	Assistance to competent authority (if applicable)
Biometric data	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI) | Inspectoratul General pentru Imigrări – Direcția Azil și Integrare (IGI-DAI)	Not applicable

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Area	Competent national authority	Assistance to competent authority (if applicable)
Making an application	**At the border:** General Inspectorate for Border Police | Inspectoratul General pentru Poliția de Frontieră **On the territory:** General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI) | Inspectoratul General pentru Imigrări – Direcția Azil și Integrare (IGI-DAI) **In detention:** Structures under the authority of the National Administration of Penitentiaries within the Ministry of Justice | Administrația Națională a Penitenciarelor în subordinea Ministerului Justiției Police units in which detainment and remand custody centres are operating, under the authority of the Ministry of the Interior | Ministerul Afacerilor Interne Centres for Accommodation of Foreigners in Public Custody within the General Inspectorate for Immigration – Directorate for Migration | Centrul de Cazare a Străinilor luați în Custodie Publică în subordinea Inspectoratului General pentru Imigrări – Direcția Migrație	Not applicable

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Area	Competent national authority	Assistance to competent authority (if applicable)
Registering an application	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI) | Inspectoratul General pentru Imigrări – Direcția Azil și Integrare (IGI-DAI)	Not applicable
Lodging an application	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI) | Inspectoratul General pentru Imigrări – Direcția Azil și Integrare (IGI-DAI)	Not applicable
Information provision	General Inspectorate for Immigration – Directorate for Asylum and Integration (IGI-DAI) | Inspectoratul General pentru Imigrări – Direcția Azil și Integrare (IGI-DAI) General Inspectorate for Border Police | Inspectoratul General pentru Poliția de Frontieră	Not applicable

Access to the territory

Official external border-crossing points

Romania has 17 external air border crossing points:

1. Henri Coandă Bucharest
2. Cluj-Napoca
3. Sibiu
4. Traian Vuia Timișoara

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5. Transilvania Târgu Mureș
6. George Enescu Bacău
7. Mihail Kogălniceanu Constanța
8. Satu Mare
9. Suceava
10. Iaşi
11. Arad
12. Baia Mare
13. Craiova
14. Tulcea
15. Aurel Vlaicu Bucharest Băneasa
16. Oradea
17. Braşov

Romania has 18 external land border crossing points:

Land Borders with Serbia:

1. Jimbolia, rail and road
2. Stamora Moraviţa, rail and road
3. Naidaş, road
4. Porţile de Fier I, road
5. Porţile de Fier II, road
6. Lunga, road
7. Vălcani, road
8. Foeni, road
9. Moldova Nouă, road (ferry)

Land Borders with Moldova:

1. Galați, rail and road
2. Oancea, road
3. Fălciu, rail
4. Albiţa, road
5. Iaşi (Ungheni), rail
6. Sculeni, road
7. Stânca, road
8. Rădăuţi Prut, road
9. Bumbăta, road

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Romania has 4 external sea border crossing points and 7 river border crossing points:

Sea Borders:

1. Constanța
2. Constanţa Sud - Agigea
3. Mangalia
4. Midia
5. Ports on the Danube River:
6. Sulina (Maritime Danube)
7. Tulcea
8. Galaţi
9. Calafat
10. Orşova
11. Drobeta Turnu Severin
12. Moldova Veche

Emergency measures in cases of mass arrivals

In case of a massive influx of submitted applications for international protection to any of the competent authorities, the registration of applications can be extended for maximum 10 working days from the submission date (Article 36^1 (3) Law No 122/2006 on asylum).

Protection from refoulement

The principle of protection from *refoulement* is enshrined in Article 6 and Article 17(1) of Law 122/2006 on asylum.

Article 6 (non-*refoulement)*

1. The asylum seeker cannot be expelled, extradited or forcibly returned from the border or from Romanian territory, except for the cases mentioned in Article 44 of Law No 535/2004 regarding the prevention and fight against terrorism.
2. The person who has been recognized as a refugee or who has been granted subsidiary protection is protected against expulsion, extradition or the

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return to the country of origin or any state in which one's life or liberty has been placed in danger or would be subjected to torture, inhuman or degrading treatment.

3. Without breaching the provisions of paragraph (2) and without affecting, automatically, the form of protection that one is the beneficiary of, the person who has been recognized as a refugee or who has been granted subsidiary protection can be removed from Romanian territory if:

- There are sound reasons for the person in question to be considered a danger to the security of the Romanian state; or
- The person in question, being convicted of a serious criminal offence by final decision, is a danger to public order in Romania.

4. In the sense of the present law, a serious criminal offence is considered to be any criminal offense committed with intent, for which the law requires the punishment of deprivation of liberty with a special maximum sentence of over 5 years.

Article 17 (Rights)

Throughout the asylum procedure, the foreigner who is seeking a form of protection has the following rights:

- The right to stay on the territory of Romania until the end of the asylum procedure. In the procedure for the determination of the Member State in charge with the examination of the asylum application, the right to stay on the territory of Romania terminates when the transfer takes place.

Protection from *refoulement* at external air borders

The principle of protection from *refoulement* is enshrined in Article 6 and Article 17(1) of Law No 122/2006 on asylum and applies also at borders. The border procedure itself is a form of protection from *refoulement* at borders and it is provided in Section 4 of Law No 122/2006.

If an asylum application at Romania's border is rejected, the applicant may challenge the decision. According to Article 85 of Law No 122/2006, the applicant can submit a complaint within 7 days of the notification. The court is required to review the case within 5 days to determine whether the applicant should be granted access to Romania's territory or whether the rejection should remain in effect. If the court upholds the rejection, the applicant will be removed from Romania, and the Romanian Border Police will arrange for a return to their

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country of origin.

While awaiting a decision, asylum seekers are typically housed in the transit zone of the border checkpoint, where they may stay for up to 20 days. Where more time is needed for processing or if the applicant's case is particularly complicated, they may be transferred to special reception and accommodation centres located near the border checkpoints. These centres provide essential support services such as free meals, and asylum seekers are granted access to legal, social, and humanitarian assistance from non-governmental organizations (NGOs), the United Nations High Commissioner for Refugees (UNHCR), and other relevant bodies.

Additionally, asylum seekers are provided with clear, written information in a language they understand. This information outlines their rights, the asylum process, and details about how to appeal decisions.

Protection from *refoulement* at external land borders

The principle of protection from *refoulement* is enshrined in Article 6 and Article 17(1) of Law NO 122/2006 on asylum and applies also at borders. The border procedure itself is a form of protection from *refoulement* at borders and it is provided in Section 4 of Law No 122/2006.

If an asylum application at Romania's border is rejected, the applicant may challenge the decision. According to Article 85 of Law No 122/2006, the applicant can submit a complaint within 7 days of receiving the rejection. The court is required to review the case within 5 days to determine whether the applicant should be granted access to Romania's territory or whether the rejection should remain in effect. If the court upholds the rejection, the applicant will be removed from Romania, and the Romanian Border Police will arrange for a return to their country of origin.

While awaiting a decision, asylum seekers are typically housed in the transit zone of the border checkpoint, where they may stay for up to 20 days. Where more time is needed for processing or if the applicant's case is particularly complicated, they may be transferred to special reception and accommodation centres located near the border checkpoints. These centres provide essential support services such as free meals, and asylum seekers are granted access to legal, social, and humanitarian assistance from non-governmental organizations (NGOs), the United Nations High Commissioner for Refugees (UNHCR), and other relevant bodies.

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Protection from *refoulement* at external sea borders

The principle of protection from *refoulement* is enshrined in Article 6 and Article 17(1) of Law NO 122/2006 on asylum and applies also at borders. The border procedure itself is a form of protection from *refoulement* at borders and it is provided in Section 4 of Law No 122/2006.

If an asylum application at Romania's border is rejected, the applicant may challenge the decision. According to Article 85 of Law No 122/2006, the applicant can submit a complaint within 7 days of receiving the rejection. The court is required to review the case within 5 days to determine whether the applicant should be granted access to Romania's territory or whether the rejection should remain in effect. If the court upholds the rejection, the applicant will be removed from Romania, and the Romanian Border Police will arrange for a return to their country of origin.

While awaiting a decision, asylum seekers are typically housed in the transit zone of the border checkpoint, where they may stay for up to 20 days. Where more time is needed for processing or if the applicant's case is particularly complicated, they may be transferred to special reception and accommodation centres located near the border checkpoints. These centres provide essential support services such as free meals, and asylum seekers are granted access to legal, social, and humanitarian assistance from non-governmental organizations (NGOs), the United Nations High Commissioner for Refugees (UNHCR), and other relevant bodies.

Additionally, asylum seekers are provided with clear, written information in a language they understand. This information outlines their rights, the asylum process, and details about how to appeal decisions.

Border procedure

Border procedures are regulated under Section 4 of Law No 122/2006 on asylum.

Asylum seekers can submit their applications at any of Romania's border checkpoints. Once the asylum request is made, the Romanian Border Police

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promptly forwards it to the Romanian General Inspectorate for Immigration (GII), responsible for assessing the request. GII analyses the asylum application and issues a decision within 3 days of receiving it (Article 82).

According to the guidelines in Article 83, the official responsible for examining the asylum application must decide after conducting an interview with the applicant and analysing their reasons for seeking protection. Based on the findings, the official may grant the applicant protection and access to Romania, approve access to the territory and begin the regular asylum procedure if the case is complex, or reject the application as manifestly unfounded, denying access to Romania. Additionally, if the asylum applicant has previously been through an asylum procedure in Romania, the border procedure still applies, and GII will decide whether to accept a new application or dismiss it as inadmissible.

Article 84 recognizes that some asylum seekers may require special procedural safeguards, such as vulnerable individuals like minors or those facing severe medical conditions. Vulnerable applicants are generally not subjected to the border procedure unless there are security concerns. They are granted access to the territory and processed under the regular asylum procedure, ensuring their needs are met with appropriate care.

If an asylum application is rejected, the applicant has the right to challenge the decision. As outlined in Article 85, the applicant can file a complaint within 7 days of receiving the rejection. The court then reviews the case within 5 days. If the court upholds the rejection, the applicant will be removed from Romania, and the Romanian Border Police will take the necessary steps to facilitate their return to their country of origin.

While awaiting a decision, asylum seekers are typically accommodated in the transit zone of the border checkpoint, where they can remain for up to 20 days. If additional time is required for processing or if the applicant’s case is particularly complex, the individual may be transferred to special reception and accommodation centres established near the checkpoints. These centres provide asylum seekers with essential services, including free meals, and ensure they have access to legal, social, and humanitarian assistance from non-governmental organizations, the United Nations High Commissioner for Refugees (UNHCR), and other entities. Furthermore, applicants are provided with written information in a language they understand, outlining their rights, the asylum process, and how they can appeal decisions.

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Procedural aspects

In Romania, lodging of an application overlaps with registration.

Making an application

Responsible authority and place

According to Article 4 of Law No 122/2006 on asylum in Romania, the competent authorities ensure access to the asylum procedure for any third country national or stateless person, present on Romanian territory or at the border, from the moment of the expression of their wish, in writing or orally, showing that they are seeking protection in Romania.

Persons may express their intention to apply for international protection at all legal points of entry at the border or, if already in Romania, at the Romanian General Inspectorate Immigration (GII), the Romanian General Inspectorate for Border Police.

According to Article 4 of Law No 122/2006, access to the asylum procedure is provided for third country nationals or stateless persons whose applications were submitted in the territory of Romania or at the border.

The Asylum and Integration Directorate is competent to receive, register and process asylum applications through the regional competent centres, namely Bucharest, Timișoara, Galați, Rădăuți, Maramureș and Giurgiu.

If an asylum seeker is detained, the applicant may express the intention at the police units in which detainment and remand custody centres are operating and/or other structures of the National Administration of Penitentiaries under the Ministry of Justice.

The asylum applicant can contact and be assisted by an official of the United Nations High Commissioner for Refugees (UNHCR) at any stage of the asylum procedure (Article 17(d) of Law No 122/2006)

Possibility to apply from outside the territory

Applications for international protection cannot be submitted from outside the country (Article 36(2) of Law No 122/2006 on asylum in Romania).

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Formal requirements for making an application

Applications must be submitted in person (Article 37(1) of Law No 122/2006 on asylum in Romania). Collective asylum applications are not accepted (Article 37(3) of Law No 122/2006 on asylum in Romania).

If the foreigner is a minor, the asylum application can be submitted by the legal representative. Minors having attained the age of 14 can apply for asylum in their own name (Article 39(2) of Law No 122/2006 on asylum in Romania).

According to Article 37(2) of Law No 122/2006 on asylum in Romania, the asylum application is submitted in Romanian or in a language which the applicant understands based on a standard form. In case the applicant cannot write, the civil servant receiving the application fills in the form in accordance with the oral statement of the applicant and this form is signed or has affixed the fingerprint of the applicant and is signed by the civil servant who filled it in and by the interpreter, if applicable.

If the applicant holds identity documents, the civil servant compares the data included in the application and indicates to the applicant the incongruities in the application in order to make the appropriate changes.

Registering an application

Responsible authority and place

According to Article 36^1 (1) of Law No 122/2006 on asylum in Romania, the application for international protections submitted to the General Inspectorate for Immigration is registered within 3 working days from the submission date of application. If submitted to another competent authority registration is made within 6 working days from the submission date (Article 36^1 (2)). In case of a massive influx of submitted applications for international protection to any of the competent authorities, the registration of applications can be extended for maximum 10 working days from the submission date (Article 36^1 (3)).

The asylum applicant can contact and be assisted by an official of the United Nations High Commissioner for Refugees (UNHCR) at any stage of the asylum procedure (Article 17(d) of Law 122/2006)

Practical steps to register the application

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In Romania, lodging of an application overlaps with registration. Please see the section on lodging for information on practical steps to register the application.

Data collection

According to Article 44 of Law No 122/2006, the staff of the General Inspectorate for Immigration or the staff of the other competent authorities also collect fingerprints of the asylum seekers who, according to the identity data proved or declared, have attained the age of 14. The fingerprints are then transmitted to the EURODAC system. They are also stored in paper format at the General Inspectorate for Immigration and in electronic form in the national database AFIS (Automated Fingerprint Identification System). The asylum seeker is informed in writing of the above actions. The collection and storage of the fingerprints of the asylum seekers are done in compliance with the provisions on confidentiality and of personal data protection.

The Eurodac Regulation (604/2013), Article 9, obliges Member States to promptly take fingerprints of all fingers of every applicant for international protection who is at least 14 years of age. The new Eurodac Regulation (2024/1358), Article 15 obliges Member States to take the biometric data of every applicant for international protection who is at least 6 years of age.

The applications are registered in the asylum specific internal database 'Sistemul Informatic de Management al Străinilor' (SIMS), managed by the General Inspectorate for Immigration.

Documentation

Lodging of an application overlaps with registration. According to Article 17(1)(h) of Law No 122/2006, the asylum applicant receives a “temporary asylum seeker identity document” (Document temporar de identitate solicitant de azil) which contains the applicant's photograph, personal details and a registration number. Such a document is not issued for foreigners who have applied for asylum at a border crossing point, as long as they have not been granted access to the territory by a decision of the General Inspectorate for Immigration and to foreigners arrested/detained for reasons of national security and public order, seeking asylum, as long as this measure is maintained.

Lodging an application

Responsible authority and place

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According to Article 35 of Law No 122/2006 on asylum in Romania, applications are lodged with the General Inspectorate for Immigration, the General Inspectorate of Border Police, Romanian Police, and the National administration of Penitentiaries within the Ministry of Justice. Applications lodged with the staff of the National Administration of Penitentiaries within the Ministry of Justice are sent to the General Inspectorate for Immigration to be processed.

The asylum applicant can contact and be assisted by an official of the UNHCR at any stage of the asylum procedure (Article 17(d) of Law 122/2006).

Formal requirements to lodge an application for international protection

Applications are lodged in person or, in exceptional cases, by the legal representative.

According to Article 43 of Law No 122/2006 on asylum in Romania, when lodging the asylum application, the applicant undergoes a preliminary interview in order to collect their personal data and that of their family members, the route they have followed from their home country to Romania, the data on possible asylum applications submitted in other third countries or in a member state of the European Union, as well as travel or identity documents in their possession. The preliminary interview must be completed in the presence of a General Inspectorate for Immigration clerk and of a translator.

According to Article 3 and 17(c) of Law No 122/2006 on asylum in Romania, the Romanian General Inspectorate for Immigration only collaborates with interpreters after having signed a contract, which foresees adhering to a code of conduct and respecting the legislation regarding personal data. The translation is done in a language that the applicant knows, or it is reasonably assumed to know. Interpretation can be provided also by officers or public servants, when receiving the application.

Documentation

According to Article 17(1)(h) of Law No 122/2006, the asylum applicant receives a “temporary asylum seeker identity document” (*Document temporar de identitate solicitant de azil*) which contains the applicant's photograph, personal details and a registration number. Such a document is not issued for foreigners who have applied for asylum at a border crossing point, as long as they have not been granted access to the territory by a decision of the General Inspectorate for Immigration and to foreigners arrested/detained for reasons of national security

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and public order, seeking asylum, as long as this measure is maintained.

Information provision

Articles 17f^1 and 17s of the Law 122/2006 outlines the right of an applicant for international protection to be informed at the time of lodging the application in a language understood by them of the procedure to be followed, rights and obligations during the asylum procedure, on the consequences of non-compliance with those obligations and of the lack of cooperation with the competent authorities, as well as on legal and procedural information and on the consequences of an explicit or implicit withdrawal of the application.

Passport and other documents

Obligation to surrender original documents

Requirement to submit the travel document

When lodging the asylum application, the relevant authority collects the applicant's travel document in their possession.

Article 19 of the Law No 122/2006 on asylum in Romania states that it is mandatory for applicants for international protection to submit their national passport to the Member State’s authorities.

Consequence of a refusal to submit documents

If an applicant does not submit his/her passport to the authorities, no legal consequences are foreseen.

Return of original documents to the applicant

Original documents are not retained, only copies are included in the asylum applicant’s file.

An applicant can request his/her national passport during the asylum procedure, but only temporary and for well-founded reasons.

Other documents

Information is currently not available.

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Requirement to read digital data

Information is currently not available.

Guarantees for applicants

Confidentiality principle

Article 10 of the Law No 122/2006 guarantees that all data and information relating to the asylum application are confidential. The obligation to respect confidentiality lies with all authorities, organisations carrying out activities in the field of asylum or third parties involved in the asylum procedure or who accidentally come into possession of such data.

Information provision

Articles 17f^1 and 17s of the Law No 122/2006 outlines the right of an applicant for international protection to be informed at the time of lodging the application in a language understood by them of the procedure to be followed, rights and obligations during the asylum procedure, on the consequences of non-compliance with those obligations and of the lack of cooperation with the competent authorities, as well as on legal and procedural information and on the consequences of an explicit or implicit withdrawal of the application.

Applicants are informed about their rights and obligations through leaflets, visual panels, and orally in a language they understand, if necessary, with the help of a translator/interpreter. Information materials may also be tailor-made for children or illiterate applicants.

Besides information on the rights and obligations, the information provided during the making, registering and lodging of an application includes information on the procedure to be followed, the possible consequences of not complying with obligations and not cooperating with the authorities, the time-frame, the means for submitting the elements needed to substantiate the application, the consequences of an explicit or implicit withdrawal.

The personnel appointed to register asylum applications is the one who provides information. In 2023, as part of the Operational agreement between EUAA and

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Romania, the EUAA deployed experts to Romania, with tasks related to information provision.

Information at the border or in transit zones is systematically provided both orally and in writing, by the border guard and NGOs representatives. Information leaflets regarding access to asylum procedures were developed by the Border Police in cooperation with NGOs. They include information on the asylum system in Romania, the rights and obligations of applicants and contact details of NGOs specialised in providing assistance to asylum applicants. The leaflets were translated in English, French and languages and dialects spoken by asylum applicants.

Authority/agency: EUAA/GII

Title: What you need to know about the asylum procedure

Type: Brochure

Hyperlink: https://igi.mai.gov.ro/wp-content/uploads/2023/11/2023_IllustratedBrochure_What_you_need_to_know_about_access_t
1.pdf

Interpretation

According to Article 3 of Law No 122/2006, the General Inspectorate for Immigration may use interpreters and translators. Article 17(c) of Law No 122/2006 provides the right of an applicant for international protection to be provided with an interpreter free of charge at any stage of the asylum procedure.

Interpretation is also available at border crossing points. As above, in 2023, as part of the Operational agreement between EUAA and Romania, the EUAA deployed experts to Romania, with tasks related to interpretation.

Interpretation is available in a wide range of languages and dialects. The GII is constantly searching and completing the list of interpreters and translators, with the aim to contract not only English and Arabic, but especially rare languages speakers.

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The preferred method for interpretation services is actual presence of the interpreter during the interview, but as an interpreter may not be available in the same location as the applicant, the interview may be held through a videoconference system.

Some Romanian interpreters participated in the EUAA training module on interpretation and they are constantly informed about behaviour and rules as they are given the code of conduct along with their contract.

Legal assistance and representation

Pursuant to Article 16(4) of the Law No 122/2006 on asylum, the General Inspectorate for Immigration has the duty to provide legal information as specified under Article 17 and procedural information on withdrawal of protection, also to the minor and his/her representative.

According to Article 17(1)(s-ș) of Law No 122/2006 on asylum in Romania, applicants for international protection have the right to be provided, upon request, with legal and procedural information, including information regarding the procedure in the administrative phase, under the terms of the legislation on public judicial aid in civil matters, taking into account the personal situation of the applicant.

The information provided includes, according to Article 17(1)(ș) of Law No 122/2006:

- information on the reasons for the decision to reject the asylum application,
- information on the procedure for contesting the order by which the measure of placement in a specially arranged closed space was ordered,
- information regarding the possibility of contesting the decision by which the granting, limitation or withdrawal of the material reception conditions was ordered.

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