First instance determination - Romania

Overview of first instance procedures

Content updated and validated on: 17/09/2025

Relevant EU legislation

Romania is bound by the recast Asylum Procedures Directive (APD), the recast Reception Conditions Directive and the Dublin III Regulation and has transposed their 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.

The Screening Regulation and the Asylum Procedures Regulation entered into force on 11 June 2024 and will enter into application as of 12 June 2026.

National legislation

Law No 122/2006 on asylum refers to the asylum procedure in Chapter V (Articles 34 to 70).

Article 50^1 covers the admissibility procedure, while Articles 75-81 cover the accelerated procedure.

The border procedure is provided in Article 82 (submission) and 83 (resolution).

The subsequent application procedure is provided in Article 88.

Competent authority and other stakeholders

National authorities: The determining authority at first instance, responsible for examining/processing requests for international protection in the regular asylum procedure and in special procedures, is the General Inspectorate for

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Immigration (Inspectoratul General pentru Imigrări).

The territorial competence to receive, register and process asylum applications belongs to the regional centres for procedures and accommodation for asylum seekers under the Asylum and Integration Directorate, respectively the Bucharest Centre, the Timișoara Centre, the Galați Centre, the Radauți Centre, the Maramureș Centre and the Giurgiu Centre.

The General Inspectorate for Immigration (GII) (Asylum and Integration Directorate) is a specialised body of the central public administration, reporting to the Ministry of Internal Affairs.

The General Inspectorate for Immigration implements policies in the fields of migration, asylum and the integration of foreigners, as well as relevant legislation in these fields.

The inspectorate is responsible for proposing the list of safe countries of origin and safe third countries.

The General Inspectorate for Immigration consists, at the central level, of directions, services and other functional structures, and, at the territorial level, of regional accommodation centres and procedures for asylum applicants, accommodation centres for foreigners taken into public custody and services/offices in each county. The organisational chart is available on the website.

Staff: The same case officer who conducts the interview, analyses the reasons invoked by the applicant and drafts a decision on the asylum application.

Since 18 May 2023, according to Article 48(4) of Law No 122/2006 on asylum, interviews and analysis of reasons invoked in the application for international protection may be carried out by experts of the European Union Agency for Asylum (EUAA).

Other actors: Other actors involved may include NGO counsellors present in selected cases, as well as interpreters paid by immigration authorities. For the personal interview, a UNHCR representative may also be present.

For unaccompanied minors, Article 40 of Law No 122/2006 on asylum in Romania foresees that after registering the asylum claim of the unaccompanied minor, the IGI-DAI immediately notifies the competent authority, the Directorate General for Social Assistance and Child Protection (DGASPC) territorially competent for the area in which the Regional Centres are located, in order to start the appointment

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

procedure of a legal representative.

Types of procedures and case processing

Romania provides in its asylum law for the accelerated procedure, border procedure, subsequent application procedure, first asylum country procedure, safe European third country procedure, and the safe third country procedure.

In addition, although no admissibility procedure is in place, applications may be found inadmissible in other procedures (border procedure, subsequent application procedure, first asylum country procedure, safe European third country procedure, safe third country procedure) and also when the applicant has international protection in another Member State.

Specificities for people with special procedural needs (excluding unaccompanied minors): Article 5^1 of Law No 122/2006 on asylum states that all legal provisions of the asylum law are applied by taking into consideration the applicants' special needs. Vulnerable persons include minors, unaccompanied minors, persons with disabilities, elderly people, pregnant women, single parents with their minor children, victims of trafficking in human beings, persons suffering from serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, or with other special needs. At the administrative stage of the asylum procedure, documents drawn up prior to the identification of special needs are repeated and/or supplemented only where necessary for the proper processing of asylum applications. Also, the General Inspectorate for Immigration monitors the situation of applicants with special reception needs and, together with the competent authorities, ensures that their assistance is provided throughout the asylum procedure.

Specificities for unaccompanied minors: The asylum application of an unaccompanied minor is prioritised (Article 16(1) of Law No 122/2006 on asylum).

Article 40 of Law No 122/2006 on asylum foresees that after registering the asylum claim of the unaccompanied minor, the IGI-DAI immediately notifies the competent authority, the Directorate General for Social Assistance and Child Protection (DGASPC) territorially competent for the area in which the Regional Centres are located, in order to start the appointment procedure of a legal representative.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

For unaccompanied minor applicants, the asylum procedure is suspended until a legal representative is appointed. During the period of suspension of the asylum procedure, the minor enjoys the rights provided for in Articles 17 and 18.

Time limit for a decision and length of the procedure

Applicable time limits for taking a decision in the regular procedure:

The civil servant specially appointed by GII conducts the interview (Articles 45, 46 and 47, Law No 122/2006 on asylum), examines the reasons of the applicant and issues a decision on the asylum application within 30 days from taking the case (Article 52(1), Law No 122/2006 on asylum). This deadline can be extended, case by case, by successive periods of 30 days, without going over 6 months from the submission of the asylum application. The time limit may be extended successively with new periods not exceeding 9 months if:

a) the asylum procedure involves complex elements of fact and/or law; or

b) a large number of foreigners simultaneously request international protection, which in practice makes it very difficult to resolve their requests in the administrative stage within 6 months.

Exceptionally, in duly justified situations, the time limit may be extended by a maximum of 3 months.

The applicant is informed of the delay and receives, upon request, information on the reasons for the delay, as well as on the deadline for the adoption of a decision on the application.

According to ECRE, the average duration in practice was 30 days for all the regional centres of GII (see page 45 here).

Applicable time limits for taking a decision in special procedures (see below in the relevant sections).

Measures to enforce the legal time limit for processing an application: There are no legal consequences, nor specific measures to enforce a legal time limit if the time limits/extensions are not respected. As noted above, in practice the time limit is respected.

Penalty payment for exceeding processing time: Applicants cannot claim a penalty payment if processing times exceed the legal time limit. Applicants may

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

claim such penalties in court, based on the Civil code and the Code of civil procedure, and the court will examine such claims on a case by case basis.

Prioritisation policies: Applications lodged by unaccompanied minors are examined with priority (Article 16, Law No 122/2006 on asylum). No other prioritisations are foreseen.

Quality assurance of first instance procedures

Quality assessment of decisions is done internally, and monitoring visits are conducted jointly with UNHCR. In 2023, according to ECRE, there were 4 assessment missions organized at the level of GII regional centres and carried out in cooperation with UNHCR (see page 22 here).

Methods/criteria: Case officers follow the SOP and legislation and they are trained in the field. There are also national seminars and internal consultations on this subject.

A general deontological code of conduct for police personnel is available and there is also an EUAA specialised training on interacting with vulnerable persons, as well as national seminars on the specificity of the field.

Frequency: Quality assessment consists of careful analysis of 10 cases (interview and final first instance decisions, issued the previous month) randomly collected from all six regional centres, taking into consideration special criteria. A monthly evaluation is issued contained in a semestrial report. The EUAA quality assurance tool is also utilised in the evaluation process.

Interinstitutional cooperation

The GII, as determining authority, has developed cooperation mechanisms with other actors involved in international protection. Based on AMIF funded projects meetings are held yearly bringing face to face all the parties involved. Furthermore, cooperation frameworks with the appeal bodies/courts are established and there is regular exchange of information on the specific topics.

Regular asylum procedure at first instance

Legal basis

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Articles 34 to 70 of Law No 122/2006 on asylum

Competent authority and stakeholders

The General Inspectorate for Immigration (Inspectoratul General pentru Imigrări) is the competent authority in matters related to the regular first instance asylum procedure.

Personal interview

Article 45 of Law No 122/2006 on asylum provides that the personal interview is a hearing of the asylum applicant by the case officer and with the assistance of an interpreter where necessary. To the extent possible, if the applicant so requests, both the official and the interpreter shall be of the same sex as the person interviewed.

There are specific cases where the interview is not mandatory.

For additional information see information below on the Personal interview.

Assessment of an application

Articles 48, 49, 50 of Law No 122/2006 on asylum

Scope and outcomes of a decision

Possible outcomes: According to Article 53 of Law No 122/2006 on asylum, the decision on the asylum application follows a specific format, it is written, reasoned, providing a summary of the facts, reasons and legal grounds on which it is based. The decision: a) recognises refugee status; or b) grants subsidiary protection and provides the reasons for which refugee status is not provided; or c) rejects the asylum application.

The GII does not consider ex officio a national form of protection if international protection is not provided.

In May 2023, Emergency Ordinance No 35/2023 was approved and it provides that the General Inspectorate for Immigration will issue a negative decision on

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

international protection jointly with a return decision. The legislation also provides a third-country national's right to remain in Romania until the asylum procedure is completed and for 15 days after the procedure is finalised, and clarifies that applicants benefit from their rights until the procedure is finalised. Although a negative decision is issued jointly with a return decision, the appeal stage for the return order is not with the same court.

The decision is immediately communicated in writing to the applicant, by direct communication by the General Inspectorate for Immigration or by post, with acknowledgment of receipt, at the last declared residence, accompanied by written information, in Romanian and in a language which the applicant understands or is reasonably presumed to understand, on the solution of admission or rejection of the asylum application and the conditions under which the decision can be appealed (Article 54, Law No 122/2006 on asylum).

Withdrawal of an application

Competent authority to withdraw an application

The General Inspectorate for Immigration is the competent authority in cases of implicit and explicit withdrawals.

Implicit withdrawal

Grounds for implicit withdrawal: Article 51(1)(b) of Law No 122/2006 on asylum provides that an application is considered implicitly withdrawn when the applicant does not appear within the deadline established for the preliminary interview or the interview for determination of a form of international protection, without presenting justifiable reasons for his/her absence.

Consequences of implicit withdrawal: In case of implicit withdrawal, the civil servant from the General Inspectorate for Immigration draws up a report which acknowledges the absence at the interview. The civil servant issues a file closure decision, which is communicated to the applicant in the conditions of the law and which is not subjected to appeal.

In case of implicit withdrawal, the file closure decision is issued after the expiry of a 30-day deadline from the date of drawing up of the report (Article 51(5), Law No 122/2006 on asylum). Return is not included in this decision.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

If the applicant reports again to the competent authority, is it considered to be a subsequent application.

A case may be re-opened more than one time.

According to Article 94^1 of Law No 122/2006, an exception from the procedure for processing the application for access to a new asylum procedure is when the application was lodged within 9 months of the issue of the decision to close the case further to implicit withdrawal (para. 1b).

Appeal against a decision to discontinue the examination due to an implicit withdrawal:

The decision issued for the closure of the file is not subject to appeal (Article 51(4), Law No 122/2006 on asylum).

Explicit withdrawal

Grounds for explicit withdrawal: Applicants may withdraw their application at any time during the procedure (Article 51(1)(a), Law No 122/2006 on asylum) by making a written request.

Consequences of explicit withdrawal: The applicant who renounces explicitly to the asylum application is informed about the consequences of the renunciation in a language he/she understands or is reasonably assumed that he/she understands (Article 51(2), Law No 122/2006 on asylum).

A decision is made to close the file.

According to Article 51(1) of Law No 122/2006 on asylum, the applicant who explicitly withdraws an application for asylum at the administrative stage is informed of the consequences of withdrawal in a language that they understand or are reasonably expected to understand.

Appeal against a decision to discontinue the examination due to an explicit withdrawal:

The decision issued for the closure of the file is not subject to appeal (Article 51(4), Law No 122/2006 on asylum).

Personal interview

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Competent authority: Interviewers

Who: Article 45 of Law No 122/2006 on asylum provides that the personal interview is a hearing of the asylum applicant by the case officer (who can be an officer of the General Inspectorate for Immigration or an EUAA expert) and with the assistance of an interpreter, where necessary.

The case worker conducts the interview, analyses the reasons invoked by the applicant and issues a decision on the asylum application within 30 days from taking the case.

Background of case officers: According to Article 48 of Law No 122/2006 on asylum and Government Decision No 1251/2006, Article 17, the case workers in charge of the personal interview and of analysing applications for international protection must be graduates of higher legal education, with a bachelor's degree, and must have specialised knowledge in the field of asylum. No previous professional experience is required.

The official conducting the interview must be nominated as decision maker.

Recruitment takes place in three ways:

- Assignment after graduating the Police Academy;

- Promotion from the Ministry of Internal Affairs after passing specific examinations and meeting the necessary conditions;

- Transfer from other units of the Ministry of Internal Affairs.

Examinations include a written test, an oral interview if necessary, and psychological testing. There is no possibility to deviate from this recruitment process in crisis situations.

Training for new case officers is standard for all, taking place in the first weeks of service, and their previous experience is taken into consideration, if it is relevant. The training process continues throughout their career as a police officer.

They also receive materials regarding asylum legislation, procedures, UNHCR guidelines and EUAA materials.

Case officers are usually fully autonomous within one year.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Special procedural guarantees during the interview

According to Law No 122/2006 on asylum, there is no minimum age for the personal interview.

If there are serious doubts regarding the discernment of the adult asylum seeker, the specialised personnel from the General Inspectorate for Immigration will request a forensic examination. If, after a forensic examination, the lack of judgment of the asylum seeker is discovered, the official responsible for the case requests the naming of a curator, in the same conditions stipulated by law for Romanian citizens. The asylum procedure is suspended until a curator is named. Throughout the suspension of the asylum procedure, the applicant is entitled to all the rights stipulated in the law (Article 42 of Law No 122/2006 on asylum).

When it is possible to conduct an interview to determine refugee status, the curator will inform the asylum applicant regarding the purpose and the possible consequences of the personal interview and will undertake the necessary steps to prepare the applicant to take the interview (Article 42(5) of Law No 122/2006 on asylum). The interview of the asylum applicant who does not have discernment is made in the presence of his/her guardian or trustee as applicable (Article 42(6) of Law No 122/2006 on asylum).

The interviewing of vulnerable international protection applicants is carried out by the officials specialised in this regard, who will take into account the situation of these persons (Articles 46 and 48(2), Law No 122/2006 on asylum). Case officers are trained for interviewing specific profiles of vulnerable applicants.

The interviewers receive training for interviewing minors (national sessions organized by the trainers who attended EUAA modules etc.)

A 10-year age limit is applicable according to the Romanian Civil Procedure Code for testifying in court.

According to Article 45(3) of Law No 122/2006 interviewing the asylum applicants is not mandatory in the following situations:

a) the GII can make a decision to grant refugee status based on the evidence already on file;

b) when it is found that the asylum applicant is in one of the situations under Article 42 (in case the asylum applicant lacks judgement). In such a case,

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

additional efforts are made to obtain as much information as possible to resolve the case.

When it is possible to carry out an interview, the custodian shall inform the asylum applicant on the purpose and the possible consequences of the personal interview and takes the necessary steps to prepare the applicant for the interview (Article 42(5)). The interviewing of the asylum applicant lacking judgment is carried out in the presence of the guardian or, as applicable, the custodian (Article 42(6)).

Minors: According to Article 47, the interviews of minor asylum applicants are conducted in all the cases, depending on their age and degree of maturity, in the presence of their representatives.

Unaccompanied minors: According to Law No 122/2006 on asylum, there is no minimum age for the personal interview. According to Article 47, the interviews of minor asylum applicants are conducted in all the cases, depending on their age and degree of maturity, in the presence of their representatives. Interviews of unaccompanied minors are dealt with by specialised case officers (Article 47, Law No 122/2006 on asylum).

Possibility to omit the personal interview

The General Inspectorate for Immigration decides if the interview may be omitted.

Positive decision	Yes (Article 45(3), Law No 122/2006 on asylum) The General Inspectorate for Immigration can issue a decision for granting the refugee status based on the evidence on file. The omission of the personal interview is documented and a reasoning is provided in the applicant's file. Written submission/supplementary evidence can be presented on behalf of the applicant.
Previous meeting - essential information	No

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No
Safe third countries	No
Inconsistent, contradictory, improbable, insufficient representations	No
Subsequent application	Yes
Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No
Applicant unfit or unable to be interviewed	Yes

Organisational aspects

Preparation and timing of the interview:

The case worker carries out the interview, analyses the reasons invoked by the applicant and decides on the asylum application within 30 days from taking the case.

Prior to the personal interview, the case worker has access to the applicant’s file, including all personal documents and evidence submitted.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

The case worker can request a COI preliminary report from the specialised department or research by themselves.

Information provision (before the personal interview)

Applicants are scheduled for the personal interview by written invitation.

Applicants are informed in writing by asylum officers about their personal interview at the time they register their application. The language in which this information is communicated to applicants is determined mainly by criteria based on their country of origin (their native language or a language they understand).

The information provided covers the aim, purpose, and importance of the personal interview, as well as information on the rights and obligations during the interview. the role of the actors present during the interview, including the interpreter (if applicable), confidentiality, and the possibility of interpretation being made available. The General Inspectorate for Immigration (GII) personnel, as the competent authority, inform the applicants both orally and through written materials.

Modalities of carrying out the interview

Personal interviews are usually conducted in person at the General Inspectorate for Immigration and can also be conducted remotely in relation to interpretation, if there is no interpreter available in the same location with the applicant and the interviewer.

Arrangements are made accordingly for the room so that confidentiality is ensured. The room decoration is important so that it does not interfere with the cultural origins, religion, gender, sexual orientation, gender identity or vulnerability of the applicant to an extent to which they would face difficulties in presenting the grounds of their application in a comprehensive manner. Guidance on sitting arrangements is also provided.

Choice of gender of the interviewer/interpreter

Where possible, interpreters of the same gender as applicants are automatically assigned, and the choice of the applicant to the interpreter's gender is limited based on the availability of an interpreter and well-founded reason for it. The request for an interviewer/interpreter of a certain sex is taken under consideration in cases where the special need is determined by the cultural origin, gender, sexual orientation, gender identity or other reasons related to

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

vulnerability.

Objecting to the interviewer/interpreter

Applicants can object to the interviewer assigned in their case, if there is a well-founded reason, excluding in this case discriminatory grounds.

Language and interpretation

The applicant can declare at the moment of registration and lodging of the application that they wish to have assistance from an interpreter and they can also mention the language in which they wish to conduct the interview (Article 17(1)(c) of Law No 122/2006).

The General Inspectorate for Immigration collaborates with interpreters based on a contract, only after having signed the contract, which foresees adhering to a code of conduct and respecting the legislation regarding personal data.

Interpreters undergo a security check and are bound by a code of conduct.

Where no certified professional interpreter is available to interpret the personal interview in the language known/preferred by the applicant, the asylum authority may choose a trusted and reliable person to provide interpretation or to have the interview in another language which the applicant is reasonably expected to understand or using double translation. If needed, the procedure is prolonged until an interpreter is identified.

Video conference can be used for providing interpretation services.

GII organises the provision of relevant training courses for interpreters through AMIF programmes and related actions. NGOs that implement awarded projects in this framework ensure the provision of training under GII supervision. In addition, for the same purpose, GII has a proactive collaboration with the local UNHCR representation.

Applicants may object to the assignment of a specific interpreter in case they feel that interpretation is not effective. Typically, information is provided to applicants on the interpretation process.

Persons present during the interview

The applicant, the case worker (which can be an officer of the General Inspectorate for Immigration or an EUAA expert) and a certified

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

interpreter/translator are present during the personal interview.

The presence of family members is allowed upon request of the decision maker and informal agreement of the applicant.

Third parties allowed to be present during the interview, include:

- Legal counsellor/ representative
- Legal representative/ guardian for minors
- A UNHCR representative
- Representatives from NGOs

Interviews of unaccompanied minors are dealt with by specialised case officers (Article 47 of Law No 122/2006 on asylum). A legal representative/temporary guardian (curator) for unaccompanied minors must be present during the personal interview. Prior to the personal interview the legal guardian, who has been appointed by the General Directorate of Social Assistance and Child Protection after the registration of an unaccompanied minor's application, informs the unaccompanied minor about the purpose and possible consequences of the personal interview and undertakes the necessary steps to prepare the unaccompanied minor for the interview. Interviews with unaccompanied minors are tailored according to their psychological profile and development. During the interview an unaccompanied minor's intellectual development and maturity are also taken into consideration.

If an unaccompanied minor is nearing the age of maturity, representation is provided.

Structure/steps of the interview

During the interview, the applicant is informed about the rights and obligations, the right to an interpreter, the confidentiality of the information, the role of the persons attending the interview, and on the possibility to submit further evidence. Alongside oral communication of this information, Romania also provides information through written means and it also provides the applicant with contact details of UNHCR and NGOs.

According to Article 45(5) of Law No 122/2006 on asylum, the interview starts with noting the personal details of the applicant and follows a standard format with the use of a template.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

The interview protocol includes data on the identification of the applicant, the name of the decision maker, the interpreter, the legal representative and/or the lawyer assisting the applicant, the language of the interview, the questions and the applicant's answers.

At the beginning of the interview the applicant is informed about the procedure (taking breaks, the translation procedure) and his/her rights and obligations.

The questions are addressed toward giving the applicant the opportunity to substantiate the reasons that led to him/her requesting international protection.

At the end of the interview, the applicant is given the opportunity to add any other observation, which will be noted in writing in the template of the interview.

The average duration of the interview is approximately 2 hours, depending on the circumstances of the case. Breaks may be taken during the interview at the request of the applicant or the interpreter or at the interviewer’s discretion.

Follow-ups are possible if there is a need for completing or clarifying already provided information. Follow-up interviews are subject to the same procedures and standards as the first interview.

Audio/Video recording and written report

A verbatim written report of the personal interview is kept but there is no audio or video record. Applicants can rectify/clarify information provided during the interview when approving the report at the end of the personal interview.

According to Law No 122/2006 on asylum, Article 45(8), the report is signed on each page by the applicant, the case worker and, in case they attended the interview, also by the interpreter, lawyer, legal representative. The applicant may refuse to sign the written report of the interview, but this does not constitute an obstacle to a decision being made by the GII.

According to Law No 122/2006 on asylum, Article 45(9), a copy of the report is given to applicants or the legal representative/guardian/curator. UNHCR is also granted access to the report, if requested and with the consent of the respective asylum applicant.

Postponing the personal interview

The interview may be postponed only once on account of the lawyer’s absence and only if there are good reasons for such absence (Article 45 of Law No

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

122/2006).

Failure to appear

If the applicant fails to appear for the interview without providing justifiable reasons, the GII will consider the application as implicitly withdrawn (Article 51(1)(b) of Law No 122/2006 on asylum).

Other aspects

Second or follow-up personal interview: The GII may invite the applicant to a second interview, if there is a need for completing or clarifying already provided information. Follow-up interviews are subject to the same procedures and standards as the first interview.

Special asylum procedures at first instance

Admissibility procedure

Legal basis and grounds: While no admissibility procedure is in place in Romania, applications may be found inadmissible in other procedures (border procedure, subsequent application procedure, first country of asylum procedure, European safe third country procedure, safe third country procedure) and according to Law No 122/2006 on asylum, Article 50^1, also when the applicant has international protection in another Member State.

The relevant legal provision is Law No 122/2006 on asylum, Article 50^1.

Competent authority and other stakeholders

The General Inspectorate for Immigration | Inspectoratul General pentru Imigrări is the competent authority responsible for the admissibility procedure.

Procedural aspects

No specific tracks were created to process cases under this procedure.

Within the admissibility procedure, the following elements are considered:

- Statements of the applicant

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

- Documents provided by the applicant
- Country of origin information

The applicant is given the opportunity to present, during an interview, the personal situation, in order to determine whether the admissibility procedure is to be applied in the case (Article 50^1 (2) of Law No 122/2006 on asylum).

Decision and time limits to decide

The decision is taken within 3 days after conducting the interview and reviewing the reasons invoked in support of the application. The decision is notified in writing to the applicant in their language, or a language it is presumed that they understand.

Possible outcomes include providing refugee or subsidiary protection or rejecting the application as inadmissible.

On the grounds of such a negative decision, the GII enforces the transfer to the first country of asylum, the European safe third country or the safe third country (Article 97^3 of Law No 122/2006). The third country national is escorted when removed from the territory.

Appeal

According to Article 56(1) of Law No 122/2006, a reasoned complaint shall be lodged to the asylum unit which issued the decision (which will forward it immediately to the competent court) or to the competent court and shall be accompanied by the copy of the negative decision and by evidence or any other elements substantiating the complaint. Article 57 provides for the mandatory content of the complaint.

For the minor, the complaint is lodged by their legal representative. The minor who has reached the age of 16 may submit the complaint themselves (Article 56(2) of Law No 122/2006).

Competent court: District courts (*judecătorii*) are competent to examine the appeal.

Time limit to lodge the appeal: The time limit to lodge an appeal against an evidently unfounded decision is 7 days from the notification of the decision (Article 80, Law No 122/2006 on asylum) and 10 days from the notification of the decision when the appeal is lodged against the decision rejecting as inadmissible

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

an application requesting access to a new asylum procedure (Article 93(1), Law No 122/2006 on asylum).

According to the law on asylum read in conjunction with the code of civil procedure, the day when the negative decision is notified to the applicant and the day when the deadline to appeal expires are not counted within the delay to lodge the appeal. If the deadline to complain expires during a non-working day, it is prolonged by law till the end of the first working day.

Suspensive effect: In an appeal against an evidently unfounded decision, if the appeal is lodged within the time limit, the person has the right to remain on the territory (Article 80(1), Law No 122/2006 on asylum).

In an appeal against the decision rejecting as inadmissible an application requesting access to a new asylum procedure, the appeal does not have suspensive effect, meaning that lodging the appeal does not give the third country national the right to remain on the territory (Article 93(1), Law No 122/2006 on asylum). The third country national may request permission to remain on the territory of Romania and this request is analysed urgently by the competent court, ruling in the council chamber (i.e. the procedure is not public), summoning the parties and issuing a final decision, not subject to appeal (Article 93(4), Law No 122/2006 on asylum).

Time limit for the court to decide: In an appeal against an evidently unfounded decision, the court decides within 10 days.

In an appeal against the decision rejecting as inadmissible an application requesting access to a new asylum procedure, the court decides on the appeal without hearing the third country national, within 30 days.

Possible outcomes: In an appeal against an evidently unfounded decision, the court issues a reasoned decision, by which it: a) allows the complaint and retains the case for analysis in the ordinary procedure; b) upholds the decision of the General Inspectorate for Immigration, which becomes final (Article 81, Law No 122/2006 on asylum).

In an appeal against the decision rejecting as inadmissible an application requesting access to a new asylum procedure, the court issues a reasoned decision, by which it: a) rejects the complaint; or b) allows the complaint, grants access to a new asylum procedure and orders the General Inspectorate for Immigration that issued the decision to analyse the application in the ordinary

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

procedure (Article 94(1), Law No 122/2006 on asylum). The decision of the court is final (Article 94(2), Law No 122/2006 on asylum).

Impact on reception conditions

There is no impact on reception conditions.

Accelerated procedure

Legal basis and grounds: The accelerated procedure is provided in Article 75 of Law No 122/2006 on asylum.

An application is examined under the accelerated procedure when:

- It is clearly unfounded (Article 76);
- The applicant poses a danger to public order/ threat to national security;
- The applicant comes from a safe country of origin (applied in practice only for nationals of EU Member States).

The asylum applications of applicants in need of special procedural guarantees or special reception needs may be subject to the accelerated procedure only where they are considered to be a threat to national security or public order (Article 75(2), Law No 122/2006 on asylum).

Applications are considered clearly unfounded (Article 76) when:

- There is lack of a basis to claim a fear of persecution or exposure to a serious risk in the country of origin (under the conditions of Article 23 or of Article 26), namely when the applicant does not claim any fear of persecution in the sense of Article 23 or an exposure to a serious risk in the sense of Article 26;
- The applicant fails to provide data or information, in the sense that he/she is exposed to a fear of persecution or a serious risk or his/her accounts do not contain circumstantial or personal details;
- The application manifestly lacks credibility, in the sense that the account of the applicant is not coherent, is contradictory or flagrantly untrue regarding the situation in his/her country of origin;
- Deliberately misleading the asylum authorities or abusively, with ill-faith, resorting to the asylum procedure, namely, all the cases in which the applicant, without offering a plausible explanation, is in one of the following situations:

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

- Has submitted an application under a false identity or has presented false or forged documents, claiming that they are authentic;
- After the submission of the application, deliberately presented false elements regarding the application;
- Destroyed, deteriorated, threw away or alienated, in ill-faith, the border crossing document or a document relevant to his/her application, either to create a false identity to demand and receive refugee status, or to make the resolution of his/her application more difficult;
- Deliberately hid the fact that he/she has previously submitted an asylum application in one or more countries, especially when using a false identity;
- Submitted an asylum claim with the obvious purpose of preventing imminent enforcement of a measure decided by the competent authority to remove, extradite or expel, although he/she had the possibility of submitting such a claim prior to the arrangement of such a decision;
- The applicant has illegally entered the Romanian territory or has illegally extended his stay and, without a founded reason, either he/she did not present himself/herself to the authorities, either he/she did not apply for international protection as soon as possible, considering the circumstances of his/her entrance on the territory;

Competent authority and other stakeholders

The General Inspectorate for Immigration | Inspectoratul General pentru Imigrări is the competent authority for the accelerated procedure.

Procedural aspects

According to Article 78 of Law No 122/2006 on asylum, the accelerated procedure may be initiated during the regular procedure on the date on which the designated case officer becomes aware of one of the situations referred to in Article 75 of Law No 122/2006 on asylum:

(a) manifestly unfounded asylum applications;

(b) asylum applications of persons who, by virtue of their activity or membership of a particular group, present a danger to national security or public order in Romania;

(c) asylum applications of persons coming from a safe country of origin.

According to Article 79 of Law No 122/2006 on asylum, after conducting the interview and examining the grounds relied on in support of the application for

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

asylum, the case officer takes a decision within 3 days from the initiation of the accelerated procedure.

Decision and time limits to decide

According to Article 79 of Law No 122/2006 on asylum, the case officer takes a decision within 3 days from the initiation of the accelerated procedure. The decision provides for refugee or subsidiary protection or rejects the application.

The decision is notified in writing to applicants in their language, or a language it is presumed they understand.

Appeal

Competent court: District courts (*judecătorii*)

Time limit to lodge the appeal: The applicant has 7 days from the notification of the decision to appeal (Article 80 of Law No 122/2006). According to the law on asylum read in conjunction with the code of civil procedure, the day when the negative decision is notified to the applicant and the day when the deadline to appeal expires are not counted within the 7 days delay to lodge the appeal. If the deadline to complain expires during a non-working day, it is prolonged by law till the end of the first working day.

Suspensive effect: If the appeal is lodged within the time limit (7 days), the applicant has the right to remain on the territory while the procedure is pending (Article 80(1), Law No 122/2006 on asylum).

Procedure before the court: There is a hearing of the applicant before the court.

Time limit for the court to decide: The competent court has 10 days to decide on the appeal (Article 81, Law No 122/2006 on asylum).

Possible outcomes: The court issues a decision by which it: a) allows the complaint and retains the case for analysis under the regular procedure; b) upholds the decision of the General Inspectorate for Immigration, in which case the decision is final (Article 81, Law No 122/2006 on asylum).

In cases related to the safe country of origin, applicants may be channelled back to the regular procedure in order to have the appeal examined in substance when personal fear is established.

Second appeal: There is no possibility for a second appeal.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Impact on reception conditions

There is no impact on reception conditions. The asylum accelerated procedure, and the provision of reception conditions, is considered completed on the date of the court's decision, or at the expiration of the deadline for filing an appeal (Article 17(7) of Law No 122/2006 on asylum).

Border procedure

Legal basis and grounds

The border procedure is provided in Articles 82 (submission) and 83 (resolution) of Law No 122/2006 on asylum.

Border procedures are applicable to state border crossing points of the Romanian Border Police e.g. airports, sea and land borders. Decisions within the border procedure concern both permission to enter and access to regular procedure but also the substance of the application.

The border procedure is not applicable to asylum applicants with special procedural needs, except for applicants considered, due to well-founded reasons, to be a danger to public order or national security. In these cases, the applicants are granted the right to entry and access to the regular procedure (Article 84, Law No 122/2006 on asylum).

Competent authority and other stakeholders

The General Inspectorate for Immigration | Inspectoratul General pentru Imigrări is the competent authority for the border procedure)

Procedural aspects

The asylum application registered with territorial organisations of the Romanian Border Police from a state border crossing check point is immediately forwarded to the competent structure of the Romanian General Inspectorate for Immigration.

Throughout the period in which the asylum applicant is at the state border checkpoints, he/she has the right to legal and social assistance and humanitarian aid from non-governmental organizations that have attributes in matters of refugees, as well as from the representation in Romania of the UNHCR.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

The international protection applicant is provided immediately in writing, in a language he/she understands or is reasonably assumed to understand, information on the border procedure, the awarding or non-awarding of access to territory, the rights and obligations he/she has during the procedure, the method of contesting the decision, and the possibility of requesting public legal aid.

Applicants are interviewed in the border procedure (Article 83, Law No 122/2006 on asylum) and an interview does not take place if, based on the elements of the file, it is possible to issue a decision to grant access to the regular procedure.

The applicant may be provided, if necessary and requested, with free interpretation and free legal assistance during the first instance proceedings and on appeal. Applicants are informed about their rights during the border procedure, about the possibilities for appeal and the right to request free legal aid in a language they understand. If the application is subsequent the decision is taken based on the written submission and the evidence submitted by the applicant, together with country of origin information and other relevant information without conducting an interview (Article 83(4), Law No 122/2006 on asylum).

Decision and time limits to decide

Decisions taken within the border procedure concern admissibility and merits. The time limit for taking the decision is 3 days from the submission of the application (Article 82, Law No 122/2006 on asylum).

The GII decides whether: a) the applicant is granted a form of international protection and access to the territory; b) the applicant is granted access to the territory and to the ordinary procedure (if the application cannot be considered as manifestly unfounded or another MS is responsible or one of the following concepts could be applied: first country of asylum, safe third country or safe third European country); c) the application is rejected as manifestly unfounded and access to the territory is refused.

If the application is subsequent, the GII either grants access to the territory and to a new ordinary asylum procedure or it rejects the subsequent application as inadmissible, and refuses access to the territory.

The decision is notified in writing to applicants in their language, or a language it is presumed they understand.

Appeal

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Competent court: District courts (*judecătorii*)

Time limit to lodge the appeal: Appeals can be lodged within 7 days from the notification of the decision to the applicant. The appeal is submitted with the structure of the General Inspectorate for Immigration which issued the decision, which forwards it immediately to the court in whose territorial jurisdiction it is found (Article 85-86, Law No 122/2006 on asylum).

Suspensive effect: According to Article 87 of Law 122/2006, the third country national who applies for a form of protection in Romania shall remain in the transit zone of the border inspection post until they have received the decision approving entry to Romania or, where applicable, until the decision to reject the application for asylum has remained irrevocable, however not longer than 20 days following entry to the transit zone. After expiry of this time limit, if the application for asylum is not completed with an irrevocable decision, the person is allowed to enter the country.

Procedure before the court: There is a hearing of the applicant before the court. Free interpretation and legal assistance are provided on appeal.

Time limit for the court to decide: The court renders a decision within 5 days.

Second appeal: There is no possibility for a second appeal (Article 86(2), Law No 122/2006 on asylum).

Impact on reception conditions

The applicant remains in the transit area of the state border checkpoint until the communication of the decision to approve entry in Romania or until the negative decision remains final, but no longer than 20 days from the time of entry into the transit area (Article 87, Law No 122/2006 on asylum).

The asylum applicant may be accommodated in special reception and accommodation centres in the vicinity of the state border checkpoints, which are established through an order of the Minister of Internal Affairs and have the same legal status as the transit area. The asylum seeker, housed in the centres is offered meals in kind. Article 17(1)(j), which refers to the amounts owed for food, are not applied to them.

Subsequent application procedure

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Legal basis and grounds

According to Article 88 of Law No 122/2006 on asylum, the following can be considered a subsequent application:

An application for access to a new asylum procedure submitted after a final and binding decision, where no protection was granted. The previous asylum procedure is considered final on the date of the communication of the decision to close the file, on the expiry of the legal deadline for submitting the complaint against the administrative decision, on the expiry of the deadline for submitting the appeal or, as the case may be, when the decision is pronounced on appeal;

An application submitted after the cancellation or cessation of a form of international protection (Article 88(1) of Law No 122/2006 on asylum).

Competent authority and other stakeholders

The General Inspectorate for Immigration | Inspectoratul General pentru Imigrări is the competent authority responsible for the subsequent application procedure.

Procedural aspects

Article 88(2) of Law No 122/2006 on asylum provides that access to a subsequent asylum procedure is granted if, alternatively, the following conditions are met:

a) the applicant invokes new elements that could not be presented for reasons not attributable to him/her and that appeared during or after the completion of the previous procedure. The applicant must prove the existence of the new elements invoked and the impossibility of presenting them until the date of submission of the application for granting access to a subsequent asylum procedure. The new elements invoked cannot be the result of actions provoked by the applicant to obtain a form of international protection.

b) from the date the previous asylum procedure was final, there have been political, social, military or legislative changes in the country of origin, likely to have serious consequences for the applicant.

Elements considered within the preliminary examination of subsequent applications include:

- New documents provided by the applicant;
- New written statements by the applicant; and

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

- Country of origin information available to relevant authorities

A personal interview does not take place.

For a subsequent application to be admitted, the determining authority must decide that the application meets the conditions for being lodged. Individuals in subsequent application procedures are not considered asylum applicants and are allowed to remain for 5 days after the subsequent application has been registered, unless found abusive (Articles 89 and 91, Law No 122/2006 on asylum).

In subsequent applications procedure, exceptions to the right to remain may be applicable. The 5-day permission to stay is not granted when:

- the documents in the applicant's file indicate that the application has been abusively lodged to prevent removal;
- the foreigner submits an application for a new asylum procedure (subsequent application), after another such application was rejected previously as inadmissible, or, if access was granted to a new asylum procedure, his/her application was dismissed as manifestly unfounded.

Decisions on exceptions to the right to remain may be appealed within 2 days.

Decision and time limits to decide

The decision is taken within 5 days from when the new application was registered and it may grant access to a new asylum procedure or dismiss the application as inadmissible (Article 91(2) of Law No 122/2006 on asylum).

The decision is notified in writing to applicants in their language, or a language it is presumed they understand, and it informs if they gained access to the procedure or not. If the application is not to be further examined, the reasoning for this decision is also included in the notification (Article 91(2) of Law No 122/2006 on asylum).

Appeal

Competent court: District courts (*judecătorii*) with territorial jurisdiction over the location of the asylum unit which issued the decision.

Time limit to lodge the appeal: Appeals can be lodged within 10 days from the notification of the decision to the applicant.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Suspensive effect: There is no automatic suspensive effect.

Procedure before the court: Free interpretation and legal assistance are provided on appeal.

Time limit for the court to decide: The court renders a decision within 30 days.

Second appeal: There is no possibility for a second appeal.

Impact on reception conditions

Reception conditions are provided if the person is considered an applicant for international protection.

Last-minute application pending removal

Last-minute applications lodged by first time applicants pending a removal

The concept of last-minute applications does not exist in asylum law in Romania. However, for the purposes of this section, applications made by foreigners in public custody waiting for the enforcement of return decisions is considered, as well as subsequent applications submitted before the enforcement of return decisions (Article 19^15 of Law No 122/2006 on asylum and Article 101(8) of Government Emergency Ordinance No 194/2002).

They are often made when the foreigner is detained in public custody centres (where they are detained waiting for the enforcement of the return decisions).

In the case of first time applications, there is a fast procedure which is applied, meaning that in 3 days a decision on the asylum application must be issued either for granting access to the territory and to the regular asylum procedure or rejecting the application in the accelerated procedure (evidently unfounded; persons who are considered a danger for the national security or public order; persons who come from a safe country of origin); in the latter case, there is only one level of appeal and if the GII decision is maintained, the court's ruling is final. The court could also grant access to the regular asylum procedure, and in such a case, there is another level of appeal before a county court.

If the third country national makes an application for international protection for the first time while in public custody, the measure of taking into public custody ceases on the date of granting access to the regular asylum procedure.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Public custody does not cease if there are reasons of national security or public order, which make it necessary to escort the third country national or keep him/her in public custody until the completion of the procedure for granting a form of protection.

After the completion of the asylum procedure, the competent authority informs, in writing, the return unit about the foreigner's status and also implements this information in the Informatic System of Aliens' Management (common for both structures). Both return and asylum authorities have access to the information and documents uploaded. There are two units involved issuing the decisions, asylum and return respectively.

Last-minute applications lodged as subsequent applications pending a removal

The concept of last-minute applications does not exist in asylum law in Romania. However, for the purposes of this section, applications made by foreigners in public custody waiting for the enforcement of return decisions is considered, as well as subsequent applications submitted before the enforcement of return decisions (Article 88 of Law No 122/2006 on asylum)

The GII's decision is issued within 5 days from when the new application was registered (Article 91(1) of Law No 122/2006 on asylum) and there is only one level of appeal. The court ruling can be to either maintain the administrative decision (dismiss the application as inadmissible) or to grant access to a new regular procedure (Article 91(2) of Law No 122/2006 on asylum). The decision is notified in writing to applicants in their language, or a language it is presumed they understand, and it informs if they gained access to procedure or not. If the application is not to be further examined, the reasoning for this decision is also included in the notification (Article 91(2) of Law No 122/2006 on asylum).

When a request for access to a new asylum procedure is made, the measure of taking into public custody shall cease on the date of granting access to the new procedure.

After the completion of the asylum procedure, the competent authority informs, in writing, the return unit about the foreigner's status and also implements this information in the Informatic System of Aliens' Management (common for both structures). Both return and asylum authorities have access to the information and documents uploaded. There are two units involved issuing the decisions, asylum and return respectively.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Safe country concept

Safe country of origin

The concept of a safe country of origin is defined in Law No 122/2006 on asylum, Article 77. It may be applied in practice via an accelerated procedure.

The General Inspectorate of Immigration (GII) proposes a list of safe countries of origin. The GII consults the Ministry of Foreign Affairs to establish a list of safe countries of origin and the Ministry of Internal Affairs then adopts such a list.

However, no list of safe countries of origin has been adopted in Romania.

According to Article 77 of Law No 122/2006 on asylum, safe countries of origin are:

- Member States of the European Union; and
- other countries at the proposal of the General Inspectorate of Immigration, through an order of the Minister of Internal Affairs, on the basis of the following criteria:
- compliance with the fundamental human rights and liberties, as provided and safeguarded under the Convention for the Protection of Human Rights and Fundamental Freedoms, enacted by Romania under Law No 30/1994 on the ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and the additional protocols thereof, as amended, hereinafter the European Convention, and/or the International Pact on Civil and Political Rights, enacted by Romania by Decree No 212/1974, and/or UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 10 December 1984, enacted by Romania by Law No 19/1990, particularly the rights that may not be subject to any exemptions, in accordance with Article 15(2) of the European Convention;
- functioning of democratic principles, political pluralism and free elections, and the existence of functional democratic institutions ensuring the safeguarding and compliance with fundamental human rights;
- existence of effective mechanisms for the prosecution of fundamental human rights and liberties;
- respect for the non-refoulement principle in accordance with the Geneva Convention; and

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

- existence of stabilising factors.

Other evaluation criteria can also be taken into consideration. According to Article 77(2) of Law No 122/2006 on asylum, in the process of determining the safe country of origin, the GII must take into account information provided by other Member States, UNHCR, the Council of Europe or other international organisations.

Safe third country

The concept of a safe third country is defined in Law No 122/2006 on asylum, Article 97. The concept is not applied in practice.

The Ministry of Internal Affairs in consultation with the Ministry of Foreign Affairs adopts a list of safe third countries. However, no list has been adopted.

According to Article 97 of Law No 122/2006 on asylum, a third country is deemed to be safe when there are sufficient guarantees that the rights of an applicant for international protection are protected in accordance with the following principles:

- Life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
- There is no risk of serious harm as defined under this law;
- The principle of non-refoulement in accordance with the Geneva Convention is respected;
- The prohibition of removal to a state where the alien is at risk of torture and cruel, inhuman or degrading treatment is respected; and
- The possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.

Before a decision based on the application of the concept of safe third country is taken, Romanian authorities verify that the applicant would be readmitted to the country.

First country of asylum

The concept of a first country of asylum is defined in Law No 122/2006 on asylum , Article 95. The concept is applied in practice via an admissibility procedure. A country is considered as a first country of asylum if:

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

- Life and freedom are not threatened on grounds of race, religion, citizenship, membership of a particular social group or political opinion;
- There is no serious risk of serious harm as defined by the law;
- The *non-refoulement* principle is respected in accordance with the Geneva Convention;
- The interdiction of expulsion, in a state where the foreigner is at risk of torture and cruel, inhuman or degrading treatment, is respected; and
- The granted protection remains valid.

European safe third country

The concept of European safe third country is defined in Law No 122/2006 on asylum, Article 96. The concept is not applied in practice.

A country is considered as a European safe third country if it has:

- Ratified and observes the provisions of Geneva Convention without any geographical limitations;
- In place an asylum procedure prescribed by law;
- Ratified the European Convention and observes its provisions, including the standards regarding the effective remedies

Assessment of an application at first instance

Legal provisions relevant for an assessment

Articles 48, 49, 50 of Law No 122/2006 on asylum

Competent authority for the assessment

For general information on the national authority or other actors responsible/involved to carry out the first instance assessment and determination, internal organisation, structure and staff. see: Overview of first instance procedures. Competent authorities and other stakeholders page of this template.

Case workers are the ones examining applications for international protection and they work under the Ministry of the Interior, the General Inspectorate for

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Immigration (GII) - Asylum and Integration Directorate (Ministerul Afacerilor Interne - Inspectoratul General pentru Imigrări, Direcția Azil și Integrare). Therefore, they are all police officers.

Since 18 May 2023, according to Article 48(4), interviews and analysis of reasons invoked in the application for international protection may be carried out by experts of the European Union Agency for Asylum (EUAA).

Required qualifications: According to Article 48 of Law No 122/2006 on asylum , and Government Decision No 1251/2006, Article 17, the case workers who examine applications for international protection must be graduates of higher legal education, with a bachelor's degree, and must have specialized knowledge in the field of asylum. No previous professional experience is required.

Recruitment takes place in three ways:

- Assignment after graduating the Police Academy; - Promotion from the Ministry of Internal Affairs after passing specific examinations and meeting the necessary conditions; - Transfer from other units of the Ministry of Internal Affairs.

Examinations include a written test, an oral interview if necessary, and psychological testing. There is no possibility to deviate from this recruitment process in crisis situations.

Training for new case officers is standard for all, taking place in the first weeks of service, and their previous experience is taken into consideration, if it is relevant. The training process continues throughout their career as a police officer.

They also receive materials regarding asylum legislation, procedures, UNHCR guidelines and EUAA materials.

Case officers are usually fully autonomous within one year.

Grounds

Grounds for protection are outlined in the Law No 122/2006 on asylum, Articles 2(g) and 23-25 (refugee status) and Articles 2(h) and 26-28 (subsidiary protection).

Refugee status is recognized, upon request, to a foreign citizen who, due to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinions or membership of a particular social group, is outside his/her

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

country of origin and who is unable or, owing to such fear, is unwilling to seek the protection of that country, as well as to a stateless person who, being for the reasons mentioned above outside the country of habitual residence, is unable or, owing to such fear, is unwilling to return to that country and to whom the grounds for exclusion from the recognition of refugee status do not apply.

Subsidiary protection is granted to a foreign citizen or stateless person who does not meet the conditions for recognition of refugee status and for whom there are reasonable grounds to believe that, in the event of return to the country of origin, respectively to the country of habitual residence, they will be exposed to a serious risk, who is unable or, due to this risk, does not wish to avail himself or herself of the protection of that country and to whom the grounds for exclusion from granting this form of protection do not apply.

Guidelines for case officers

Guidelines are made available to case officers and there are text samples to support the drafting of the decision.

National guidelines are not publicly available. Romania uses UNHCR and EUAA guidelines in the assessments.

Credibility assessment

Article 50 of Law No 122/2006 on asylum provides that the asylum application is resolved on the basis of the documents in the applicant's file and the reasons invoked by the applicant, which are analysed in relation to the concrete situation in the country of origin and the credibility of the applicant. In resolving the asylum applications of minor asylum applicants, their degree of intellectual development, as well as their maturity, is considered. In resolving the asylum applications of adult asylum seekers lacking discernment, their statements are assessed considering the degree to which their discernment is affected.

The applicant has the obligation to present all the relevant evidence and information at his/her disposal and any information requested by the General Inspectorate for Immigration.

The General Inspectorate for Immigration may request documents and information relevant for the decision on the application from any authority in

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Romania.

The authorities may also request a forensic medical expertise to determine the signs of past persecution or risk of harm, with the consent of the applicant, and the expenses are covered by the Ministry of Internal Affairs, through the budget of the General Inspectorate for Immigration. The applicant may also take a forensic medical expertise, at his/her own expense.

Applications lodged by unaccompanied minors are assessed with priority (Article 16(1), Law No 122/2006 on asylum).

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

The provisions of Article 4(5) of the Qualification Regulation are already applied in practice based on the previous Qualification Directive. The assessment of the facts and circumstances stated by the applicant is conducted according to the EUAA Practical Guide on evidence and risk assessment.

Time limit for submitting evidence during credibility

Applicants have the possibility to submit evidence until the issuance of the decision in first instance in order to be taken in consideration by the case officer. If the evidence is submitted after the issuance of the decision in first instance, the assessment will be conducted by the judge on appeal. After a final decision on the asylum application, new evidence submitted by the applicant will be assessed if a subsequent application is lodged.

COI research

COI research is based on various reliable sources such as reports/position papers/etc published by EUAA, UNHCR databases, but also include news.

The output is always in Romanian as required by law. The following COI products are produced:

- Responses to specific requests which are produced daily;
- Country focus reports, monthly;
- Thematic reports, monthly.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

The COI Unit does not produce maps indicating different levels of security in countries of origin and it does not produce country guidance or policy briefings

COI products undergo a peer-review process, and they are checked by an acting COI coordinator.

COI products may be published on the intranet database, available only to case workers and legal counsellors. Individual responses are available here. A printed copy is also kept in the COI library. The INDICIUM COI public database developed under AMIF funding is also available.

Courts, judges and lawyers representing the asylum applicants may request specific information. Case workers/Judges may also perform their own research and/or request specific information.

The COI unit provides 1000-1200 individual queries per year.

Decision and outcomes

According to Article 53 of Law No 122/2006 on asylum, the decision on the asylum application follows a specific format, it is written, reasoned, providing a summary of the facts, reasons and legal grounds on which it is based. The decision: a) recognises refugee status; or b) grants subsidiary protection and provides the reasons for which refugee status is not provided; or c) rejects the asylum application.

In May 2023, Emergency Ordinance No 35/2023 was approved and it provides that the General Inspectorate for Immigration will issue a negative decision on international protection jointly with a return decision. The legislation also provides a third-country national's right to remain in Romania until the asylum procedure is completed and for 15 days after the procedure is finalised, and clarifies that applicants benefit from their rights until the procedure is finalised. Although a negative decision is issued jointly with a return decision, the appeal stage for the return order is not with the same court.

The decision is immediately communicated in writing to the applicant, by direct communication by the General Inspectorate for Immigration or by post, with acknowledgment of receipt, at the last declared residence, accompanied by written information, in Romanian and in a language which the applicant understands or is reasonably presumed to understand, on the solution of

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

admission or rejection of the asylum application and the conditions under which the decision can be appealed (Article 54, paragraph (1) of Law No 122/2006 on asylum).

Each asylum applicant lodges an individual application and in case of a minor (under 14 years old) the application is lodged by the legal representative. Therefore, even in case of families, a decision is issued for each asylum application (but in the reasoning of the decision the family link is taken into consideration etc.).

The decision granting or rejecting the application for asylum may be communicated, where appropriate, to the legal adviser or representative of the non-governmental organization legally representing the applicant, provided that the applicant has expressly stated so. Communication shall be made directly by the representatives of the General Inspectorate for Immigration or by post, with acknowledgement of receipt, to the address indicated by the lawyer or the representative of the non-governmental organisation (Article 54(11) of Law No 122/2006).

If it is not possible to notify the decision under the conditions set out in para. (1) or (11), this shall be done by displaying, at the headquarters of the issuing General Inspectorate for Immigration, an information notice containing: the number of the applicant's temporary identity document, the number and date of the decision, the decision on the asylum application, the deadline for lodging the complaint and the competent court for its resolution, in the case of decisions rejecting the asylum application, as well as the date of the display (Art. 54 paragraph (2) of Law no. 122/2006).

In the case referred to in paragraph (2), the information notice shall be displayed for the duration of the time limit for submitting the complaint, and the decision shall be deemed to have been notified from the date of posting of the information notice (Art. 54 paragraph (3) of Law no. 122/2006).

Minors and unaccompanied minors: The decision is communicated in writing to the legal representative of the unaccompanied/accompanied minor asylum applicant according to the rules foreseen in art. 54 of the Law no. 122/2006.

COI units

Background information

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

COI unit: The Romanian COI Unit consists of a total of 9 specialists, 3 of them having also a coordinating role.

Independently, additional COI is provided to courts, lawyers and legal advisers by the national NGO “Romanian National Council for Refugees” through AMIF funded projects, that involves 2 COI researchers.

Legal basis: Article 50 of Law No 122/2006

Structure and capacity

Organisation: The COI Unit is organised within the International Protection Service consisting of three main units: registration unit, procedural quality unit and COI Unit. The service is within the Asylum and Integration Directorate of the Romanian General Inspectorate for Immigration.

Mandate and tasks: The main tasks of the COI Unit are:

- Providing COI queries upon individual request based on an internal query system regulated through two SOPs (one on queries and deadlines and the other on COI quality standards).
- Drafting and peer-reviewing country reports, thematic reports, country fiches, as a result of practical cooperation with EUAA, information exchange and direct research.
- Involvement in different COI cooperation initiatives such as EUAA country networks, AMIF funded projects, TAIEX cooperation, Eastern Partnership, and others.

One other task of the COI Unit is to make proposals for the lists of safe countries of origin although there is no list of safe countries of origin in Romania.

Every researcher must perform the main tasks of providing COI, within a given deadline and by respecting the quality standards in coordination with the Asylum and Integration Directorate. Additional secondary tasks are given by the regional centres depending on the profile of the centre.

Staff capacity: The Romanian COI Unit consists of a total of 9 specialists (1 national coordinator, 2 deputies and 6 regional COI researchers). Three persons work in the Integration and Asylum Directorate and 6 work in the regional centres in Bucharest, Galați, Rădăuți, Maramureș, Giurgiu and Timișoara.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Requirements: COI specialists must comply with specific requirements such as good knowledge of foreign languages, especially English and bachelor's degree in law or social sciences.

Regular training and updates: Every researcher participates in national trainings and seminars. Almost all of them have undergone the COI training Module organised under EUAA Training Curriculum.

COI products

Type of COI products produced and frequency: The COI Unit produces responses to requests daily, country focus reports monthly, thematic reports monthly, origin-verification tools (OVT) monthly. The cycle for each product update is 1 year.

No specific medical COI is produced but open-source information is provided upon request.

Languages: The sources used are in English, meanwhile the COI products are always in Romanian, as it is compulsory and required by law.

Methodology and sources: The methodology is focused on using reliable sources. The COI research is based on Ecoi.net, EUAA and UNHCR (country reports and position papers). It can also include news which can be used for corroboration of older reports.

Quality check: COI products undergo a quality check prior to publication/dissemination through peer-review and additional review by an acting COI coordinator.

Other aspects of COI units

Information is currently not available.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.