

# RESETTLEMENT OF THE REFUGEES IN ROMANIA

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***Abstract:** Resettlement, as durable solution to the problem of the refugees is a form of sharing the responsibility between countries regarding refugee protection and consists in the selection and transfer of some refugees from the first country of asylum, where they don't enjoy actual protection, to a country which provides them actual protection and where they have the possibility of integration. Refugee resettlement plays an important role in the foreign policies of the European Union in the matter of refuge. The European Commission considers resettlement as an instrument providing actual protection for the refugees and which shares the responsibility between the member states within the European policy of asylum. Given the importance of this problem, the European Fund for Refugees provides the possibility of funding the resettlement activities. From the perspective of the policy and practice in the field of asylum, Romania, as new state for refugee resettlement, benefits of a positive international image due to the involvement of our country in the international effort of refugee protection.*

***Keywords:** refugee, relocation, resettlement, social integration, asylum, host-country*

Throughout the world, millions of people took refuge due to the persecutions from their native countries. Many of them took refuge in countries which cannot or would not offer them actual protection and they continue to need international protection. The United Nations High Commissariat for Refugees (UNHCR) is empowered to lead and coordinate the international activity of refugee protection and to solve the problems of the refugees worldwide. The main responsibility for the protection of

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refugees comes to the state signatory of the 1951 Geneva Convention regarding the status of the refugees. Romania joined the Convention in 1991.

Of the three sustainable solutions to the problems of the refugees promoted by the international community (voluntary repatriation to the country of origin under conditions of safety and dignity; local integration; resettlement in another country), the only one which the Romanian authorities had not used until 2008, was the resettlement. *Refugee resettlement involves the selection and transfer of some refugees from the first country of asylum, where they don't enjoy actual protection, don't have the alternative of the voluntary repatriation and don't have perspectives of integration, to a country which provides them actual protection and where they have the possibility to integrate.* Resettlement can be the only solution for those refugees which don't have actual protection in the country of refuge (don't have the physical or legal protection, risk to be expelled or to be kept under detention conditions, although they didn't commit any offence) or for those refugees who have special needs which cannot be met by the authorities of that country or, because of the economic, social, cultural or political circumstances, don't have perspective for local integration. Of the 10 million refugees registered each year with UNHCR, only 1% benefit of resettlement.

Resettlement, as sustainable solution to the problem of refugees, is a form of responsibility sharing between countries regarding refugee protection and it is a key-instrument for the implementation of the 1951 Geneva Convention. The international context is favourable to the adoption of this sustainable solution for the refugees, an increasing number of states becoming countries of resettlement<sup>1</sup>. The countries receiving annually the largest number of refugees by resettlement are the USA (about 70,000 people) and Canada (about 10,000 people). The total share of the European countries is about 5,000 people, Sweden being the most important resettlement country in Europe, with an annual share of 1,900 people. The main actor in refugee resettlement is UNHCR which, by its mandate, promotes refugee resettlement, cooperates with the resettlement countries (evaluates the global requirements for resettlement and transmits proposal of people/groups of people depending on the criteria of each resettlement country) and assists the countries in the progress of the resettlement procedures.

Refugee resettlement plays an important role in the EU foreign policies on matters of asylum. The European Commission considers resettlement as an instrument ensuring the actual protection of the refugees and of responsibility sharing among the EU member state within the European policy on asylum. The Commission monitors the development of cooperation between the EU member states, UNHCR

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<sup>1</sup> As of 2008, Portugal, Czech Republic and Romania are both EU member states and resettlement countries.

and the related NGOs and considers that it is important for the member states to share the responsibility of finding sustainable solutions to the refugee problem. The Commission supports the European refugee resettlement policy, with funds included, through the European Fund for the Refugees (ERF)<sup>1</sup>, both for the actual resettlement activities and as support for the identification and dissemination of the good practices in the field. EFR provides funds for the development of national resettlement programs, for the selection and transfer of the resettled refugees, measures of reception, integration and training of the staff performing the resettlement activities.

In Romania, the Parliament approved in 2006 the general legal framework for refugee resettlement (*Law 122/2006 regarding the asylum in Romania*). The Ministry of Administration and the Interior, through the Romanian Office for Immigration (RIO), proposes to the Government the number of refugees and the conditions in which they are to be resettled in Romania. Art. 3, line (5) of the Law 122/2006 regarding the asylum in Romania, states that “MAI, through RIO, may propose the transfer to Romania of refugees currently on the territory of other states, acknowledged as refugees according to the Geneva Convention. The number and conditions of transfer of these persons are set by Government decision. These people will have the same rights and duties in Romania as the refugees acknowledged by the Romanian state”.

In February 2008, the General Secretariat of the Government of Romania approved the public policy “Establishment of a program of refugee resettlement in Romania” and in December 2008, the Government approved the *Government Decision 1596/04.12.2008 regarding the resettlement of the refugees in Romania*, settling a share of 120 refugees to be resettled in Romania in 2008-2010, in yearly batches of 40 persons.

Because resettlement is one of the priorities of the European Commission, the European Fund for Refugees provides funding possibilities for the resettlement activities. The annual 2008 Program stipulates training activities for ORI staff in the field of resettlement, while the 2009 Program stipulated funds for the actual resettlement activity, which consists in the selection of 40 refugees annually and their transfer to Romania. Thus, 75% of the resettlement operation is financed from European funds.

The main aspects stipulated by the legal framework for refugee resettlement in Romania (Law 122/2006 regarding the asylum in Romania and GD no. 1596/2008 regarding refugee resettlement in Romania) concern the:

1. *Resettlement quota*: 40 refugees annually.

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<sup>1</sup> Council decision to establish the European Fund for the Refugees – EFR III, no. 573/2007 of 06.06.2007.

2. *Manner of determining the state/states where the resettlement operations are to be done, the number of refugees in need of resettlement that are to be accepted and their countries of origin.* The Committee for Refugee Resettlement in Romania is an advisory body, with no legal personality, consisting of representatives of the Ministry of Administration and the Interior and of the Ministry of Foreign Affairs (MAE). The Committee thus established must analyse, from the perspective of the international needs of refugee resettlement, of the situation of the refugees in Romania and of the Romanian foreign policy, must decide and must forward its decision for approval to the minister of administration and the interior and to the ministry of foreign affairs.
3. *Criteria which a refugee must meet in order to be relocated in Romania:* these are mentioned in art. 4, line 1 of GD no, 1596/2008, as follows:
- The person is acknowledged as refugee according to art. 1, line A from the Geneva Convention and with art. II, pct. 2 from the Protocol by a state or by UNHCR, according to its mandate;
  - Doesn't enjoy actual protection on the territory of the asylum state;
  - Doesn't have any perspectives of integration in the asylum state;
  - Doesn't have any perspectives of voluntary repatriation to the state of origin, under conditions of safety and dignity;
  - Is no danger for the public order or national security, public health or moral;
  - Displays potential of integration in the Romanian society;
  - Expresses his/her agreement to be resettled in Romania.
4. *Manner of selecting the refugees in need of relocation and the decision of refugee resettlement in Romania.* Two modalities of refugee selection for resettlement are known: on the basis of the files sent by UNCHR or on the basis of the direct interviews in the countries where they are (selection missions). Both are stipulated by the Romanian law; the direct interview during missions of selection in the asylum country is the main method. The selection is done only on the basis of the record sheets sent by UNCHR and, depending on the case, on the basis of the additional information sent by UNCHR, which decides if selection missions can be organised in the asylum state, by decision motivated by the director general of ORI. Anyhow, in the case of the selection missions too, there is a pre-selection of the possible candidates, on the basis of the files sent by UNCHR, before the actual interview of the refugees in the asylum countries. The purpose of the interview is to evaluate the situation of the refugees and the need for resettlement according to the mentioned selection criteria. The result of the evaluation is written in an individual report. The

procedure ends by ORI issuing a decision of acceptance of the refugees in need of resettlement, who meet the selection criteria.

5. *Preparation of the selected refugees for the transfer to Romania.* In view of the transfer, RIO can organise or contract, for the selected refugees, services of cultural orientation and counselling in the asylum states. This preparation of the refugees can be done by RIO staff, or an NGO can be contacted, or the International Organisation for Migration (IOM), which provides services of cultural orientation for the states of resettlement, against a fee.
6. *Transfer of the refugees selected for resettlement in Romania.* The selected refugees are exempt from the rule of entry visa. After the refugees enter the territory of Romania, RIO issues decisions which acknowledge the status of refugee in Romania to the transferred persons, and issues identification documents for them.
7. *The resettled refugees have the same rights and duties as the other foreigners who obtained the status of refugee in Romania.* The refugees resettled in Romania benefit of programs of integration under the same conditions as the other refugees in Romania.

In conclusion, the main stages in the implementation of *GD no. 1596/2008 regarding refugees resettlement in Romania* are the following:

- Determine the countries from which the refugees are to be resettled in Romania, the number of refugees and their native countries (through the Resettlement Committee MAI-MFA);
- Inform UNHCR on the asylum and native countries of the refugees and ask for proposals;
- Pre-selection of the candidates on the basis of the files received from UNHCR;
- Preparation and accomplishment of the selection missions;
- Preparation of the selected refugees for transfer;
- Actual transfer and reception of the refugees in Romania.

The resettlement activity, which is something highly new for the current activities in the field of asylum, is a complex operation which presumes the involvement of several categories of staff with different expertise (asylum procedure, registration and issuing identification papers, reception and integration in the Romanian society, medical examination).

The first 38 refugees (38 Burma refugees from Malaysia) arrived in Romania in early June 2010. In Malaysia there are over 70,000 refugees and asylum seekers registered by UNCHR; 90% of them are Burma refugees from Myanmar. Malaysia is not signatory

party of the 1951 Geneva Convention and has no acting legal provision regulating the international protection of the refugees. Most refugees and asylum seekers under UNCHR mandate are “illegal immigrants” according to the Malaysian law and run the risk of arrest, detention, beating and deportation. In Malaysia, there is no acting labour legislation which protects the rights of the refugees and the children of the refugees don't have access to public education. Without a legal status, with no access to the labour market and to public education, the perspectives of local integration of the refugees are limited and the only sustainable solution for most of them is resettlement in another country. The persons proposed by UNCHR to the Romanian authorities belong to Kachin minority, from northern Myanmar, and they have Christian religion. In their native country they were submitted by the authorities to physical abuses, forced work, their land and other properties were confiscated and most of their economic, social and politic rights have been restrained.

Romania benefits of a positive international image from the perspective of asylum policy and practice. A meeting of the UNHCR Working Group was organised at Timișoara (10-12 March 2010), for the first time outside Geneva. The meeting was attended by the Romanian Prime-minister, by the minister of administration and the interior and by high UN representatives who have shown that Romania is an example for the regional countries by its involvement in the international effort to protect the refugees, by establishing the Centre for Emergency Resettlement at Timișoara and by starting the national resettlement program. The Romanian refugee resettlement program also is important in terms of fulfilling the duties of EU member state.

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