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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	Law no.362 of 13 December 2005, published in the Official Gazette no. 1146 of 19 December 2005, http://legislatie.just.ro/Public/DetaliuDocument/66980 (RO)
IOB.1.b		If yes, when was ratification/accession?		Accession on 27 January 2006.	UN Treaty Collection - https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtsg_no=V-3&chapter=5&Temp=mtmsg2&clang=en
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	Yes, as follows: "1. With reference to the application of Article 23 of the Convention, Romania reserves its right to accord public relief only to stateless persons which are also refugees, under the provisions of the Convention of 28 July 1951 relating to the Status of Refugees and of the Protocol of 31 January 1967 relating to the Status of Refugees or, as the case may be, subject to the provisions of the domestic law; 2. With reference to the application of Article 27 of the Convention, Romania reserves its right to issue identity papers only to stateless persons to whom the competent authorities accorded the right to stay on the territory of Romania permanently or, as the case may be, for a determined period, subject to the provisions of the domestic law; 3. With reference to the application of Article 31 of the Convention, Romania reserves its right to expel a stateless person staying lawfully on its territory whenever the stateless person committed an offence, subject to the provisions of the legislation in force."	UN Treaty Collection - https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtsg_no=V-3&chapter=5&Temp=mtmsg2&clang=en#EndDec
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes. Article 11 (2) of the Constitution states that "Treaties ratified by Parliament, according to the law, are part of national law". According to Article 20 of the Constitution, "Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions". The 1954 Convention was transposed into domestic legislation by Law 362/2005 and is in force starting as of 19 December 2005.	Constitution of Romania, Articles 11 & 20: http://cdep.ro/pls/dic/site2015.page?den=act2_2&par1=2&idl=2 Law no.362 of 13 December 2005, published in the Official Gazette no. 1146 of 19 December 2005, http://legislatie.just.ro/Public/DetaliuDocument/66980 (RO)
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes	Law no.363 of 13 December 2005, published in the Official Gazette no. 1156 of 20 December 2005 - http://legislatie.just.ro/Public/DetaliuDocument/67102 (RO)
IOB.2.b		If yes, when was ratification/accession?		Accession on 27 January 2006.	UN Treaty Collection - https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=V-4&chapter=5&clang=en
IOB.2.c		Are there reservations in place? Please list them.	As above	NO	UN Treaty Collection - https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=V-4&chapter=5&clang=en
IOB.2.d		Does the Convention have direct effect?	As above	Yes. Article 11 (2) of the Constitution states that "Treaties ratified by Parliament, according to the law, are part of national law". According to Article 20 of the Constitution, "Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions".	Constitution of Romania, Articles 11 & 20: http://cdep.ro/pls/dic/site2015.page?den=act2_2&par1=2&idl=2 Law no.363 of 13 December 2005, published in the Official Gazette no. 1156 of 20 December 2005 - http://legislatie.just.ro/Public/DetaliuDocument/67102 (RO)

				The 1961 Convention was transposed into domestic legislation by Law 363/2005 and is in force as of 20 December 2005.	
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes. Signed on 6 November 1997; ratified on 20 January 2005; entered into force on 1 May 2005 by Law no. 396 of 14 June 2002. Reservation contained in the instrument of ratification: “With reference to Article 6, paragraph 4, sub-paragraphs e, f and g, of the Convention, Romania reserves its right to grant its nationality to persons who were born on its territory from parents with foreign nationality and to persons who are lawfully and habitually resident on its territory, including stateless persons and recognised refugees, at request, in accordance with the conditions stipulated by the domestic law. With reference to Article 8, paragraph 1, of the Convention, Romania reserves its right to permit the renunciation of its nationality, if the petitioner person fulfils the conditions stipulated by the domestic law”.	Council of Europe Chart of signatures and ratifications of Treaty https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=166 Law no. 396 of 14 June 2002 http://legislatie.just.ro/Public/DetaliuDocument/37144 (RO)
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. Signed on 07 October 1993; ratified on 20 June 1994; entered into force on 20 June 1994 by Law no.30 of 1994. The reservation made initially to Article 5 was withdrawn in 2004 (and is not relevant to statelessness).	Council of Europe Chart of signatures and ratifications of Treaty https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=005 Law no.30 of 1994, Official Gazette no. 135 of 31 May 1994 http://legislatie.just.ro/Public/DetaliuDocument/4043 (RO)
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	NO	Council of Europe Chart of signatures and ratifications of Treaty https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=200
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	Yes. No relevant reservations or issues related to transposition. The initial act of transposition in 2011 was further amended in 2014 following observations made by the European Commission on its full transposition.	Emergency Ordinance no. 194/2002 on the legal regime of foreigners - http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO)
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes. Signed on 26 January 1990, in force from 28 October 1990 adopted by Law no. 18 of 27 September 1990. No reservations.	UN Treaty Collection https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800007fe&clang=en Law no. 18/1990 for ratification of the Convention on the Rights of the Child http://legislatie.just.ro/Public/DetaliuDocument/761 (RO)
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	Yes. Signed on 27 June 1968 and ratified on 09 December 1974 by Decree no. 212 of 31 October 1974. No relevant reservations.	UN Treaty Collection https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidg_no=IV-4&chapter=4&clang=en#EndDec Decree no. 212/1974 http://legislatie.just.ro/Public/DetaliuDocument/364 (RO)
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	Yes. Signed on 27 June 1968 and ratified on 09 December 1974 by Decree no. 212 of 31 October 1974. No reservations.	UN Treaty Collection https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidg_no=IV-4&chapter=4&clang=en#EndDec Decree no. 212/1974 http://legislatie.just.ro/Public/DetaliuDocument/364 (RO)

IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes. Signed on 4 September 1980 and ratified on 07 January 1982. The text of the Convention was published in the Official Bulletin No. 94 of 24 November 1981. No reservations.	UN Treaty Collection https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-8&chapter=4 Ministry of Foreign Affairs, List of Multilateral Treaties to which Romania is Party 1930-2021, https://www.mae.ro/sites/default/files/file/anul_2021/2021_pdf/tratate_multilaterale_la_care_romania_este_parte_1930-2021.pdf (RO)
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Yes. Signed by Romania on 18 December 1990 and entered in force on 17 January 1991 by Law no. 19 of 09 October 1990. No reservations.	UN Treaty Collection https://treaties.un.org/Pages/showDetails.aspx?objid=080000028003d679&clang=en Law 19/1990 - http://legislatie.just.ro/Public/DetaliiDocument/764 (RO)
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Yes. Signed on 15 September 1970 and entered into force by Decree no. 345/14 July 1970. No reservations.	UN Treaty Collection https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280008954&clang=en Ministry of Foreign Affairs, List of Multilateral Treaties to which Romania is Party 1930-2021, https://www.mae.ro/sites/default/files/file/anul_2021/2021_pdf/tratate_multilaterale_la_care_romania_este_parte_1930-2021.pdf (RO)
IOB.3.k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	NO	UN Treaty Collection https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800c9dbe&clang=en
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes. Signed on 26 September 2009 and Ratified on 31 January 2011 by Law no. 221 of 11 November 2010. No reservations.	UN Treaty Collection https://treaties.un.org/Pages/showDetails.aspx?objid=080000028017bf87&clang=en Law no. 221/2010 http://legislatie.just.ro/Public/DetaliiDocument/123949 (RO)

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	CEDAW, Gen. Rec. 32 (2014) : States parties should gather, analyse and make available sex-disaggregated statistical data and trends. Council of the European Union, Conclusions on Statelessness (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory.	Yes. The State has a specific 'stateless' category in its national data collection system, but the data recorded is not reliable and is inconsistent. The 2021 National Census, carried out in February-March 2021, included foreigners or stateless persons having domicile (permanent residence) or temporary residence (irrespective to the reason of stay). It recorded 54 stateless persons. The data was broken down solely by economic regions and was gathered based on information provided in interviews. The National Census conducted in 2002 had recorded 32 stateless persons. This figure is lower than that provided by the Immigration Office/UNHCR. According to the General Inspectorate for Immigration, there were 297 stateless persons to whom it issued permits to stay as of 30 June 2022.	National Institute of Statistics, 2021 National Census: http://www.recensamantromania.ro/noutati/volumul/ (RO) 2002 National Census: https://insse.ro/cms/files/RPL2002INS/vol1/tabele/t39.pdf (RO) Detailed official statistics provided by the General Inspectorate for Immigration upon request to relevant national stakeholders.
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	Yes. The top 16 countries of origin were mentioned in the 2021 National Census (Palestine was not included), while the rest was only disaggregated by region (Europe and rest of the world). Asylum/migration data includes persons with habitual residence in MENA region, which may include individuals of Palestinian origin who may be stateless. There is also a special category of 'unknown' in the official statistics with very few cases per year.	National Institute of Statistics, 2021 National Census: http://www.recensamantromania.ro/noutati/volumul/ (RO) Detailed official statistics provided by the General Inspectorate for Immigration upon request to relevant national stakeholders.
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	Based on figures provided by the General Inspectorate for Immigration, UNHCR estimates there to be some 300 stateless persons in Romania (with small variations of this number throughout the year). This figure does not include persons at risk of statelessness, which is unknown. UNHCR's 2020 Global Trends Report reported 275 stateless people in Romania (including forcibly displaced stateless people) at the end of 2020.	UNHCR, Global Trends in Forced Displacement 2020, Annex Table 5 Persons under UNHCR's statelessness mandate, 2020: https://www.unhcr.org/refugee-statistics/download/?url=MZY2ku
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	No.	
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	The General Inspectorate for Immigration is the only source of information about official records of identity documents issued to stateless persons. According to a media article in 2018, statistics provided by the Inspectorate reported 356 registered stateless persons, including 85 from Syria, 82 of former Romanian nationality, 34 from Greece, 13 from Israel, 12 from Palestinian Territories, 12 from Kuwait and 97 from other countries.	Evenimentul Zilei, 14 June 2018: https://evz.ro/zeci-romani-declarat-apatrizi.html (RO)
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	There are no official records on stateless persons who do not have a residence permit or persons at risk of statelessness. For example, there is no data on the number of Roma persons who lack legal identity and are at risk of statelessness. Another issue is that there may be hidden statelessness due to persons being attributed a nationality in official records. This mainly affects Palestinians who enter Romania with travel documents from another country or who apply for asylum. The same issue affects children born in Romania to parents whose countries of nationality require a procedure to confer nationality to the child, but they are unaware or unable to initiate/complete the procedure. Any data on stateless persons that does exist, including on persons at risk of statelessness and persons of undetermined nationality, is not reliable due to the absence of a procedure to determine	JRS Romania US Department of State, 2021 Country Reports on Human Rights Practices - Romania (published on 12 April 2022) https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/romania/

				statelessness, the absence of a designated authority responsible for this purpose, and the lack of adequate identification and registration of persons with unknown or undetermined nationality.	
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	At the end of April 2021, the General Inspectorate for Immigration and UNHCR reported 287 stateless persons officially registered in Romania. Their recorded State of former residence/birth are: Romania (83), Syria (74), Greece (32), Lebanon (19), Kuwait (14), Palestine (13), Israel (10), Jordan (4), Saudi Arabia (4), EAU (4). There were 113 women and 174 men. Of the 287, 127 had permanent residence, 94 a form of international protection, 12 were family members, 7 held a permit for study, 1 held a work visa, and 35 held a permit for other purposes. In November 2021, the total number had decreased to 302 (disaggregation not yet available).	Detailed official statistics provided by the General Inspectorate for Immigration upon request to relevant national stakeholders.
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. Council of the European Union, Conclusions on Statelessness (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.	These figures are recorded, but not published. Due to the lack of a Statelessness Determination Procedure, there can be confusion about who is recorded as stateless and on what grounds. Sometimes detainees are attributed the nationality of a country of destination for the purposes of removal. There are reports that 2 stateless persons were held in detention in 2021.	Detailed official statistics provided by the General Inspectorate for Immigration upon request to relevant national stakeholders.
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	The State does not routinely publish this data. However, the General Inspectorate of Immigration collects some data and reports the number of persons granted tolerated stay following release from their detention or alternatives to detention (it's not clear how many were in each category). In 2020, 249 persons were granted tolerated stay.	General Inspectorate for Immigration, Highlights from the activity of police officers of the Inspectorate General for Immigration in 2020 (press release): http://igi.mai.gov.ro/ro/comunicat/repered-in-activitatea-poli%C8%9Bi%C8%99tilor-inspectoratului-general-pentru-imigr%C4%83ri-%C3%AEn-anul-2020 (RO)

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	1954 Convention : Articles 1(1) & 1(2).	Yes. Law 362/2005 on accession to the 1954 Convention transposes the entire Convention (with the reservations made to Articles 23, 27 & 31), therefore the definition and exclusion provisions are in accordance with the 1954 Convention. The Law on Foreigners of 2002 (adopted prior to accession to the 1954 Convention) defines a stateless person as "a person who does not have the citizenship of any State", which is a narrower definition than the 1954 Convention and Law 362/2005. In practice, the courts apply the Convention definition.	Law no.362 of 13 December 2005, Official Gazette No. 1146 of 19 December 2005: http://legislatie.just.ro/Public/DetaliuDocument/66980 (RO) Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Article 2(b): http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082) JRS Romania
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	Yes. The latest event was aimed at the authorities, lawyers and NGOs, and focused on strategic litigation for stateless cases and was organised in Bucharest on June 2018 by UNHCR with ENS experts.	UNHCR Romania JRS Romania
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR, Good Practices Papers – Action 6 (2020) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR, Geneva Conclusions (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	No, there is no specific targeted training on statelessness for judges and lawyers (aside from ad hoc trainings as above).	UNHCR Romania JRS Romania
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a). 2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (answer Question SDS.3.b. and proceed to Question 10a). 3. There is a dedicated statelessness status but no formal procedure for	UNHCR, Handbook on Protection (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR, Good Practices Papers – Action 6 (2020) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	2. There is no dedicated SDP leading to a dedicated statelessness status in Romania, but there are other procedures in which statelessness can be identified.	

		determining this (answer Question SDS.3.b. and proceed to Question 15a).			
SDS.3.b	Temporary protection for people fleeing war	<p>Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine?</p> <p>Please describe any barriers for stateless people or people at risk of statelessness in accessing the territory or receiving protection (e.g. for people who cannot fulfil eligibility requirements in line with the EU Temporary Protection Directive, if applicable).</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>There are currently no reported difficulties for stateless people, those at risk of statelessness, or undocumented people to enter Romania on the Romanian side of the border, although some issues have been reported on the Ukrainian side. People fleeing the war are allowed to enter Romania even without documents by applying for asylum at the border. It is also reported that, in the absence of documentation, border guards register people who wish to apply for protection with a stated/declared nationality (whether Ukrainian or another nationality).</p> <p>Temporary protection is available for:</p> <ul style="list-style-type: none"> - Ukrainian citizens who lived in Ukraine before 24 February 2022, regardless of when they left Ukraine, as well as their family members; - non-Ukrainian third country nationals or stateless persons who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022, as well as their family members; - non-Ukrainian third-country nationals or stateless persons who prove that they had a permanent residence permit in Ukraine, and who cannot return in safe and durable conditions to their country or region of origin. <p>In August 2022, the scope of temporary protection was extended to also include ‘other close relatives’ who were living together as part of the family when the events leading to the massive influx of displaced persons took place and who were dependent on the main applicant. The concept of ‘family members’ was also extended to include unmarried children regardless of whether they are born out of wedlock or adopted.</p> <p>Persons who have the possibility to return in safe and stable conditions to their country or region of origin are not eligible for temporary protection (analysis conducted by the police officers from the General Inspectorate for Immigration and the result of this analysis being recorded in a report) (art. 2(2) of Decision 367/2022).</p> <p>Those who are ineligible for temporary protection have the possibility to apply for asylum at the border or inside the territory and will undergo a complete protection screening.</p>	<p>European Network on Statelessness, Country Briefing, Romania: Information for stateless people and those at risk of statelessness fleeing Ukraine, August 2022: https://www.statelessness.eu/statelessness-ukraine-crisis</p> <p>Decision no. 367/18 March 2022 on establishing conditions for ensuring temporary protection, as well as for amending and supplementing normative acts in the field of aliens https://legislatie.just.ro/Public/DetaliiDocument/252745 (RO)</p> <p>In August 2022, the scope of temporary protection was extended to also include ‘other close relatives’ who were living together as part of the family when the events leading to the massive influx of displaced persons took place and who were dependent on the main applicant. The concept of ‘family members’ was also extended to include unmarried children regardless of whether they are born out of wedlock or adopted.</p>
SDS.10.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	<p>If there is no dedicated SDP leading to a statelessness status, are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?</p>	<p>ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p>ECtHR, Hoti v. Croatia (2018): [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>Statelessness may come up as a legally relevant fact in many proceedings requiring the determination of nationality, but none of them is tailored to make a determination of statelessness nor lead to protection on the grounds of statelessness. Statelessness may be identified during asylum procedures, returns, or border procedures.</p>	<p>JRS Romania UNHCR Romania</p>
SDS.10.b		<p>Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?</p>	<p>1954 Convention UNHCR, Handbook on Protection (2014): It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p>	<p>No.</p>	

<p>SDS.11.a</p>	<p>Access to procedures (Group 2)</p>	<p>Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.</p>	<p>UNHCR, Handbook on Protection (2014): States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>In the asylum procedure, statelessness is considered based on statements provided at the moment of submission of an application, and may be further assessed during the substantive interview/s, as part of the asylum process. Thus, an asylum-seeker can be identified as a stateless person and issued an identity document stating this. However, in assessing an asylum claim, the authorities mainly apply the concept of “country of origin” used in the domestic law definition of a refugee (Article 23 of the Law 122/2006, which refers to “country of origin” instead of “country of nationality” as per the 1951 Refugee Convention). The authorities do not usually refer to the “country of habitual residence” and do not take into consideration whether the person is unable or unwilling to return to that country (instead of not availing themselves of the protection of that country), which according to the 1951 Refugee Convention is the standard that should be applied to stateless persons. Stateless persons may be granted a tolerated stay permit in the context of return proceedings. This may be considered in the case of refused asylum-seekers who declared themselves to be stateless at the beginning of the asylum procedure (and this wasn’t disputed during the procedure) and in cases where the countries of origin/residence have failed to recognise the person’s nationality (although this practice has not been encountered recently). In both cases, the responsible body is the General Inspectorate for Immigration. Statelessness can be considered during border procedures (Arts. 82-87 Law 122/2006) if a person declares their statelessness. In practice, this is accepted until proven otherwise. The responsible body is the General Inspectorate of Border Police.</p>	<p>JRS Romania</p> <p>Law No. 122/2006 on Asylum in Romania, Article 23: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html)</p> <p>Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Article 100: http://legislatie.just.ro/Public/DetaliiDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)</p>
<p>SDS.11.b</p>		<p>Are there obligations in law on authorities to consider a claim of statelessness?</p>	<p>UNHCR, Good Practices Papers – Action 6 (2020): Access to the procedure must be guaranteed. EASO/EUAA, Practical guide on registration (2021): Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person’s statelessness at the registration stage. Stateless determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p>	<p>No.</p>	<p>JRS Romania</p>
<p>SDS.11.c</p>		<p>Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?</p>	<p>1954 Convention UNHCR, Handbook on Protection (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>No, there are no instructions.</p>	<p>JRS Romania</p>
<p>SDS.11.d</p>		<p>Is there cooperation between agencies that may have contact with stateless people?</p>	<p>UNHCR, Good Practices Papers – Action 6 (2020): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	<p>There is cooperation between State agencies but not specifically for the purposes of identifying stateless people.</p>	<p>JRS Romania</p>
<p>SDS.12.a</p>	<p>Assessment (Group 2)</p>	<p>Who has the burden of proof when determining or identifying statelessness (in law and practice)?</p>	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p>	<p>In the asylum procedure, the burden of proof is shared between authorities and the applicant. In return procedures, according to the law the burden lies mostly with the authorities, but in practice a person with irregular residence status should provide details on their identity in order to shorten their stay in detention. In all</p>	<p>Law No. 122/2006 on Asylum in Romania: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html)</p>

			<p>UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>cases, the individual has an obligation to cooperate and take all reasonable measures to obtain documents.</p>	<p>Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Article 83: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)</p>
SDS.12.b		<p>What is the standard of proof to evidence statelessness?</p>	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>UNHCR, Good practices in nationality laws (2018): The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>The standard of proof is established based on general procedural standards for asylum-seekers during the asylum procedure (lower standard of proof), and the benefit of the doubt is granted in some situations (Arts. 12 & 15 Law 122/2006).</p> <p>These legal standards were further interpreted in practice in the context of statelessness. For example, some Palestinians are required to provide a certificate from UNRWA, stateless persons of Palestinian or Syrian origin with travel documents issued by other countries must show that it is impossible for them to return, Bedoons from Kuwait or Algeria must show they are recognised as stateless persons, or people who are presumed to have the nationality of their country of origin must show that they are not recognised as nationals.</p>	<p>Law No. 122/2006 on Asylum in Romania: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html)</p> <p>Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)</p> <p>JRS Romania</p>
SDS.12.c		<p>Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?</p>	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p>	<p>There is no guidance for decision-makers on the identification of statelessness. In case of asylum procedures, the confidentiality principle is strictly observed.</p>	<p>JRS Romania</p>
SDS.13.a	<p>Procedural safeguards (Group 2)</p>	<p>Is free legal aid available to stateless people generally?</p>	<p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p>ENS (2013): If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>Yes, in similar conditions as other foreigners, based on their residence/immigration status.</p>	<p>Law no. 51/1995 for the organization and practicing legal profession/lawyer, Article 3: http://legislatie.just.ro/Public/DetaliuDocument/27141 (RO)</p> <p>Law No. 122/2006 on Asylum in Romania, Article 17: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html)</p> <p>Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Article 85: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)</p>
SDS.13.b		<p>Is free interpreting available to stateless people?</p>	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	<p>Yes, in similar conditions as other foreigners, based on their residence/immigration status. Interpretation free of charge is usually granted only during the procedures before competent authorities.</p>	<p>Law no. 178 of November 4, 1997 for the authorization and payment of interpreters and translators used by the Superior Council of Magistracy, the Ministry of Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate, criminal prosecution bodies, courts, notaries public offices, lawyers and bailiffs: http://legislatie.just.ro/Public/DetaliuDocument/11944 (RO)</p> <p>Law No. 122/2006 on Asylum in Romania, Article 3: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html)</p>

					Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Article 143: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)
SDS.13.c		Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal, audits in decision-making, etc.)?	UNHCR, Handbook on Protection (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	General procedural safeguards are in place for applicants in the asylum procedure (including border and repeated applications) as well as in return procedures (including detention and toleration). These include communication of written decisions with reasons, rights of appeal, and specific time limits (from two to seven days). The right to an interview is specifically provided during asylum procedures and is optional in the administrative phase of return procedures and all court proceedings.	Law No. 122/2006 on Asylum in Romania: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html) Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)
SDS.14.a	Protection (Group 2)	Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.	UNHCR, Handbook on Protection (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	No. The rights granted to stateless people are provided in consideration of their respective status as asylum-seekers, persons with irregular residence status (at the border or in detention), persons with a tolerated stay permit, persons granted another form of protection or residence. No distinction is made between people with or without a nationality.	Law No. 122/2006 on Asylum in Romania: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html) Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)
SDS.14.b		Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access: - right to reside - travel document - work - healthcare - social security - education - housing - family reunification - right to vote. [Section complete, proceed to DET]	1954 Convention UNHCR, Handbook on Protection (2014) : The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	There is no formal procedure for granting statelessness status in Romania. However, some 1954 Convention rights may be granted to stateless persons in Romania. Identity documents are issued depending on the person's residence/immigration status in Romania, usually based on declared identity (and sometimes denial by potential countries of origin during removal procedures). Certain rights are recognised to stateless people in national legislation, although in some cases a permanent residence permit or domicile in Romania is required to access certain categories of rights in line with nationals (e.g. state social services). Stateless persons who are documented and registered (e.g. because they were issued a residence permit or tolerated stay) are specifically mentioned as beneficiaries of health insurance , the public pensions system , minimum inclusion income , social assistance , insurance for accidents at work and occupational health , preventing and combating social marginalisation , labour rights , protection of maternity in the workplace, apprenticeships , family support , and access to education . However, stateless persons are not mentioned among the priority categories for housing . The right to family reunification is accessible for stateless persons who are beneficiaries of international protection or hold another type of residence permit. The right to vote is limited only to nationals under the Constitution. Stateless people with a residence permit or who enter the country legally are entitled to legal aid . Romania does not issue travel documents under the 1954 Convention. Travel documents issued by several countries, as specified in a Ministerial Order, are recognised in Romania. It also recognises other travel documents (mostly temporary documents) issued to stateless persons by Ukraine, Uzbekistan, Slovenia and Monaco.	Law 95/2006 on public healthcare reform, Article 222: http://legislatie.just.ro/Public/DetaliuDocument/170974 (RO) Law 127/2019 on the public pensions system, Article 5: http://legislatie.just.ro/Public/DetaliuDocument/215973 (RO) Law 196/2016 on minimum inclusion income, Article 7: http://legislatie.just.ro/Public/DetaliuDocument/183328 (RO) Law 292/2011 on social assistance, Article 4: http://legislatie.just.ro/Public/DetaliuDocument/133913 (RO) Law 346/2002 on insurance for accidents at work and occupational health, Article 7: http://legislatie.just.ro/Public/DetaliuDocument/157172 (RO) Govt. Decision 1149/2002 on preventing and combating social marginalisation, Article 1: http://legislatie.just.ro/Public/DetaliuDocument/39631 (RO) Law 53/2003 Labour Code, Article 2: http://legislatie.just.ro/Public/DetaliuDocumentAfis/244538 (RO) Emergency Ordinance 96/2003 on the protection of maternity in the workplace, Article 1: http://legislatie.just.ro/Public/DetaliuDocument/47216 (RO) Law 279/2005 on apprenticeships, Article 7: http://legislatie.just.ro/Public/DetaliuDocument/150497 (RO) Emergency Ordinance 148/2005 on supporting the family in raising the child, Article 7: http://legislatie.just.ro/Public/DetaliuDocument/65867 (RO) Law 1/2011 on national education, Article 2: http://legislatie.just.ro/Public/DetaliuDocument/125150 (RO)

					<p>Law 114/1996 on housing, Article 43: http://legislatie.just.ro/Public/DetaliuDocument/8601 (RO)</p> <p>Emergency Ordinance no. 194/2002 on legal regime of foreigners, Articles 46 & 62: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO)</p> <p>Law 122/2006 on asylum in Romania, Articles 71-73: http://legislatie.just.ro/Public/DetaliuDocument/71808 (RO)</p> <p>Constitution of Romania, Article 36: http://cdep.ro/pls/dic/site2015.page?den=act2_2&par1=2&idl=2</p> <p>Emergency Ordinance 51/2008 on public legal assistance on civil matters, Article 45: http://legislatie.just.ro/Public/DetaliuDocument/91863 (RO)</p> <p>Ministerial Order no. 1124/2015 of the Ministry of Foreign Affairs regarding the list of travel documents accepted by Romania, published in the Official Gazette no. 566 of 29.07.2015</p>
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Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>National legislation has transposed the EU Return Directive. The Law on Foreigners does not explicitly mention detention, but it rather regulates ‘public custody in accommodation centres’ with the purpose of taking the necessary steps for removal under escort. Stateless persons subject to removal are likely to be detained on grounds of ‘conducting all necessary steps for removal’.</p> <p>Immigration Officers have the power to propose detention. The proposal is submitted to the Returns Unit, who may order detention or deny it and grant a toleration stay permit, as an ‘alternative to detention’. However, tolerated stay is granted only when grounds for detention do not exist, so is not strictly an alternative to detention. The law does not provide for “alternatives” to pre-removal detention.</p> <p>The Asylum Law also permits the detention of asylum-seekers (although only one case has been reported in the last five years), and provides for alternatives to detention, e.g. obligation to regularly report to authorities or a designated stay in an asylum reception centre.</p> <p>Romanian detention centres rely on civil society for the provision of a range of goods and services, including food, clothing, and hygiene products. The UN Committee against Torture expressed concern at “reportedly unnecessary” detention pending return in Romania and recommended that Romania refrain from detaining non-citizens and promote alternatives to detention. In 2017, the UN Human Rights Committee urged Romania to ensure that detention is reasonable, necessary, and proportionate in light of the circumstances of the case and that detention measures are reassessed over time.</p>	<p>Global Detention Project, Romania Country Report, 2020: https://www.globaldetentionproject.org/countries/europe/romania/#country-report</p> <p>AIDA/ECRE Romania Country Report, 2021: https://asylumineurope.org/reports/country/romania/</p> <p>Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)</p> <p>Law No. 122/2006 on Asylum in Romania: http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/LEGEA122ANUL2006.pdf (RO) (ENG translation available: https://www.refworld.org/docid/44ace1424.html)</p> <p>UN Committee against Torture (CAT), “Concluding Observations on the Second Periodic Report of Romania, CAT/C/ROU/CO/2,” 5 June 2015, https://www.ohchr.org/EN/countries/ENACARRegion/Pages/ROIndex.aspx</p> <p>UN Human Rights Committee (HRC), “Concluding Observations on the Fifth Periodic Report of Romania, CCPR/C/ROU/CO/5,” 11 December 2017, https://www.ohchr.org/EN/countries/ENACARRegion/Pages/ROIndex.aspx</p>
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities’ diligence in handling the deportation. EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>Yes, a country of removal is identified prior to detention. If there is a change to the country of removal (e.g. due to lack of identification or doubts etc.), new countries may be considered and justification must be provided before the court when requesting prolongation of detention. In the case of persons with tolerated stay, removal procedures may be conducted outside detention. In this case, the proposed country of origin may be modified without leading automatically to placement in detention.</p>	<p>Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Articles 89 & 101: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)</p>

DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p>UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009)</p>	Yes. If there is no longer the possibility of removal under escort during the period of detention, the detention ends and tolerated stay is granted.	Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Art. 101: http://legislatie.just.ro/Public/DetaliiDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p>Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p>ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	Statelessness is not juridically relevant in decisions to detain. Statelessness may be identified following repeated refusals by a proposed country of return to recognise an individual. In such cases, this may sometimes lead to release from detention. Sometimes, the identity document issued after release may refer to the individual as a "stateless person"; however, there is no SDP in Romania so statelessness is not formally determined.	Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania: http://legislatie.just.ro/Public/DetaliiDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	Yes. The Law on Foreigners defines vulnerable persons as: minors, unaccompanied minors, disabled persons, elderly persons, pregnant women, single parents with minor children, and persons who have been subjected to torture, rape and other serious forms of mental, physical or sexual violence, in accordance with the EU Return Directive. The definition does not include stateless persons and statelessness is not considered as a factor increasing vulnerability.	Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Article 2(z): http://legislatie.just.ro/Public/DetaliiDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Return Directive: Article 16(3)</p> <p>EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p> <p>Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention.</p>	Vulnerability assessments are carried out to some extent. However, in 2018, UNHCR expressed concern about vulnerable persons being detained and vulnerability not being sufficiently identified or considered when analysing the necessity and proportionality of detention. During the forced removal procedure (under escort), the authorities should take into consideration vulnerabilities and special needs according to the law.	Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Article 89: http://legislatie.just.ro/Public/DetaliiDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)

			PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.		
DET.2.d		Are stateless people detained in practice?	As above.	Yes. Between January-November 2021, three stateless persons were detained.	Official statistics provided by General Inspectorate for Immigration to JRS Romania/UNHCR Romania
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p>ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for his arrest. Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it. ECtHR, Kim v. Russia (2014): The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>Detention must be ordered in writing and reasoned in law and fact by the Prosecutor's Office attached to either the Bucharest Court of Appeal or the court of appeal in whose jurisdiction the accommodation centre is located. Exceptionally, in cases related to national security, the reasoning is limited as classified information cannot be disclosed.</p> <p>There is a right to legal, medical, and social assistance as well as the possibility of communicating with diplomatic and consular representatives, family members, and legal representatives.</p> <p>There is a right to lodge a complaint with the court of appeal in whose jurisdiction the facility is located, within 5 days of the detention being ordered, and the court of appeal should decide within 3 days. However, it is reported that few appeals are submitted in practice. It is also possible to request the General Inspectorate for Immigration review the feasibility of escorted removal, and a refusal can be challenged in a court of appeal. The judge's decision is final.</p> <p>There are periodic reviews - detention orders must be reviewed by the General Inspectorate every 3 months, or every month in the case of families with minors.</p> <p>The maximum length of detention is 18 months, which is strictly observed and automatic release at the end duly applied.</p> <p>Regular legal assistance is provided in detention facilities by NGOs funded by the national AMIF scheme or UNHCR, which facilitates access to free legal aid.</p>	<p>Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)</p> <p>Global Detention Project, Romania Country Report, 2020: https://www.globaldetentionproject.org/countries/europe/romania#country-report</p>

DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust, Guidelines (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	Yes. NGO staff are present daily in detention centres and provide information on rights, available assistance and contact details. However, no information is available for stateless people in detention on how to claim any rights under the 1954 Convention.	JRS Romania
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust, Guidelines (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	No	JRS Romania
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021) : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	Yes. People released from detention are issued with identity documents and tolerated stay. In some cases, tolerated stay identity documents state that the person is 'stateless'. However, in case of breach of toleration conditions (such as limited residence or attempts to irregularly cross the border), re-detention can be applied as a sanction, which is contrary to EU standards related to return procedures. As a note, toleration granted upon release (or as an alternative to detention) is considered a mere permission to remain and not a right to stay; moreover, the validity of documents is renewed every one to two months (as part of reporting requirements).	Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Art. 106 & 117: http://legislatie.just.ro/Public/DetaliiDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082) JRS Romania
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	CJEU, Kadzoev, C-357/09 PPU (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	The person is released with tolerated status, which entails issuance of an identity document and personal numerical code, as well as the right to work in similar conditions as nationals. Upon request, those released from detention may access basic support, including accommodation under AMIF.	Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Art. 117: http://legislatie.just.ro/Public/DetaliiDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR, Handbook on Protection (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness. UNCRC, MKAH v Switzerland, no 95/2019 (2021) : The State in which a stateless child applies for	Bilateral readmission/return agreements generally include stateless persons but do not distinguish between them and third country nationals. A bilateral agreement has been signed between Romania and Germany in 1998 on the taking back of stateless persons, which applies to persons who have renounced the nationality of the State that is requested to take them back,	Decision 869/1998 for the approval of the Convention between the Ministry of Interior of Romania and the Federal Ministry of Interior of the Federal Republic of Germany on the taking back of stateless persons, signed in Bonn on June 9, 1998: http://legislatie.just.ro/Public/DetaliiDocument/16362 (RO)

			international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).	without having acquired another nationality or at least the guarantee of grant of another nationality. No data available on application or interpretation in the domestic law of the MKAH decision.	
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		Yes. Cases were reported at that time by the media – a few hundred former Romanian nationals were returned under the bilateral agreement with Germany.	Adevarul Newspaper: https://adevarul.ro/news/societate/apatridul-mogos-s-a-spanzurat-cinci-ani-autodetentie-1_50ac041a7c42d5a66383ec22/index.html (RO)

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013) : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	Stateless persons acquire the right to apply for naturalisation after eight years of lawful residence, which is the same as for other foreigners. The timeframe is reduced by half (four years) for refugees, EU citizens, internationally recognised personalities, and those who invest more than a million EUR in Romania. It is reduced to five years from the date of marriage for those married to Romanian citizens. There is no reduction for stateless persons.	Act No. 21/1991 on Romanian Citizenship, Article 8: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)
PRS.1.b		Are there requirements relating to ‘good character’ or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Yes. Requirements include proving ‘through behaviour, actions and attitude’ loyalty to the Romanian State, not undertaking or supporting actions contrary to the rule of law or national security, and declaring that they have not undertaken such actions in the past. There is also a requirement to be ‘known to have good conduct and not have been sentenced in Romania or abroad for any criminal offence that ‘would make them unworthy to be Romanian citizens’. These requirements can be proven through a criminal records certificate and notarised statements.	Act No. 21/1991 on Romanian Citizenship, Article 8: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021) : States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	No. General requirements, which must also be met by stateless people, include: - to have reached the age of 18 - to have legal means for decent living in Romania - to speak Romanian and have basic knowledge of Romanian culture and civilisation to be integrated in social life - to be aware of the provisions of the Constitution and the national anthem. There is no cost for the procedure for adults or children.	Act No. 21/1991 on Romanian Citizenship, Article 8: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	No. The only option (Article 9) for a stateless child born on the territory is to apply for naturalisation alongside their parent/s if they are able to apply to naturalise (under provisions set out in Article 8). The child must be under 18 (their consent is required if aged 14-17), reside in Romania, and either submit the application with their parents, or, if born after the parent/s application, apply before a decision to grant them citizenship is issued, or the parent/s may apply on the child’s behalf after they have acquired citizenship if they also submit proof of subsistence. Children born to parents with a foreign nationality will automatically be registered as having the same nationality as their parents without any determination as to whether they can actually acquire a nationality.	Act No. 21/1991 on Romanian Citizenship, Article 8: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html) Ordinance 65/2017 for the amendment and completion of the Act on Romanian Citizenship (amending Article 9 of the Act on Citizenship): https://www.universuljuridic.ro/legii-cetateniei-romane-21-1991-modificari-oug-65-2017/ (RO) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania

PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No.	
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	1961 Convention : Article 2 ECN : Article 6(1)(b)	Yes. However, certain administrative conditions must be met in practice for the provision to be effective. Any authority, institution, or person who cares for a pregnant woman or finds a new-born or an older child whose identity is unknown or cannot be established, has an obligation to inform the competent authorities within 24 hours ('immediately'). Within 3 days, a report signed by a competent authority and a doctor must be completed, including the date, place and context in which the child was found, and the child's sex and presumed date of birth as established by the doctor. Within 30 days, based on this information, the birth certificate is issued. To establish the identity of a child found or abandoned in a hospital, the competent authorities are required to designate one or more persons to carry out the necessary steps for birth registration, including forensic expertise, and a decision by the mayor determining the name and surname. If the parent(s) is/are later identified, the birth certificate is annulled through a court decision and a new one is issued.	Act No. 21/1991 on Romanian Citizenship, Article 5(3): http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html) Methodological norms for the application of legislation on civil status, Official Gazette No. 151 of 2 March 2011, Arts. 34-37: http://legislatie.just.ro/Public/DetaliuDocumentAfis/220201 (RO)
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	There is no particular age limit in the foundlings provision, therefore the applicable limit is 18 years-old.	Act No. 21/1991 on Romanian Citizenship, Article 5(3): http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Yes. The law provides that a child found on the territory loses Romanian nationality if filiation is established to one or both parents before the child is 18 and if the parent/s are foreign nationals. There is no explicit safeguard to prevent statelessness in such cases and no jurisprudence on this matter. The authorities state that they consider potential situations of statelessness but, in the absence of a legal safeguard, there is a risk of statelessness.	Act No. 21/1991 on Romanian Citizenship, Article 30: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No. The child is considered to have lost their Romanian nationality only from the date they acquire the nationality of the adoptive parent/s. If the child is over 14, their consent is required. If the adoption is annulled, the child (if under 18) will be regarded as never having lost Romanian nationality.	Act No. 21/1991 on Romanian Citizenship, Article 29: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes, if both parents are Romanian nationals. If only one of the adoptive parents is a Romanian national, the nationality of the child must be decided by agreement between the adoptive parents. If agreement cannot be reached, the competent court deciding on the adoption will also decide on the future nationality of the child, taking into account the interests of the child and their opinion if they are over 14. While the legal provisions do not specify the course of action in a situation where one of the adoptive parents is Romanian and the other one is stateless and the parents cannot reach an agreement, in practice, given that the	Act No. 21/1991 on Romanian Citizenship, Article 6: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania

				Court would be called to decide on the matter with due regard for the best interests of the child, it is likely it would decide in favour of the child acquiring Romanian nationality. A risk of statelessness may occur for children residing abroad (or who leave the country for permanent residence abroad), if the adoption is annulled or cancelled, a child under 18 is considered never to have been a Romanian national.	
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes. All children born abroad to a parent who is a national of Romania are automatically, by law, considered to be Romanian nationals.	Act No. 21/1991 on Romanian Citizenship, Article 5: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	ECtHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 32 (2014) : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4	There are no additional criteria in the Law on Citizenship, but the Law on Civil Status sets out a procedure to be undertaken to issue the birth certificate and register the birth of a child born abroad. In practice, children whose birth was registered abroad must transcribe their civil status documents into the Romanian registries. This can be done through a request submitted to the consular authorities where the child was born or through a request for the transcription of foreign civil status certificates in Romania. There have been cases reported in the past of children in some countries facing difficulties to register their births and be recognised as nationals. Children of same-sex parents will not be registered in the registries.	Act No. 21/1991 on Romanian Citizenship, Article 5: http://legislatie.just.ro/Public/DetaliuDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html) Act No. 119/1996 on Civil Status Documents, Art. 40: http://legislatie.just.ro/Public/DetaliuDocument/8624 (RO) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania EIPaís.com, 19 July 2019: Rumanía desbloquea la situación de los 200 niños sin papeles que tutela España: http://cort.as/-RZh2 (SP) JRS Romania
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents?	CRC : Article 7 ICCPR : Article 24(2) CoE, Recommendation CM/Rec(2009)13 (2009) : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR, Guidelines on Statelessness No. 4 (2012) : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7 UN Sustainable Development Goal 16.9 European Parliament, Resolution on LGBTIQ rights in the EU (2021) : Calls on States to overcome discrimination against rainbow persons and families. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021) : All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.	Although, universal birth registration is guaranteed to all children under the general legal framework, before 2016, there were documentation requirements that prevented some parents from registering births. The new rules have overcome these issues by allowing statements from competent officials (police, guardianship authority etc.) to be presented to confirm identity and facilitate registration. However, registration may be delayed in the case of marriages concluded abroad without transcription/registration in the Romanian civil register. A birth can only be registered after the marriage has been transcribed in the Romanian civil register. There are several reports of Romanian and regional civil society organisations, as well as judgments from the CJEU and the ECtHR, that express concerns regarding respect for LGBTIQ+ rights in Romania. This includes issues related with family reunification of same-sex spouses and legal gender recognition, which may have an impact on birth registration and access to a nationality of children of LGBTIQ+ parents.	Act No. 119/1996 on Civil Status Documents: http://legislatie.just.ro/Public/DetaliuDocument/8624 (RO) Methodological norms for the application of legislation on civil status, Official Gazette No. 151 of 2 March 2011, Arts. 34-37: http://legislatie.just.ro/Public/DetaliuDocumentAfis/220201 (RO) Act No. 272/2004 on the Protection and promotion of the rights of the child, Article 9: http://legislatie.just.ro/Public/DetaliuDocument/52909 (RO) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania JRS Romania Government Decision no. 913 of 10 December 2019, published in the Official Gazette no. 1008 of 16 December 2019, Article 2: http://legislatie.just.ro/Public/DetaliuDocumentAfis/220201 (RO) Office of Civil Register District 1 Bucharest: http://www.starecivila1.ro/inregistrare-nastere/ (RO)

					<p>Rainbow Europe – Romania: https://www.ilga-europe.org/sites/default/files/2022/romania.pdf</p> <p>ECHR - HUDOC, X and Y v. Romania, applications no. 2145/16 and 20607/16, 19 January 2021: https://hudoc.echr.coe.int/fre?i=002-13101</p> <p>Court of Justice of the European Union, <i>Coman and others</i>, Case C-673/16, 5 June 2018: https://curia.europa.eu/juris/document/document.jsf?text=&docid=202542&doclang=EN</p>
PRS.6.b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	<p>Yes. Before 2016, children of undocumented mothers/parents could not be registered and issued a birth certificate until the mother's status was confirmed. There are specific procedures to register the births of children whose parents are asylum seekers or beneficiaries of international protection in Romania.</p> <p>Birth registration is based on the following documents: a) the medical certificate certifying the birth, drawn up on a standard form, which will have to bear the registration number, date, the seal/stamp of the health unit, the doctor's signature and initials; b) the identity document of the mother and the declarant, if the birth is not declared by the mother; c) the marriage certificate of the child's parents, in original and photocopy, and if they bear a different surname, the written statement regarding the name that the child will acquire, signed by both parents in front of the civil status officer or the public notary ; d) the declaration of recognition of the child born out of wedlock, given by the father in front of the civil status officer who registers the birth, from which the surname acquired by the child can be derived, to which the mother's consent is attached according to the model provided in annex. The minor father can recognize his child by himself if he proves his discernment at the time of recognition, by performing a psychiatric examination.</p> <p>In the situation where one or both of the parents are foreign citizens or stateless, additional documents should be provided: a) the passport of the foreign or stateless parent/foreign or stateless parents, respectively the identity document for citizens of the member states of the European Union or the European Economic Area or the Swiss Confederation or, as the case may be, the identity document issued by the General Inspectorate for Immigration, in original and photocopy. In the case of foreign citizens or stateless persons whose identity/travel documents do not contain data entered using the Latin alphabet, a legalised translation is requested; if the foreign documents presented do not clearly indicate the surname and first name, the holder's notarized declaration in this regard is requested; b) the marriage certificate of the child's parents, registered in the Romanian civil status registers, if one of the parents is a Romanian citizen; if both parents are foreign citizens, the original marriage certificate, as well as its legalized translation, apostilled/extra-legalized. c) the statement given by the parents of asylum seekers or beneficiaries of international protection in Romania before the civil status officer, if they cannot present the marriage certificate issued by the foreign authorities before whom the marriage was concluded, according to the model provided in annex.</p>	<p>ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania</p> <p>Government Decision no. 913 of 10 December 2019, published in the Official Gazette no. 1008 of 16 December 2019, Article 2: http://legislatie.just.ro/Public/DetaliiDocumentAfis/220201 (RO)</p> <p>Methodological norms for the application of legislation on civil status, Official Gazette No. 151 of 2 March 2011, article 30: https://legislatie.just.ro/Public/DetaliiDocumentAfis/220201 (RO)</p>	

				<p>If the parents of asylum seekers or beneficiaries of international protection in Romania do not hold a passport or identity document issued by the state of which they are citizens, and in the case of stateless persons, the passport issued on the basis of the Convention on the Status of Stateless Persons of 1954, the document and the child's birth certificate will include a notation that "The identity of the parents/father/mother is declared". The Personal Numerical Code (CNP) is to be issued by the General Inspectorate for Immigrations, as the civil registers may only attribute CNP to children of Romanian citizens.</p> <p>When the declaration of birth is made by a foreign citizen/stateless citizen who does not know the Romanian language, the documents necessary to register the act are requested through an authorized interpreter and translator; the civil status officer/staff with civil status attributions concludes a report, according to the model provided in annex.</p>	
PRS.6.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<p>CRC: Articles 3 & 7</p>	<p>Yes. There is no field for 'Nationality' on the birth certificate, but there is a separate section for 'Mentiuni' ('Mentions', or annotations) where authorities will add information about the country of nationality or statelessness of the child. In practice, this is completed based on the parents' statements and identity documents, but no verification is conducted as regards the actual possibility of the child acquiring the nationality of one of the parents.</p>	<p>Government Decision no. 64/2001 on the Methodology for the unitary application of dispositions concerning civil status, Official Gazette No. 151 of 2 March 2011, Article 151 (corroborated with Article 24(D)): http://legislatie.just.ro/Public/DetaliiDocumentAfis/220201 (RO)</p> <p>ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania</p>
PRS.6.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.	<p>CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021)</p>	<p>No. Children born to parents with a foreign nationality will automatically be registered as having the same nationality as their parents without any determination as to whether they can actually acquire a nationality.</p> <p>Any other regulations adopted in the field of respecting and promoting the rights of the child, as well as any legal act issued or, as the case may be, concluded in this field are subordinated with priority to the principle of the child's best interests. It will prevail in all actions and decisions concerning children, undertaken by public authorities and accredited private providers, as well as in cases resolved by the courts.</p>	<p>JRS Romania</p> <p>Act No. 272/2004 on the Protection and promotion of the rights of the child, Article 2: http://legislatie.just.ro/Public/DetaliiDocument/52909 (RO)</p>
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p>	<p>Yes. Cases have been reported of children born to refugees, asylum-seekers, and persons with subsidiary protection erroneously being refused birth certificates due to being unable to provide a passport from their home country. Since 2019, the legal provisions were modified so that in the case of parents seeking asylum or beneficiaries of international protection in Romania who do not hold a passport or identity card or stateless persons' travel document, the phrase "The identity of the parents/father/mother is declared" is registered. In the past, children of undocumented mothers/parents, migrants and/or stateless persons with irregular residence status were prevented from registering births in practice. A small number of cases continue to be reported where delays in registration occur due to the interpretation of legal provisions or their lack of specific regulation of birth registration for some parents (e.g. migrants, same sex parents).</p>	<p>ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015, p.10: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania</p> <p>Government Decision no. 64/2001 on the Methodology for the unitary application of dispositions concerning civil status., Official Gazette No. 151 of 2 March 2011, Art. 24 (2¹): http://legislatie.just.ro/Public/DetaliiDocumentAfis/220201 (RO)</p> <p>JRS Romania</p>

			<p>European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>	Roma population mainly faced practical problems in registering of birth of their children born abroad (legalisation and other procedural requirements).	
PRS.6.f	Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children’s personal data, in particular biometric data, should only be used for child protection purposes.</p> <p>CoE, ECRI General Policy Recommendation No. 16(2016): States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	There is no legal obligation on the authorities to report people who are undocumented or have irregular residence status. At the same time, there is no clear firewall to prohibit the sharing of info with immigration authorities, but the Emergency Ordinance 194/2002 does not include as an offence or minor offence the non-disclosure of such information.	Emergency Ordinance No. 194/2002 on the legal regime of foreigners in Romania, Art. 117: http://legislatie.just.ro/Public/DetaliuDocument/93712 (RO) (ENG translation available at: https://www.legislationline.org/documents/id/5082)	
PRS.6.g	Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p>HRC, Resolution A/HRC/RES/20/4 (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p>	Yes. Births must be registered with the competent authorities within 15 days. Registration between 15 days and one year requires the approval of the Mayor. After a year, registration is only possible through a court procedure.	Act No. 119/1996 on Civil Status Documents, Arts. 17 & 21: http://legislatie.just.ro/Public/DetaliuDocument/8624 (RO) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania	
PRS.6.h	Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Yes. If a child whose birth hasn’t been registered is found, the obligation to register them falls to the relevant Public Service for Social Assistance where the child was found. Between 15 days and one year from birth, approval of the local Mayor is required to finalise the procedure. After a year, a final court decision must be issued. The competent court is the local civil court (judecatorie) in the person’s place of residence or where the relevant Public Service for Social Assistance is located. The Court will ask the local Public Community Service for Personal Records to verify the child’s	Act No. 272/2004 on the Protection and promotion of the rights of the child, Article 14: http://legislatie.just.ro/Public/DetaliuDocument/52909 (RO) Act No. 119/1996 on Civil Status Documents, Arts. 18: http://legislatie.just.ro/Public/DetaliuDocument/8624 (RO) ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015:	

				identity. A medical certificate from a medico-legal practitioner determining the age and sex of the person is also required. There are practical barriers, including the need for legal representation, which may be expensive. Legal aid provided in judicial procedures is only available for those either registered with the General Inspectorate for Immigration (in the case of foreigners) and/or with legal identity. In both cases, therefore, legal aid is unavailable for unregistered and undocumented persons to resolve their lack of legal identity. Free legal assistance may be provided by specialised NGOs if funds and resources are available, even for unregistered/undocumented persons. The medico-legal assessment also has financial implications for persons over 18 (for children the costs are covered by the local authorities). There are reports of the age-assessment being unpleasant and uncomfortable, which may deter people from accessing the procedure. The procedure is even more complicated (or impossible) for people who were not born in medical facilities and do not have a medical certificate of birth.	https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7	No.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	Yes. One of the communities most affected is the Roma community, who face a complex range of issues, stemming from extreme poverty, social exclusion, and antigypsyism. Studies have shown that the Roma community in Romania is the most socially excluded, is discriminated against, and has unequal access to education, employment, decent living conditions, social services, and healthcare. There appear to be many Roma children and young adults who remain unregistered at birth and who would need to undergo the complex court procedure to register later in life. The risk is heightened for children born to parents who themselves are undocumented, thus perpetuating the lack of legal identity and risk of statelessness. According to 2001 Strategy to improve the situation of the Roma - the Ministry of Interior, the Ministry of Justice and the Ministry of Foreign Affairs had to present by the end of 2001, of a plan to resolve, the cases of statelessness of Roma from Romania.	ENS, Ending Childhood Statelessness: A Study on Romania, Working Paper 01/15, 2015: https://www.statelessness.eu/updates/publication/ending-childhood-statelessness-study-romania European Union Agency for Fundamental Rights, Second European Union Minorities and Discrimination Survey Roma – Selected findings, 2016: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings_en.pdf Strategy of 25 April 2001 of the Romanian Government to improve the situation of the Roma, General plan of measures for the implementation of the strategy for improving the Roma situation: http://legislatie.just.ro/Public/DetaliuDocumentAfis/52418 JRS Romania
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.	No. Romania has not made pledges to address statelessness under UNHCR's #IBelong Campaign to end statelessness by 2024. There have been no recent efforts to address gaps in the legal framework for the protection of stateless persons and prevention/reduction of statelessness.	UNHCR, Results of the high-level segment on statelessness, 2019: https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/

PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p>1961 Convention: Article 8 & 9 ECN: Article 7(3) UDHR: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	<p>Yes. In the case of foundlings, there is no safeguard to prevent deprivation of nationality leading to statelessness if a child's parents are later identified. Nor is there any legal safeguard to prevent statelessness arising from deprivation of Romanian nationality on other grounds. Deprivation is permitted where a naturalised Romanian national:</p> <p>a) commits particularly serious acts abroad harming the interests of the Romanian State or Romania's prestige; b) enlists abroad in the armed forces of a State with which Romania has severed diplomatic relations or with which it is at war; c) has obtained Romanian citizenship by fraudulent means; d) is known to have links with terrorist groups or has supported them, in any form, or has committed other acts that endanger national security.</p> <p>In practice, according to JRS Romania there has been at least one case (in 2013) where the authorities took into consideration the 1961 Convention and analysed the risk of an individual becoming stateless as a consequence of being deprived of their Romanian nationality.</p>	<p>Act No. 21/1991 on Romanian Citizenship, Arts. 5 & 25: http://legislatie.just.ro/Public/DetaliiDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)</p> <p>JRS Romania</p>
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	<p>The competent authority is the National Authority for Citizenship. A hearing takes place, but the absence of the individual does not prevent a decision. Views of relevant competent authorities and any person who could provide useful information are invited before the hearing. The individual is summoned at least six months before the hearing. An appeal may be lodged before the Court of Appeal, within 15 days from the date of communication. Legal aid is available during the administrative phase of the procedure as well as on appeal.</p>	<p>Act No. 21/1991 on Romanian Citizenship, Arts. 31-32: http://legislatie.just.ro/Public/DetaliiDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)</p>
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		<p>Yes. The National Authority for Citizenship reported 6 cases of deprivation of citizenship initiated in 2020. No information is available as to whether any cases have resulted in statelessness.</p>	<p>National Authority for Citizenship 2020 Report: http://cetatenie.just.ro/wp-content/uploads/2019/12/RAPORT-DE-ACTIVITATE-ANC-2020.pdf (RO)</p>
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p>1961 Convention: Article 7 ECN: Articles 7 and 8</p>	<p>Statelessness is not mentioned in the law. However, for renunciation to be permitted, there is a requirement in law that the individual has acquired another citizenship or has applied to obtain it and has the assurance that they will obtain it.</p>	<p>Act No. 21/1991 on Romanian Citizenship, Art. 27: http://legislatie.just.ro/Public/DetaliiDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)</p>
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p>Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p>	<p>Yes. A naturalised person may be deprived of Romanian nationality if they act against the interests of the State or are known to have links with or have supported terrorist groups or have committed other acts that endanger national security. There is no safeguard to prevent statelessness arising as a consequence of deprivation on national security grounds. No information is available on practice.</p>	<p>Act No. 21/1991 on Romanian Citizenship, Art. 25: http://legislatie.just.ro/Public/DetaliiDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)</p>

			UNHCR Guidelines on Statelessness No.5 (2020) : Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.		
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	ICCPR : Article 26 1961 Convention : Article 9 ECN : Article 5 Principles on Deprivation of Nationality : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.	Yes. Only naturalised Romanian nationals may be deprived of their Romanian nationality.	Act No. 21/1991 on Romanian Citizenship, Art. 25(2): http://legislatie.just.ro/Public/DetaliiDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	CRC : Articles 2(2), 7 and 8 CEDAW : Article 9(1) Principles on Deprivation of Nationality : States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).	Yes, in most cases. Deprivation under Art. 25 shall not have an effect on the Romanian nationality of the spouse or children of the individual concerned. Renunciation shall not have an effect on the spouse or children of the individual, but if both parents renounce their nationality and the child moves abroad, the child will lose their Romanian nationality.	Act No. 21/1991 on Romanian Citizenship, Arts. 25 & 26 & 28: http://legislatie.just.ro/Public/DetaliiDocument/121439 (RO) (ENG translation available at: https://www.refworld.org/docid/3ae6b50218.html)

Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p>Case Mogos vs. Romania, application 20420/02, decision 13 October 2005 (only in French) http://hudoc.echr.coe.int/eng?i=001-70614</p> <p>Case Al Agha vs Romania application no. 40933/02, decision 12 January 2010 (only in French) http://hudoc.echr.coe.int/eng?i=001-96655</p>	
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	<p>Jesuit Refugee Service (JRS) Romania - ENS member- assistance provided mainly to stateless with immigration background - www.jrsromania.org</p> <p>Romanian National Council for Refugees (CNRR) - assistance provided during the asylum procedures and within detention facilities - www.cnrr.ro.</p> <p>Each Bar Association in Romania has a specialised Pro Bono Service offering free legal assistance - e.g. contact of Bucharest Legal Assistance Service - saj@baroul-bucuresti.ro</p>	
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).			