

Government of Romania

**Ordinance No 44
on the Social Integration of Aliens Who
Were Granted a Form of Protection in Romania**

Published in the Official Gazette, Part I No 93 of January 31, 2004

GD No 44/2004 was amended and approved through Law No 185/2004 (published in the Official Gazette No 457 of May 21, 2004). GD No 44/2004 was successively amended through GD No 73/2004 (published in the Official Gazette No 787 of August 26, 2004) and through GD No 41/2006 (published in the Official Gazette No 714 of August 21, 2006).

On the basis of Article 108 of the Constitution of Romania, republished, as well as of Article 1, point IV.2 of Law No 559/2003 empowering the Government to issue ordinances,

the **Government of Romania** hereby adopts the present Ordinance.

CHAPTER I
General Provisions

Art. 1. – The aim of the present Ordinance is to facilitate the social integration of aliens who were granted a form of protection in Romania, by ensuring access to the following rights: right to employment, right to housing, right to medical and social assistance, social security, right to education, as well as through implementation of specific activities of cultural adaptation, counselling and Romanian language learning, grouped together in integration programs.

Art. 2. – In the meaning of the present Ordinance, the phrases below shall be defined as follows:

a) *aliens who were granted a form of protection in Romania* are the aliens who have been granted one of the forms of protection stipulated under Article 1, points a) and b) in Government Ordinance No 102/2000 on the Status and Regime of Refugees in Romania, approved with amendments by Law No 323/2001, with subsequent amendments and additions;

b) *social integration* is the process of active participation of the aliens who have been granted a form of protection in Romania to the economic, social and cultural life of Romania, with a view to preventing and combating their social marginalization;

c) *integration programs* are sets of measures and activities needed to facilitate the social integration of aliens who were granted a form of protection in Romania, carried out, upon their request, through a cooperative effort, by public institutions, local communities and non-governmental organizations active in the field, under the coordination of the National Office for Refugees of the Ministry of Administration and Interior.

Art. 3. – The integration programs for aliens who were granted a form of protection in Romania shall be established and implemented based on the beneficiaries' needs, without any discrimination, by respecting their cultural background.

CHAPTER II
Access to Social Rights

SECTION 1
Access to Employment and Housing

Art. 4. – Aliens who were granted a form of protection in Romania shall have access to the labour market under the same conditions established by law for Romanian citizens, as well as to working conditions equivalent to those provided by law for Romanian citizens.

Art. 5. – (1) Aliens who were granted a form of protection in Romania shall have access to the unemployment insurance system, to actions meant to prevent unemployment and stimulate employment, under the same conditions established by law for Romanian citizens.

(2) The National Employment Agency shall undertake the actions needed to adapt the services provided to the specific needs of the aliens enrolled in the integration programs.

Art. 6. – Aliens who were granted a form of protection in Romania shall have access to housing under the same conditions established by law for Romanian citizens.

SECTION 2
Access to Medical Assistance, to the Public Pension System and Other Social Security Benefits, as well as to the National Social Assistance System

Art. 7. – Aliens who were granted a form of protection in Romania shall have access to medical assistance under the same conditions established by law for Romanian citizens.

Art. 8. – Aliens who were granted a form of protection in Romania shall have access to the public pension system and other social security benefits, as well as the national social assistance system, under the same conditions established by law for Romanian citizens.

SECTION 3
Access to the Education System

Art. 9. – Access of aliens who were granted a form of protection in Romania to all forms of education shall be provided under the same conditions established by law for Romanian citizens.

Art. 10. – **(1)** In order to be integrated into the Romanian education system, minors who were granted a form of protection in Romania shall benefit from a free of charge basic Romanian language course for a full academic year.

(2) While attending the Romanian language courses, minors who were granted a form of protection in Romania shall also participate in educational activities of a theoretical, practical or recreational nature, organized in schools, free of charge, without their attendance being registered in official records.

(3) At the end of the basic Romanian language course, an evaluation board, whose membership and functioning shall be defined by Order of the Minister of Education, Research and Youth, shall assess the Romanian language proficiency acquired by the participants and decide on enrolling the minors who have been granted a form of protection in Romania in the appropriate mainstream grade.

Art. 11. – **(1)** The Ministry of Education, Research and Youth, and the Ministry of Labour, Social Solidarity and Family shall ensure, upon request, the recognition of diplomas, and the attestation of studies and qualifications obtained in the aliens' country of origin, under the terms laid down in Romanian law.

(2) Abrogated

Art. 12. – Minors who were granted a form of protection in Romania shall benefit from child care allowance, under the same conditions established by law for Romanian children.

SECTION 4
**Access to Specific Activities of Cultural Adaptation,
Counselling and Romanian Language Learning**

Art. 13. – (1) The National Office for Refugees shall organize cultural adaptation sessions and counselling activities, in order to familiarize adult aliens who were granted a form of protection in Romania with the traditions, customs and specific features of the Romanian society.

(2) The National Office for Refugees may cooperate with other public institutions and non-governmental organizations in organizing and running cultural adaptation sessions and counselling activities.

Art. 14. – (1) Adult aliens who were granted a form of protection in Romania shall benefit from Romanian language courses free of charge, organized by the specialized structures of the Ministry of Education, Research and Youth, in collaboration with the National Office for Refugees.

(2) The National Office for Refugees shall make available the spaces necessary for the organization and running of the courses mentioned under paragraph (1), within the limits of available resources.

(3) The qualified staff needed for the Romanian language courses offered to adults, and the preparatory year for minors, as well as the adequate training of the respective staff shall be ensured by the Ministry of Education, Research and Youth.

(4) The organizational details, the duration, and curriculum for the Romanian language courses shall be regulated through a methodology developed and approved by the Ministry of Education, Research and Youth.

(5) Upon completion of the preparatory Romanian language courses, the Ministry of Education, Research and Youth shall issue, free of charge, to the participants a document certifying their attendance of these courses, as well as the proficiency level acquired.

CHAPTER III
**The Protocol on Participation in the Integration Program,
Accommodation and Financial Assistance**

Art. 15. – Aliens who were granted a form of protection in Romania shall be included in integration programs based on their individual requests, as well as on a protocol concluded between the person requiring to be included in the integration program and the National Office for Refugees, hereinafter referred to as the *Protocol*.

Art. 16. – Applications for participation in the integration program shall be lodged with the headquarters of the National Office for Refugees, within 30 days from the granting of a form of protection, or 30 days after the present Ordinance has taken effect, in the case of aliens who were granted a form of protection before this date, and have not benefited from integration programs.

Art. 17. – After having lodged their applications, aliens requesting to be admitted to the integration program shall be interviewed by the designated staff of the National Office for Refugees, who shall fill in an evaluation sheet of individual needs, in order to define the type of assistance or the activities required for the social integration of the applicants.

Art. 18. – (1) Based on this evaluation sheet, an individual action plan for integration shall be developed, henceforth referred to as the *individual plan*. The plan including the objectives formulated for the beneficiary, deadlines, the activities needed to attain those objectives, the persons, institutions and/or organizations in charge of the plan, shall be communicated to the beneficiary and its implementation shall be monitored by the designated staff of the National Office for Refugees.

(2) The activities that may be included, separately or together, in the plan mentioned under paragraph (1) are mainly the following:

a) counselling and support activities for ensuring access to the rights listed under Article 1;

- b) cultural adaptation sessions;
- c) Romanian language courses.

Art. 19. – (1) The Protocol mentioned under Article 15 shall include the following: identification data for the parties to the Protocol, rights and obligations of the parties, the period of implementation of the individual plan, conditions for extending the plan, situations where the implementation of the planned actions shall be discontinued or modified.

(2) The evaluation sheet and the individual plan shall be appended to the Protocol.

Art. 20. – (1) Individual plans shall be implemented for a period of up to 6 months from the date when the Protocol is signed, or from the date indicated in the Protocol.

(2) Upon the beneficiaries' motivated request, and based on an evaluation performed at the end of the period stipulated under paragraph (1), the National Office for Refugees may approve the extension of an individual plan by no more than 6 months.

Art. 21. – (1) Persons participating in integration programs who lack the material means for their upkeep may be granted accommodation, upon request, in the spaces specially allocated for the purpose, and managed by the Ministry of Administration and Interior, within the limits of the available places.

(2) Accommodation in the spaces mentioned under paragraph (1) can be made available for a period of up to 6 months, which may be further extended by another 6 months for well-founded reasons, subject to approval of the head of the National Office for Refugees, without however exceeding the period of implementation of the integration program.

(3) By means of joint programs run together with the local authorities and non-governmental organizations, the National Office for Refugees may make additional accommodation spaces available to aliens participating in integration programs. To this purpose, the National Office for Refugees may conclude cooperation agreements with local authorities and non-governmental organizations, under the terms of the law.

(4) Accommodation in spaces mentioned under paragraphs (1) and (2) is provided upon payment of rent - established at local level for state-owned or local council housing - and of maintenance expenses.

Art. 22. – (1) Aliens who were granted conditioned humanitarian protection shall also be entitled, under the same terms as the aliens who were granted refugee status in Romania, to a reimbursable aid, as stipulated under Article 23(1), point n) of Government Ordinance No 102/2000, approved with amendments by Law No 323/2001, with subsequent amendments and completions.

(2) Aliens who were granted a form of protection in Romania who participate in the integration program, who fail to meet the conditions for receiving reimbursable aid, and who lack the material means for their upkeep, shall be offered support in order to fulfil the legal conditions for obtaining the minimum guaranteed income.

(3) The contents of documentation file needed to obtain the guaranteed minimum income shall be defined by giving consideration to the specific situations of the aliens who have been granted a form of protection in Romania.

(4) Prior to the first month of the reimbursable aid payment, foreigners who acquired a form of protection in Romania and who lack the material means for their upkeep shall benefit from a material aid granted by the National Office for Refugees, in an amount equal to the one granted to the one granted to parties applying for the refugees status, within the limit of the available funds, but for no more than two months.

Art. 23. – (1) After signing the Protocol, aliens who were granted a form of protection in Romania shall have the following main obligations:

- a) to participate on a regular basis in the activities included in the individual plan;
- b) to make efforts to participate in all the stages of the integration program, as provided for in the Protocol concluded;
- c) to comply with the norms of discipline and conduct, with the rules laid down by the course coordinators, as well as with the internal regulations of the accommodation centres;
- d) to inform the National Office for Refugees about any change that may affect their participation in the integration activities.

(2) Failure to comply with the obligations stipulated under paragraph (1) shall result in the discontinuation of one or several of the actions included in the individual plan, and in the withdrawal of the right to accommodation and to material aid stipulated under Article 22(4).

CHAPTER IV **Roles of Government Institutions and Local Authorities**

SECTION 1 **The Role of the National Employment Agency**

Art. 24. – Aliens who participate in the integration programs shall be registered as job seekers with the National Employment Agency, within 30 days from the signing of the Protocol.

Art. 25. – In order to implement the actions meant to stimulate employment, the National Employment Agency shall develop an individual mediation plan for every person enrolled in the integration program and registered as a job seeker, by cooperating with the National Office for Refugees to define the cultural, educational and family profile of these persons.

Art. 26. – The National Employment Agency shall identify the job vacancies available with various employers, and make them known to the persons included in the integration program and registered as job seekers.

Art. 27. – **(1)** The persons included in the integration program cannot refuse a job, or to participate in actions meant to stimulate employment, or in vocational training programs organized by the National Employment Agency without a well-founded reason. They shall also be under the obligation to comply with the decisions of the National Office for Refugees concerning the local community where they are going to get a job and establish their residence.

(2) In case these persons fail to comply with the provisions under paragraph (1), the assistance for integration provided by the National Office for Refugees shall be discontinued.

SECTION 2 **The Role of Local Authorities**

Art. 28. – When the integration program comes to an end or when job vacancies are identified, the National Office for Refugees shall guide the persons receiving assistance towards the communities where the vacancies are available, and shall inform them about the modality for obtaining social housing, under the terms of the law.

Art. 29. – **(1)** Local authorities have the obligation to provide social housing to persons who were granted a form of protection in Romania and who move to the respective community, within the limits of the resources available, and under the same conditions as for Romanian citizens.

(2) In case the local authorities are unable to provide social housing the aliens who were granted a form of protection may rent a dwelling space in the respective local community, based on a rental contract.

(3) The National Office for Refugees shall cover up to 50% of the total amount of the rent for the housing mentioned under paragraph (2), within the limits of the funding available, for a period of no more than one year.

Art. 30. – Local authorities have the obligation to support the access of aliens who were granted a form of protection in Romania to social and medical assistance and education, under the terms of the law.

SECTION 3

The Role of the National Office for Refugees

Art. 31. – The National Office for Refugees of the Ministry of Administration and Interior shall coordinate the activities of other government institutions, local authorities, and non-governmental organizations involved in the integration process of aliens who were granted a form of protection in Romania, and shall monitor individual cases.

Art. 32. – **(1)** Every year, no later than 1 July, the National Office for Refugees shall submit a note to the Ministry of Education, Research and Youth, the Ministry of Labour, Social Solidarity and Family, the National Employment Agency, the Ministry of Health, the National Health Insurance House, and the National Authority for Child Protection and Adoption concerning the estimated number of persons who may benefit from integration-related activities during the following year.

(2) This estimate may be rectified by the National Office for Refugees in case circumstances created by events during the following year make such rectification necessary.

CHAPTER V

Assistance for Special Cases

Art. 33. – **(1)** In the sense of the present Ordinance, *special cases* are the aliens who were granted a form of protection in Romania who have a limited potential to support themselves, because of objective factors that are independent of their wish or will.

(2) The following shall be considered special cases:

- a)** disabled persons;
- b)** persons who have reached the retirement age, but are not receiving a pension;
- c)** unaccompanied minors;
- d)** victims of torture;
- e)** single parent families with minor children.

Art. 34. – **(1)** The cases mentioned under Article 33(2), points a), b), d) and e) shall benefit from the same protection regime as those provided by the legislation in force for Romanian citizens in similar situations, and from assistance granted by the government institutions with responsibilities in the field.

(2) The National Office for Refugees, within the limits of the spaces and funding available, may provide accommodation in its own centres to individuals in the vulnerable groups listed under paragraph (1) who do not need specialized assistance, and who cannot receive housing from the relevant authorities.

(3) For well-founded reasons, the National Office for Refugees may approve the extension of the integration program for the persons mentioned under paragraph (1) also beyond the limits stipulated under Article 20.

Art. 35. – **(1)** In choosing a specific form of protection for the unaccompanied minors who were granted a form of protection in Romania, the best interests of the child shall be taken into account, which also include the preservation of their cultural identity.

(2) Unaccompanied minors who were granted a form of protection in Romania shall be included in the child protection system, according to the legislation in the field.

(3) The National Authority for Child Protection and Adoption shall undertake the actions needed to adapt the services provided to the specific needs of the unaccompanied minors who were granted a form of protection in Romania.

CHAPTER VI The Budget

Art. 36. – Depending on the number of persons estimated for every year, as stipulated in Article 32(1), the National Office for Refugees shall propose the amounts to be allocated in the budget for the activities it conducts for the integration of the aliens who were granted a form of protection in Romania, according to the provisions in the present Ordinance.

Art. 37. – The provisions under Article 36 shall apply correspondingly to the Ministry of Education, Research and Youth, the Ministry of Labour, Social Solidarity and Family, and the Ministry of Health.

Art. 38. – (1) In order to ensure that the activities in the integration programs are carried out in the best conditions, the responsible institutions, according to the present Ordinance, may use the services provided by interpreters and experts, under the terms of the law, in order to carry out these programs.

(2) Payment for the services mentioned under paragraph (1) shall be made, under the terms of the law, from the funds earmarked for the integration of aliens who were granted a form of protection in Romania, included in the budgets of the relevant institutions.

CHAPTER VII Final and Transitory Provisions

Art. 39. – (1) In order to ensure the achievement of the objectives formulated herein, a specialized integration structure shall be established within the National Office for Refugees.

(2) The responsibilities of the specialized integration structure, as well as its organizational chart shall be approved by Order of the Ministry of Administration and Interior.

Art. 40. – The National Office for Refugees, together with other competent public institutions, shall cooperate with non-governmental organizations and international organizations in their area of competence in order to identify additional financial resources that are needed to carry out the integration programs for aliens who were granted a form of protection in Romania.

Art. 41. – Within the limits of the funding available, the National Office for Refugees may conduct or commission studies, under the terms of the law, on the integration process of aliens who were granted a form of protection in Romania, and may promote public information and awareness campaigns.

Art. 42. – Two new paragraphs shall be introduced after paragraph (4) of Article 53 in Emergency Government Ordinance No 150/2002 on the Organization and Operation of the Health Insurance System, published in Romania's Official Gazette, Part I, No 838 of 20 November 2002, with subsequent amendments and additions. The new paragraphs (5) and (6) shall read as follows:

“(5) In order to be included in the insurance scheme, aliens who were granted one of the forms of protection stipulated under Article 1, points a) and b) in Government Ordinance No 102/2000 on the Status and Regime of Refugees in Romania, approved with amendments by Law No 323/2001, with subsequent amendments, shall be under the obligation to pay an insurance contribution, according to the law, beginning with the date when they were granted a form of protection.

(6) In order to be included in the insurance scheme, aliens who, before the Ordinance on the Social Integration of Aliens Who Have Been Granted a Form of Protection in Romania takes effect, have obtained one of the forms of protection stipulated under Article 1, points a) and b) in Government Ordinance No 102/2000, approved with amendments by Law No 323/2001, with subsequent amendments, shall be under the obligation to pay an insurance contribution, according to the law, beginning with the date when the Ordinance on the Social Integration of Aliens Who Have Been Granted a Form of Protection in Romania takes effect.”

Art. 43. – Article 39 in Government Ordinance No 102/2000 on the Status and Regime of Refugees in Romania, published in Romania's Official Gazette, Part I, No 436 of 3

September 2000, approved and amended by Law No 323/2001, with subsequent amendments, shall be further amended and shall read as follows:

“Art. 39. – The Ministry of Administration and Interior, through the National Office for Refugees, together with the Ministry of Labour, Social Solidarity, and Family, as well as with other competent public institutions, shall initiate and carry out programs for the social integration of aliens who were granted one of the forms of protection stipulated under Article 1, points a) and b), under the terms of the law.”

Art. 44. – This Ordinance shall take effect 90 days after its publication in Romania’s Official Gazette, Part I.

Art. 45. – In order to ensure the implementation of the present Ordinance, the Ministry of Administration and Interior, together with the Ministry of Labour, Social Solidarity and Family, Ministry of Education, Research and Youth, and the Ministry of Health, shall develop a set of methodological norms, to be approved by Government Decision, within 90 days from the publication of the present Ordinance in Romania’s Official Gazette, Part I.

Art. 46. – On the date when the present Ordinance takes effect, Government Decision No 1191/2001 on approving the Special Program for the Social and Professional Integration of Aliens Who Were Granted Refugee Status in Romania, published in Romania’s Official Gazette, Part I, No 815 of 18 December 2001, shall be repealed.

**Enforced on
April 30, 2004**