1.1 **CRIS Number:** Phare 2004/016-772.03.13

1.2 **Title:** Strengthening the institutional and operational capacity of migration and asylum management

1.3 **Sector:** Justice and Home Affairs

1.4 **Location:** Romania

1.5 **Duration:** According to the 2004 Financing Memorandum (Annual)

2. **Objectives**

2.1 **Overall Objective(s):**

Continuing the institutional development and ongoing approximation of European Union acquis in order to prepare the Romanian authorities to continue the improvement of migration and asylum management and to fully participate in the EURODAC system at the date of Romania’s accession to the European Union.

2.2 **Project purpose:**

Enhance the institutional capacity of the migration and asylum management authorities to co-ordinate and implement the responsibilities within the Romanian asylum and migration system in line with the European Union standards and best practices of EU Member States.

2.3 **Accession Partnership (AP) and NPAA priority**

This project relates to the priority areas for Romania’s membership preparation, as underlined in the Accession Partnership (AP) and the National Programme for Romanian Accession. Both recognize the enhancement of migration management as a high-priority at national level, as follows:

**Accession Partnership**

- Continue alignment of asylum legislation with the EU acquis, ensure the full respect of the non-refoulement principle, and implement the integration programmes for asylum seekers and refugees. – road map short
- Prepare the infrastructure to ensure the full implementation of the regulations relating to “EURODAC” and “Dublin II” upon accession.
- Continue efforts to combat illegal immigration through and from Romania, with special attention to organisations facilitating the illegal entry of human beings (in particular women and children) in EU member states. Increased attention should be paid to the reintegration of returned persons, especially victims of human trafficking.

**National Plan for Adoption of the Acquis**

Asylum
Short-Term Priorities

The evaluation of the situation and experience accumulated lately have underlined that, on the one hand, the asylum applications processing could be eased up in the circumstances of setting up new centres in the East and West of the country and on the other hand, the refugees’ integration programmes will have an extended implementation area. Thus, the creation of the centres in Timisoara and Galati has as realization term June 2002, with Phare funds.

The setting up of the centre for the reception and shelter the asylum seekers in the East frontier zone is the result of the analysis made by the Ministry of Interior upon the evolution of the routes used by the trans-border trafficking in human beings nets. In the perspective of the Romania’s accession to the European Union, of the evolution of the relations with Ukraine and Republic of Moldavia, having signed not for long the 1951 Geneva Convention and the 1967 New York Protocol on the refugees’ status, the setting up of such a centre will create the necessary frame in the future, the Romanian authorities could efficiently apply the safe third countries principle. This EU principle, implemented in the national legislation, refers to the fact that aliens’ refoulement in the states considered safe does not represent braking the commitments assumed by the participation at different international instruments in the field.

The location of the centre for the reception and shelter the asylum seekers in the west part of the country will allow the Romanian authorities to respect the obligations assumed as regional partner to the instruments defining the responsible state for processing an asylum application or making the object of the concluded readmission agreements.

The necessity of setting up some fast, safe and efficient communication systems is notorious in a society characterized more and more by the use of automatic and computerized equipment. Finalizing National Refugee Office’s IT system at Headquarters and territorial level will assure the coordinates of an modern refugee status determination procedure based on electronic information, fast access to specific information. It is estimated that this objective should be realized until December 2002.

Establishing of a special centre for such underprivileged categories of persons, such as unaccompanied minors, alone women and women with children will assure the necessary frame for a complex, specific counselling/assistance. Its set up is provided for December 2002.

Medium-Term Priorities

The importance of NRO’s documentation centre, whose finalization is provided for January 2004, is given by the fact that there will be no efficient and fair asylum procedure without having up-to-date country of origin information. Therefore, the centralized documentation system will come to support both the NRO’s Headquarters and its territorial structures as long as the asylum procedure will be carried out in different areas of the country.

There will be as well the possibility that the entire documentary background on interviews and decisions taken by NRO to be electronically stocked up and accessed by all the decision officers and the analysis, assessments and
forecasts of some aspects of the procedure to be more easily analysed, evaluated.

Although the finalizing of the project is September 2004, there are no doubts that such a database is necessary as long as it has been proved both at national and EU level that the migration flow is increasing and the abuses addressed to the institution of asylum can not be revealed without an efficient/technical method. The number of those who abuse the asylum procedures could be diminished having this technical possibility. The experienced gained during the last year showed that an increased number of applicants have been recorded under multiple identities and the most efficient possibility to identify them remains the dactiloscopical method. The compatibility with the future system of EURODAC is given by the efficient implementation of the EU standards concerning EURODAC, and on the other hand, by avoiding difficult situations which may occur in the moment of Romania’s accession to EU. It is very important that in the moment of the accession Romania will have not to adapt itself to a system, which could have been already implemented.

Migration

Short-Term Priorities

Modifying and harmonizing the legal framework on aliens regime in Romania is connected with the modification of the Law No. 203/1999 on work permits, having as adoption term 31.12.2002, accordingly to the Position Paper on Chapter 24 – JHA.

On the way of alignment to the acquis, the Romanian authorities will conclude a Memorandum of Agreement between the International Migration Organization and the Ministry of Interior on the co-operation in the field of voluntary humanitarian assisted repatriation, objective planned to be accomplished by 31.12.2002.

As for the visa sticker, by the end of 2003 it will be adopted a new sticker which, with the exception of some EU confidential security technical details, will correspond to the provisions of the Council Regulation No. 1683/29.05.1995.

Medium-Term Priorities

Romania planned the conclusion of readmission agreements with all third countries of the EU negative list, nominated in the EU Joint Action from March 4th, 1996. The diplomatic steps will be taken gradually up to 2005.

Roadmap for Romania

Short term priorities:

- Implement the integration programmes for asylum seekers and refugees
- Amend the Alien Law and other relevant legislation on migration and bring it fully in line with the acquis.
- Continue to conclude and implement readmission agreements.
2.4 Contribution to National Development Plan (and/or Structural Funds Development Plan/SDP)

N/A

2.5 Cross Border Impact

N/A

3. Description

3.1 Background and justification:

In the field of migration, Romania has assumed the task to elaborate and adopt a law that provides a special regime for the citizens of EU and EEA member states according to European acquis in this field. Government Emergency Ordinance no. 194/12.12.2002 on aliens regime, approved and completed by Law no. 357/11.07.2003, stipulates that at the Romania accession date, the provisions of this normative act will not be available for the EU and EEA citizens.

The Authority for Aliens specialists elaborated the project of the law regarding the regime of the EU and EEA Member States, which will enter into force at the accession date. The law project creates the legal framework which settle the entrance and staying on the Romanian territory of the following categories: the EU or EEA member states citizens who establish temporary or permanent residence on Romanian territory and their family members, whatever their citizenship is. Due to the fact that this new law will introduce a new regime for a special category of aliens, it is necessary to train the staff in order to apply the improved legislation in this matter.

Until now, the development of the Romanian asylum system has been focusing on building up the legal and institutional framework in view of the existing flow of asylum applicants. In 2004, Romania will become a direct neighbour of the European Union, while at the same time more and more Member States will declare Romania as a safe third country. It is therefore anticipated that Romania would need to be prepared for an increased capacity to handle and process asylum applicants within reasonable deadlines.

As a result of the above as well as Romania’s medium-term requirement to participate in the Dublin Regulation and the Eurodac system, the NRO as the national co-ordinator for the implementation and development of the Romanian asylum policy, recognizes the need for further EU assistance and co-operation to deal with the implications of a changing environment and circumstances.

In the context of Romanian participation in Dublin mechanism, an important number of migrants will need to be returned to their countries of origin. Therefore, an increased capacity and improved procedures of return are necessary for a better migration management.

The Ministry of Administration and Interior has begun with the introduction of an integrated information system connecting all its subordinated bodies. This so-called Metropolitan System aims at facilitating exchange information between the Ministry of Administration and Interior structures and should become a crucial support the participation in the Eurodac system.
In the framework of the ongoing RO02/IB/JH02 Twinning Project, the NRO has established Working Groups for the preparation of both the Dublin Regulation and the Eurodac system. Working Groups comprise experts from the Ministry of Administration and Interior and subordinated bodies as well as other relevant (non-) Government structures, such as the Ministry of Foreign Affairs, Ministry of European Integration, Ministry of Justice, the Judiciary and the Ombudsman. In view of Romania’s preparations for accession there is a need to continue this institutionalised inter-agency co-operation also after the ending of this 2002 Twinning Project. That is why a new twinning project is necessary, in order to focus on secondary legislation and training related to the implementation of the law regarding the regime of the EU and EEA Member States, improving/introducing procedures, human resources development and supporting infrastructure, including an operational EURODAC system at the date of Romania’s accession to the European Union. The proposed project will be based on the currently developed National Migration Strategy. Where necessary the strategy will be adjusted or completed followed by continuation of the implementation of related work plans.

The analysis done by the Authority for Aliens' staff regarding the endowment with vehicles of the Authority for Aliens' territorial branches pointed out the sharp necessity for such means of transportation. Thus, in some counties with high number of aliens in the record, the personnel of the aliens’ offices have problems when they have to do the checking of the aliens’ frequent places because of the lack of vehicles, the existing ones being only few, very old and worn out. A large amount of money is needed for the repairing of these vehicles, and, due to their age and condition, the repairs should be performed often. Therefore, in order to achieve their missions, the personnel of the aliens' territorial offices use the public means of transportation and sometimes their own vehicles.

When the aliens with illegal staying in Romania are detected, their transportation to the aliens’ offices, to the border checking points to be returned in the country of domicile or origin, or to the accommodation centres to be taken into custody is done by public means of transportation - buses, trains. Also, in case of taking over the groups of aliens who are returned from other countries under the readmission agreements, the Authority for Aliens staff hires minibuses from other institutions within the Ministry of Administration and Interior, this procedure taking a long period of time and requiring several approvals.

Due to the above mentioned situation, the management of illegal migration becomes more difficult especially in the regions with a high number of aliens and in those situated near the State border. Having in view all these, it would be necessary an endowment with 10 cars and 5 minibuses (transportation vehicles 8+1) for the above territorial branches of the Authority for Aliens.

**3.2. Linked activities**

PHARE projects
The **1996 Phare Horizontal Project** assisted in the development of a National Action Plan and the establishment of the basic structures and legal framework.


The **Phare 2000 Border Management Programme** (second semester 2000 – to date) has an investment component focusing on setting up an IT system for on-line processing of visa applications, funding the equipment necessary for a pilot project and supporting inter-agency co-operation. Other sub-projects are focused on enhancing border management through training development, supply of mobility, communications, tactical support, and surveillance equipment, as well as on asylum management, providing for a Twinning on the development of the Asylum System (notably on the implementation of the new Refugee Law, accommodation and case processing centres, as well as on the establishment of a central research and documentation centre dealing with country of origin-information), as well as improvement of infrastructure for refugee accommodation and creating the conditions for a more effective refugee determination procedure near the eastern and western Romanian border.

The **Phare 2001 Programme RO-0107.17 “Strengthening the management of the migration phenomenon in Romania”**. Thus, the project purposes are a continuation of the activities related with Twinning Covenant Phare 2001.

The **Phare 2002 Border Management Programme** focuses on further enhancing the capacity of the Romanian Border Police, National Refugee Office and DAMI to guard the Romanian borders effectively, including migration management. As such, additional equipment to assist the RBP in this task will be purchased and institutional support provided. Institutional building preparations to connect Romania in the future to SIS will start effectively (through a twinning project titled “Technical and legal assistance for implementing the Schengen acquis”) and the visa application system will be further enhanced. Finally, Romania will streamline its legislation with regard to Dublin convention cases and unaccompanied minors in order to bring it in line with the EU Acquis.

The **Phare 2003 Migration Management Programme** focuses on further increasing the professional management and monitoring capacity within both the migration management structures and accommodation centres for illegal immigrants, setting up a research and analysis centre on migration management and rehabilitation of a building for Bucharest headquarters.

**Other EU programmes**

**PHP Project on Visa, Migration and Border Management** includes the Visa and Migration Module. The project started in January 2001 and it was finalised in May 2002 under the overall co-ordination of Austria (for Visa Module) and Denmark (for Migration Module).
**High Impact Operation (HIO)** at the future borders of the European Union. During the operation, the Member States have placed resources (experts and equipment) at the disposal of the participating applicant countries, and have collaborated and exchanged experience with them in the field. The project has the political support of the European Commission, which is co-financed by the HIO through the Odysseus Programme.

Other donors

**Programme with OIM**, aimed at social and professional reintegration the women being victims of human being trafficking and the social reintegration of Romanians who returned from Belgium, Holland and Finland;

### 3.3. Results

A. Twinning component

- The National Migration Strategy implemented and updated
- National legislation in asylum and migration field fully compatible with EU acquis
- Staff of asylum and migration management institutions fully trained according to EU Member States best practices, on general or specific issues, and improved capacity of both institutions to develop, deliver and to monitor training
- Improved management and co-operation capacity between the institutions with competence in the field of asylum and migration management at national and international level
- Specialised IT Units in the field of asylum and migration management, operational and able to develop and maintain dedicated software applications, including internal flows management system
- A re-evaluation of the operational capacity of the institutions competent in the area of asylum and migration, including an assessment of their preparedness to function within the common European asylum & migration system and related recommendations.
- Improved procedures, fully operational, and strengthened capacity for implementing return measures

B. Investment component

- Romania prepared for participation in the Eurodac system, including an appropriate IT-network developed, and the required equipment installed and operational.
- Increased operational capacity of the migration territorial branches situated in the counties with a high number of aliens and in those counties situated nearby border through the use of the mobility equipment

### 3.4 Activities (including Means)

A. Twinning component
Update the relevant parts of the National Migration Strategy according to the new European environment, while continuing its implementation;

Update the primary and secondary legislation in asylum and migration field in order to become fully compatible with EU acquis

Training of the migration and asylum management authorities in the field of EU and EEA member states citizens’ regime (according to European acquis), asylum procedure and other aspects of interest, including development of curricula and train-the-trainer courses;

Assess the operational capacity of the institutions competent in the area of asylum and migration, including an assessment of their preparedness to function within the common European asylum system and of the new European environment resulting from the accession to EU of the first 10 candidate countries, and provide recommendations on legal, managerial and organisational aspects, including human resources needs, as well as drafting secondary legislation and/or procedures/protocols to enhance cooperation both at national and international level;

Needs assessment in the IT field and proposals for establishing specialised IT Units in the sector of asylum and migration management, including specialised training in the field of developing and maintaining dedicated software applications, in order to enhance the efficiency of the asylum and migration management, to ensure the systems compatibility and inter-operability at national level and to ensure a good participation in the EU IT systems in the field (e.g. EURODAC, DUBLINET, SIS, ETC.);

Organising training courses and workshops for developing return programmes and procedures compatible with EU best practices in the field.

Profile of PAA

- S/he should have at least 10 years experience in migration and asylum management in a EU Member State
- S/he should be able to quickly adapt to the local environment and understand its constraints and opportunities
- sound knowledge of relevant EU legislative and institutional requirements related to migration and asylum management and Schengen acquis related issues;
- sound communication skills and previous experience of working in a multi-disciplinary and multi-national team;
- previous experience as project co-ordinator/project manager;
- good command of English; knowledge of French would be an asset.

Duration of the assignment of the PAA: The PAA is supposed to be seconded to the MoAI for a period of 18 months.

Profile of Medium-term experts:

- solid background in the following fields: migration and asylum management and institutional assessment, return procedures, etc.;
- consultancy experience in an international context;
- sound knowledge of EU regulations and policies in relation to the migration management;
- sound communication skills;
- good command of English; knowledge of French would be an asset.

B. Investment component

- Design and development of the IT network as required for the implementation of the Eurodac Regulation and as part of the Metropolitan System of the Ministry of Administration and Interior, including procurement, installation and testing of software and equipment, according to the results of the Eurodac Masterplan developed within the twinning project RO02/IB/JH02
- Procurement, installation and testing of equipment for the new IT network
- Endowment with road transport mobility equipment (10 cars, 5 minibuses) for the Authority for Aliens territorial branches situated in the counties with a high number of aliens and in those counties situated nearby border through contracting the acquisition of the necessary vehicles.

Equipment shall be procured under two separate contracts (IT and mobility). Co-financing shall be made available under the “joint co-financing principle”. This means that Phare and national funds will be put together and tendered according to Phare rules and procedures. This requirement is meant to secure more transparency in the use of co-financing funds as recommended during the latest interim evaluation conducted in October-December 2002.

3.5. Lessons learned

The Authority for Aliens took part in the PHP Project on Visa, Migration and Border Management, especially in the Visa and Migration Modules. The project started in January 2001 and was finalized in May 2002. At the end of the Project, recommendations were made in order to fill the legislative gaps identified during the project.

In the final document “Recommendations in the field of Migration (Module Migration)”, it was recommended that the decision on issuing new models of identity and travel documents for aliens must include measures being in line with EU legislation, especially regarding card security features, stickers etc. This recommendation was taken into account and was transposed by the Government Decision No. 1016/2003 on issuing new Romanian identity and border crossing documents for the aliens. The above mentioned act provides that characteristics and security features of those documents must comply the EU Exigencies established by the EEC Regulation no.1030/2002 concerning a uniform format for residence permits as well as Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the removal/expulsion of third country nationals.

There were also made some other recommendations e.g.:
- a clearer distinction between “visa” and “permit”;
provisions laying down what fields of employment or what kind of specialists can obtain a work permit,
- a better distinction between the different types of visas;
- provisions to be adopted regarding the visas should be conditioned by the economic activity having to be of economic benefit to Romania;
- a clarification on which kind of students are accepted;
- minors from states which do not have migration potential are included in the regulation.
- cooperation with IOM in the field of voluntary return.

In the final document “Country Report – Romania (Module Visa) there was recommended that Romania should draw up a list of recognized travel documents to which a visa may be affixed, a new application form should be in line with the EU exigencies etc.

All these recommendations have been included in the Emergency Ordinance No. 194/2002 on aliens’ regime in Romania which entered into force on 27 January 2003.

Considering the Twinning Covenant RO 2001/IB/JH/01- Development of the legislative and institutional framework in the field of migration, it is a general conclusion at the present stage, that there is estimated to be at the end of the project a very high degree of achieving the expected results, as specified in the Covenant.

- on the reform of the aliens legislation and implementation of the new Aliens Law and internal norms, the objectives were completed achieved;
- after the establishing of the Authority for Aliens resulting from the Government Decision no.577/2003, there were taken a further set of decisions regarding the future functioning of the new institution, the structure and subordination within the Ministry of Administration and Interior and adequate staff resources.
- the National Migration Strategy document was elaborated and it shall establish, among other, concepts and uniform procedures, at national level, for preventing and combating illegal migration.
- legislation on integration of aliens who were granted a form of protection was approved by the Government Ordinance 44/2004. As a result of that, the guideline on good practices on integration and in designing training programs for relevant staff, including staff of municipality and local NGOs that will be involved in these programs, is in finalization stage.
- considering the expanding of international cooperation in the area of management of migration issues and combating illegal migration, the estimates are optimistic, expecting that there will be a high degree of achieving the very ambitious, numerically, results-10 readmission agreements and 5 co-operation agreements.

Phare 2000 Twinning project between the Romanian National Refugee Office (NRO) of the Ministry of Interior and the Danish Immigration Service had a
very high degree of fulfilment of the project objectives. It aimed at further
development of the asylum system in Romania, notably in the areas of
implementation of a new Refugee Law, aligned to the EU acquis,
improvement of the management of NRO accommodation centers for asylum
applicants as well as establishing a Research and Documentation Centre on
country of origin-information at the NRO. Only concerning Objective 7 on the
co-operation system between all the institutions involved in the asylum
procedure it was considered that the Covenant objectives were not fully met.
An important reason for this was the work, started in the spring of 2002, on
drafting of a revised Aliens Law, aligned to the EU acquis. Factors related to
establishing of a coherent and efficient inter-institutional co-operation system,
including how the interaction is between provisions of the Refugee Law and
the Aliens Law, were more appropriately dealt with after passing at the end of
2002 of a modernised Aliens Law.

The following additional conclusions and recommendations were made on the
background of the project activities by the project partners:

− The Romanian asylum system is in its “model” very advanced, having
  the following characteristics: Very short processing times, extensive
  training of staff, a staffing policy aiming at a very low staff turnover and
  a simple legal model having three levels of status, Geneva Convention
  status or humanitarian status - both decided on after NRO interview by
  the responsible eligibility officer - and temporary residence based on
  objective reasons hindering return to the country of origin - decided on
  by the Directorate for Aliens and Migration Issues after the asylum
  procedure.

− Future endeavors of the Romanian authorities must give high priority to
  up-keeping the main characteristics of the present asylum system, also
  in possible future situations with a sharp increase in the numbers of
  asylum applications.

− The procedures on granting the above mentioned temporary residence
  status, based on objective reasons hindering return to the country of
  origin, must be established in an appropriate way in connection with
  passing in 2002 a revised Aliens Law and the implementation of this
  law.

− The NRO “spirit” is an invaluable asset. The staff is characterized by
  commitment and a very high level of experience and training, and the
  attitude of the management continues to be to encourage the staff to
  show independence and initiative. Additionally, the management
  appointments in the fall of 2001, promoting young but experienced staff
  from the interview department to management positions in other parts
  of the NRO organization, has further contributed to this positive
  estimate. It is noteworthy that there is seen almost no turnover of staff.
  It is the overall assessment of the PAA, who has worked closely with
  the management and staff of the NRO since February 2000, that the
  work of this institution deserves a very positive appreciation.

− Analytical capacity is an important function for a modern state
  institution and a valuable tool for assisting decision makers at the
This is not least the case in the area of migration issues because of a high potential for political controversy. Analytical capacity at the level of the NRO institution has now been established, and is valued by higher administrative authorities and policy makers at the level of the Ministry of Interior and the Romanian Government. The NRO staff has a very good possibility regarding level of knowledge, experience and commitment to carry out such analytical activity. In a longer perspective it is advisable to create a special unit within the NRO to deal with these tasks and with policy development.

- A unit dealing exclusively with international cooperation in the area of asylum issues is established at the NRO. This is highly welcomed, and noteworthy in a staffing situation with a relatively low number of eligibility officers.

- In August 2001 was agreed to establish a bilateral cooperation between the NRO and the corresponding authority in Republic of Moldova. The cooperation includes training of staff from Republic of Moldova at the NRO. The Romanian Government approved in May 2002 a special programme for assistance to the immigration authorities in the Republic of Moldova. This is estimated as very positive and in accordance with long term EU priorities.

- The “flow” of asylum applicants, with figures indicating that a very high number of persons disappear during the stages of the procedure, is a very serious problem. One of the remedies in this respect concern improved integration of persons recognized as refugees in Romania.

- The planned activities included in the Phare 2001 Twinning project on migration management, leading to recommendations regarding the future structural framework of all institutions dealing with migration issues, is of high importance for the NRO, and the NRO management is advised to play an active role in the deliberations on this issue.

- The planned activities in the Phare 2002 Twinning project benefiting the NRO (Dublin Convention procedures, preparation for participation in EURODAC and special attention to vulnerable groups of asylum applicants) do not overlap earlier project support, and will imply further development of the NRO organization.

- As a final observation it is noted by the Twinning project partners, that the functioning of Phare administrative procedures related to works, goods and services included in the investment component, inter-linked to the Twinning project, have not been satisfactory. The administrative procedures to be followed in connection with investment activities can make co-ordination with institution building activities included in a Twinning project very difficult.

4. Institutional Framework

Until 2003, the main structure having competence in the field of managing the aliens' legal stays and combating illegal migration was the Directorate for
Aliens and Migration Issues, which was established in 1995 within the General Directorate of Personal Data Records.

On January 2003 entered into force Government Emergency Ordinance no. 194/2002 regarding the aliens' regime in Romania. At art. 2, letter c) of this act it is stipulated that the main structure having competence in the field of aliens' regime is the Authority for Aliens. The activity of the Authority for Aliens is a public service carried out for the interest of the person, community and for the support of the state institutions, exclusively on the basis of and in execution of the law.

On 21.05.2003, Romanian Government adopted Government Decision no. 577 on the organisational structure and the attributions of Authority for Aliens, published in the Official Journal no. 391/06.06.2003. This act provides that the Authority for Aliens is the structure subordinated to the Ministry of Administration and Interior with competence as regards the aliens regime in Romania, the combating of illegal staying and also as regards the management of the records of the aliens whom a staying right was granted.

The Authority for Aliens was created by reorganising the Directorate for Aliens and Migration Issues and in present it is subordinated to the General Directorate for Personal Data Records. According to the provisions of the Government Emergency Ordinance no. 63/1993, the Romanian Government has decided that Authority for Aliens will be a structure directly subordinated to a secretary of state within the Ministry of Administration and Interior.

Closely linked to the proper management of migration related issues is the Romanian Refugee Office, which was established in 1997. In 2000, this institution achieved the status of a general directorate - the National Refugee Office. According to Government Ordinance No. 102/2000, the National Office for Refugees (NOR) with the MoI is the central authority responsible for the implementation of Romania's policies in the field of refugees, and of the provisions of the new regulations concerning the status and the regime of the refugees on the territory of Romania. The Government of Romania adopted in July 2001 the Government Decision No. 737/2001 for the approval of Organising and Functioning Regulation of the National Office for Refugees.
5. Detailed Budget

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*In cases of co-financing only

Note: expenditure on equipment should be put under Investment

6. Implementation Arrangements

6.1 Implementing Agency

The Central Finance and Contracting Unit within the Ministry of Public Finances is the Implementing Agency, having responsibilities for procedural aspects of tendering, contracting and payments, in accordance to the Practical Guide to Phare, ISPA & SAPARD contract procedures.

The Implementing Authority is the Ministry of Administration and Interior. For the implementation of this project the Project Steering Committee (PSC), comprising senior representatives of the MoAI and relevant subordinated bodies, that was established following the Phare 2002 programme, will continue its activities and be as such in charge for the monitoring, supervision and co-ordination of the overall progress and implementation of the project. The PSC will provide guidance on the different components of the project, will approve priorities defined and finally endorse project outputs. The Senior Project Officer (SPO) or his representative will chair the PSC meetings. It is envisaged that the PSC will meet at least once every three months or more frequently should there be an emphatic reason for such a meeting to be scheduled. The PSC will also propose and discuss possible future assistance and on-going support to further upgrade and strengthen asylum and migration management (with special emphasis on the consequences of the 2004 enlargement of the EU and of the future external borders of the EU in Romania). As such the PSC can be considered both a monitoring structure as well as a think-tank on asylum and migration management issues.

The Aliens Authority and the National Refugee Office have established structures and developed internal procedures to co-ordinate Phare-financed programmes. Within these institutions, Phare Programme Implementation Units (PIUs) were established in March 2000. The Phare PIU’s within the de-

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1 The amount represents parallel cofinancing
centralised units report directly to the Phare Programme Co-ordination Unit (PCU) within the General Directorate for European Integration and International Relations. The PCU can be considered as umbrella institution guiding and monitoring all programmes and projects related to border control, migration, the problem of refugees, security services and related information systems.

The PIU within the Aliens Authority will be responsible for the daily management of the migration related activities, while the PIU within the National Refugee Office will be responsible for the daily management of the asylum. The main role of the respective PIUs is to administer and resolve issues concerning the management and progress of the project, including planning and identification of tasks, reporting, preparation of project Terms of Reference, participation in tendering, monitoring and evaluation of the activities executed. The PIUs should also keep track of a timely completion of the project activities of present and previous Phare supported programmes.

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Fax: 00-40-21-312 15 00;

### 6.2. Twinning

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>PHARE SUPPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional Building</td>
<td>0.40</td>
</tr>
<tr>
<td>Long-term assistance and overall twinning project management (PAA)</td>
<td>0.30</td>
</tr>
<tr>
<td>Medium-term technical assistance</td>
<td>0.15</td>
</tr>
<tr>
<td>Short-term technical assistance</td>
<td>0.15</td>
</tr>
<tr>
<td>Seminars, workshops and study visits</td>
<td>0.15</td>
</tr>
</tbody>
</table>

**TOTAL 1.00 MEURO**
Contact points:

Mr. Tiberiu TRIFAN, Deputy Director
Aliens Authority
Str. Nicolae Iorga 27-29,
Sector 1, Bucharest, Romania
Tel.: 00-40-21-212 96 39
Fax: 00-40-21-312 15 00;

6.3. Non-standard Aspects

The project will be managed in accordance with the Practical Guide (PRAG) to Phare, ISPA & SAPARD contract procedures.

6.4. Contracts

A minimum of tenders and contracts will be ensured.

7. Implementation Schedule

7.1 Start of tendering/ call for proposals: January 2005

7.2 Start of project activity: September 2005

7.3 Project completion: not later than the expiry of the disbursement period, according to the relevant Financing Memorandum

8. Equal Opportunity

The Ministry of Administration and Interior is an equal opportunity employer. Equal participation in the project by women and men will be assured and women’s participation will be enforced at the start of the project. All periodical progress review reports and other interim reports will include a specific explanation on measures and policies taken with respect to this equal opportunity for women and men and will provide measurements of achievement of this goal.

9. Environment

N/A

10. Rates of Return

N/A

11. Investment Criteria

11.1 Catalytic effect
The investment will generate improvements in efficiency and accuracy in Romanian migration management. It should help to comply with the accession priorities related to the asylum & migration management.

It is expected that the investment component will have a catalytic effect related mainly to:
- the Government’s capacity to better comply with the European standards attached to the EU accession conditions;
- further development of the Government institutional structures responsible for asylum and migration management in order to comply with the EU accession requirements in the field;

Although the Ministry of Administration and Interior allocates from its own funds resources for modernising the management of asylum and migration, these resources are very limited. The multi-annual Phare contribution will accelerate the process.

11.2 Co-financing
Phare must use its grants to attract as much co-financing as possible from all sources. The table at item 5 provides the contribution out of the Romanian National Budget.

11.3 Additionality
N/A

11.4 Project readiness and size
The projects in this programme will only be financed by Phare if they are ready for contracting and when all necessary technical studies have been completed.

11.5 Sustainability
The Romanian Ministry of Administration and Interior will take responsibility to include the running costs and related maintenance costs in the Ministries' budget starting from 2005.

The investments will be sustainable in the long term, i.e. beyond the date of accession and will comply with EU norms and standards and be in line with EU sector policy Acquis.

11.6 Compliance with state aids provisions
N/A

11.7 Contribution to National Development Plan
N/A

12. Conditionality and Sequencing

PHARE support for the Romanian Ministry of Administration and Interior should be provided subject to progress with the legislative and institutional reforms in this field, including progress in the implementation of the PHARE 2002 and 2003 related Programmes (RO 02/000-586.04.14, PHARE 2003/005-551.04.14).
The equipment foreseen under this programme will be absorbed and used effectively in order to achieve the objectives stated in the National Migration Strategy, which will be in line with the provisions of AP and NPAA.
ANNEXES TO PROJECT FICHE

1. Logframe in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule, by quarter, for full duration of project
4. Reference list of feasibility/pre-feasibility studies, indepth ex ante evaluations or other forms of preparatory work. For all investment projects, the executive summaries of economic and financial appraisals, environmental impact assessments, etc, should be attached
5. Reference list of relevant laws and regulations
6. Reference list of relevant strategic plans and studies
## LOGFRAME PLANNING MATRIX

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuing the ongoing institutional modernization and full approximation of</td>
<td>Institutional capacity of the NRO and AFA in compliance with the accession requirements in the</td>
<td>• Commission’ Regular Reports.</td>
</tr>
<tr>
<td>European Union acquis in order to prepare the Romanian authorities to fully</td>
<td>key areas addressed by this project.</td>
<td>• Regular Operational Capacity Reports, as part of the Screening process.</td>
</tr>
<tr>
<td>participate in the European Union common migration and asylum system as well as</td>
<td></td>
<td></td>
</tr>
<tr>
<td>continue the improvement of migration and asylum management.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project purpose</td>
<td></td>
<td>Assumptions</td>
</tr>
<tr>
<td>Enhance the institutional capacity of the migration and asylum management</td>
<td></td>
<td>• Government maintains consistent policy towards the EU integration.</td>
</tr>
<tr>
<td>authorities to co-ordinate and implement the responsibilities within the Romanian</td>
<td></td>
<td>• National legislation, compliant with the EU legislation and best practice enacted.</td>
</tr>
<tr>
<td>asylum and migration system in line with the European Union standards and best</td>
<td></td>
<td>• Close and comprehensive co-ordination of the principal actors involved.</td>
</tr>
<tr>
<td>practices of EU Member States.</td>
<td></td>
<td>• Previous and on-going related projects successfully implemented.</td>
</tr>
<tr>
<td>Results</td>
<td>Objectively Verifiable Indicators</td>
<td>Sources of Verification</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
</tbody>
</table>
| A. Twinning component | - National legislation in the field of asylum & migration updated to the Acquis and EU Member States experience  
- co-operation mechanisms comprised in the National Migration Strategy operational  
- Specialized structures created within both institutions ready to develop, deliver and to monitor training  
- Increased efficiency of case processing flows within the asylum and migration responsible institutions;  
- Quality of decisions related to migration & asylum cases comparable to those in EU countries  
- IT structures created and operational | - PAA reports;  
- Government official journal  
- Monitoring and assessment report;  
- AfA, NRO and MAI regular reports, studies and analyses  
- Screening tables  
- Sectorial Monitoring Sub-Committee (SMSC) no. 6 – JHA regular reports | - National Migration Strategy finalized, formally approved and accepted by all involved institutions;  
- Adequate provision from state budget (co-financing);  
- Full commitment of all parties involved in the process;  
- Timely and adequate resources available; |

Future activities planned and in line with on-going and previously completed projects.
the institutions competent in the area of asylum and migration, including an assessment of their preparedness to function within the common European asylum & migration system and related recommendations.

Improved procedures, fully operational, and strengthened capacity for implementing return measures

**B. Investment component**

Romania prepared for participation in the Eurodac system, including an appropriate IT-network developed, and the required equipment installed and operational.

Increased operational capacity of the migration territorial branches situated in the counties with a high number of aliens and in those counties situated nearby border through the use of the mobility equipment.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Budget</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Twinning component</td>
<td>Twinning Covenant(s)</td>
<td>1.15 MEURO (out of which 1.00 MEURO Phare contribution)</td>
<td>• AfA and NRO recruit and retain adequate staff; • Timely and adequate resources available; • Primary and Secondary legislation reviewed if necessary</td>
</tr>
<tr>
<td>• Update the relevant parts of the National Migration Strategy according to the new European environment, while continuing its implementation; • Update the primary and secondary legislation in asylum and migration field in order to become fully compatible with EU acquis • Training of the migration and asylum authorities staff in the field of relevant</td>
<td>• Human Resources needs reported and approved by MAI</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
aspects of interest and establish internal capacity within both institutions to develop, deliver and monitor training for their staff and for the personnel of other institutions with competence in the field of asylum and migration.

- Training of management and assistance for the managerial staff of both beneficiary institutions in order to identify better management solutions within both beneficiary institutions

- Assess the operational capacity of the institutions competent in the area of asylum and migration, including an assessment of their preparedness to function within the common European asylum system and of the new European environment resulting from the accession to EU of the first 10 candidate countries, and provide recommendations on organisational aspects, including human resources needs, as well as drafting procedures/protocols to enhance co-operation both at national and international level;

- Needs assessment in the IT field and proposals for establishing specialised IT Units, including specialised training in the field of developing and maintaining dedicated software applications, in order to enhance the efficiency of the asylum and migration management, to ensure the systems compatibility and interoperability at national level and to ensure a good participation in the EU IT
• Building up increased capacity to carry out return of illegal immigrants and rejected asylum applicants in view of accession to the EU and Romania’s participation in the Dublin Regulation mechanisms. Organizing training courses and workshops for developing return programmes and procedures compatible with EU best practices in the field.

B. Investment component

Design and development of the IT network as required for the implementation of the Eurodac Regulation and as part of the Metropolitan System of the Ministry of Administration and Interior, including procurement, installation and testing of software and equipment, according to the results of the Eurodac Masterplan developed within the twinning project RO02/IB/JH02. Procurement, installation and testing of equipment for the new IT network. Endowment with road transport mobility equipment (10 cars, 5 minibuses) for the Authority for Aliens territorial branches situated in the counties with a high number of aliens and in those counties situated nearby border through contracting the acquisition of the necessary vehicles.

- Supply contract(s) (for IT equipment and mobility component)
  - IT budget: 2,67 MEURO (out of which 1,67 MEURO PHARE contribution)
  - Mobility budget: 0.3 MEURO (out of which 0.09 MEURO PHARE contribution)

Preconditions

• Full commitment of the parties involved.
• Timely and adequate resources available
# ANNEX 2

## DETAILED TIME IMPLEMENTATION CHART FOR THE PROJECT

Title: Strengthening the institutional and operational capacity of migration and asylum management

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Twinning component</td>
<td>D D D D</td>
<td>C C C C</td>
<td>C C C C</td>
<td>C C</td>
</tr>
</tbody>
</table>

D = Design  
C = Contracting  
R = Review  
I = Implementation  
X = Closure
ANNEX 3

CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE

Title: Strengthening the institutional and operational capacity of migration and asylum management

All figures in million EURO

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRACTED</td>
<td>1.000</td>
<td>1.000</td>
<td>1.300</td>
<td>1.300</td>
<td>4.120</td>
<td>4.120</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>DISBURSED</td>
<td>-</td>
<td>0.050</td>
<td>0.200</td>
<td>0.400</td>
<td>0.600</td>
<td>1.000</td>
<td>1.300</td>
<td>2.800</td>
<td>3.500</td>
<td>4.120</td>
</tr>
</tbody>
</table>

NB:
1. All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of the FM.
2. All disbursements must be completed within 36 months of signature of the FM.
ANNEX 4

REFERENCE LIST OF FEASIBILITY/PRE-FEASIBILITY STUDIES

N/A
ANNEX 5

Reference list of relevant laws and regulations

N/A
ANNEX 6

Reference list of relevant strategic plans and studies

1. THE ROMANIAN NATIONAL STRATEGY IN THE AREA OF IMMIGRATION (DRAFT dated December 2003)

2. EURODAC MASTER PLAN - FIRST DRAFT