

Reporting on progress made the Pilot Project for fast asylum and return procedures with Romania

Six months after the implementation of the Pilot Project with Romania, solid results have been achieved with best practices identified in the area of accelerated asylum procedures and effective returns, border management and reinforced cooperation with neighbouring countries. In particular:

Romania amended its asylum legislation in May, allowing for the issuing of negative decisions on international protection together with a return decision. This has contributed to a more efficient return process.

Romania has tested the accelerated procedure in an enhanced manner, which led to the swift processing of asylum claims. Romanian authorities further strengthened the cooperation with the EUAA, and EUAA experts can now fully participate in the registration and assessment of asylum applications.

Romania continued managing its external borders with Serbia successfully, based on activities for prevention of irregular migration with the Serbian authorities. Frontex Standing Corps are present using Mobile Surveillance Vehicles at the Romanian-Serbian border section of the Terra 2023 operational area.

Romania fully participates in the European multidisciplinary platform against criminal threats (EMPACT) and in Operational Task Forces set up to fight against criminal networks involved in migrant smuggling.

1. Introduction

The pilot project (hereafter 'Pilot') with Romania, was launched in March 2023 for a duration of 6 months, as a direct follow-up to the EU Action Plan on the Western Balkans from December 2022, President von der Leyen's letter of 26 January 2023 to European Council Leaders, and the European Council conclusions of 9 February 2023.

The Pilot was set up with a view to contribute to an improved and more sustainable migration management in the EU. It focused on the areas of asylum, returns, border management and international cooperation, building on and developing further good practices and experience in these areas. The envisaged measures were implemented with the support of relevant EU agencies¹ and with EU financial assistance.

This report represents an update on the progress made in the first six months on the results of the pilot project on migration indicators and identified good practices.

2. Financial support to Romania since March 2023

To reinforce the management of the EU's external borders, the Commission made available new financial support amounting to EUR 10,8 million to Romania. These funds are being added to the allocations of Romania's national programme under the Border Management and Visa Policy Instrument (BMVI) for the period 2021-2027².

¹ Notably EUAA, Frontex and Europol.

² The BMVI national programme for Romania is of EUR 129.77 million for the period 2021-2027.

3. Coordination and Cooperation framework

Throughout the implementation of the Pilot, the Commission services, the EU Agencies (EUAA, Europol, Frontex), and the Romanian authorities exchanged information and coordinated actions through monthly Steering Committee meetings, complemented with technical meetings and on the ground visits.

This joint approach has resulted in better coordination on the ground and enhanced information sharing and cooperation among the stakeholders.

4. Results of the pilot project

Further enhancement of screening and border management capacities

Romania continued to demonstrate successful management of its external borders with Serbia, based on activities for prevention of irregular migration with the Serbian authorities, implemented by the common patrol protocol. As examples of good practices in this field, the following activities can be highlighted:

Joint patrol missions

At the level of units subordinated to Border Police Territorial Inspectorate Timisoara, a total of 448 joint patrols on the territory of both States were carried out during the pilot project. The planning of joint patrol missions is established monthly, during meetings between the Romanian and Serbian authorities. Depending on the operational situation, the number of missions can be supplemented.

Joint "ad hoc" patrols

Where there is concrete operative information or other indications regarding a border event, the signatory parties can organize joint "ad hoc" patrols. Supporting the activities in question can also be carried out with the help of some means of aerial surveillance (Frontex surveillance aircraft, helicopter, drones). Since the start of the Pilot, 140 cases with 422 people were registered and following the exchange of information carried out with the Serbian side, 34 migrant smugglers were identified and are being investigated by the relevant authorities.

International cooperation with Serbia through Common Contact Point Portile de Fier I

According to agreed procedures, the Romanian and Serbian authorities constantly exchange information about any aspects related to irregular migration, in order to prevent and combat cross-border criminality. Common Contact Point "Portile de Fier I" was established in 2014 and operates 24/7. This information exchange channel is very effective and efficient, thus contributing to the enhancement of all the activities related to border control carried out by the authorities of both countries, including prevention of irregular migration and returns.

Romania's fruitful cooperation with Frontex has been further stepped up by ensuring maximum hosting capacity for Frontex standing corps officers for border surveillance (at the Romanian-Serbian border) and by taking important steps towards a more efficient use of the standing corps by increasing access to databases.

Also, regarding the implementation of Frontex aerial surveillance, the Agency and the Romanian Border Police have taken the necessary steps to maintain the aerial surveillance means within the Terra 2023 operation. This means of surveillance complemented and strengthened the aerial surveillance capabilities of the Romanian Border Police, which consist of unmanned aerial systems and a General Inspectorate of Aviation surveillance helicopter.

Furthermore, Frontex co-financed the internal redeployment of 40 Romanian police officers with 30 patrol cars and 3 Coastal Patrol Boats (for the Danube River border section), and additionally deployed

1 Frontex Mobile Surveillance Vehicle at the Romanian-Serbian border reaching a total of 4 Mobile Surveillance Vehicles deployed.

The EUR 10.8 million funding awarded by the Commission to Romania under BMVI will be used for the installation of motion detection systems with buried detection element (fiber optics)³ and procurement of portable cameras with thermal imaging technology without cooling. Another objective of this project is to conduct a Feasibility Study of the complex observation system on the Danube⁴.

Reinforced cooperation with Frontex also included capacity building and knowledge sharing activities, such as a Frontex-organised workshop on debriefing and screening methods for officials employed in the Timisoara centre. Similarly, the border police representatives participated in an event aimed at enhancing border surveillance capacities held on 27 September in Estonia.

The Romanian Border Police will continue to work closely with Frontex to enhance the security of its external borders and to improve border management and the operational activities carried out by the agency.

Improvement of accelerated procedures on asylum

Since March 2023, Romania tested the enhanced use of the accelerated procedure, with due regard to the applicable procedural guarantees for applicants, in particular vulnerable applicants. In particular, the Pilot led to good practices for fast identification of eligible cases for the use of the accelerated procedure, as well as quick procedures for the transfer of such cases to other regional centres on the territory to allow for swift processing. This prevented the overburdening of the reception and processing capacity of regional centres, ensured a fair and efficient balance of the workload amongst all regional centres, and allowed for a swift in-merits processing of the applications, irrespective of the place of submission of the asylum application.

During the pilot, out of a total number of 5985 registered asylum applications, 2493 asylum applications were rejected under the accelerated procedure and 13% of rejected applicants were returned to their countries of origin. The top three nationalities of applicants were from Bangladesh, Syria and Pakistan.

Over the reference period, the Timisoara centre identified 139 cases of vulnerable applicants (unaccompanied minors, single parent families), from the total number of asylum applications rejected (including under normal procedure). At national level the total number of identified vulnerable cases was 354.

Furthermore, several **good practices** have been identified that can be replicated in other Member States. This includes:

- extensive use of a total of 114 Eurodac machines at all 16 Border Police Sectors, 3 border police territorial services, and at the reception centre in Timisoara;
- vulnerability screening done based on Standard Operating Procedures for identifying vulnerabilities at preliminary interview stage and further on in the procedure;
- exemption of the vulnerable applicants for the accelerated procedure, where adequate support could not be provided within the framework of the accelerated procedure;

³ The systems will cover almost the entire border between Romania and Republic of Serbia which is not located on the Danube river, starting from the Beba Veche commune in Timiș county, located on the border between Romania, Republic of Serbia and Hungary, up to the Vărădia commune in Caraș-Severin county, totalling approximately 300 km of border.

⁴ A thorough analysis of the existing border control infrastructure and identification of the gaps and vulnerabilities in the system will be conducted. The study will provide a detailed roadmap for the upgrading of the complex observation system on the Danube. The study will involve a comprehensive analysis of the geographical, environmental, and socio-economic factors affecting the border region.

- immediate referral of unaccompanied minors to child protection services and appointment of a guardian within 24 hours;
- 24/7 presence medical assistance and of 4 NGOs providing assistance to the migrants including free legal assistance, integration and psychological support at every step of the administrative phase of the procedure (not compulsory under EU law), funded by AMIF;
- monthly internal evaluations by a Ministry of Interior audit of the quality of the asylum procedure.

In Romania, cooperation with the EUAA was strengthened in the areas of asylum and reception through the further optimisation of the Operating Plan⁵. In May 2023, Romania amended the national asylum legislation to allow for the participation of EUAA experts in the registration and assessment of asylum applications. The Operating Plan foresaw additional support through the deployment of asylum registration and case experts, as well as interpreters. The experts deployed by the EUAA are involved in facilitating the registrations for international protection. In addition, since July the experts have been involved in carrying out preliminary interviews for the applications for international protection.

Three registration experts were deployed as of beginning of May, while in the period end of July – mid August, four more registration experts were added. The EUAA has currently deployed 33 interpreters (11 in Timisoara) in support of the processing of applications for international protection. The EUAA experts have, to this date, facilitated 1566 registrations and have carried out 215 preliminary interviews. As of September, the EUAA Asylum Support Teams involved in processing applications for international protection consists of six case officers (four of which are based in Timisoara) and seven registration experts (three of which are based in Timisoara).

In addition, four containers have been installed, in September, to support operational activities in the registration and assessment of asylum applications in Timisoara, while an additional 71 containers have been installed at three other regional centres for procedure and accommodation in the country.

Efforts to increase returns

As a crucial milestone, Romania changed its legislation in May 2023 to allow for the issuing of a return decision together with a negative decision on request for international protection. This amendment supports a more swift and efficient return process and contributes to limiting absconding and secondary movements. Between 18 May⁶ and 30 September 2023], the General Inspectorate for Immigration issued 1162 joint decisions, simultaneously with decisions rejecting the asylum application. Out of these, 115 persons (around 10%) were returned so far.

If an applicant does not appeal a negative decision within 7 days from its issuance, the procedure will be considered as finished and therefore an entry ban may be imposed, and the return decision enforced. For applicants who appeal a negative decision, the enforcement of the return decision is suspended while the appeal procedure is ongoing.

Under the Pilot, cooperation with Frontex in the area of return has been further strengthened with Romanian authorities updating their national return case management IT system and aligning it to Frontex's reference model for return case management system (RECAMAS) to allow for more accurate analysis and statistical information that will also provide the necessary information to Frontex integrated return management application (IRMA).

⁵ [2023 Operating Plan agreed between EUAA and Romania \(europa.eu\)](https://europa.eu)

⁶ Date of entering into force of the legal amendment.

In May 2023, Romania also joined the Frontex Joint Reintegration Services programme, which provides reintegration support for both voluntary and forced returns. As of 30 September, Romania ranks third at EU level in implementing returns using Frontex Joint Return Services (JRS) with 214 cases implementing JRS.

Romania has been also liaising bilaterally with Member States through the High-Level Network on Returns and with Frontex on good practices on returns, notably on return counselling.

As of 11 August, one Frontex Return Specialist is deployed in the Arad detention centre, assisting the Romanian authorities in return and reintegration counselling, and in the use of Frontex Joint Reintegration Services.

Romania's statistics on return showcase an excellent cooperation with both Serbia and countries of origin. In the period 17 March – 30 September 2023, 29% of immigrants detected in the country at the Romanian-Serbian border sector after illegal border crossing were returned to Serbia based on the provision of the bilateral Protocol for the implementation of the Readmission Agreement between EU and Serbia. Taking into consideration the above statistical data, 41% of illegally staying third country nationals have been issued a return decision following a negative decision on an application for international protection (between 18 May and 30 September), by reference to the total number of asylum applications rejected during the implementation period of the pilot project.

At the same time, in the period between 18 May 2023 and 30 September 2023, 561 migrants were placed in detention out of which 403 (72%) were returned to their country of origin.

Additional action to counter migrant smuggling

In the context of the Pilot, Romania strengthened its cooperation with Europol to fight smuggling networks and to limit the secondary movements within the EU.

Romania notably took an active part in all relevant actions in the EMPACT operational action plan 2023 that focused on the fight against criminal networks involved in migrant smuggling. Moreover, in June, Romania participated in the Joint Action Day organised by Frontex under EMPACT, which focused on the smuggling of migrants, and in the Joint Action Days on Trafficking in Human Beings at the border with Serbia. The operational result of the Joint Action Day included 12 cases of migrant smuggling with a total of 67 irregular migrants, a stolen vehicle, 7 false travel documents discovered and 3000 cigarettes seized.

In addition, Romania has been participating in an **Operational Task Force for countering migrant smuggling** set up with the support of Europol.

Europol, together with the Romanian National and Border Police designed a flexible response encompassing the deployment of Guest Officers at the relevant border sections supported by experienced analysts in the capital, allowing to actively fight migrant smuggling in close partnership with the Romanian competent authorities.

This enhanced cooperation also contributed to successes, of which a positive example was Operation Werta, during which 28 persons were arrested for smuggling migrants via Bulgaria and Romania ⁷.

⁷ <https://www.europol.europa.eu/media-press/newsroom/news/28-arrested-for-smuggling-migrants-bulgaria-and-romania>

The cooperation continues with a clear regional approach, by interconnecting the relevant investigations on this route and facilitating information exchange between Bulgaria, Romania, and Hungary as well as a range of Western Balkan partners.

Further, in order to detect persons who crossed the border in an unauthorised manner, Romania continued to implement actions in an integrated way, with the participation of all competent authorities in the field (border police, national police, gendarmerie, immigration and local police). During March - September 2023, 430 missions were carried out, during which 1966 people were checked.

5. Next steps

To further capitalise on the positive achievements so far, it was agreed to continue cooperation within the framework of the pilot project, with regular Steering Committees to monitor the implementation and efficiency of new measures put in place in this context.