

ENTRY CONDITIONS, RIGHTS AND OBLIGATIONS OF UKRAINIAN CITIZENS ACCORDING TO ROMANIAN LEGISLATION*

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Abstract. The war between Russia and Ukraine has political, military, economic and humanitarian implications. Europe as a whole was not prepared to face the economic and social consequences of the military actions. The international community mobilized and organized complex actions to sanction the aggressor state, to help the population and logistical support for the Republic of Ukraine. Diplomatic efforts were manifold and of great international scope. Romania, a state on the Eastern border of the European Union with a common border with Ukraine, was receptive and mobilised important logistical resources, either by facilitating humanitarian aid or by sending aid directly.

Keywords: Ukrainian citizens; war; Romanian legislation; diplomatic efforts.

INTRODUCTION

The war between Russia and Ukraine has political – military, economic and humanitarian connotations. Europe as a whole was not prepared to face the economic and social consequences of military actions. The international community mobilized and organized complex actions to sanction the aggressor state, to help the population and logistical support for the Republic of Ukraine.

The diplomatic efforts were multiple and of great international scope. Romania, a state on the Eastern border of the European Union with a common border with Ukraine, showed receptivity and mobilized important logistical resources either by facilitating humanitarian aid or by directly sending aid.

In a humanitarian context, Romania has organized humanitarian aid since the beginning of the conflict for refugees from Ukraine. The complex measures taken by the Romanian Government prevented a humanitarian

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catastrophe. The immigration flows had a logistics for accommodation and food constituted on the principle of emergency situations. The transit flows of citizens who wanted to migrate to the west of the European Union was facilitated by various exemptions from the regular legislation.

Our study cannot be complete due to the complexity of the case, but it can represent a basis for discussions and scientific arguments used by researchers. The debates can be for the analysis and study of: exceptional situations generated by the aggression of some states on other states; international cooperation in emergency situations and military conflict; a working basis for the development of procedures for the organization of humanitarian activities with impact at the border from a social, medical, economic point of view, etc.

Last but not least, the study can constitute a review for the history of relations between Romania and Ukraine during hot periods in which the Romanian state proved to be an honest state, correctly balanced in relation to the exceptional situation created by the armed conflict. Romania organized itself in an exemplary manner in de-escalating the exceptional situation created in order not to affect the member countries of the European Union and Ukraine.

1. ROMANIAN LEGISLATION FOR THE CROSSING OF THE STATE BORDER BY FOREIGN CITIZENS

According to Romanian legislation, Ukrainian citizens have the right to enter and stay in Romania under certain conditions.

Access to Romania: It is based on a biometric passport. Persons holding passports with security features according to European Union standards can enter Romania according to the law¹ and can stay a maximum of 90 days in any 180 day period.

Entry conditions²: When entering Romania, third-country nationals are required to meet “the general entry conditions provided by Article 6(1) from Regulation (EU) no. 399/2016 regarding the Union Code regarding the border crossing regime by persons (Schengen Borders Code), with subsequent amendments and additions.”

Humanitarian exceptions: In the context of the war, with the title of exception and for humanitarian reasons, the representatives of *the Border Police* allowed Ukrainian citizens (including citizens of other states, residents on the territory of Ukraine) who came from the conflict zone to enter the country without a prior entry visa is required. Entry was made on the basis of documents certifying identity and membership

¹ Ordinance of the Government of Romania no. 194/2002.

² See <https://www.politiadefrontiera.ro/ro/main/i-conditii-tranzitarea-romaniei-de-catre-cetateni-ucraineni-35988.html> [accessed: 29.08.2024].

as a citizen, “in accordance with the provisions of Article 6(5) of Regulation (EU) 2016/399”, situation also applicable to those in transit.

Transiting Romania: Ukrainian citizens, holders of valid biometric passports, are exempted from the obligation to hold a visa upon entering the territory of Romania for stays whose total duration does not exceed 90 days during any 180-day period.³ These are just some of the rights and obligations of Ukrainian citizens according to Romanian legislation.

In practical terms, Romania makes substantial efforts to protect applicants for political asylum or entry into Romanian territory for transit to other countries. Thus: From March 18, 2022 until now, 162,611 residence permits have been granted for beneficiaries of temporary protection. Just in these days, between May 1 and 15, 2024, the General Inspectorate for Immigration³ issued 1,707 residence permits for beneficiaries of temporary protection. From the start of the conflict in Ukraine, until May 2024, 4,466 Ukrainian citizens applied for asylum in Romania. They benefit from all the rights provided by national law in accordance with international law.

In a humanitarian sense, we note that six “regional centers for procedures and accommodation of asylum seekers” have been organized in Romania, in the localities: Bucharest, Galați, Giurgiu, Timișoara, Șomcuta Mare (Maramureș County) and Rădăuți (Suceava County). At this moment, “the occupancy rate of the accommodation centers” managed by the specialized institution “General Inspectorate for Immigration” is, at this moment, 29.7%. The accommodation capacity in these centers amounts to 1,100 places, with the possibility of expansion with another 262 places.

The accommodation spaces are intended for people who have requested a form of protection in Romania. In the situation where they do not have the necessary material means for maintenance, people can live in these spaces “until the termination of the right to stay on the territory of Romania.” There were also situations reported in the media by the “dissatisfaction” of some applicants with the quality and standard offered, probably forgetting that they have refugee status due to an armed conflict, and these were the possibilities offered in real time. During the outbreak of the “Russian-Ukrainian conflict”, the Romanian authorities rented “tourist accommodation spaces” from the hotel industry for refugees, which they then made available to citizens from Ukraine.

The press of the time (March 25, 2022, G4MEDIA⁴) took over the official communiques of the Government of Romania which stated that, be-

³ See <https://igi.mai.gov.ro/politistii-de-imigrari-au-emis-in-prima-jumatate-a-acestei-luni-pestel-700-de-permise-de-sedere-pentru-beneficiaries-of-temporary-protection/> [accessed: 29.08.2024].

⁴ See <https://www.g4media.ro/guvernul-anunta-ca-pestel-570-000-de-ucraineni-au-intrat-in-romania-tara-noastra-poate-asigura-circa-400-000-de-locuri-de-cazare-pentru-refugiati-alte-masuri-anuntate-de-ministere.html> [accessed: 29.08.2024].

tween 10.02.2022 – 25.03.2022, more than 572,888 citizens of the Republic of Ukraine entered Romania, under conditions where there were accommodation possibilities, reserved, of approximately 400,000 seats. Of these, 4,310 Ukrainian citizens requested a form of protection from the Romanian state. The pressure of the humanitarian crisis was in March 2022, revealing the day 22.03.2022, when 9,995 Ukrainian citizens entered Romania, of which 5,338 directly from Ukraine (through the common border), 2,905 in transit through the Republic of Moldova and 1,752 citizens came from other states. In this context, we must highlight the fact that all counties in Romania have organized support and aid centers. The centers were located in the area of national roads and highways, in parking lots in different central areas of cities and municipalities.

There are several centers and organizations that provide support for Ukrainian citizens in Romania:

1. *Dopomoha*: Platform, created by “Code for Romania”⁵ in partnership with “the Department for Emergency Situations” of the Ministry of Internal Affairs, “the UN Refugee Agency”, “the International Organization for Migration”, and “the Romanian National Council for Refugees”, offers relevant information for Ukrainian citizens who seek protection in Romania.

2. *Romexpo Center*: This center was the main place where the Ukrainian refugees in the City of Bucharest got food [Despa 2023].

3. *Local Intervention Center for the Support of Residents from Ukraine in Braşov Cattia Community Center*: This center offers assistance in Romanian, Ukrainian and Russian.⁶

4. *UNICEF Romania*: UNICEF offers assistance to refugees from Ukraine. Also, UNICEF established Logistics Support Centers dedicated to refugee children and their families, called “Blue Dots.”⁷

These centers and organizations offered a wide range of services, including legal information, housing support, post-traumatic stress management assistance, and more.

We particularly highlight the solidarity of the Romanian people through the exemplary mobilization of the population to ensure the accommodation of refugee citizens from Ukraine in their own homes. The Romanian government paid for each night’s accommodation the price of 50 lei (approximately 10 EURO) and food expenses at a price of 20 lei (approximately 4 EURO)

⁵ See <https://dopomoha.ro/ro> [accessed: 29.08.2024].

⁶ See <https://dopomoha.ro/ro/dopomoha-brasov> [accessed: 29.08.2024].

⁷ See <https://www.unicef.org/romania/ro/pove%C8%99ti/asisten%C8%9B%C4%83-pentru-refugia%C8%9Bii-din-ucraina>; <https://www.g4media.ro/guvernul-anunta-ca-pestea-570-000-de-ucraineni-au-intrat-in-romania-tara-noastra-poate-asigura-circa-400-000-de-locuri-de-cazare-pentru-refugiati-alte-masuri-anuntate-de-ministere.html> [accessed: 29.08.2024].

[Diaconu 2021]. The good organization made the first payments for refugees immediately in April 2022. By the end of 2022 the Government made an additional budgetary effort and paid 591.97 million lei (about⁸ 104,306,931 million EUR) only for the settlement of food expenses and accommodation of Ukrainians. Of this amount, 519.37 million lei went to individuals (87%) and 72.6 million lei to companies (23%) that provided accommodation and food services. Some situations of “fictitious accommodation” in certain privately owned premises have been reported. The purpose was to benefit from certain unfair financial facilities. The cases are investigated by the competent authorities, the police and the Prosecutor’s Office under the aspect of the crimes of “illegal acquisition of funds and forgery in documents under private signature.” The damage caused represents sums paid from “the State’s Budgetary Reserve Fund” provided for in the program “50 lei accommodation/20 lei food” which will be recovered after the completion of the research.⁹

A year after the outbreak of the conflict, Romania amended the legislation and created the largest integration program. Thus, the citizens of Ukraine who found a job and enrolled their children in the educational program of the schools received an aid of 2,000 lei per month / family for accommodation expenses (approximately 400 EURO). Retrospectively, the analysis shows that the offer of aid and financial support from the countries of western Europe was more generous, financially, and the citizens, refugees, chose to emigrate to these countries in the west.

According to official data, more than 3.2 million Ukrainian citizens entered Romania until January 2023, and approximately 100,000 of them remained. Most of the Ukrainian citizens settled in Romania were employed and became employees especially in the manufacturing industry, in construction or trade. The Romanian legislation was quickly adapted,¹⁰ as follows: “Ukrainian citizens who come from the armed conflict zone in Ukraine and want to work, but do not have documents proving their professional qualification or experience in the activity, can present themselves to employment agencies county work, respectively of the municipality of Bucharest, in order to be registered.” The dispersion in the geography of Romania shows that they were mainly located in the Municipality of Bucharest or the counties of Bistrița-Năsăud, Argeș and Timiș. In all

⁸ Value determined at the currency conversion from the date of editing: 23.05.2024 (1 EUR = 4.97 RON).

⁹ See <https://romania.europalibera.org/a/perchezitii-cazare-refugiati/32343094.html> [accessed: 29.08.2024].

¹⁰ The 2022 procedure for employment of Ukrainian citizens who come from the armed *conflict zone in Ukraine*, “Official Gazette” no. 240 of 2022, with subsequent amendments and additions. <https://sintact.ro/#/act/17006625/2/procedura-din-2022-de-incadrare-in-munca-a-cetatenilor-ukraineni-care-provin-din-zona-de-conflict...?keyword=Ukraine%20conflict&cm=STOP> [accessed: 24.05.2024].

localities, courses were organized to teach children and adults the Romanian language and the Latin alphabet. The courses were supported by “pro bono” teachers through voluntary action.

From an educational point of view, Romania has amended the legislation facilitating access to education for all children and adolescents from Ukraine who entered the country and wanted to continue their general, secondary or university education studies (bachelor’s/master’s/doctorate) equating studies in Ukraine through the procedure simplified recognition. In Romania, significant efforts are being made to ensure access to education for Ukrainian children and adolescents:

UNICEF in Romania is working with the Government and partners to help refugee children from Ukraine resume their studies. UNICEF is part of the working group led by the Government of Romania that coordinates the national response to the refugee situation.¹¹

The European Commission funds support for schools and vocational education and training facilities, as well as care and early childhood education facilities, through the EU Cohesion Funds and the *Erasmus+* and *European Solidarity Corps programmes*.¹²

The Romanian government has urgently adopted several normative acts by which refugee children with their mothers will have the same rights as Romanian citizens and students from Romania. Places in universities have been increased by about 20% to respond affirmatively to the education requests of young people in Ukraine forced to leave their country because of the war. All Ukrainian children on the territory of Romania, including those who do not request protection, according to the asylum law, will benefit from the right to education in educational institutions in Romania, under the same conditions and with funding from the same budgets as for preschoolers and Romanian students.

On May 17, 2024, the Government of Romania modified the form of the residence permit for beneficiaries of temporary protection through Government Decision no. 505/2024. The legislative measure is taken to have a real situation on citizens’ residence and to limit the fictitious locations where residence permit holders “declare” that they live. Thus, starting from the date of application of the new measure, residence permit applicants must submit documents proving the existence of the living space legally “(beneficiaries of temporary protection must present one of the following

¹¹ See <https://www.unicef.org/romania/ro/pove%C8%99ti/utilizarea-inova%C8%9Biilor-%C3%AEn-rom%C3%A2nia-pentru-asigurarea-accesului-la-educa%C8%9Bie-copiilor> [accessed: 29.08.2024].

¹² See https://eu-solidarity-ukraine.ec.europa.eu/information-people-fleeing-war-ukraine/fleeing-ukraine-support-education_ro [accessed: 29.08.2024].

documents: property title, rental contract registered with the tax administration, loan agreement concluded in authentic form or any other documents concluded under the validity conditions provided by the Romanian legislation in force regarding the housing title, which provide proof of the acquisition of housing rights, similar to the way in which proof of residence is provided by asylum seekers).”

The immigration flows of citizens from Ukraine in relation to crossing the state border to Romania have two general legal entry colors and one through which the illegal crossing of the state border of Romania with the Republic of Ukraine is “forced”.

2. THE FIRST “INDIRECT” CORRIDOR IS UKRAINE – REPUBLIC OF MOLDOVA – ROMANIA

According to the statistics of the Border Police of the Republic of Moldova¹³ and Romania, we have a number of 116,927 citizens under the age of 18 and 309,299 citizens over the age of 18 in the entry corridor. We cannot pronounce a point of view on the statistics because many cases are really humanitarian. When discussing a humanitarian issue, “nothing” is not much! The cause must be supported through joint efforts of both the European Union and the states with a common border to the area of armed conflict.

3. THE SECOND “DIRECT” CORRIDOR IS UKRAINE – ROMANIA THROUGH COMMON BORDER POINTS

Romania has a common border with the Republic of Ukraine for a length of 649.4 kilometers (land, fluvial and maritime). The first segment (362 km) land and river, (TISA river) includes the section between the border Romania/Hungary and Romania/Republic of Moldova. The second sector of the border (169km) is from the border of Romania/ Republic of Moldova – Danube Delta/ Black Sea. Citizens who fled the war had easier access to these sectors. The Romanian Government has established an Entry Procedure for unaccompanied minors as well.¹⁴ At the same time, Romania

¹³ The statistics refer to the time period between 24.02.2022 and 12.05.2024. Source: <https://igm.gov.md/ro> [accessed: 29.08.2024].

¹⁴ The 2022 procedure for cooperation between authorities regarding entry, registration, transit, stay, as well as ensuring the protection of the rights of unaccompanied minors coming from the armed conflict zone in Ukraine, “Official Gazette” no. 266 of 2022, with subsequent amendments and additions.

offered free public transport and facilities.¹⁵ Practically on these lines, Romania sent humanitarian and logistical aid to Ukraine.

4. CROSSING OF THE STATE BORDER BY SOME CITIZENS OF UKRAINE

The defense and control structures of the state border in Romania have frequently detected citizens from the Republic of Ukraine who have forced the state border through illegal crossing. In the database of the Border Police, approximately 11,000 incidents regarding cases at the land border in northern Romania are recorded. According to AGERPRES, the national press agency in Romania¹⁶: “Since the beginning of the conflict in Ukraine, more precisely from February 24, 2022 until now, (05.09.2024) at the northern border of Romania, within the range of Maramureş counties, Satu Mare and Suceava approximately 11,000 Ukrainian citizens (more precisely 10,850) between the ages of 18 and 60, who declared to the border police that they fled Ukraine because of the war.” In the first 4 months of 2024, 1,218 cases were detected of fraudulent crossing of the state border from Ukraine to Romania, in which 2,373 Ukrainian citizens were involved, of which 1,028 in the Maramureş county, 1,066 in the Suceava county and 279 at the border of Satu Mare county with Ukraine requested temporary protection. Of the total detections at the green border, 97.24% are Ukrainian citizens. The risks of unauthorized border crossing have resulted in 19 deaths. The Romanian Border Police in joint actions with the “SALVAMONT” public rescue service have had 72 interventions in the Maramureş Mountains, saving 108 Ukrainian citizens. In the first five months of 2024, there were 20 missions with 36 Ukrainian citizens rescued.

5. OTHER SUPPORT ACTIONS OF ROMANIA IN FAVOR OF THE CITIZENS OF THE REPUBLIC OF UKRAINE

Romania’s efforts to help Ukraine are also highlighted in the area of energy security through the interconnection of electrical networks and the direct transfer of energy power at times when the infrastructure of this country

¹⁵ Decision 337/2022 on the granting of gratuities and facilities for the transport of foreign citizens or stateless persons in special situations, coming from the zone of armed *conflict in Ukraine*, “Official Gazette” no. 246 of 2022, <https://sintact.ro/#/act/17006663/1/hotararea-337-2022-privind-acordarea-de-gratuitati-si-facilitati-pentru-transportul-cetatenilor...?keyword=Ukraine%20conflict&cm=SREST> [accessed: 24.05.2024].

¹⁶ See <https://agerpres.ro/justitie/2024/05/09/maramures-aproximativ-11-000-de-ukraineni-a-trecut-illegal-frontiera-de-nord-dupa-februarie-2022--1292223> [accessed: 29.08.2024].

has failed due to missile attacks on transport networks and production capacities. Romania also supports interconnection through the gas pipeline to ensure the supply of methane gas. Transport and transit lines for oil products were created when Ukraine's port infrastructure on the Black Sea was affected in the oil terminals. In the opposite direction, Romania facilitated the transit of the export of goods and grain of Ukraine to the infrastructure of the port of Constanța on the Black Sea in the export to different countries of the world.

Romania's aid to Ukraine is constant, consistent and on multiple visible or less visible levels, in accordance with the strategy of the European Union. The Romanian government has consistently responded to Ukraine's requests and provided, among other things, fuel, medicine, food and ambulances. By Government Decision, the withdrawal from the state reserves and the granting by Romania of an external emergency humanitarian aid, free of charge, for Ukraine, consisting of food products and materials,¹⁷ were approved. It was organized and operationalized in Suceava (March 9, 2022), on the border with Ukraine. Romania facilitated many humanitarian transports, from countries such as Italy, France, Bulgaria, Austria, Slovenia, Cyprus, Greece, Germany or the Republic of North Macedonia.

CONCLUSIONS

The entry conditions, rights and obligations of Ukrainian citizens according to Romanian legislation have been adapted to the realities generated by the Russian-Ukrainian war.

The Romanian government has allowed derogations from the legislation to facilitate refugee flows while maintaining effective border control.

Immigration from Ukraine had three colors, of which we highlight the direct border, transit Republic of Moldova and illegal border crossings between states.

The rights of citizens of Ukraine have been respected to high standards of quality regarding fundamental human rights.

Most of the refugees continued the exodus to the countries of the western European Union, which reduced the economic, administrative and social pressure on the Romanian Government. The refugees who remained

¹⁷ Decision 249/2023 regarding the removal from the state reserves and the granting by Romania of an external emergency humanitarian aid, free of charge, for *Ukraine*, in order to ensure the protection population in the context of *the conflict* in *Ukraine*, "Official Gazette" no. 243 of 2023. <https://sintact.ro/#/act/17016676/1/hotararea-249-2023-privind-scoatarea-din-rezervele-de-stat-si-acordarea-de-catre-romania-a-toa...?keyword=Ukraine%20conflict&cm=SREST> [accessed: 24.05.2024].

integrated perfectly into Romanian society (professional, economic, social and educational).

Romania through its Government has shown solidarity since the beginning of the conflict and generated measures on all levels to support the citizens of Ukraine. Directly by facilitating the professional integration of those who wanted to work; entrepreneurial facilities; continuing studies through free education at all levels of education; free healthcare; cultural and social integration.

Romania promptly responded with measures to support the state of Ukraine to ensure stability in energy and cyber security. The supply of electricity to balance the energy system of Ukraine either directly or through the Republic of Moldova in emergency situations is a great help. At the same time, the supply of methane gas, fuels for maintaining energy security at the request of the Government of Ukraine balanced the economy and society of Ukraine. This aid stabilized the living conditions of the citizens of Ukraine and no more massive emigration flows were generated due to the war.

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