



# Access to education for migrant children and youth in Romania



Terre des hommes

Sprȳin copiilor.

The Law of National Education provides that the state guarantees equal rights of access to all levels and forms of pre-university and higher education, as well as to life-long learning, without any form of discrimination, for migrant underage children.

However, the reality has shown that migrant minors are confronted with many obstacles in accessing their fundamental right to education, starting from issues with learning Romanian, recognition of their previous learning in their countries of origin, school enrolment, sitting exams to re-establish their academic record to access to social scholarships, national programmes, etc. Children and young asylum seekers, beneficiaries of international protection or third country nationals participating in the projects of the Terre des hommes Foundation have recounted such issues, as well as bullying, discrimination, difficulties in relating to teachers and classmates, etc. You can hear their opinions in the videocast “Dreams of Countryless Children”, available on the YouTube channel of the Terre des hommes Foundation Romania at: <https://www.youtube.com/watch?v=S50eOizlm4o>.

## What are we asking for?

1. Guarantees for the fundamental right to education of migrant children and youth.
2. Commitment of the Ministry of Education and Research to adopt the National education programme for migrant children and youth, as a structured corpus of activities and services instated by law and funded by the Government.

## Who are we?

Established in 1960, the Terre des hommes Foundation (Tdh) is the leading Swiss organisation for the protection of children’s rights.

The Terre des hommes Foundation has been present in Romania since 1992 for the purpose of contributing to the improvement of the child protection system and to the reform of the child welfare and justice systems, by promoting and facilitating children’s participation in the development of their communities.

Considering the new migration trends and in line with the non-discrimination principle, the Tdh Foundation has been aiming in its projects to improve the protection afforded to all children affected by migration (unaccompanied, separated, migrating with their families) from/into Central and South-East Europe, including third country nationals. Its efforts included trans-national research projects, advocacy campaigns, training and coaching for professionals and skills development for children affected by migration, aiming to facilitate interagency and trans-national cooperation and promote evidence-based solutions for migrant children.

In Romania, Tdh has experience in protecting children affected by migration and in working together with young volunteers to support formers’ integration. To this aim, Tdh uses the “Movement, Games and Sport” (MGS) tool, a child-centred psychosocial methodology currently applied in all our projects that was operationalised as a social animation method and delivered in training sessions to more than 1,000 professionals in child protection and education, including to young social-educational workers.

Besides delivering activities for groups of vulnerable children in child-friendly outdoors and indoors spaces, Tdh has direct access to youth-centred or run networks/children’s advisory councils, to recruit young mentors, connect migrant children with children from majority communities and disseminate best practices in working with them. These networks were established in various national and transnational projects of Tdh.

Due to its expertise in developing skills and raising awareness of children protection / inclusion / participation issues, as well as due to its presence in governmental workgroups and advisory boards set up to develop integration policies (including for migrants), Tdh is well-prepared for any training, advocacy and innovation transfer activities.

The Terre des hommes Foundation Romania is a member of the **Coalition for the Rights of Migrants and Refugees** and works together with the **General Inspectorate for Immigration** and other agencies responsible for migration issues.

## Terminology

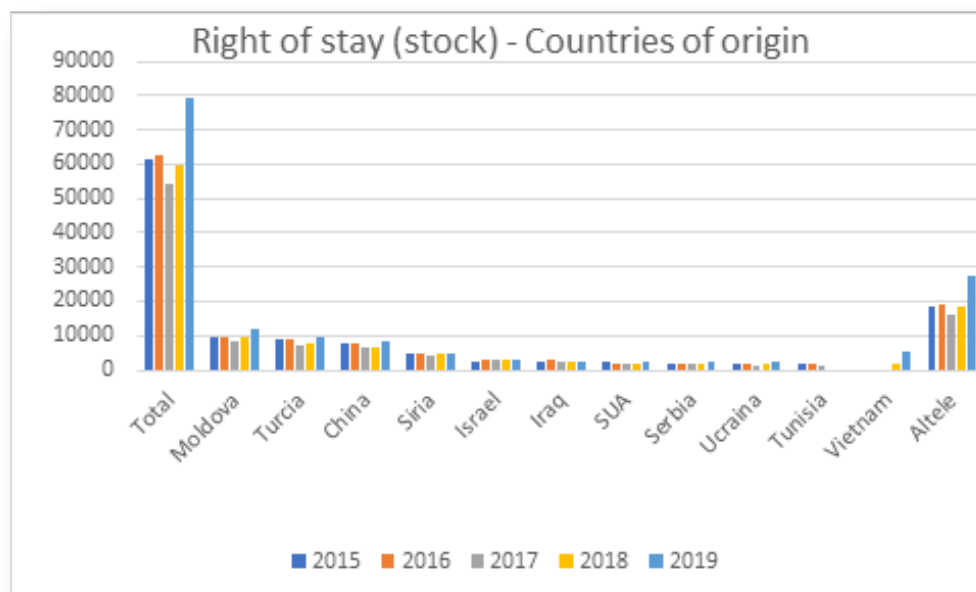
According to EOG No 194/2002 (republished), an **alien** is the person who does not have the Romanian citizenship, citizenship of another EU or EEC Member State or citizenship of the Swiss Confederation. **International protection** includes status as refugee status or subsidiary protection. **Stateless** is the person who does not have citizenship of any state.

According to Law No 122 of 04 May 2006 on asylum in Romania, updated, a **beneficiary of international protection** is a foreign citizen or stateless person whose refugee status was recognised or was granted subsidiary protection under this law. **Asylum seeker** is the foreign citizen or stateless person who has expressed the wish to obtain a form of protection in Romania, as long as an irrevocable decision on the asylum application was not taken; A **refugee** is the foreign citizen or stateless person who meets the requirements set forth in the Convention Relating to the Status of Refugees adopted in Geneva on 28 July 1951, hereinafter referred to as the Geneva Convention, to which Romania acceded by Law No 46/1991.

**Migrant** is an umbrella term, not defined under international law, referring to a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes asylum seekers, beneficiaries of international protection, third country nationals, stateless persons, tolerated persons.

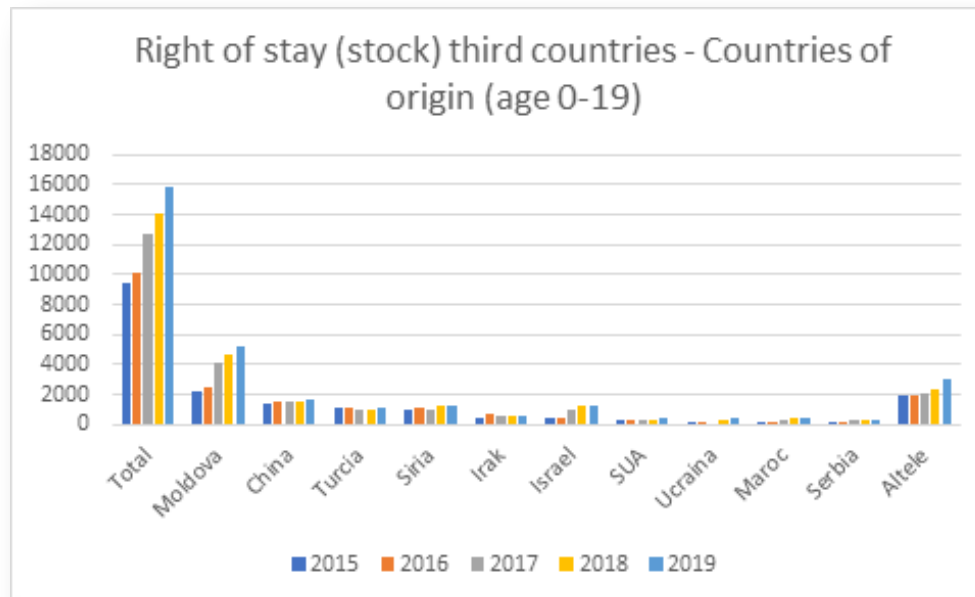
## What is the context we operate in?

According to 2015-2019 data provided by the Ministry of Internal Affairs, the number of foreigners in Romania is on a rising trend. Thus, in this period, the total number of foreign citizens with right of stay in Romania increased by some 30%, from 61,413 to 79,478.



Moreover, the share of children and young aged 0-19 granted right of stay in Romania increase by 67% in the same period.

Thus, the number of children and young granted the right to stay in Romania increased from 9,430 in 2015 to 15,794 in 2019. The most common countries of origin of foreign adults, children and young granted the right to stay in Romania are Moldova, Turkey, China, Syria and Israel. The most significant increases between 2015 and 2019 were in the numbers of stay permits issued to persons from Moldova (136%), Israel (218%), Morocco (134%), Serbia (92%) and Ukraine (82%).



The available figures provided by the General Inspectorate for Immigration only provide an overall picture of the purpose of stay, broken down by gender and age groups.

Gender	Age	2015	2016	2017	2018	2019
M	Age <4	836	871	945	986	1121
M	Age 5-9	925	1010	846	917	1036
M	Age 10-14	745	774	686	756	865
M	Age 15-19	2541	2661	4208	4700	5293
F	Age <4	764	833	865	858	968
F	Age 5-9	843	859	731	787	886
F	Age 10-14	682	747	627	725	803
F	Age 15-19	2094	2043	3811	4358	4822

### Right of stay (stock) third countries - gender, age (age 0-19)

Considering that some 70% of these children and youth are aged 15 to 19, we can conclude that most of those coming from the Republic of Moldova are in Romania for studying, whilst those from Turkey, China and Syria are mainly children and youngsters arrived in Romania for family reunification. Thus, the number of young staying in Romania for studying reached 3,882, down compared to 2018, most of them coming from the Republic of Moldova.

Between 2015 and 2019, the highest inflow of such youngsters came from Moldova, with their number constantly increasing from 1858 in 2015 to 2717 in 2019 (up 46%). The next countries in terms of the number of young people coming to Romania for studies in the same period are Israel, Morocco and The Ukraine, each with between 100 and 330 cases per year.

Citizenship	2015	2016	2017	2018	2019
<b>Total</b>	<b>2909</b>	<b>3496</b>	<b>3749</b>	<b>3892</b>	<b>3882</b>
Moldova	1858	2221	2442	2768	2717
Israel	180	253	332	273	124
Morocco	192	215	181	142	201
Tunisia	103	102	73	39	
Ukraine	92	101	150	181	190
Syria	42	56	44	44	69
Turkmenistan	43	45	50	42	55
Lebanon			44	47	67

### Individuals granted right to stay for studies, age 0-19

In the same period (2015-2019), 3,515 underaged persons (aged 0-17) applied for asylum in Romania, of which 65% males and 685 unaccompanied minors.

The largest inflow was in 2017, when some 1,600 underaged youths applied for asylum (3 times more than in 2016, 2018 or 2019), most of them originating in Iraq. The most common countries of origin of asylum seekers are Iraq (1730), Syria (985), Afghanistan (270) and Iran (105).

In the same period, 1,330 minors were granted international protection in Romania, their main counties of origin being Syria, Iraq and Afghanistan.

Gender	Age	2015	2016	2017	2018	2019
M	Age <14	110	215	630	200	170
M	14-17	75	95	295	125	210
F	Age <14	85	180	550	190	125
F	14-17	25	40	120	35	40

### Underage asylum seekers - gender and age (totals rounded up to the nearest multiple of 5)

Citizenship	2015	2016	2017	2018	2019
<b>TOTAL</b>	<b>295</b>	<b>530</b>	<b>1595</b>	<b>550</b>	<b>540</b>
Syria	160	275	300	110	140
Iraq	45	155	1055	320	155
Afghanistan	40	30	110	20	70
Ukraine	10				
Turkey	5	15			
Stateless		5			
Iran			50	30	25
Pakistan			25		
Bangladesh				20	20

### Underage asylum seekers - countries of origin (totals rounded up to the nearest multiple of 5)

The available data show that the total number of beneficiaries of international protection in Romania remained relatively constant over the period from 2015 to 2019, indicating that many persons left Romania for good after obtaining the protection and never applied for the renewal of their stay permits.

Citizenship	2015	2016	2017	2018	2019
<b>TOTAL</b>	<b>170</b>	<b>255</b>	<b>465</b>	<b>230</b>	<b>220</b>
Syria	120	180	190	110	110
Iraq	15	45	205	75	35
Ukraine	10				
Afghanistan	10	5	30	5	15
Russia	5				
Stateless		10	10	5	5
Palestine		5			
DR of Congo			5		
Iran				10	20

**Underaged persons granted a form of protection in Romania  
Countries of origin (totals rounded up to the nearest multiple of 5)**

Gender	Age	2015	2016	2017	2018	2019
M	Age <14	5	0	50	25	5
M	14-15	5	10	60	25	45
M	16-17	40	30	105	55	115
F	Age <14	0	0	25	15	5
F	14-15	0	0	10	5	10
F	16-17	5	0	10	10	10

**Unaccompanied minors that applied for a form of protection in Romania  
Genders and ages (totals rounded up to the nearest multiple of 5)**

Citizenship	2015	2016	2017	2018	2019
<b>TOTAL</b>	<b>55</b>	<b>45</b>	<b>265</b>	<b>135</b>	<b>185</b>
Afghanistan	20	5	35	5	50
Syria	20	15	25	5	10
Bangladesh	5			15	20
Iraq	5	20	185	100	55
Pakistan			15		
Iran			5	5	
Algeria					10

**Unaccompanied minors that applied for a form of protection in Romania  
Citizenship (totals rounded up to the nearest multiple of 5)**

The large numbers of asylum seeking and international protected children who leave the country in the first months after arrival exercise some stress on the Romanian education system, since many of them end being enrolled in school late or never attend classes at all.

The Tdh Foundation is mainly concerned with children and youths from non-European countries, who should be provided with specific programmes by the Ministry of Education and Research. Even if we could assume that pupils and students came here for study purposes do not have major problems integrating into the education system, a number of 12,000 migrant children face lack of education, lack of knowledge of the Romanian language, missed academic years due to fleeing and conditions in countries of origin or transit, difficulties in adjusting to the new social, cultural and educational context, as well as

discrimination during their stay in Romania.

We insist on the fact that the data presented in this chapter were provided by the General Inspectorate for Immigration. The Ministry of Education and Research does not collect and publish any statistics on the access of minor migrants to the public education system or on their school attendance. Statistics show that in European countries, on average, migrant children's academic achievement is significantly lower than that of children with two native parents, but no data is available in Romania to confirm or disprove this.

We emphasise the need to collect data from the Romanian public and private educational systems, ensuring better identification of the public policies required for the integration of foreign children and young asylum seekers and beneficiaries of international protection, as well as for appropriating adequate resources. Higher frequency and quality of relevant national data and statistics on the access of foreign children asylum seekers and beneficiaries of international protection to education services would support efficient monitoring and timely decision making, so that their right to education is guaranteed, according to the legislation.

## The right to education for children and young migrants

We advocate for the promotion of child-friendly migration policies and programs and for facilitating children's access to protection and assistance services that meet their specific needs, regardless of their legal status.

Tdh intervenes to guarantee quality education, advance life-long learning opportunities and ensure access to adequate services for all, such as security, psychosocial support, health, justice, and information in all stages of their journey. When children reach their destination, the Foundation encourages them to take advantage of the development opportunities and helps them to integrate. Furthermore, it supports relevant migration stakeholders and their initiatives when in line with the child's best interest. At international level and in the societies where these children migrate, extra efforts are required in advocacy, existing governance mechanisms and in the relevant legal, political and institutional framework to uphold the rights of foreign children and young asylum seekers and beneficiaries of international protection.

The Terre des hommes Foundation finds that, in fact, migrant children are confronted with difficulties in accessing their right to education. Specifically, we found that:

- Migrant children have various needs that are grounded on a number of individual and crosscutting factors, such as ethnic origin, age, social and economic context, age when migrating, country of origin, duration of stay in the host country, etc. Due to various reasons, including lack of adequate support, migrant children of the first generation are facing learning challenges, which lead to lower academic performance. The literature shows that measures are available that may improve school performance, yet they are not implemented in the Romanian schools<sup>1</sup>.

- They are confronted with language barriers. Migrant children find it difficult to learn Romanian and keep connected with their mother tongue<sup>2</sup>. They do not receive sufficient support to learn Romanian and acquire specific knowledge appropriate to the academic year they are to be enrolled in. They are enrolled in lower academic years than those corresponding to their ages (even 4 years behind). They do not receive any catch-up classes to bridge the learning gap. They are confronted with insufficient school capability, both in terms of resources, and in terms of staff trained to work with foreign children and young, asylum seekers and beneficiaries of international protection.

- In the year when they are only listeners, migrant children do not have access to handbooks, writing materials or schemes such as 'Milk and Bun'. Since they are not enrolled in the Romanian Education Integrated Information System, they do not qualify for per capita funding from the state budget; teachers cannot give them the attention they need at class and they are not assisted by support teachers.

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<sup>1</sup>For instance, developing mentoring and cultural mediation schemes, supplying suitable resources to tackle social and economic disadvantages, providing information on the school environment, involving the parents, providing extra language support, strengthening anti-discrimination laws, etc. A supportive school environment and teaching quality are crucial factors for improving children's learning outcomes, including refugees and migrants.

<sup>2</sup>Article 19 of the European Social Charter provides for the countries' obligation to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

- They have psychosocial difficulties caused by their experiences in their countries of origin, transit, or destination, since the school counsellors and teachers are not guided and trained to work with migrant children.
- They have limited opportunities as teenagers, in particular those aged 15 to 17 who find it more difficult to integrate in public high schools or vocational schools; some of them are older than compulsory education age, and the *Second Chance Programme* is not adapted for them; they do not receive scholarships and other support (such as subsidised rent) to go to school and are thus forced to go into employment to support themselves.
- They are victims of bullying and discrimination and they have difficulties in relating to teachers, peers and, sometimes, parents.
- They are not included in programs and projects that address their specific needs and risk, once again, being excluded from on-line education, migrant children not being eligible for a free tablet, among those distributed by the Ministry of Education and Research.

## **What are the recommendations of the Terre des hommes Foundation to the agencies responsible for the integration of migrants in the Romanian society?**

The Convention on the Rights of the Child is the conceptual framework guiding the interventions of the Terre des hommes Foundation. According to Article 12 of the Convention, all children are entitled to be heard on all aspects affecting them. Terre des hommes has accumulated many years of hands-on experience in supporting children and young and its objective is to ensure that children's opinions are heard and considered at all levels.

We believe that Article 12 is closely related to other civil rights and liberties, including children's right to: freedom of expression (Article 13), freedom of thought, conscience and religion (Article 14), freedom of association and to freedom of peaceful assembly (Article 15), privacy (Article 16) and information (Article 17). Tdh and its partners are trying to advance all these civil rights, to ensure the children's participation. We encourage all children's participation, with a particular focus on involving the most marginalised children, including the disabled, migrants and children at higher risk of abuse.

Moreover, we emphasise that the Article 2 (6) of the Law of National Education (Law no 1/2011, updated) guarantees equal rights of access to all levels and forms of pre-university and higher education, as well as to life-long learning, without any form of discrimination, for migrant underage children whose stay in Romania is officially recognised under the law.

In the projects of the Foundation, groups of local youths and migrant children discussed key aspects related to supporting foreign children and young asylum seekers and beneficiaries of international protection to integrate in the host society. These children-led awareness initiatives and advocacy campaigns are targeting local community members and national decision makers. The Coalition for the Rights of Migrants and Refugees has repeatedly pointed out the education priorities and discussed them with representatives of the General Inspectorate for Immigration and of the Ministry of Education and Research.

Tdh supports those expectations with the voices of migrant children who have found in the projects of the Foundation vehicles for expressing themselves.



Specifically, the recommendations are:

### **Participation in the education system by:**

- Ensuring access to early education for young migrant children in the host community and promoting their integration in primary, lower and upper secondary education, including vocational and training programmes, pursuant to Article 28 of the Convention on the Rights of the Child and the EC Action Plan (2016).
  - Providing targeted support through funds and programmes, by building schools' capacity, guiding and training school principals and teachers, to ensure accessible, qualitative and inclusive education for foreign children, asylum seekers and beneficiaries of international protection.
  - Providing specific, formal training programmes on diversity, intercultural teaching and language development to school principals and teachers, both in initial and continuing training programmes.
  - Improving access to learning the Romanian Language and facilitating the acquisition of specific knowledge, correlated with the learning profile of the academic year in which the child is to be enrolled.
  - Enrolling children and young auditors in the Romanian Education Integrated Information System (SIIR), enabling them to exercise their rights, in particular to handbooks, school furniture, writing supplies, social scholarships, "Milk and Bun" programme, etc.
  - Including per capita financing for audient students.
  - Involving support teachers in helping migrant children and youths confronted with school integration difficulties to learn Romanian (to acquire the language skills required for sitting tests at all subject matters), to participate in exams (in particular in the tests at all subject matters required to re-establish their academic record for all academic years, in the case of foreign children and young, asylum seekers and beneficiaries of international protection who cannot produce proof of education) or for classroom inclusion.
  - The Ministry of Education and Research to develop and finance a national programme to include migrant children and young in education, including through programmes adapted to their needs, such as School After School, financed from national funds and/or the European Social Fund.
  - The Ministry of Education and Research, together with the Ministry of Foreign Affairs, to develop a special methodology for recognising pre-university learning of foreigners who have been granted a form of protection in Romania and who have no proof of education or who, for objective reasons, are not covered by the current regulations governing the recognition and certification of foreigners' learning in Romania, for the purpose of facilitating their access on the labour market or to further education, pursuant to EOG No 44/2004.
  - The Ministry of Education and Research to develop a methodology for the assessment of formal and informal skills acquired by foreign children and young asylum seekers and beneficiaries of international protection.
  - Ensuring access to free education until the XII form for children nationals of third countries, to avoid the situations where underaged and youths drop out of school because of high costs.
  - Simplifying procedures and streamlining the process for recognising education diplomas of foreign children and young asylum seekers and beneficiaries of international protection.

### **Organise and deliver Romanian Language classes for migrants, by:**

- Teaching the intensive introductory course in Romanian adapted to the students' age and structured on training levels.
  - Allocation of the necessary budgets for the organization and development of the intensive introductory course in Romanian for migrant children and young people.
  - Scrapping the rule that beneficiaries of international protection may only participate in such programmes during their first year from being granted protection.
  - Supplementing the number of locations where Romanian classes are provided to children, in towns with large migrant communities.
  - Providing Romanian Language programmes in all major towns of Romania, where a significant number of migrants reside.
  - Continuous training of teachers who teach Romanian as a foreign language; establishing

partnerships with profile universities to ensure the training of these teachers; identification of resource teachers (with seniority in this system) and the establishment, at national level, of a network of specialized teachers; recognition of specialization (teaching Romanian as a foreign language).

- The need to develop unitary internal procedures for all educational institutions that educate foreign minors in order to avoid problems / blockages in case of their transfers.
- Printing Romanian Language handbooks and exercise books for foreigners and appropriating resources for developing complementary audio-video materials.
- Training of teachers teaching Romanian as a foreign language.
- Incentivising teachers that teach Romanian as a foreign language by replacing the “per hour” payment system with services contracts with the teachers or other suppliers (universities, NGOs) or by including Romanian Language classes in the teacher’s standard workload.
- Reducing the minimum number of participants required by law to form a class.
- Delivering classes during school holidays, not only during terms.

#### **Access to the “Second Chance” Programme by:**

- Adapting the “Second Chance” Programme or introducing an adapted curriculum for migrants and streamlining the programme for migrant children and young who, for various reasons, dropped out of or never attended school.
- Splitting classes by age groups, since mixing underaged and adult students in the same group inhibits learning.
- Increasing the number of schools that provide “Second Chance” Programmes and publicising the list thereof.

#### **Access of migrant youths to the labour market, by:**

- Ensuring access to vocational training and apprenticeships during the “Second Chance” Programme.
- Including refugees with no proof of education in apprenticeships (GD No 423/2019), to learn a trade and obtain a qualification.

These measures can be successfully implemented as part of a National education programme for migrant children and young, as a structured corpus of activities and services instated by law and funded by the Government. Romania is the destination country for more than 10,000 children and young arrived here for other purposes, who need affirmative action, funded by the Government, guaranteeing their right to education.

## **About Terre des hommes**

### **What are the priorities of the Organisation?**

In Romania, the Terre des hommes Foundation operates in three priority areas:

#### ***Protect and promote children's rights by strengthening the protection system.***

We mobilise communities to prevent risk situations and train social workers, teachers and other professionals to better protect children. We want to strengthen the resilience of children and youth; we help them to participate in decision-making in matters that concern them. We invest in education, health, and social services and infrastructure, to improve the lives of disadvantaged children in Romania.

#### ***Supporting children affected by migration***

Children are affected by migration in different ways: from migrating parents to children migrating alone or with their families. In Romania, children are affected by migration in various ways: children

migrate together with their parents or are left behind by them; other children are returning home or coming to Romania from war-torn countries. In this area, our main priorities are to prevent unsafe migration of children and youths and to ensure that children already affected by migration have access to their fundamental rights.

To facilitate the integration of refugee children in Romania, we engage them in educational, social, and sports activities, and connect them to local youth.

### ***Juvenile justice***

Terre des hommes believes in an efficient juvenile justice system, where young people are not deprived of their liberty. Thus, for professionals who work with children in conflict with the law, we develop specific methodologies and friendly practices for children, with an emphasis on improved mental health and resilience.

## **What migration projects is the Terre des hommes Foundation currently implementing?**

### ***MINT Mentoring for Integration (January 2019 - February 2021)***

Around 30% of the migrant population reaching Europe over the past years were children – many of them separated or unaccompanied. In their host countries, migrant children and youth face considerable challenges in terms of education, social inclusion, and subsequent employment. As part of this EU-funded project, we work in Romania to support and facilitate the integration process of children, to enhance social relations and empower both local youth and third-country national children.

Together with its partners from Poland, the Czech Republic and Slovenia, Terre des hommes have developed an innovative and replicable peer-to-peer mentoring programme based on good practices and models tested in other countries. The mentoring programme includes training local youth volunteers and pairing them with newly arrived migrant and refugee children. The migrants and young mentors participate in individual and group meetings focused on educational and language support as well as on recreational activities.

### ***BRIDGE (October 2018 - December 2020)***

Together with 4 European countries, Malta, Belgium, Greece and Hungary, the Terre des hommes Foundation Romania is implementing the Project “BRIDGE - Building Relationships through Innovative Development of Gender Based Violence Awareness in Europe”.

The Project’s goal is to build the capacity of professionals from the migration and child protection system to identify, manage and prevent gender-based violence against children and young migrants (refugees, asylum seekers, nationals of third countries) and raise awareness and action capability of migrant children and young in gender-based violence situations.

### ***ICAMnet (December 2019 - November 2021)***

ICAMnet (Networking and Including Children Affected by Migration) is a project implemented in Romania, Italy, Spain, The United Kingdom, Belgium, Greece and Bulgaria addressed to refugee children and youths, asylum seekers, social or economic migrants or left behind by migrating families (the acronym CAM stands for Children Affected by Migration). The development, childhood and learning capacity of children affected by migration are disrupted. All these can have long-term impacts on them and on the society, unless they receive support. The purpose of the ICAM project is to increase the inclusion and improve the learning capacity of primary and secondary school children affected by migration, by enhancing the climate of ‘convivencia’ - a Spanish word meaning ‘living together in harmony’ - in schools and at home, by raising awareness about children’s rights and the law protecting them, and by providing additional support in school and in the family for their social and emotional learning and general wellbeing.



This material was developed under the Regional Project “Mentoring for Integration (of third country national children affected by migration)”.

The MINT Project is implemented under the leadership of the Terre des hommes Regional Office for Europe together with partners from Romania (Terre des hommes Foundation), the Czech Republic (Organizace pro pomoc uprchlíkům, z.s.), Poland (Fundacja Ocalenie), Slovenia (Slovenska filantropija) and its overall objective is to ensure the successful integration in host societies of migrant children and young living in the countries in question, by piloting an innovative and replicable mentoring model.

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