

### **Being declared undesirable**

Being declared undesirable is a measure taken against a alien who conducted, conducts or there is clear evidence that he intends to conducts activities of a type that could endanger national security or public order.

This measure is taken by the Court of Appeal Bucharest, upon the notification of the assigned prosecutor from the Prosecutor's Office by the Court of Appeal. The prosecutor notifies the court, upon proposal of the relevant institutions in the field of public order and national security holding clear data or evidence that the person intends to carry out activities of a type which could endanger national security.

The data and information on the basis of which is proposed a a person's declaration as undesirable for reasons of national security shall be made available to the court, under the conditions established by the laws regulating the regime of activities regarding national safety and protection of classified information.

The notification of the assigned prosecutor from the Prosecutor's Office by the Court of Appeal Bucharest shall be heard in the Advising Chamber, by summoning the parties. The court informs the alien with regard to the deeds underlying the notification, by observing the laws regulating the regime of activities referring to national safety and protection of classified information.

The Court of Appeal Bucharest shall deliver its judgment, through reasoned decision within 10 days from the notification filed by the assigned prosecutor from the Prosecutor's Office by the Court of Appeal Bucharest. The court's judgment is final. When the alien's declaration as undesirable is based on national safety reasons, the judgment should also mention that data and information that underlay its reasoning.

The judgment shall be communicated to the alien and if the court decides upon declaration as undesirable, to the General Inspectorate for Immigration in order to be enforced. The alien's right of stay ceases at the date of delivery of the judgment by which he was declared undesirable.

The enforcement of the judgment by which the alien was declared undesirable shall be done through his accompaniment to the frontier or to the country of origin by the specialized personnel of the Romanian Office for Immigration. The period for which an alien may be declared undesirable is **5 to 15 years**, with possibility to extend the term for another period within these limits, in case it is found that the reasons for taking this action did not cease. An extension of the period shall be made under the same conditions as in declaring as undesirable.