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Research Report

The migration phenomenon from the perspective of Romania's accession to the European Union

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European Institute of Romania

Study no. 5

The migration phenomenon from the perspective of Romania's accession to the European Union

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EXECUTIVE SUMMARY

This work represents the final outcome of the research devoted to “**The Migration Phenomenon from the Perspective of Romania’s Accession to the European Union**” - Study no. 5, included in the PAIS II project.

Taking into consideration the results that have been already obtained within the framework of the study entitled “The Free Movement of Persons” of the PAIS I, our attention has been concentrated on a **complementary migration perspective**, where the aspects related to mechanisms, legislation, institutions and behavioural challenges coherently meet the quantitative and qualitative estimations of the external migration effects, in accordance with Romania’s preparations for accession to the EU.

The complexity of such issue has necessarily induced an **inter-disciplinary approach** that mainly includes an institutional-legislative dimension, a sociological dimension and an economic-statistical dimension, the last one representing the paper’s distinctive note, since it particularly contributes to the identification of the possible and necessary objectives of migration policies, based on the present and future realities.

The study has been structured in compliance with the relevant issues pointed out by the terms of reference, aiming to provide the appropriate answers throughout seven chapters.

The **first chapter**, having an introductory intent - „Current issues of external migration” – addresses the migration management as a major objective at the beginning of the 21st century as well as the external migration, as a form of export of human capital.

This chapter is followed by the analysis of the integration mechanisms, focused on migration flows, specific mechanisms and the institutional - legislative framework created in Romania for external migration administration (**Chapter II**). These issues have been approached in close connection with the orientations, requirements and trends materialized at the EU level, in the context of enlarging the Union towards the center and the eastern part of Europe.

Chapter III, „Migration related dimensions” consists of a global quantitative characterization of this phenomenon (total migration, migration increase and population’s dynamics), followed by an inquiry into the social-cultural dimension, highlighting the migrant’s profile (emigrant, immigrant), the issues related to the integration within the host country and the phenomenon perception by public opinion and mass-media.

In **Chapter IV** the effects of Romania’s accession to the EU on the immigration flows have been approached by studying both the migration flows from countries that are not EU members and the dynamics and various structures of the number of EU citizens that are currently present on the Romanian territory. The immigration perspectives in Romania take into account the future status of our country, in its position of external border of the EU space.

Chapter V analyses the effects of Romania’s integration within the EU on the emigration towards the EU member states, discussing the emigration dimensions and stages as well as the quality features of the emigrant population. Special attention has been paid to circulatory labour migration, to the areas of the country where the main emigration flows are developing and to the issues related to incomes and remittances as a form of partial “recovery” of the possible losses

caused by outgoing migration. Both this chapter and the previous one also refer to the trans-border crime management, including illegal migration issue as an important component.

Chapter VI focuses on the migration from Romania, in connection with the EU policies in the field of the immigrant labour force management, addressing the current evolutions and tendencies as well as the restrictions resulted for the Romanian workers. The opinions on Romania's external migration potential are accompanied by the approach to the objectives of the migration oriented policy within the pre-integration and post-integration periods.

The study ends with a *distinct chapter* (number 7) of **conclusions and recommendations** that have been drawn up in order to provide a realistic support to laying the foundations of a policy based on integration, dialog and partnership for the external migration management.

In the beginning, our conclusions have concentrated on some **general ideas**, pointing out the following aspects:

- Migration represents **an ever more important element** of the contemporary society, a factor stimulating market globalization and an instrument for adjusting balances on regional/local labour market. *Labour migration (associated or not with territorial mobility) now represents the most dynamic form of movement of persons (active potential).*
- For external migration from Romania to represent a stimulating factor of the national economy development is necessary for the policies in the field *to find an area of balance* between the employment on the national market and labour migration taking into account the costs, the benefits and the risks, as well as national and EU interests
- The assessment of the perspectives in the evolution of population flows from Romanian heading for the EU is differentiated according to the period we are referring to, that is the pre-accession period, the post-accession but control period (maximum 7 years) and the free movement of the labour force, after 2014.
- Migration management at national level without proper informational and computer system is no longer possible. In order to have an image closer to reality, changes are necessary to take place both at the level of primary data collection system (in the entire operator network – Ministry of Administration and Interior, Ministry of Labour, Social Solidarity and Family, Labour Force Migration Office, etc.), as well as of data centralization system and international comparison system.

Further on, considering the **major fields of interest of our study**, a series of **defining features** can be distinguished, as follows:

- The analysis of **migration mechanisms** has shown that, after 1990, changes have taken place in the most frequent migration mechanisms in Romania, such as: *the share of different types of migration has changed, new forms of migration have emerged, the main reasons for migration have also changed.* Each of them has been paid the due attention by our research.
- **Legislation** influencing migration is to be found in three main categories of laws: laws regarding migration, laws regarding the labour market and laws regarding mutual recognition of degrees and qualifications. Romania, as a candidate country for joining the EU, makes tremendous efforts to adopt the *acquis communautaire*. Our study highlights both the main aspects that have recorded important progress and the issues that still await solutions.

- **Migration policies.** EU countries have well formulated migration policies supported by a national and European legal and institutional framework. In Romania, measures that are being taken both with regard to legislation and the institutional framework, are rather reactive, and envisage to ensure the adjustment to the European requirements, than to design and follow a national migration policy with clear objectives. As it completes the adoption of the legal-institutional framework according to the EU requirements, Romania will start to design its own migration policy that will be compatible with those existing at European level.
- After 1990, a **number of institutions** have been set up in Romania in order to run activities in connection to external migration. These institutions take the following forms: local offices of different international organizations with activity in the field of migration (IOM, UNCHR); governmental institutions such as agencies and offices, departments of different ministries (such as those within the Ministry of Administration and Interior, the Ministry of Labour, Social Solidarity and Family, the Ministry of Foreign Affairs, the Ministry of Education and Research); non-governmental organizations (the National Romanian Council for Refugees, the Romanian Forum for Refugees and Migrants, etc.).
- In the future, is estimated an increase in the institutional capacity of the state, so as its institutions to cope to a larger extent with the migration problems. The fact that Romania will become the eastern border of the EU will shift a number of problems, currently European, to the Romanian institutions, requiring an even more powerful development of the institutional capacity, which will have to demonstrate the capacity to answer the challenges more complex than current ones.
- The international experience in migration administration and monitoring demonstrates **the close relationship between the legislative-institutional dimension and the social-cultural one**. The elaboration and adoption of laws, the creation of institutions, the development of corresponding strategies and policies represent major components of this process, but their success cannot be separated from the manner in which the involved actors –governmental institutions, non-governmental organizations, mass-media, communities, individuals – respond to the so-called “behavioural challenges”, related to participation, communication, mentalities and attitudes.
- In the mentioned context, the **problems of integration in the host country society** takes a central part, the following aspects having special relevance to Romania: the integration of immigrants, the re-integration of Romanians returning to their home country after an external migration experience, the integration of the Romanian emigrants in the host countries. The corresponding issues have been extensively discussed by our study.
- **The Romanian public opinion** perceives the migration phenomenon mainly as labour migration. A large number of people believe that migrants earn money from a paid job and only a small part of the public opinion think that they obtain money from theft and begging. Yet, the results of the opinion polls mentioned in this study reveal a wrong perception – in some points - of the negative aspects that accompany the Romanians’ external migration, which proves that the public opinion finds it difficult to distinguish between certain objective hardships related to the travel within the Schengen space and the violation of the law, between the groups performing illegal activities and the affiliation to a social, ethnic or religious minority, which leads to the creation of stereotypes, to attitudes that feed delinquency, intolerance and xenophobia. This perception could be set right by means of joint, coherent efforts of mass-media, public administration and civil society.

- Up to present, one cannot say that **mass-media** has brought its necessary contribution to the accurate rendering of external migration phenomenon, with all its aspects and to the creation of an adequate social behaviour with respect to both migration itself and the integration/reintegration process. It has been remarked that migration is not systematically rendered and assessed, in its entire complexity, the emphasis being put on the narration of certain negative, sensational facts and less on the *orientation* of the migrants within an universe that makes them face numerous risk and uncertainty components, on the *prevention* and *combating* delinquency, clandestine travelling and corruption related to visa granting. To a considerable extent, the partial and sometimes wrong coverage of the migration phenomenon by mass media is the result of the *shortage of specialized journalists* in this field; therefore is highly recommended the organization of training courses with respect to the investigation and assessment of migration.
- Our study appreciates and supports the proposals converged in various documents regarding migration (especially the IOM's) with reference to the **introduction in the academic curricula of subjects specialized on the study of the migration phenomena** (labour economics, law, medicine, health policy, sociology, education sciences, etc.), as well as the **creation of a national migration research center** (to be set up by the Romanian Government in partnership with IOM, UNCHR and other international organizations), **of some faculties or departments of interdisciplinary studies on migration**, so as to build up the necessary expertise in public policies, social assistance, human resources and migration management.

Quantitative determinations of the migration flows performed by this study have led to a series of conclusions with direct impact on the strategy and policies that Romania must adopt in the migration field in view of the status it is preparing to acquire, that of EU member state.

- **The analysis of immigration flows** shows that, unlike emigration, which, despite restrictions by means of political constraint, had manifested during the previous regime as well, for the first time we can talk about immigration in Romania after 1990. If, in the case of legal permanent migration, the main component consisted in repatriations, the major reason of illegal immigration remains that of transit, heading for one of the developed countries of Western Europe.
- Our study has revealed that **there are, however, enough reasons to support us in concluding that the issue of Romania-heading immigration can no longer be considered as collateral, and without importance:**
 - Romania's accession to the European Union will imply, sooner or later, a shift in the still wide gap in living standards between our country and the developed ones; automatically, however, the gap to the less developed countries will grow, so that this fundamental type of "*push factor*", which up to the present played a rather inhibitory role, will become active;
 - simply by extrapolating the permanent immigration in the recent years, the annual flow of new entries may rise to around 15,000-18,000 persons by 2007-2010;
 - Romania must assume its role as eastern border of the European Union; it is well known that, at the world-wide level, at least from the demographic point of view but also with regard to the economic distress, Asia is considered the main migration reservoir of the 21st century, and Romania is linked with this continent by a "green border" fairly easy to cross, whereas the already established routes of legal/illegal migration are flexible enough and capable to adapt to a changing environment.
- The migratory flows - especially in what concerns the refugees and the asylum seekers - have but a small element of stability and predictability, whilst showing, by definition, a great sensitiveness to changes in the political, economic, geo-strategic environment at local, regional

and global level. Given the present trend in globalisation, immigration, and migration in general, can no longer be treated or explained as isolated phenomena, thus acquiring an ever more regional and global pattern. Bearing that in mind, it is clear that in the future, and especially after the accession date, the level and dynamics of immigration in Romania will depend on domestic factors to a much lower extent (the national migration regulatory framework, state policy in the field, the evolution of the Romanian economy and Romanian society on the whole etc.), while **external factors will have a significant role**. In other words, immigration in Romania can be estimated and explained only if we are considering the regional migratory phenomena, at EU level, Europe as a whole and even at the world-wide level.

- Taking into account different possible variants of migratory flows evolution (at world-wide level, in the European Union and particularly in the case of Romania), and combining between them different assumptions, our study shows an extremely large range of possibilities with regard to the future trend of immigration in Romania (not less than 24 variants). The lower limit, calculated under the most restrictive/non-stimulating conditions/factors of immigration, is set at an annual average number of immigrants of 5.9 thousand persons, just beneath the actual figures reported in 2002. However, the upper limit of 200,000 persons annually (resulted under extremely permissive assumptions and showing the least consideration for other restricting factors) exceeds by far what Romania is prepared and/or is used to handle in terms of immigration.

Even if Romania is to absorb but 1% of the total number of immigrants arriving in the EU every year, it is nevertheless possible for it to be forced to handle a flow of persons much higher than to date: three times higher than in 2002, twice than in 2000 or 2001. Variants that may be considered as *moderate* provide for an annual contingent of immigrants amounting to 25,000-6,000 persons.

Moreover, if so far the main statistically proven element of immigration was represented by repatriations, it is expected that, after accession, such feature be taken over by another type of immigration (asylum seekers, refugees, and particularly illegal migration).

- Romania will have to devise a **complex immigration management framework**, ensuring, partially or entirely, from its own funds, means of accommodation and subsistence for the newcomers, social and economic integration services etc. The financial effort alone involved by temporary hosting of the refugees or asylum seekers until a decision on the submitted application is made – which does not represent but a small part of the total expenses required by the management of such process – may reach significant levels. Such situations must be prepared in time, especially as, unlike emigration, where losses/gains are measured in terms of **comparative costs** (which would be the gain/loss of the country following permanent/temporary leave, how much the state loses in terms of human capital investment etc.), immigration also implies **immediate, concrete financial costs, that can not be postponed**. If only 10% of the immigrants estimated by our calculations would fall into the category of people applying for assistance, and also if the unitary expenses allocated per one assisted person would be 10 times lower than the figures reported, for instance, in Finland, the total financial effort which should be supplied by the Romanian state, may amount to EUR 0.6-20 million annually, or, in the case of the average variant, EUR 6 million per year.

- **The analysis of migration potential per type of exit flows** shows, to begin with, the fact that external migration is divided into two components – emigration and labour migration, the external migration dimension in Romania being relatively *modest*:

- Emigration is more temperate, without significant changes of the flows and is maintained at relatively low levels (around 10-15 thousand persons/per year).
- Labour migration of human capital in Romania, especially of young generations will be the prevailing form, but «managed» through contingent policy and border crossing control. The evolution of these flows is more dynamic, with qualitative progress in terms of behavior and labour and inter-human relations.
- The legal migration-illegal migration ratio evolves in favour of the first form, but it will be further influenced by the policies of the countries of destination, especially with regard to access to social protection systems.
- The employment of «overqualified» young persons with outstanding performances in the country, still remains a delicate issue, tensioning migration flows, as long as the national economy does not offer attractive solutions. Although, due to the demographic decline, the population contingent of 15-23 years old will reduce significantly (by approximately 1.2 million by 2015-2020) we estimate that **as far as brain-drain is concerned, Romania will remain an area of high interest for transnational companies or for international scientific research.** *However, the challenges that the national economy has to face make every loss in the productive and creative potential due to migration to be too much of an expensive luxury on the middle and long term for Romania.*
- Emigration «pattern» changes continuously:
 - Areas of departure scatter as the importance of the ethnicity criteria declines. Emigration oriented on family relations - distant relatives or friendship is gaining ground.
 - The criterion of distance becomes a minor issue, which means that migration flows heading for farther continents gain importance. Preferred areas are those offering wider perspectives for professional achievement and relatively easy conditions of integration in new communities (recent policies promoted by Canada and the USA for attracting young families).
 - There is an increasing tendency towards emigration of youth/young families which have previously acquired some «migratory experience», such as studies abroad, specializations, temporary jobs abroad, etc.
- As far as labour migration is concerned, the following aspects will have greater relevance:
 - it will be fluctuating, factors defining intensity and characteristics being determined mainly by the situation of the labour market in the countries of destination and only to a small extent by the «option» of the supply available in the origin country;
 - policies of the destination countries makes it practically impossible to reach a «critical, alarm» level of the Romanian worker's presence on the EU market (contingents, etc.);
 - a further improvement in the behaviour and attitudes of the Romanian migrant worker is estimated, and also a much firmer mindset regarding anti-discrimination, including concerning social security.
- External migration equally presents advantages and disadvantages for all involved, though in different proportions. Our study presents **some significant effects** for present and future not only in terms of added value from external migration but also in terms of undesirable effects.
- Eventually, we should underline that not only do we need to remove but also to avoid the **risk of being marginalized within the new European structure.** And this is depending, above all, on the quality of the internal economic, educational and social policies, the conservation of

national cultural and ethnic values and critical assimilation of western values, adapting them to the national conditions. The conditions for such combination are already laid down in the European Strategy for Employment (ESE), the National Action Plan for Employment (NAPE), Joint Assessment Paper (JAP) and other EU documents.

• **In longer run, Romania can turn into an immigration country, but having a considerable contingent of autochthonous population working abroad.** It will represent a supply source for east-west emigration and a beneficiary of south-north and east migration. Far from rejoicing over this condition, we will have to relieve, as much as possible, the **unfavorable effects on the national labour market** – the de-structuring of the labour supply and the non-correlation with the national market demand; on the average, a much lower level of education and professional training of the labour force existing on the market compared to the structure of the graduates within the initial system of education, and, complementarily, a much lower creative potential, a weakening of employment; the job insecurity increase and relatively modest productive performances.

*

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CHAPTER 1. CURRENT ISSUES OF EXTERNAL MIGRATION

Although during the last decade in certain parts of the world, like Europe for example, migration recorded increased flows, the problem of international migration represents for many states of the world more of a conjuncture issue, even a residual one, of responding to certain evolutions than administrating/managing or estimating the persons' movement.

Within population flows, the labour force movement increased both in number and intensity.

For the European area the movement of persons, of labour force respectively is of great importance. The expansion of EU in successive steps, the demographical ageing of the population in (west)-European countries at accelerated rates and the economical reasons represent the main incentives for the strengthening of the person and labour force migration.

1.1. Managing migration – an objective of main concern at the beginning of the 21st century

On global level the migration is relatively low, involving approximately 3% of the world population. Although migration flows are recorded in a relatively small number of the states of the world, *“none of the countries of the world is excluded from the international migration flows”*. They are either countries of origin or transit or destination countries for the migrants, or they present these three characteristics simultaneously. Similarly to financial, commercial or informational and idea flows, the growth in number of the people who cross national borders represents one of the most significant indicators of measuring the intensity of the globalisation process (I.O.M., 2003a).

Globalising and internationalising markets generates new migration attitudes, an increased fluidity of the regional movements, in which temporary migration phenomena have got a special importance. The population shifts between countries play an increasingly important part, defined mainly from two perspectives: that of intercultural transfers between states and that of the political impact of the migration flows both over the states of origin and especially over the recipient countries. Actually, the migration phenomenon has gradually become a main object of study from a secondary or residual one, as the efforts for systematically and systemically evidencing its aspects have been increased.

The following comments are necessary within this context:

- a) Tomorrow's Europe cannot be created unless an agreement regarding international migration is established, unless a common migration policy is elaborated. The awareness regarding real migration flows, their characteristics and dynamics allows defining and regulating the stability in the economical and social field. *Migration can no longer be considered an instantaneous, unpredictable phenomenon, as population movements have got multiple, historic, behaviour, economical and social aspects.*

The increasing importance of migration within the EU area is of notoriety. “The free movement of people and labour force” is a *component* of building up the domestic EU market, together and in correlation with the free circulation of capitals, goods and services. Meanwhile, it is an integrant part of the *acquis communautaire*, regulated by the indications of EC (the European Community), by regulations and recommendations for the member countries. It is part of the file package that Romania is negotiating with EU, with a view to its integration (chapter no.2).

- b) The new economy, ICT, the modern and increasingly faster means of transport, the free movement of persons on vast regions/ territories (the territory of the EU member countries), generate the fact that the notion of “space” has no longer got such a great importance. *Emigration is no longer important by the freedom to live and work in a different area; it represents just a variant/option for permanently/temporarily changing the residence. Furthermore, working abroad can or cannot imply the travelling to the working place. E-work can be appreciated as a form of migration on the purpose of working.*
- c) Although it is important on medium term, *the pressure of the migration flows towards the EU area will not reach alarming levels.* The aim established by EC in Lisbon in March 2000, according to which EU will become the most competitive and dynamic knowledge based society in the whole world, able of accomplishing a sustainable economical growth associated with the quality and quantity employment and social cohesion increase (Décision du Conseil, 2001) changes in prospect the politics of the member states regarding the labour force movement. *This does not make reference to giving up what has been accomplished up to now, but to the changes that that will be entailed by the new labour division, within which the actual movement of persons, the geographical areas, the change of residence are probable to become of less importance than the dynamism of idea movement, of the new kind of industrial relationship, of social capital, etc.*
- d) *In future, migration will become a more and more appreciated source of compensating for the labour force deficit in the developed countries.* The EU members, already affected by demographical ageing and who are focused on attracting young well trained and competitive labour force, *will be able to diminish the effects of the demographical ageing that tend to become dramatic¹, and to defuse a possible social bomb (Denuve, 2002, Leger, 2002), (Fricken, Primon, Marchal, 2003).*
- e) *Migration is increasingly associated to economical advantages/disadvantages.* Each of those who are affected by migration flows will record benefits as well as losses, their dimensions and intensities depending on the quality of the incoming/outgoing flows.

Nonexclusively, the aspects that have already been mentioned change the perspective on migration. *It becomes an instrument of economic and social policy out of a random and objectionable phenomenon.* This implies a different attitude towards the east-west and south-north migration flows: *on the one hand, an openness policy for the east-west migration in order to make up the deficit in low-skilled workforce, on the other hand increasing temporary/permanent brain drain in order to facilitate progress by means of high technology, that is high-skilled workforce.*

As far as the first category is concerned, according to the dimensions of the deficit certain quantitative barriers will exist, as contingent flows by qualifications and professions.

As for the second category, the competition between the recipient states will increase, for attracting staff in order to cover the high competence deficit, which represents a condition for the furtherance of the development of EU member-countries, and not only for them. But *these flows*

¹ On the other hand, to the extent in which the young population leaves a certain geographical area for a different one, it has got somehow the effect of a “ demographical ageing transfer” in a reversed direction, *from the recipient location to the one of origin.* At world level the issue remain and migration does not seem to be the most adequate instrument of preventing demographical ageing. And if partially it is such an instrument, it can lead to noteworthy results only correlated with other instruments/mechanisms related to demographical, health and social assistance politics, and especially to the employment and distribution of incomes, for reducing incomes and poverty gaps. It also means a “re- launching of the interest for continuous training”. (S. Pert, V. Vasile, 2003).

will be limited on long and medium term, on the one hand because of the increased demographical ageing processes in east- European countries and on the other hand because of the labour force deficit increase in the countries of origin. In spite of all these economic gaps, the income differences between nations, between the different occupational categories will maintain their character of **powerful motivation** of the migration processes.

1.2. Outgoing migration – a form of human capital export

Romania, in its quality of non - member country of EU, by outgoing migration exports human capital, more or less free of charge. **The corresponding cost is growing**, being only partially compensated by the potential economic and social benefits:

- *Emigration generates a final, total loss*, the complementary benefits are difficult to estimate and they take place with a certain temporal delay or they do not take place at all;
- *Labour migration* can be considered as *partial or temporal* export, associated with more concrete possible benefits. By the individual earnings that are transferred to the family in the country of origin and by their consummation on the domestic goods and services market, the domestic demand and, to some extent, the national production are supported.

The profits as well as the losses impinge on all those who are involved, but to different extents (Perț and Vasile, 2003). They consist in the following:

- a) For the *country of origin*, regardless of the form of outgoing migration, the export of human capital, of labour force for which important investments have been made represents a *value added* loss that could have been brought to fruition within the country, as a source of sustainable economical growth. But if we examine the reasons for which the outgoing labour migration makes great strides, the conclusion must be taken into account from multiple points of view. If the demand of the market does not support the establishment of labour opportunities/jobs for the available labour force, then it will be oriented towards the areas outside the national areas that supports the brain drain and labour force migration.
- a) For the *destination country*, the effects are certainly *advantageous*. More than in any other form they perform *on the labour market* by:
 - the contribution to the labour force deficit reduction, either for high qualified or specialised jobs or for low qualification/unqualified jobs for which the local labour force do not wanted to apply for; in any situation the due costs are incomparably lower;
 - *the reduction of the demographical ageing process* and of the tensions created on labour markets and at the budget level (migrant workers are usually of young age, 18-40 years old, with high working potential);
 - *contributions to the increase of productivity*, inclusively in the domain of export of the "adoption" countries, sometimes even towards their native countries.
- b) For the workers and their families, the effects are also various; but we consider that the balance is a positive one.

The most significant *gains* consist of:

- the obtaining of an income that can provide the reproduction of labour force of the worker and of their family, an income that they would not have gained in the country, because of the much lower income they would have earned in Romania for the same kind of activity;

- it increases *the capacity of saving and investing*, either for *the long term use of goods* (house, electronic equipment, agricultural machinery, etc.), either for *starting business on their own*. Anyway, by such investments a contribution is brought to the increase of the national wealth and/or to the creating of new jobs. In recent years, the total amount of remittances has increased, currency transfers (including those of people who work abroad) have exceeded the foreign direct capital investments;
- *gains in the professional field and in the labour culture domain* – meaning knowledge, skills, abilities, behaviour patterns, labour discipline, labour security, participation. There will be also added an increase quality in the domain of inter-human relationships, civic attitude and implication in the life of the community, etc.

The losses on individual level are both economical and especially social:

- *discriminatory treatment by comparison to the local/native labour force or even to other migrant workers ;*
- *the risk that the concluded labour contract should not be complied with by the employer.* Such cases have generated certain reactions, inclusively from the destination countries – for example, the Italian and Spanish trade unions have undertaken – on the basis of a protocol concluded with those from Romania – to defend also the rights of migrant workers from Romania;
- *stiffness in the relation with the local labour force*, sometimes conflicts being possible to arise;
- *difficulties in adapting, lower productivity* and therefore discontentment on both sides;
- *lower or improper social protection*, in the form of dissatisfactory security and labour conditions, under the standards of those that have been promised within the selection and employment interview. ***The effects of the human capital export, of the outgoing migration movements are multiple², interdependent, integrated;*** they are in a continuous process of evolution/transformation/multiplication in time and space. *Some components can be simultaneously considered as losses or benefits (in the domain of competence, human investment, economic growth, money earnings). There is not an equality between the positive and the negative effect. That is why there are both gainers and losers at individual and macro-social level. Of course, from the world-wide perspective it could be concluded – ignoring the realities of the contemporary world – that more or less all of them are winners. In fact, the processes are multilateral and the positive difference between profit and loss is most often to be found in the group of those who are rich and powerful. (Perț and Vasile, 2003).*

² The measuring and the identification of the effects can be accomplished on multiple levels and related to the type of the chosen criteria: a). *Economical criteria*: labour force distribution/re-distribution; production factors accumulation/loss; export-volume; structure; performance; goods and services domestic market (including the import for completion); management; income. b). *Social criteria* (social - human): educative - formative; behaviour patterns; participative. c). *Micro and macro social criteria*: macro economical aggregates; at the level of the community (the degree of implication); at the level of the firm/working place/ at the subordinate level and in a network; at the level of family and of the individual, of the person directly involved in the process of outgoing migration. For details, consult Gh Zaman, V. Vasile (coordinators), *Structural evolutions of the export in Romania* (in Romanian), Expert Publishing House, 2003

CHAPTER 2. MECHANISMS OF INTEGRATION

2.1 Specific migration flows and mechanisms

2.1.1 East – West

In Romania before 1989 there used to be two migration mechanisms: permanent migration, whose motivations were mainly political and ethnic, and temporary migration, for studying or working abroad, based only on Romania's inter-governmental agreements with other countries. After 1989, the main reasons behind migration shifted from the ethnic and political reason to economic ones. One consequence is the fact that temporary migration has increased both in absolute terms and as percentage in total number of migrations.

To date, there are certain mechanisms through which migration is achieved at international level. We will emphasize those mechanisms that are found at European level, namely those used by persons migrating from Romania to the European Union.

1. Legal permanent migration
2. Legal temporary migration:
 - 2.1. Students
 - 2.2. Personnel (replacement migration)
 - 2.3. Refugees and asylum applicants
3. Illegal transit migration
4. Illegal migration of persons from Central and East Europe (from Romania)
5. Circulatory migration by means of migratory networks (legal or illegal)

1. *Legal permanent migration* represent migratory flows leaving Romania to third party countries in order to settle there through the following methods (see figure no. 1):

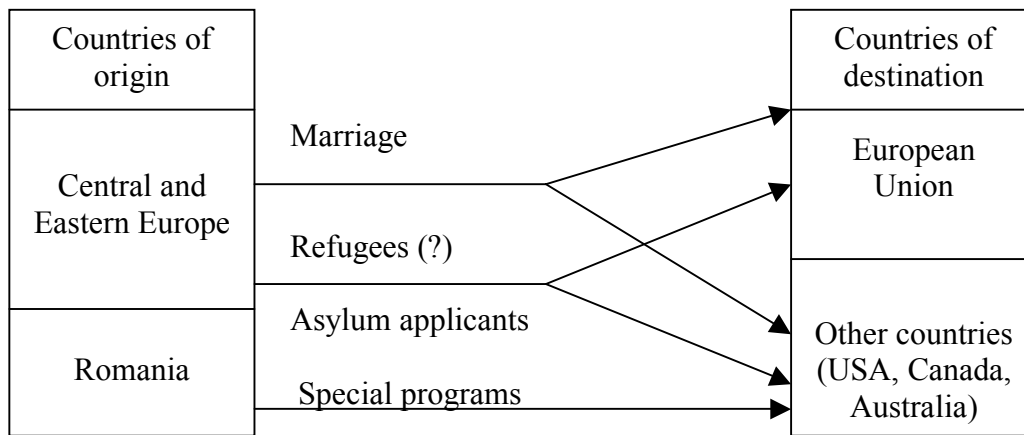
- based on emigration visas within special programs stimulating emigration of persons holding qualifications that are scarce in the receiving country or other types of programs (such as the visa lottery). The EU does not run this type of permanent emigration programs. Romanian citizens that emigrate permanently are aiming at countries that have such emigration policies and programs namely Canada, Australia, New Zealand and the USA.

- by marrying a citizen from an EU member state and changing the place or residence to the country of their spouse.

- possibly as refugees or political or war asylum applicants. In the past years this has not been the case of Romania, but of the former Yugoslavia states.

Between 1992 and 2002 there have been 150,000 legal emigrants from Romania³.

³ Ghețău V. (2003) „The Demographic Decline Continues” (in Romanian), Social Barometer, February 2003, <http://www.mediauno.ro>

Figure no. 1. Permanent migration mechanism

2. *Legal temporary migration* refers to those relocating on the territory of an EU country for a limited period of time (from several months to years). This is taking certain forms (see figure no. 2):

2.1. On the one hand there are Central and Eastern European (Romanian) students studying in the European Union countries and which later on return (at least some of them) to the countries of origin.

2.2. On the other hand there are the Central and Eastern European (Romanian) personnel leaving to work on labour contracts signed based on bilateral agreements between states. This way, in 2002, through the Bureau for Labour Force Migration of Romania there have migrated temporarily a number of 35,000 persons to work in the EU. Table no. 1 shows the countries of destination and the main fields for which labour force have been recruited from Romania.

2.3. Refugees obtaining the right to temporarily settle in a host EU country or persons applying for asylum due to political reasons or who are hiding behind such motivations.

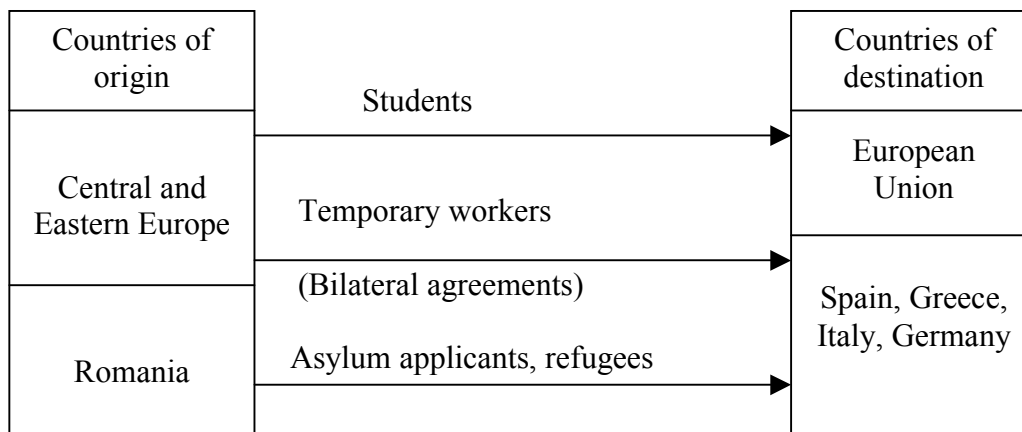
This type of migration is becoming more and more restricted, and as far as Romanian citizens migrating to the EU are concerned, its degree of applicability tends to reach zero level. “The legal basis specific or this field refers to certain human rights such as nondiscrimination and freedom of movement without making any references to the human rights in the country of origin already creating the next paradox: the more the international rights of the refugees develop as positive rights, and the 1951 Geneva Convention becomes ever more recognized by states, thus attaining universal status, the more restrictive are party countries in applying it, mainly in the form of policies aiming merely at deviating the flow, and not at combating the causes generating it and thus diminishing the number of asylum applicants falling under the incidence of the traditional legal regime”⁴.

⁴ Mihai Delcea, *Legal Protection of Refugees in the International Law* (in Romanian), Romanian University Press Publishing House – Timisoara, 2002. In the quoted book, the author underlines that, if, as far as asylum applicants are concerned “there is no international document defining the concept in legal terms”, the refugees status is regulated by the 1951 Geneva Convention and the New York Protocol of 1967. “The right to asylum and refugee

Table no. 1. Labour contracts in the EU through the Office for Labour Force Migration, 2002

No.	Country	No. of contracts	Main fields
1.	Germany	19700	IT, agriculture, gastronomy, health
2.	Spain	2716	Agriculture, constructions, metal industry
3.	Italy	11974	Health, show-business
4.	France	456	
5.	Holland	79	Food industry
6.	Finland	34	
7.	Cyprus	7	Agriculture

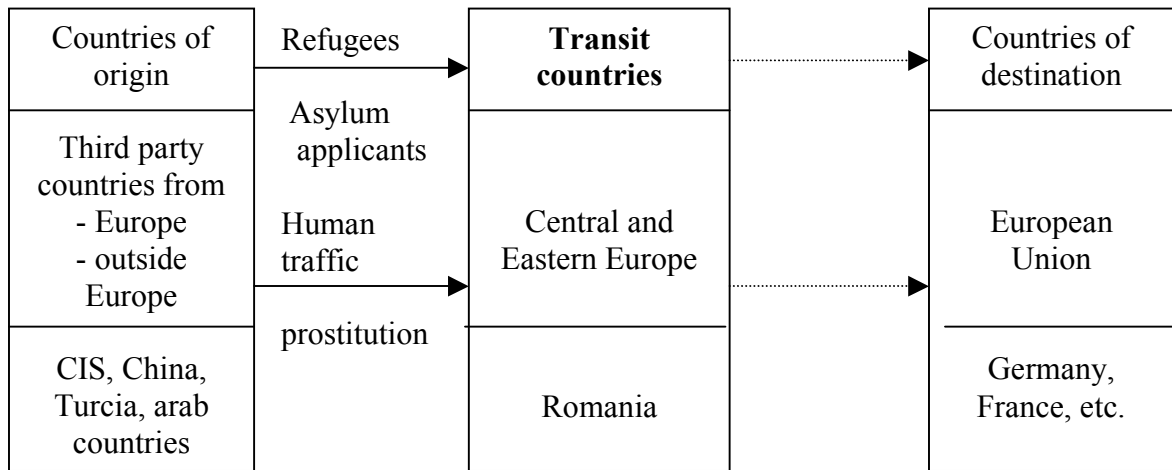
Source: <http://www.omfm.ro> - "Statistics of Romanian Citizens Obtaining Labour Visas in 2002" (in Romanian).

Figure no. 2. The mechanism of legal temporary migration in Europe

2. *Illegal transit migration* is the mechanism through which persons from third party countries, outside Central and Eastern Europe emigrate to such countries, including Romania so that they could further emigrate to the European Union. This is a relatively new phenomena and it has been found that its main characteristics are illegality and the involvement of criminal organizations in human traffic. Transit migration through Central and Eastern Europe (and thus through Romania as well) consists in a growing number of illegal emigrants, some of them meeting the criteria for which they apply for asylum, but who prefer not to do so in Central and Eastern Europe for different reasons, so that they could transit to the European Union.

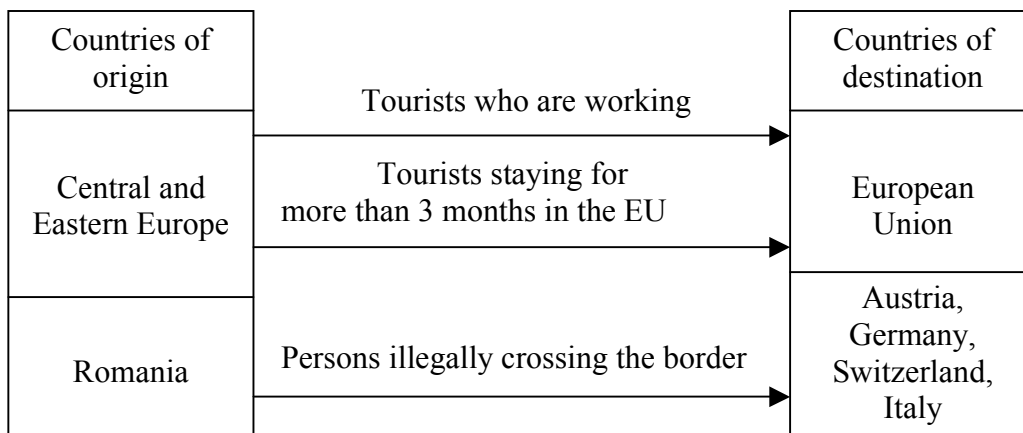
status are not equivalent notions, they are rather different both from historical and legal points of view. However, they are interacting From a legal point of view, it is not regulated by international legal acts, but only at regional level, in Latin America, unlike international protection of the refugees the recognition of the refugee status cannot be done except in determined situations, that do not cover all hypotheses, leading to the situation where in practice there are persons applying for territorial asylum, although they would meet the requirements for the recognition of the refugee status ... the right to asylum, through the concrete situations in which they are granted and the application method ... may be considered an expression of different points of view of some states regarding certain problems and persons."

Figure no. 3. The mechanism of transitory migration in Europe



4. *Illegal migration of persons living in Central and Eastern Europe (Romania)* includes persons of Romanian nationality leaving Romania and staying illegally in an EU country – after the legal stay period (3 months) expires, persons leaving as tourists but who, reaching the country of destination, perform lucrative activities on the black market or persons entering and illegally staying on the territory of an EU country (see figure no. 4).

Figure no. 4. The mechanism of illegal migration from Romania to the EU

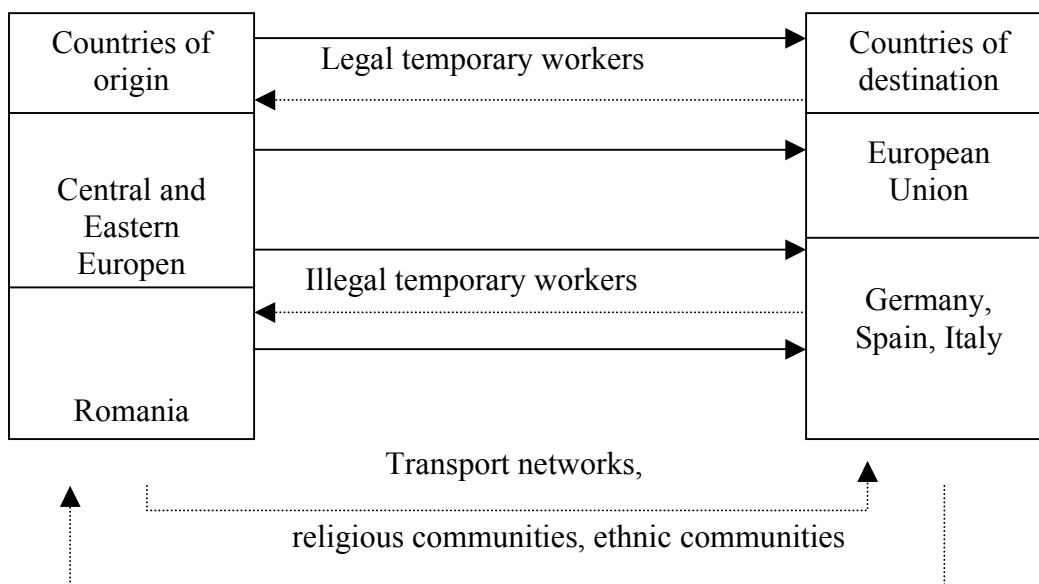


3. *Circulatory migration by means of migratory networks.* Circulatory migration refers to the alternative movement between the country of origin and one or more of the countries of destination. Migrants leaving and working abroad for a period of time, return in the country, stay for a period of time then leave again for work abroad. In this context are formed the migratory networks, networks through which those who want to temporarily migrate abroad receive help and support from previous migrants. See figure no. 5.

The intent to migrate abroad seeking a job is more likely among people living within communities with a high circulatory migration rate. In areas where others have left before, more will leave, in places where other migrants have succeeded and where the signs of success are apparent, migration will be higher. This way, are formed migratory networks when previous migrants resort to members of their families or their friends and acquaintances in order to work abroad, supporting the migration process.

Informal networks and institutions of circulatory migration are on the one hand the individuals' innovating response to the dysfunctionalities of formal institutions such as: the labour market, the capital market, assurance of products and prices, labour force mediation abroad by the state and private agencies, while on the other hand they are the adjusting response of the community to new situations entering in conflict with traditional values (Lăzăroiu, 2002).

Figure no. 5. The mechanism of circulation network migration



As migratory processes intensify and legislation changes, migratory networks will probably tend to change the functions that they had at the time they were conceived, that of facilitating transport of labour force and capital and will fulfill functions for maintaining community solidarity.

2.1.2. West – East (Romania)

As far as the migration flows going from West to East, from EU countries to Romania is concerned, there have been identified two mechanisms:

1. Legal temporary migration
2. Repatriation

1. *Legal temporary migration* includes

- workers coming from EU countries to perform a lucrative activity on Romanian territory. They may come as:

- free-lancers
- employees of multinational companies
- employees of representative offices of companies from EU countries in Romania
- EU tourists visiting Romania during tourist seasons for short period of time.

2. *Repatriation* refers to Romanians that have emigrated to the EU in a previous period of time and who have settled there, some of them having become citizens of the respective country and who now wish to come back and settle in Romania. This is also known as returning migration, as it is considered to have positive effects on the mother country, as part of the repatriates become renown investors or managers. It is true that another part of the repatriates envisaged to obtain short time profits by running short term businesses or are aiming to restore ownership rights.

Below are discussed legislative elements influencing east-west and west-east flows in Europe.

2.2. Legislative – institutional framework regarding migration

The study of migration in Europe must begin by analyzing the legislation, the policies and the institutions involved in the migration process in the EU countries of interest.

The European Community was formed by the Treaty of Rome in 1957, treaty which sets the four fundamental liberties within the community, namely: free movement of goods, persons, services and capital. The main legal support on which free movement of persons in the EU is based consists in:

- Article 14 (7a) T.E.C. of the European Community Treaty: The establishment of the single market, which also includes free movement of persons
- Article 18 (8a) T.E.C. of the European Community Treaty: European Unions citizens have the rights to freely circulate and live on the territory of the Member States.
- Article 61 (73i) and following: new Title IV: Visas, asylum, immigration and other policies related to the free movement of persons.

The right to free movement of persons includes both the right to live in another Member State and to work in that state, even if such person is not a citizen of the respective country. The meaning of the right of free movement and equal treatment is clear: any discrimination based on nationality with regard to hiring, salary fixing and labour conditions is eliminated. It is intended to offer the possibility of the member states to seek employment in another Member State. Exercising such right represents practically how the common market is formed.

2.2.1. Legislation, policies, institutions in the field of EU migration

2.2.1.1. Legislation regarding the migration phenomena at the level of the EU

The legislation influencing the migration phenomena in the EU is tackled in Chapter 2, Freedom of Movement of Persons and Chapter 24, Cooperation in the field of Justice and Internal Affairs. The main legislative acts of each chapter are presented in appendices 2a, 2b.

Within the two 2 chapters, the types of legislation that influences the migratory phenomena in Europe are related to laws in three major fields:

- a. legislation regarding migration (direct influence on migration)

- b. legislation regarding the labour force market (direct and indirect influence on migration)
- c. legislation regarding mutual recognition of degrees and qualifications (indirect influence on migration).

Below we are to briefly analyze the three types of laws within the EU, on which more details are given in appendices 1a, 1b and 1c.

a. Legislation regarding migration

For a long period of time, the right to enter and live on the territory of an EU Member State was governed by national laws drawn up by each Member State. One could enter and live on the territory of a state based on an entry visa and a residence visa which were granted by each state. Only after May 1999, when the Treaty of Amsterdam became effective, the EU received the necessary competences to formulate joint policies at the level of the European Union regarding migration and asylum. Thus, in October 1999 in the European Council taking place at Tampere in Finland, EU Member States decided the formulation of a **common policy regarding migration and asylum** which should become effective within no more than five years after the promulgation of the Amsterdam Treaty, hence by 2004 the latest. The fields considered for the formulation of that single community policy regarding migration which have become the responsibility of the EU, include aspects such as: free movement of persons, external border control and the granting of visas, asylum, immigration and the protection of third party nationalities' rights and legal cooperation on civil matters. A common policy in the field of migration (especially immigration to the EU) and asylum has in view the adoption of a joint position of the EU member states, the applications for asylum coming from persons from third party countries, as well as the control of illegal human trafficking. Appendix 1.a. gives more details with regard to this aspect.

b. Legislation regarding the labour market in the EU

The legislation and the regulations in the field of the labour force interest us in the contest of migration in terms of two aspects: first being that of recruiting labour force from outside EU and second being the manner in which the legislation regarding the labour force in the EU may influence east-west migratory flows once the applicant countries in Central and East Europe become EU members.

A significant change that have taken place in the recent years in the policy regarding migration in the EU is that there are increasingly more discussions about adopting a new approach of the migration of the labour force in Europe. After almost 30 years of restrictive immigration and asylum policies, the governments of the EU states have started talking again (after the end of labour recruiting from abroad at mid 1970's) about the benefits of the labour force from migration and taking new measures regarding the migration of the labour force. The change in EU policy in the field of labour force migration is also reflected by the Commission Communication in June 2003 with regard to Immigration, Integration and Labour. The Communication analyses the role of immigration in the context of demographic changes and suggests ways to promote the integration of immigrants in the EU host countries. See box no. 1.

Due to the demographic decline, on the one hand, and the deficit in qualifications on the other hand, the labour force shortage has become apparent in the EU. It is estimated that the effects of such phenomena will become acute and visible sometime between 2010 and 2030. The recruitment of labour from outside EU countries' border and outside the EU is the manner

through which the European deficit in labour force may be replaced where there is such deficit. This is why it is important to see the regulations that have considered the recruitment of labour force from outside the EU, which encourages replacement migration⁵. Replacement migration in the EU focuses on two major categories of personnel: on the one hand – highly qualified personnel which are deficient in the EU countries and on the other hand the unskilled workers which are required for the replacement of the local labour force, that do not want to perform any such works (in agriculture for example).

This aspect of replacement migration through recruitment from outside the EU is not regulated at the level of the European Union, each member country having the possibility to apply its own policy.

The current trend aimed at relaxing requirements for emigration and work force recruitment from outside the EU, is not equally shared by all EU countries. After November 2000, in few countries (Denmark, Holland, France) parties adopting anti-migratory policies began to obtain public support.

The freedom of movement and equal treatment by banning any restrictions regarding labour force for Member States citizens that may apply to Central and Eastern Europe states after joining to the EU, generate fear to the existing Member States of massive migration flows of labour force traveling from east to the west, seeking better salaries and better working conditions. This is why, due to the fear of massive migration of the labour force from the east to the west, separate agreements are negotiated regarding the movement of the workforce after joining to the EU with each of the applicant countries, requesting a certain period of transition for the liberalization of the work force movement. The transition period will generally range from 2 to 5 years and by no means can it exceed 7 years.

Appendix no. 1b shows more details about the legislation regarding the work force market in the EU.

BOX NO. 1

Commission's Communication regarding Immigration, Integration and Labour in June 2003

The three 3 messages regarding the migration policy included in this communication are:

1. **Migratory flows are necessary to fill in the deficit of work force which will begin to grow after 2010.** It is expected that between 2010 and 2030 the number of employed persons could rise by 20 de million workers in the EU 25 members, due to the work force deficit (caused by the demographic decline) and the deficit of qualifications.
2. **EU must achieve a better integration of immigrants.** This is a condition for ensuring future migratory flows, and in this context the EU must consolidate legal emigration channels which should replace the existing illegal ones. The immigrants' integration process must include key aspects such as: the labour force market, language and educational skills, provision of housing, social and health services, as well as social, cultural and civil rights.
3. **EU must take the initiative to ensure a coherent framework in the field of migration at European level.** While immigrants' integration measures are the responsibility of the Member States, the Commission must step up efforts to achieve a more coherent framework at the EU level. This requires the coordination of the integration policies at national level.

⁵ Replacement migration refers to migration based on work force recruitment from outside the European Union for qualifications that are deficient within the Union and for jobs and qualifications that are not sought by the local people.

c. Legislation regarding mutual recognition of degrees and qualifications

Ensuring the free movement of persons and workers requires the recognition of the degrees and professional qualifications. The most important regulations in this sense, at the level of the EU, are a group of directives creating the premises a General System for the Recognition of Degrees and Qualifications and another group of directives regulating the recognition of qualifications of various professions. The four directives regulating the field are as follows: Directive 89/48/CEE, Directive 92/51/CEE, Directive 1999/42/CE and Directive 2001/19/CE.

At the level of the EU, there have been encountered difficulties over time in transposing such directives into the national legislation. Greece, Belgium, Great Britain, Portugal, Ireland and Spain, for instance, were lagging in transposing the 1992 Directive into the national legislation, facing problems with professions such as health tourism, sports and public services. This is why it is being considered a new directive (a fifth directive) intended to remain the single directive, which would simplify the *acquis* established in the previous directives. It is being considered the application of the principle of automatic recognition of degrees and degrees' recognition based on coordination of minimum training conditions. In order to facilitate degree recognition processes two information networks have been set up at the level of the EU: ENIC (European Network of Information Center) and NARIC (National Academic Recognition Information Centers).

Appendix no. 1c. shows details related to the EU legislation regarding the degrees and qualifications.

2.2.1.2.National migration policies and legislations. Examples from EU member countries

Migration policies in EU member countries and in applicant countries are currently divided into four groups (OECD, 2003, SOPEMI):

- policies for regulation and control of migration flows;
- policies for consolidation of legislation combating illegal migration and illegal employment of foreign workers;
- policies for the integration of immigrants;
- policies regarding international cooperation in the field of migration.

Policies for regulation and control of migration flows. They aim at the entry, residency and employment of foreign persons. Most of them are basically intended for the consolidation of border control, the simplification and the expediting of asylum applications examination procedures and the amendment of conditions for entry, residency and employment.

EU member states are permanently focused on improving legislation related to migration issues.

In *Germany* a major modification in the new migration law is represented by a new definition of foreign persons' rights to stay and work in Germany. The distinction between the permits of residency and the permits of employment have disappeared: at present there is a single document, superseding the two, which indicates whether the foreign citizen is allowed to work or not.

New permits are divided into two categories: permits for temporary residency and permits for permanent residency. They will contain the description of the reason of immigration: studies, work, family integration, asylum. The transition from temporary residency to definitive one is

possible after minimum 5 years of residency. This conversion is conditioned by a series of requirements, for instance that foreign employees are paid for a period of 60 months, the contribution to the obligatory pension fund and that they speak German language. On the other hand, a new measure has been adopted, which offers, for the integration of legal foreign residents, the possibility to attend courses in German language and training programmes.

In *Italy* the Parliament adopted in June 2002 a tougher legislation regarding immigration. Thus, the new law stipulates the number of patrols in the coastal area and the registration of the finger prints of all citizens outside the EU wishing to remain in Italy. The residency permits are related to the work permits, so that citizens from outside the EU must leave the country within no more than 6 months of employment (compared to 12 months as before). Italian employers hiring foreign workers must provide them with housing and deposit a security covering the costs for their return to the country of origin in case they are unemployed.

Measures for preventing false asylum applications have been strengthened in a number of countries, especially in those that have been confronted with a major increase in asylum applications, such as Austria, France, Great Britain, Ireland, Sweden and so on.

For example, in the law regarding migration and asylum promulgated in 2002, *Great Britain* imposed requirements regarding a faster processing of asylum applications as well as additional barriers for those that do not register their application immediately upon their arrival. Also, as in the case of other EU member states, Great Britain classifies asylum application from citizens coming from applicant countries as unfounded.

Ireland has increased the number of public servants hired for processing asylum applications, so that all applications should obtain a definite answer (including the appeal) within a period of 6 months.

Policies for consolidation of legislation combating illegal migration and illegal employment of foreign workers. Countries confronted with major flows of illegal immigrants have strengthened measures for combating these phenomena.

In *Spain*, the legislation offers the possibility of immediate deportation of foreigners that find themselves in an illegal situation. Permits of permanent residency can be obtained only after 5 years of residency and work in the country.

Greece has also strengthened border control, especially in the north and in the east and it has strengthened sanctions applied to companies hiring illegal immigrants. Employers may face imprisonment punishments for a period from 3 to 6 months and fines of 3 thousand to 15 thousand Euro.

Legislation in *Portugal* provides measures intended to support immigrant workers in obtaining residency and the regulation of illegal immigrants' situation.

The new legislation in *Italy* stipulates that citizens from outside EU which are illegal residents are prohibited another entry (legal) for a period of 10 years compared to 5 years as provided by the old legislation, while the punishment for illegal re-entry was increased by 6 to 12 months of detention for the first illegal re-entry and 1 to 4 years for the following illegal re-entries. Even legal immigrants may be detained for 30 to 60 days before renewing the residency permit. Foreigners applying for asylum after being detained will remain in this situation.

In addition to combating measures, are also promoted measures for the regulation of the situation of illegal immigrants. They often apply to persons who have worked previously, involved in specific activities (e.g.: in Italy measures apply to those working in health protection or delivering assistance services for the elderly), persons that have lived in the respective country for a certain period of time or based on family criteria. There are also regulating programmes applied to asylum applicants for which the application examination process was delayed or which have not fulfilled certain criteria for granting asylum.

The most frequent eligibility criterion is the right obtained by performing a certain activity, although this way an adverse effect also occurs, that is the encouragement of illegal labour in the hope of being granted amnesty as well as the issuance of false labour contracts. This has been the case of Italy, Spain and Portugal.

However, regulation programmes are also regarded as a positive action as far as public security is concerned: governments may obtain important information on the number of persons with illegal condition, their network and patterns for settlement in the respective countries. Also, by boosting opportunities for employment for immigrants, illegal activities are discouraged.

Policies for the integration⁶ of immigrants. At a practical level, such policies envisage measures for combating discrimination, for learning the language of the host country as well as for the immigrants' naturalization process.

In *Denmark* the new law regarding immigration includes, among other measures, a 3 year programme for the integration of immigrants and refugees, with special emphasis on the obligation to learn the Danish language. Such programs are also considered in *Austria* and *France*.

In *Spain* there has been set up a council for foreign persons and migration regulation and coordination policy which coordinates the three levels of administration (central government, autonomous communities and municipal councils) in order to draw up a general policy on immigration, including employment and social integration.

In *Germany*, starting with January 1 2000, adult foreign persons may become German citizens after 8 years of legal residency, compared to 15 years before this date. This has led to a significant increase in the number of naturalizations: in 2000, 40% of them were due to the application of this new law. Also, beginning with January 1, 2000 children born from foreign citizens may obtain German citizenship if at least one of the parents has legally lived in Germany in the past 8 years. In 2000, of 91 thousand children born from foreign citizens, 40.8 thousand obtained German citizenship following the application of the new law.

In all countries are applied special measures for the integration of young immigrants on the labour market.

Policies regarding international cooperation in the migration field. They aimed at establishing joint measures in the field of migration flow regulation and control as well as special measures

⁶ In terms of vocabulary and conception, the integration issue varies between *assimilation* (acceptance of the system of values of the host-country and, eventually, renouncement of own culture) and *insertion on the labour market and integration in society* (conception that acknowledges the respect towards the laws of the host-countries).

regarding the exchange of researchers, professors, students within the framework created at the level of the EU both for the member states and for the applicant countries.

Romania is mentioned in international reports for the agreement signed with Portugal regarding the hiring of citizens for the partner country as well as for the intergovernmental agreement on the status of Romanian workers in Israel, in order to ensure their social protection.

A bilateral agreement was signed by Romania and Spain, aimed at preventing illegal migration and economic exploitation of foreign persons that do not have legal documents. It also serves in establishing the selection procedure for foreign workers, with the following important provisions: notification of job opportunities through the Spanish Embassy, establishing quantitative and qualitative characteristics for the labour demand within a system based on quotas, selection of applicants with the participation of the employers and establishing conditions for accommodation and residency in Spain, ensuring labour conditions for foreign citizens similar to those for workers in the host-country, establishing special provisions for temporary workers, granting assistance to temporary workers through programs supporting voluntary returning to the country of origin. Spain has signed or is to sign similar agreements with all countries from which there is a high level of migration: Ecuador, Columbia, Morocco, Malta, Senegal, Egypt, Ukraine, Pakistan, Philippines.

Romania has also signed an agreement with the government of Ireland, regarding the procedure for the repatriation of Romanians living in Ireland illegally. Similar agreements have been signed by Ireland with Poland, Bulgaria and Nigeria.

2.2.2. Legislation, policies, institutions in the field of migration in Romania

2.2.2.1. Legislation regarding migration in Romania. Harmonization with the European *acquis communautaire*

The first initiatives for the creation of a new legislative framework in the field of migration took place in Romania at the beginning of the 1990's. Subsequently, with Romania's application for joining to the European Union, this activity has intensified so that, in the past three years, there have been adopted many laws and normative acts intended to ensure the adoption of the *acquis communautaire*. The migration legislation has improved over the years through amendments and republishing, particularly in view of the adoption of the specific *acquis communautaire*. See box no. 2.

The two chapters of negotiations with the EU include legislation influencing migration are chapter 2 Free movement of persons and chapter 24 Cooperation in the field of Justice and Internal Affairs. For most directives within the two negotiation chapters, Romania has started adopting the corresponding legislation.

Thus, Romania has fully adopted the *acquis communautaire* of chapter 2 in the Association Agreement "Free movement of persons" in December 2000 without requesting any transition period or derogation, declaring that it will be capable to implement the *acquis* before the accession date. It is deemed that the legislative-institutional apparatus of external migration in Romania is in the main drawn up (Perț et al, 2003).

Appendices no. 2 a, b show the main legislative acts adopted in Romania compared to those existing in the European Union with which they have to harmonize. With the exception of some directives regarding the mutual recognition of higher education degrees and professional

qualification which are estimated to be fully harmonized, the others are in course of harmonization.

This way, remarkable progress has been made by the Romanian legislation regarding the regime of foreign persons in Romania, the regime of the refugees and their social protection and the prevention and combating of human trafficking. On the labour force market there has been regulated the granting of work permits. Thus, according to the principle of free movement of persons, EU citizens and members of the their families may work on Romania's territory without requiring to obtain the work permit, unlike other categories of foreign citizens.

Appendices no. 3a, 3b, 3c present a brief summary of the Romanian legislation in the three fields having influence on the migration process:

- a. legislation regarding migration (direct influence on migration)
- b. legislation regarding the labour force market (direct and indirect influence on migration)
- c. legislation regarding mutual recognition of degrees and qualifications (indirect influence on migration).

BOX NO. 2

The evolution of the legislation regarding migration in Romania (modifications, amendments, updates)

- Law regarding the alien's regime in Romania L. no. 123/2001 replaced by Emergency Government Ordinance 194/2002 approved with amendments by L. 357/2003
- Law regarding work permits L. 203/1999, amended by Government Decision 343/2000 regarding the methodology for the work permit issuance/cancellation process
- Law regarding the status and regime of refugees L. 15/1996 replaced by Government Ordinance 102/2000 regarding the status and regime of refugees in Romania, modified and amended by L. 323/2001, Ordinance 13/2002, Emergency Ordinance 76/2003 and Government Ordinance 43/2004.

Government Ordinance 43/2004 was initiated by the National Office for Refugees following the latest European Commission report. Following the remarks of the European Commission, Government Ordinance 43/2004 aligns Romanian asylum legislation to the European *acquis* by: amending the definition of the refugee from Government Ordinance 102/2000 with the Geneva Convention definition of 1951, redefining terms for a subsidiary protection, eliminating differences in the treatment of refugees according to 1951 Geneva Convention and persons that have received a form of protection, introducing the possibility for the National Office for Refugees to defend asylum cases in court, introducing the principle of non-return ...as minimum guarantee in the procedure determining the refugee status.

Other normative acts amending the regime of refugees are: Decision 1191/2001 regarding the approval of the special program for the socio-professional integration of foreign persons that have acquired the refugee status in Romania, Ordinance 213/2002 regarding the establishment of a common procedure for the settlement of an application granting refugee status to family members of the person obtaining the refugee status in Romania, Law 75/2001 for the ratification of the European Agreement regarding the lifting of visas for refugees (STE-31), concluded at Strasbourg April 20 1959, signed by Romania on November 5 1999, Law 88/2000 for the ratification of the European Agreement regarding the transfer of responsibilities regarding refugees, adopted at Strasbourg on October 16, 1980.

As a result, the Romanian legislation is at present fully harmonized with 1951 Geneva Convention regarding the refugee status and the 1967 New York Protocol, eliminating the possibility to withdraw any form of protection for reasons of national security and public order.

In the 2003 report regarding Romania's progress with view to EU accession process, it has been estimated that Romania has made substantial steps forward in adopting its legislation to the *acquis communautaire* regarding the free movement of persons and workers.

This way, has been positively marked the fact that:

- since the beginning of 2003, EU citizens and their families no longer require work permits in order to be employed in Romania, that the law ensures their equal treatment to Romanians as far as Trade Union activity is concerned.

- the Romanian Constitution was amended in October 2003 so that according to its provisions EU citizens are entitled to participate to local elections and European Parliament elections.

At the same time, there have also been highlighted aspects where the progress was smaller in the field of free movement of persons and workers:

- it is believed that there still exists a discrimination between EU and Romanian citizens owing to the fact that Romanians are given priority when being employed

- as far as mutual recognition of professional qualification, Romania's preparations are thought to be at an early stage.

Progress has been also reported with chapter 24. Thus, immediately after the issuance of the 2003 Country Report, the National Office for Refugees has issued and submitted a draft amendment for the Government Ordinance no. 102/2000, eliminating all inconsistencies between domestic legislation and the documents included in the *acquis* in force to date and the continuation of the monitoring and analysis of the evolution of the *acquis* for the preparation of draft laws and their initiation on time. In addition to such measures, G.O. no.102/2001 was also amended through Government Ordinance 43/2004, updating the definitions of the forms of protection, eliminating differences in the treatment of the refugees and those receiving temporary protection, confers the National Office for Refugees the capacity to take part in trials regarding asylum applications, and well as other aspects. Appendix no. 1 presents aspects upon which attention is drawn in the Country Report and the method for solving them. As far as the achievement of the objectives related to the European Union accession is concerned, all requirements for closing negotiations on Chapter 24 have been met, except for aspects related to the implementation of Dublin mechanisms and the EURODAC system in Romania⁷.

2.2.2.2. Institutions involved in the migration management in Romania

Various institutions can be involved in the monitoring and performance of the migratory phenomena, playing different roles. Taking them into account within the framework of international migration reveals that they carry out their activity at different levels, as show in table no. 2.

⁷ The Dublin mechanisms refers to a set of norms based on which it is appointed the member state responsible for processing asylum application in the situation where a person has transited more than one member states and has submitted an asylum application. Generally the state where that foreign persons has entered the European space is responsible. For such purposes, there have been established an European database with fingerprints of all persons that have illegally entered, are illegally staying or apply for asylum in the member states – EURODAC. This database prevents the submission of several asylum applications successively or concomitantly in many member states. In this situation, the respective person, being also identified based on the Dublin mechanism, is returned to the member state that have implemented for the first time the fingerprint of the respective foreign person.

Table nr. 2. Institutional actors involved in international migration

O = origin; D= destination

Level/Type of institution	State authorities	Private companies	Voluntary organizations	Informal transport and mediation networks
Supra-national	European Union	Corporations (headhunting, legal, transport)	International organizations (IOM, ILO, UNCHR*)	Transnational communities
National	Governments (O/D)	Mediation companies (O/D)	Voluntary organizations (D)	Migrants' associations (D)
Local	Local authorities, governmental agencies	Mediation companies (O)	Voluntary organizations (D)	Migrants' associations (D)

Source: Lăzăroiu S. (2002) "Circulatory Migration of the Labour Force in Romania. Consequences on the European Integration" (in Romanian) , www.osf.ro

* I.O.M. = The International Organization for Migration; ILO = International Labour Organization; UNCHR = United Nation High Commissioner for Human Rights

At supra-national level, among state institutions involved in performing and monitoring migration there is the European Union, and among voluntary ones there is the International Organization for Migration.

The European Union, through the laws it promulgates and mechanisms for their application, influence the migratory phenomena in Europe, aspects already presented in this chapter.

The International Organization for Migration is one of the main voluntary organizations activating in the field of migration at world level. It was set up in 1951 at the initiative of Belgium and United States of America. The organization is the adept of the principle that humanitarian migration and orderly migration is benefiting both migrants and society. I.O.M. wishes to assist states and individuals in resolving problems regarding migration. There are four large fields where I.O.M. contributes to the implementation of such principles:

- a. Humanitarian migration, through which it offers support in the migration process to persons that find themselves in situations of conflict, such as refugees or persons who, despite that they seek asylum, do not obtain it and return to the countries of origin.
- b. Migration for Development, through development programs countries are supplied skilled work force taking into account national priorities and needs of receiving communities. IOM carries out four such programs in this field: Programs for Transfer of Qualified Human Resources, Programs for Selective Migration, Integrated Programs for Experts and Program for Cooperation Intra-Regional.
- c. Technical Cooperation, through which IOM offers consultancy to governments, intergovernmental agencies and non-government organizations for development and implementation of migration policies, legislation and migration management.

d. Database for Migration, Research and Information, activity that consists in collecting information on the one hand and organizing seminars, conferences and various information campaigns.

At national level, the governments of the EU states influence the migration phenomenon and the entry flows through different policies and activities, such as bilateral agreements inter-governmental for example.

In Romania, the main governmental institutions involved in the migratory processes are the Ministry of Administration and Interior, the Ministry of Labour, Social Solidarity and Family, the Ministry of Foreign Affairs and the Ministry of Education and Research. The main migratory policies in Romania are implemented through many agencies within or independent of the above mentioned ministries, agencies whose activity is difficult to coordinate. For instance, the emigration and immigration phenomena are dealt with by different institutions, an in case that the same institution is handling both aspects of the migratory phenomenon, they are undertaken by different, specialized departments.

The Ministry of Administration and Interior – M.A.I. – through its specialized structures ensures the upholding of the Romanian state border regime, the regime for foreign persons in Romania, manages the records of the foreign persons awarded the right of stay in Romania (the National System of Foreign Persons' Registration), implements Romania's policies intended for refugees, organizes and coordinates the issuance and the general registration of identity and travel documents. Within the MAI, the institutions having attributes in the field of migration are: the Romanian Border Police, the Authority for Foreign Persons, the Department for Passports and the National Bureau for Refugees.

The Romanian Border Police is responsible for ensuring the security of the Romanian borders. It ensures the fulfillment of the conditions required for the Romanian citizens traveling abroad and fights against smuggling and trafficking of persons.

In the past two years, this institution pursues, among others, the increasing of the institutional capacity regarding border management and control and asylum and migration. For this purpose the institution has achieved the following:

- has undergone a restructuring process following which now 80% of the number of functions are in the operative field (compared to the 50% on the previous period)
- border police officers have been trained at the level required for European border police forces, both abroad and in the country: thus, in 2001 6714 border policemen were specialized, in 2002 – 4100 and in 2003 there were specialized 2348 border policemen⁸. Joint training of customs workers, police, border police and justice department have also been carried out in fields such as migration, asylum and refugees etc.
- Romanian Border Police endowment began to include high performance equipment necessary for performing efficient border controls
- in 2003 the Romanian Border Police held two institutional twinning conventions (with Spain, France and Germany), making preparations for other three 3 institutional twinning conventions for 2004 with the same countries.

⁸ Internal documents of the Ministry of Administration and the Interior: Activity Report of the Romanian Border Police for the year 2002; Note regarding activities carried out by the Romanian Border Police in 2003.

- in the first part of 2004 there was set up the Monitoring Group for Border Security Management intended to establish clear links between different strategies drawn up by competent border institutions and setting a calendar for implementation and allocation of budgetary resources for the achievement of the integrated strategy.

The Authority for Foreign Persons exercises attributes assigned to it by law regarding the regime of foreign persons in Romania, combating illegal stay as well as regarding the management of the registration of foreign persons awarded the right of stay in Romania. The institution also cooperates with other structures within the same ministry (the National Office for Refugees, the General Inspectorate of Border Police, etc), and also with institutions having attributes in the field of migration and outside it (the Ministry of Foreign Affairs, the Ministry of Labour, Social Solidarity and Family, the Ministry of Education, Research and Youth, the Romanian Agency for Foreign Investments, etc).

Passport Department is responsible for issuing passports for Romanian citizens, monitoring voluntary and forced returns of Romanian citizens from abroad and sanctions applied to Romanian citizens that have committed illegal acts on the territory of a foreign state. The Department cooperates closely with the Border Police.

The National Office for Refugees within the M.A.I. is the central authority responsible for the implementation of Romania's policies intended for refugees, as well as the provisions of new regulations regarding the status and regime of the refugees on the Romanian territory, made up of central and local structures. The Office gathers relevant statistics regarding refugees and asylum applicants and runs specially designed centers for refugees in collaboration with local authorities. This department cooperates with the United Nations Commissioner for Human Rights and other NGO's activating in the sector of refugees.

The Development Strategy of the National Office for Refugees has established the need to decentralize the capacity to receive asylum applicants. For such purposes, the National Office for Refugees has opened, in addition to central offices on Bucharest the Center for accommodation and procedures in Timișoara, having a capacity of 250 places, the Center for accommodation and procedures in Galați, with 250 places.

On the middle term, it is intended to set up new territorial structures both in northern and north-eastern areas of the country, and in main air and maritime border crossing points (the international airport of Iași, Constanța Port). At national level, it is estimated an increase in the capacity to receive asylum applicants by another 260 accommodation places, in addition to the 1440 existing ones (including Timișoara and Galați), the priority being to cover future external border with the European Union.

The Ministry of Labour, Social Solidarity and Family - MLSSF- activates in the field of migration through the Bureau for the Migration of the Labour Force, the National Agency for the Labour Force and the Department for Bilateral Agreements and Foreign Affairs.

The Office for the Migration of the Labour Force was set up in 2002 by transforming the National Office for Recruitment and Employment of the Labour Force Abroad – N.B.R.E.L.F.A. This is a public institution, having competences both in the field of immigration (for example, for granting work permits for foreign citizens wishing to find a job in Romania, certification and recognition of qualification diplomas for foreign citizens wishing to carry out authorized activities in Romania), as well as in the field of emigration (by recruiting and employing labour force from Romania abroad through temporary labour contracts; the protection of Romanian citizens working abroad).

The National Agency for the Labour Force has branches at county level and is responsible for authorizing and permanent monitoring of private companies carrying out labour force mediation activities in Romania for working abroad.

The Department for Bilateral Agreements and External Affairs is responsible for negotiating and signing conventions between countries with regard to the exchange of labour force. Such agreements are co-signed by the Ministry of Foreign Affairs and become applicable after being ratified in the Parliament. The main preoccupation of Romanian authorities in the negotiation of such contracts is to ensure as much as possible, labour conditions for Romanian migrants equal to those of the workers in the respective country.

The Ministry of Foreign Affairs is involved in regulating and implementing policies regarding migration through the Department for Consular Relations and the Department for Romanians Abroad.

The Department for Consular Relations is responsible for the protection and assistance of Romanian citizens and Romanian companies abroad. Consular offices abroad are also first points of contact for foreign investors wishing to invest in Romania and for companies seeking employment in Romania.

The Department for Romanians Abroad is responsible for maintaining and assisting Romanians outside country borders. The Diaspora is formed of two categories of Romanians living abroad: those that left Romania to live abroad and Romanian speakers who, forced by historic events live outside the country borders on the territory of other states. This department is concerned particularly with helping this second category of Romanian speakers living outside the country borders (Moldova, Hungary, Bulgaria, Serbia and Ukraine) in preserving their cultural identity and, if the case, in ensuring that their rights as minority population in the respective country are recognized.

The Ministry of Education, Youth and Research – M.E.Y.R. – keeping records of Romanians studying abroad and foreign persons studying in Romania.

The National Center for Recognition and Equivalation of Degrees (N.C.R.E.D.) was set up in 1999 as a unit specialized within the Ministry of Education and Research. The Center is associated to the European networks: E.N.I.C. (the European Network of Information Centers) and N.A.R.I.C. (National Academic Recognition Information Centers). It functions as point of contact recognition of professional qualifications, while becoming, in 2002, the coordinator of the general system of academic and professional recognition in Romania. Among the activities carried out by N.C.R.E.D. are: setting criteria for recognition and equivalation of pre-university, university and post-university degrees, issuing certificates attesting the studies performed in Romania for those wishing to continue their studies or working abroad, recognizing degrees of foreign citizens wishing to obtain work permits in Romania.

An important step forward in the institutionalization of the issues related to migration was the setting up of specialized institutions with competences in the field of migration, such as the Romanian Committee for Migration.

The Romanian Committee for Migration/ The Inter-ministerial Anti-Human Trafficking Committee is an inter-ministerial committee coordinated by the Ministry Administration and Interior (along with the Ministry of Labour, Social Solidarity and Family – M.L.S.S.F., the Ministry of Foreign Affairs – M.F.A., the Ministry of Finances – M.F., the Ministry of Education, Youth and Research – M.E.Y.C., the Ministry of Health – M.H., the Ministry of Justice – M.J.). This has been set up as early as 1991, functions through local committees formed of

representatives of participating ministries its object of activity according to the law, being the solving of files and ensuring minimum necessary conditions for asylum applicants and refugees.

Most important non-governmental institutions involved in running programmes and gathering information on migration are:

- private companies mediating labour contracts abroad;
- The local office of the International Organization for Migration in Romania;
- The representative office of the United Nation High Commissioner for Refugees in Romania;
- The Foundation of the Romanian National Council for Refugees;
- The Romanian Forum for Refugees and Migrants;
- The Jesuits Service for Refugees of Romania.

The local office of the International Organization for Migration, operating since 1992 when Romania became observatory member of the IOM. In 1998 Romania became full member of the organization. The two large types of programs that the IOM is undertaking in Romania are related to humanitarian migration and technical cooperation. For instance, among the activities of the local office, there are programs for assistance in entering in the country of persons seeking asylum in other countries and who have not obtained it (1996-1997, 2000), assistance in settling in Australia of a large number of persons that have obtained permanent residency, mass information campaigns to prevent illegal emigration (1994-1995). At present, IOM in Romania assists Romania's government in transferring the *acquis communautaire* and adapting the legislation, procedures and institutions in the field of migration, visas and border management. Therefore, in 2002 the IOM signed a Memorandum of understanding with the Romanian Government regarding cooperation for assisted humanitarian voluntary repatriation, Memorandum that was ratified in 2003 through Law 374/2003.

The representative office of the United Nation High Commissioner for Refugees in Romania has actively participated in drawing up normative acts in the field of asylum applications, with numerous exchanges of letters between the two institutions. Every year common professional training programs, which are also involving other structures with attributions in the field of asylum applications. Non-governmental organizations financed by the U.N.H.C.R. are actively involved in providing legal assistance and representation of asylum applicants that have submitted applications for recognition of the refugee status at state border crossing points.

The Foundation of the Romanian National Council for Refugees is a non-governmental organization set up in 1998 to promote and defend the rights of the refugees and asylum applicants. Thus, asylum applicants were offered counseling, legal assistance and support, social counseling and cultural orientation as well as medical services and technologic support.

The Romanian Forum for Refugees and Migrants (A.R.C.A.) running programs for refugees and migrants in Romania. Its main programs focus on the cultural and educational integration of immigrants and refugees in communities in Romania. The organization is financed to a large extent by the United Nation Commissioner for Refugees.

The Jesuits Service for Refugees of Romania is another non-governmental organization set up in 1996 in order to support fundamental rights of the refugees. Among its main activities there are: social counseling, cultural programs, granting emergency aid, educational programs, information and actions for promoting the rights of the refugees, finding an inexpensive house, etc.

It has been noticed that a large part of such institutions carry out their activity helping refugees and immigrants in Romania. An explanation would be that measures taken by the Romanian state have been considered insufficient in this field due to financial difficulties on one hand (Romania is itself going through a developing period) and because there is still a large difference between the legal provisions and what is in fact achieved by the Romanian state (I.O.M., Migration Trends, 2003). On the other hand, the low number of immigrants targeting Romania (around 200 persons per year) makes it difficult to test the legislation in the field at a large scale.

CHAPTER 3. MIGRATION RELATED DIMENSIONS

3.1. Global quantitative characterization. Migration – a long term population adjustment factor in Romania

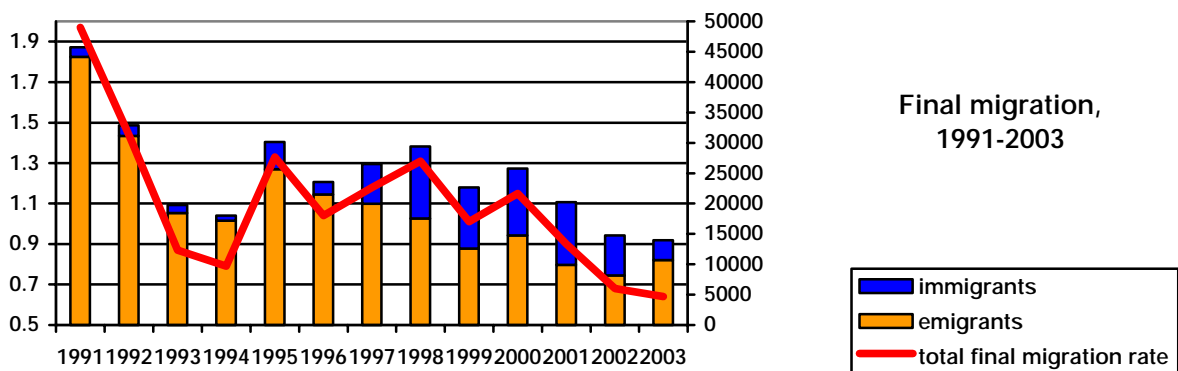
Romania's integration within the EU involves, among other facts, an increase in the EU population by almost 22 million individuals (the second ranked country after Poland, in terms of human potential) and a significant amount of relatively young labour resources that have not been yet fully used and turned into a good account. Further more, there is also a transforming/adjusting economy that has not yet defined its development routing. Under such circumstances, Romania's integration represents a real challenge and migration seems to be one of the main issues.

3.1.1. Total migration. Brief remarks

At worldwide level, one out of 35 persons is a migrating person (I.O.M., 2003a), while the annual flows comprise 5-10 million persons.

In Romania, the ratios are a lot lower, yet difficult to estimate on their whole (there are partial statistical data). If we take into account *only* the effective amount of coming ins /immigrants-going outs/emigrants (the final migration), during 1991-2003, it has reached the amount of almost 25 thousand persons on an yearly basis. In terms of evolution, the number of emigrants is decreasing, while the number of immigrants is increasing (See Chart no.1).

Chart no. 1



Source: N.I.S. data

Total emigration rate (per 1000 inhabitants) decreased from almost 2 migrants/ 1000 inhabitants to almost 1 in 1999 and to 0.64 within the last considered year. One has noticed two stages of significant cut down: the first one during 1991-1993, when the migration have focused on the return to the native areas (Germans, Hungarians, Jewish); the second one between 2000 and 2003 (and beyond) when the final migration has lost of its importance, since the temporary migration has been favoured (this period also corresponds to the deregulation of the Romanians travelling within the Schengen territory).

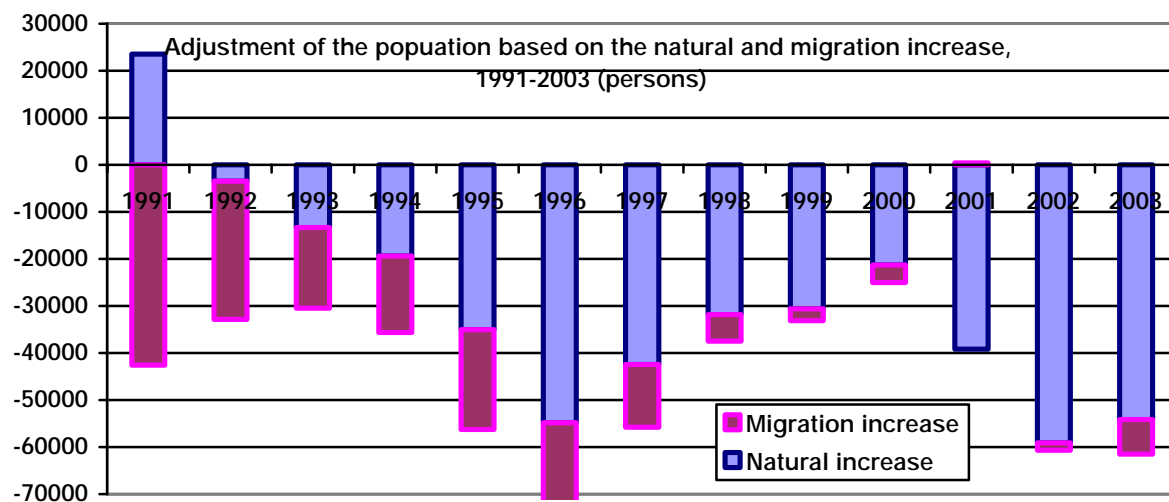
3.1.2. The migration increase and the population's dynamics

The flows of individuals crossing the national borders cannot be estimated unless we know the population's evolution tendencies.

The emphasis on the migration's contribution to the total population dynamics and to the Romanian labour potential can be put forth by means of the **comparative and combined analysis of the natural increase and of the migration increase**.

According to the available data, during 1991-2002, 2.87 million children were born, while 3.2 million persons died. The diminishing of the total population amount by almost 330 thousand individuals was amplified by the **migration flows that were negative throughout the entire period**. The annual evolutions are negative and decreasing, in terms of migration increase, while they seem to be oscillating and far more significant as far as the natural increase is concerned (Chart no. 2).

Chart no. 2



Source: processing based on the NIS data

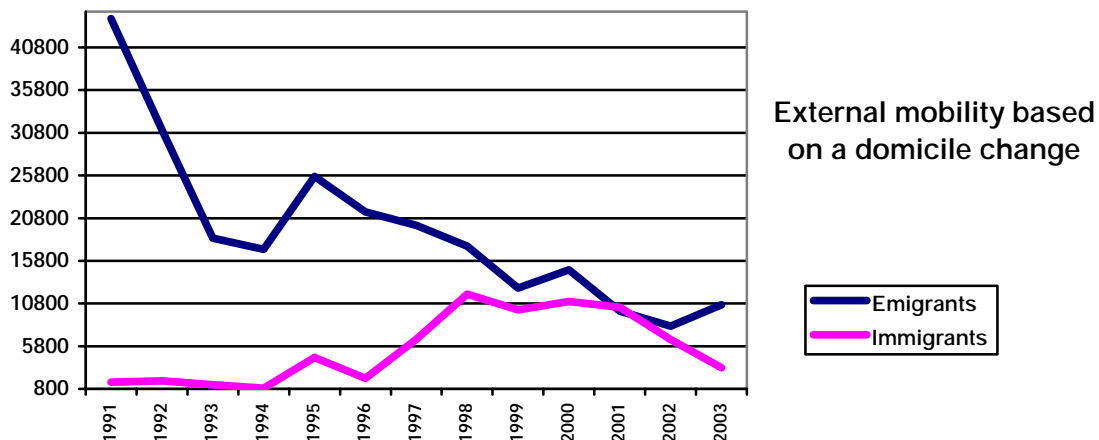
The population's spatial mobility, as a factor for the adjustment of the labour market demand and for the rebalancing of the labour market on the territorial level has been rated as being a **low** one.

Romania's population (out of tradition- inertia based reasons, but also out of financial reasons) would rather commute and/or favour the temporary circulatory migration, than transfer/changing its domicile/residence.

According to the statistical data, less than one third of the Romanian population has changed its residence at least once during a life cycle, the tendency being the diminishing of such acts. The migration distance based on a domicile change is relatively reduced. Out of the total amount, almost 48% have not moved beyond the county's boundaries. Within the country's territory there were almost 6.7 million persons who have changed the residence at least once in their life, while during 1992-2003 there were almost 252 thousand persons who have emigrated **abroad**. The

annual flows were decreasing (almost 10 thousand persons on a yearly basis). **The external balance** (emigrants - immigrants), throughout the period, is a negative one, that is 180 thousand persons (Chart no. 3). The only exception is the year 2001, when the number of immigrants exceeded by 429 persons the number of emigrants (10350 as compared to 9921).

Chart no. 3



Source: NIS Data

Thus, from the **emigration** viewpoint, the loss of population of less than 10 thousand persons on a yearly basis, even if it has not been “compensated” by the immigration **does not represent a significant quantitative factor influencing the dimensions of the national labour market**. On the other hand, the **pressure induced** by such amount of emigrants **on the receiving countries** (and implicitly on their labour markets) is rather **low**, engendering long term positive effects.

The comparative analysis of the natural and of the migrating increase (final migration) allows us to draw up the following remarks (Table no. 3):

- The total population is reduced especially due to the negative dynamics of the natural increase, rather than to the migration increase;
- The losses accumulated on the whole period do not exceed 3% of Romania’s population, recorded at the latest census;
- From the qualitative point of view, the negative migration increase is more “expensive” to the society than the natural one, since the investment in the human capital (by education etc.) enforced until the emigration time and the pendant labour potential are cost free transferred to the destination country, thus adjusting on a long term the growth of the national economy and sustainable human development.

Table no. 3. The natural increase and the migration increase during 1991-2003

Year	Live-births	Deaths	Emigrants	Immigrants	Natural increase (live-births-deaths)	Migration increase (emigrants-immigrants)	Contribution to the decrease of the population (natural increase + migration increase)
1991	275275	251760	44160	1602	23515	-42558	-19043
1992	260393	263855	31152	1753	-3462	-29399	-32861
1993	249994	263323	18446	1269	-13329	-17177	-30506
1994	246736	266101	17146	878	-19365	-16268	-35633
1995	236640	271672	25675	4458	-35032	-21217	-56249
1996	231348	286158	21526	2053	-54810	-19473	-74283
1997	236891	279315	19945	6600	-42424	-13345	-55769
1998	237297	269166	17536	11907	-31869	-5629	-37498
1999	234600	265194	12594	10078	-30594	-2516	-33110
2000	234521	255820	14753	11024	-21299	-3729	-25028
2001	220400	259600	9921	10350	-39200	429	-38771
2002	210529	269666	8154	6582	-59137	-1572	-60772
2003	212459	266575	10673	3267	-54116	-7406	-61522
Total period	3087083	3468205	251681	71821	-381122	-179860	-560982

Source: N.I.S. data

Another aspect relating to the demographic issue that should not be ignored when estimating the costs of the final migration is represented by the *emigration of female population at a fertile age*. The loss of human potential is higher, as far as women are concerned. The younger they are, the more children they can have, but the fact is that they give birth to and/ or raise those children abroad. On a whole, there are more emigrant women than emigrant men, but the scarce statistical data related to their age groups allow us only an orientative estimation of such loss. Thus, supposing that only 2/3 of the almost 52% emigrant women give birth to children abroad, meaning an average of 1,3 during their entire life (the current fertility ratio), then, we can estimate that for the entire transition period Romania has lost another almost 160 thousand persons.

3.2. The social-cultural dimension of the current migration phenomenon in Romania

The accurate understanding of the social-cultural dimension and of its implications on the migration management policies implies the reference to the multiple sides of this phenomenon, so as to provide answers to a series of key questions, such as: which is the migrant's profile, how are the migration flows – emigration, immigration – perceived in Romania and in the destination/ origin country, how is the integration of migrants carried on, what is the attitude towards the return oriented migration, especially in the case of certain special categories, etc.

3.2.1. The migrant's profile

Considering the migration a social phenomenon that directly affects a significant part of the population and has complex implications on the entire society, it is vital to know and to emphasize the *migrant's profile* – the profile of the emigrant from Romania and of the immigrant

to our country. That will enable an accurate development of the measures related to the administration of migration phenomenon and of the support provided to the migrants.

Within the *dominant national tendency* – namely labour migration, *the most representative category* is currently represented (according to a CURS survey from June 2003) by *young men* (18-35 years old), with *an average education level, as skilled workers from the big cities of Romania and Bucharest, its capital*.

The villages' migration potential should not be ignored either; relating to this issue Dumitru Sandu has suggested the metaphor of the “hydrographical network” (“community represents the spring of migration) and the transition from the factorial approaches to the structural and typological ones, that makes possible to identify types of villages based on the dominant cultural profile and the experience regarding the international circulatory migration. Considering the studies that have been carried out up to now, one can reach the conclusion that “the communities having a maximum experience related to the temporary migration abroad are specific to the villages with a higher share of Hungarians; the communities featuring an average level of migration experience are specific to the immigration villages (whose population has arrived there from other regions of the country); the communities at an early stage of the external circulatory migration are mainly encountered within the modern villages, with a high education potential; the communities lacking the migration experience are specific to the traditional villages, featuring a low educational level and a high degree of isolation” (Sandu, 2004).

Various studies have also stated a series of hypotheses regarding the *selective migration flows*, according to which the minority ethnical or religious groups show a higher mobility level than the one of the majority Orthodox Romanian population (Sandu, 2000, Diminescu, Lăzăroiu, 2002). Thus has been proved the role of ethnical and religious networks within the early stages of the circulatory migration, with relevant examples, such as the migration patterns towards Germany, Hungary or the traditional support on behalf of the host-countries with respect to certain religious categories (such as the neo-protestant population)⁹.

Within the process of circulatory migration certain *patterns and specific cases for different destination countries*¹⁰ have been identified as well, such as the German case, the French case or the Italian case (Diminescu, 2004). They highlight specific situations that have to be taken into account, which are often different from the « classical » profiles of the travelling migrants (entrepreneurs, workers recruited through the Office for Labour Migration, students, trainees and so on).

⁹ In the case of the Catholics and the Protestants, the religious category overlaps, to a large extent, the ethnical one (Hungarian, German).

¹⁰ Together with the selective migration flows, these cases have a significant relevance, enabling the explanation of migration through the notion of *network*. The connections between the actors participating in the migration process based on networks refer to the exchange of information items, financial support, help when attempting to find a job, as well as other forms of support. Some informal networks enable the financing of one's transportation, finding a job, accommodating the migrants. Still, in extreme cases, the networks are set up by professional traffickers, when the migrant becomes the victim of certain pressures, acts of violence, threats that may even endanger his/her life (IOM, 2003a).

The German case emphasizes the role of the invitations from German individuals originating in Romania for the “setting in mobility” of tens of thousands of persons that do not have any other means that could allow them to travel within the Schengen space.

The French case focuses on a specific migrant type, whose peculiar social integration (in the street) is based on various collecting systems (trading worn off clothes, home appliances thrown in the street or direct collection of money by means of begging, selling newspapers in the street, reselling the metro tickets, wiping the windscreens, singing in the underground stations, in the street, etc.). According to the author of the study, this type of migrants « combines the status of the marginal, the circulation and a very active co-presence within the two countries » (Diminescu, 2004).

The Italian case refers to the current strategy of the Romanians entering the Italian territory and finding a job without observing any prior formalities, subsequently trying to settle the situation in some way. The permanent existence of a group of clandestine migrants who are looking for a job and of another group of clandestine migrants who already have a job and who want to gain a legal status can be noticed in this case (often there are more migrants sharing the same job, by sub-periods). Another feature of the Italian case consists in the high share of women (almost 50%) within the number of Romanian workers, due to the fact that, besides the family reintegration, there is a large demand on the informal market of domestic jobs. The high number of jobs taken by the Romanian women (approximately. 30 000) underlines the importance of the migration sub-adjacent networks, that set in motion an effective mechanism of social and institutional integration.

Even if at present Romania distinguishes on the background of international migration as an emigration country, with a labour market less attractive to the immigrants, being more interesting in terms of transit possibilities to the developed countries (briefly, « More ‘Out’ than ‘In’ at the Crossroads Between Europe and Balkans », according to the suggestive title of an IOM country report from the autumn of 2003), is expected that the attractiveness of Romania will increase due to the EU integration perspective and thus Romania will become even an immigration country.

Up to now, *the immigrant’s dominant profile* – a refugee, an asylum seeker, an immigrant for labour, study or business purposes – is based on men’s preponderance (as it happens with the asylum seekers who have proven to be especially young men, aged between 21-30 years). Yet, when the total number of immigrants is taken into account, the gender based structure is quite well balanced. That happens to a large extent due to the business oriented migration: as soon as the business has become stable, the entrepreneurs (especially the Turkish and the Chinese ones) initiate the family reintegration procedure, which implies an additional number of women who join the general category of the immigrants. More particularly, as far as the immigrants from the Republic of Moldova are concerned, the gender distribution is more balanced as compared to the general situation, due to the significant participation of the women from this country in the agricultural activities in Romania.

3.2.2. Aspects regarding the integration within the host country society

The migrant’s dominant profile – an emigrant/immigrant from/in Romania – involves a series of specific aspects regarding the integration within the host country society.

In general terms, for an *immigrant* the integration consists in the knowledge of the language spoken in the host country (reading, writing skills), the access to the educational system and to the labour market within the respective country, the opportunity of increasing professional

mobility by attending to a higher level of education and professional qualification, equity in front of the law, cultural and religious freedom, the respect towards the laws and the traditions of the country he/she lives in. At the same time, for the *host society* the integration of the migrants supposes tolerance and openness, the consent of welcoming the immigrants, the understanding of the advantages and challenges of a multicultural society, providing an unrestricted access to information related to the advantages of integration, tolerance and intercultural dialog, respecting and understanding the status, tradition and culture of the immigrants, as well as the respect towards the immigrants' rights (IOM, 2003a).

As far as the *particular case of Romania* is concerned, given the lack of previous expertise in this field, the still low number of immigrants and refugees and the limited financial resources, it has been noticed that the services and the assistance for integration are not fully satisfactory, despite the diligence within the last years for the alignment to the international standards.

The Romanian state, via the National Office for Refugees and Migrants (ONR) established within the Ministry of Administration and Interior, currently runs a series of counseling programmes related to job opportunities and also organizes Romanian language and vocational training courses. Further on, the priority will be given to a prospective approach regarding the opportunities of getting integrated on the labour market, as well as the access of the refugees to certain social aids that are currently restricted due to the lack of identity documents.

An important support for shelter and integration is provided by UNHCR, consisting in financing the activity of the Romanian National Council for Refugees and the Romanian Forum for Refugees and Migrants, which are non-governmental organizations with remarkable results in the administration of the centers for reception of refugees and asylum seekers (together with ONR), in legal counseling, in training and integration programmes, in qualification and Romanian language learning programmes, in offering medical assistance, etc. The best practices identified in this field refer to the activities related to providing material and educational support, as well as the activities focusing on psychological and social support (communication with the assisted people, moral and emotional support, cultural orientation and so on).

In certain cases, the labour and business oriented immigrant communities have set up their own associations (The Association of the Turkish Businessmen, the Federation of the Chinese Businessmen) and they also get involved in the organization of schools, special services, newspaper editing, cultural activities for preserving their identity (the Chinese immigrants seem to be extremely active in this respect).

The immigrants' integration also requires *an open, tolerant attitude of the Romanian society*, as opposed to discrimination, xenophobia and other forms of rejecting the immigrants. The organizations dealing with the refugees' rights often notice that there is a subtle rejection of foreigners, shown not only by ordinary people but also by civil servants who deal with the problems of asylum seekers and refugees. They have encountered situations when one does not make the difference between a refugee, an immigrant and a trafficker, or between the persons who migrated for economic reasons and those who were forced to emigrate as a result of certain dramatic events or persecutions within their own country (Lăzăroiu, 2003).

A special issue envisages the *vulnerable groups*, especially the *non accompanied minors*, for whom a reconsideration of the interviewing procedures and an adequate training of the civil servants are necessary, since malpractice could have major traumatic effects. It is also highly recommended to encourage, besides the National Office for Refugees and Migrants and the Authority for Foreigners (with its territorial departments) – that are governmental institutions involved in the management of the non accompanied minor problems, their activity being

focused especially on the juridical and administrative issues - the authentic participation of other institutions in the actions taken to the benefit of this category (such as The Ministry of Education, Research and Youth, The Ministry of Labour, Social Solidarity and Family), so as to answer other fields of assistance, such as education and integration. In fact, the legal provisions explicitly stipulate the minor foreigners' access to education. As far as the decision on repatriation is concerned, the Romanian National Council for Refugees suggests the need of including the child's interest prevalence within the Law regarding the foreigners' status in Romania.

As regards *the public opinion* and the perception of the immigrants who have settled in Romania, even if there are no data that could directly reflect it, one may draw up a series of indirect conclusions, such as the ones resulted from the Public Opinion Barometer organized by the Open Society Foundation in October 2002, that has studied, among other issues, the tolerance towards the ethnic and religious minorities. It can be noticed that the urban population, having a higher educational level is more tolerant and, generally, the people who have had contact with minority groups prove to be more tolerant than those who live within a homogenous cultural environment. It is estimated that the immigrants will be better integrated within the urban environment (the data state that 90% of the foreigners have already settled within urban centers), especially in Bucharest and the areas from the West and from the South-East of the country (opening to the Black Sea) than in the rural environment and within the southern and eastern areas of Romania. Certain studies have identified *specific tolerance areas* (Lăzăroiu, 2003), towards which the immigration flows are likely to be routed within the next years, while the access to other environments and areas may be restricted by intolerance.

Besides the integration of the immigrants, a multiple faced challenge for the Romanian society is represented by the *reintegration of the Romanians who return to their home country* after an external migration experience. It focuses on certain specific categories, such as the Romanian students and graduates from foreign universities, the Roma people, the victims of trafficking in human beings, the unaccompanied Romanian minors, the repatriated people, etc.

Despite the significant positive role that they can have within the Romanian society, *the students* who come back to their country after having attended the courses of foreign universities encounter many difficulties when trying to reintegrate, from the cultural shock after the contact and life within societies with other economic and social standards to situations related to their diplomas' recognition (intricate procedures (see the requirements regarding the recognition of the PhD title obtained abroad) implying in certain cases even the re-attendance of some courses in Romania) and to the lack of attractiveness of the jobs offered, in terms of wages and work conditions. Therefore measures must be taken in order to provide an adequate treatment, based on serious reintegration programmes and incentives engendering the return, limiting thus -as much as possible - the *brain drain* and *youth drain* phenomena¹¹.

In another register, the return of the *Roma* people creates serious problems with respect to the risk of social exclusion, since their behaviour and life style make the integration difficult. The society has not yet created strong structures and adequate reintegration procedures that are absolutely necessary if we think that most of the repatriated are individuals who have carried on illegal actions or almost illicit actions abroad.

¹¹ The EUROFOND report on 2004 named "Migration Trends in an Enlarged Europe" estimated an average rate of youth drain of 2-3% for the youngest age category (15-25 years old), while for Romania and Bulgaria the flow corresponding to the same category has been rated at 10% for the next 5 years. On the whole, the origin countries seem to incur the danger of losing due to youth drain between 3% and 5% of the people with higher qualifications and more than 10% of the students.

A specific case is the one referring to the reintegration of the *victims of trafficking in human beings*¹², a significant share being represented by *young women*. Most of them have become victims of human trafficking after a series of mislead attempts for finding a decent job in a foreign country (« interrupted circulatory migration » - Lăzăroiu, 2000). A CURS survey on a representative sample for Romania in 2001 showed that 3-4% of the female population between 15-25 years old is subjected to an average risk with respect to such trafficking, while 4-9% of the female population within the same category is subjected to a higher risk. The dominant profile is imposed by the girls within the urban environment¹³, residing in poor areas, abused by their families and having a low educational background (Lăzăroiu and Alexandru, 2003).

Human trafficking is organized on different levels, starting from individuals or small groups, up to criminal networks, that are very complex and activate at international level. In the region Romania belongs to, human trafficking is controlled and performed by men between 20 and 50 years old, but the role of women within the recruitment and exploitation stage should not be ignored either, at the same time with the increasing role of the teenagers who act at lower levels, as guards at whorehouses or as good for all people (UNDP – Romania, 2003).

The IOM-Bucharest statistics shows that this office assisted, from January 2000 until December 2003, 781 victims of human trafficking, out of which 753 where Romanian citizens (almost half of them were originated from Moldova, with the counties of Iași, Vaslui and Suceava holding the first three ranks) and 28 were citizens of the Republic of Moldova. The average age was 20.74 years in 2000 and 21.23 years in 2003, the overwhelming share being held by the female individuals (in 2003 there were only 2 male victims, 42 and 59 years of age, respectively). The main destination countries were Macedonia (29%), Bosnia-Herzegovina (23%), Albania (11%), Kosovo (11%), Italy (9%) etc. The real dimensions of human trafficking phenomenon are much larger, but the data provided only refer to the assisted persons, as specified.

From the legislative point of view, the Romanian authorities have evolved a long way with trafficking prevention, punishment of traffickers and protection of victims, but, in practice, there are still lots of shortcomings related to the financial support, providing shelter, repatriation and reintegration.

At the Romanian society level, the phenomenon is not known in its essence, in its real light, since its perception is distorted by *severe stereotypes*. Most frequently, such young girls are being morally condemned by the society that makes no difference between *trafficking* and *prostitution*. This fact results in a very difficult repatriation and reintegration process.

The most sensitive aspect before initiating the reintegration as such is the treatment of so called “*post-traumatic shock disorder*”¹⁴ suffered by most of the trafficking victims, requiring the

¹² The trafficking in human beings is defined in connection with the intention of the trafficker to exploit the victim *after* having illegally entered the respective foreign country, the relationship between the trafficker and the victim being a coercive one, based on long term exploitation (UNDP-Romania, 2003).

¹³ The explanation for this unexpected situation - the most vulnerable girls come from the urban environment - consists of the fact that many of them have arrived in urban areas after having had left their villages in order to attend the secondary education. The environment change represents a shock that makes them easily vulnerable for the traffickers.

¹⁴ A detailed description of this affection and its impact and implications is provided by „Trainer’s Manual. Best Practice - Law Enforcement Manual for Fighting Against Trafficking of Human Beings”, UNDP – Romania, 2003

enforcement of a complex plan of psychological counseling. It has been noticed that only after the victims are accommodated in a welcoming environment, where they are treated with the due *respect* and they benefit from different care services, they prove an increasing will to receive more information and to participate in the reintegration activities. But since few of them have ever had access to social or psychological support, it is vital to enforce a gradual, careful approach to the counseling sessions, so that the victims become open and accept the mid and long term support (Tudorache, 2004).

Last but not the least, the issue of repatriation and reintegration of the *unaccompanied Romanian minors* is also on the agenda of the Romanian authorities that have set up repatriation practices and procedures differentiated according to the different categories of unaccompanied minors: unaccompanied minors who have been the victims of human trafficking, children born on the territory of a different state and abandoned in the maternity hospitals, minors sent back based on the re/acceptance agreements, minors repatriated as a result of certain bi-lateral agreements (Delcea, 2003). Within these categories, the unaccompanied minors who were victims of trafficking in human beings seem to hold a special place. The defining profile is provided by children between 12-15 years old, who are forced to work on construction sites and clandestine workshops, to beg, to become sexual slaves or sources for the organ banks. The efforts of the Romanian authorities regarding the prevention of the trafficking in minors have been materialized by the reduction of their share in the total amount of the victims assisted by IOM – Bucharest from 24.85% in 2000 to 14.10% in 2003. As regarding the special assistance and the child's protection, enforced programmes based on the cooperation between the National Authority for the Child's Protection, the Ministry of Foreign Affairs, The Ministry of Administration and of Home Affairs, with the participation of the non governmental organization « Save the Children » and based on the IOM support have been drawn up. Within the framework of the strategic approach to the issues raised by the trafficking in human beings, based on the extremely large expertise on all continents, IOM includes, as one of its fundamental dimensions, the fact that specific care and protection programmes for children who are victims of the trafficking in human beings should be enforced throughout the world, taking into consideration the cultural characteristics of each form of trafficking and the particular needs of children (IOM, 2003d).

The reintegration of the Romanians who have returned from abroad is supported, besides the Romanian authorities, by certain international organizations, such as UNHCR, IOM, L'OMI (L'Organisation Internationale pour la Migration). These organizations are getting involved, together with the Romanian state in the supply of medical and psychological aid services, in counseling programmes focusing on job opportunities and organization of training courses. For example, L'OMI supports the sustainable reintegration of the Romanians who have come back from France, by assisting such persons in finding a job, by encouraging them to start a business and not by simply offering them financial means. IOM – Romania currently runs specific assistance programmes designed for those persons who decide themselves to return from abroad. Thus, the Romanians who came back from Ireland were helped to get plane tickets, while those who had lost their traveling documents also received due support.

On the whole, the issues related to the reintegration of the Romanians who come back to their home country vary according to the educational level, their qualification, family status, duration of their stay abroad etc., complex social and psychological aid oriented programmes being necessary, so that re-emigration be not the sole solution to such people (Lăzăroiu, 2002).

Finally, besides the integration/ reintegration on its territory, Romania must also care for certain aspects related to the *integration of Romanian emigrants within the host countries*.

On a general basis, the Romanian migrants are grouped in homogenous communities that allow them to preserve their cultural identity and to contribute to diversification of social-cultural environment within the host country. Though, living within homogenous groups can engender integration obstacles, generated both by the insufficient communication between the Romanians and the members of the host society and by the reserves of the latter towards the Romanians, due - to a certain extent - to an image that has become a stereotype (the Roma people behaviour).

The role of Romanian authorities should consist in the contribution to the increase and maintenance of an accurate, objective image on the entire Romanian Diaspora, that may represent a valuable share to the enrichment of the scientific and cultural patrimony of the host countries, as well as in preserving the connection between the Diaspora and the mother- country. It is well known that the Romanian Diaspora is unfortunately divided and it is often reluctant towards the communication with the Romanian authorities, reluctance that feeds on the suspicions related to the manipulation of the Diaspora for political purposes.

A special aspect refers to the support that the Romanian state must grant and that it actually grants to the large Romanian groups living outside the country's borders due to historical reasons (in the Republic of Moldova, as well as in Ukraine, Hungary, Bulgaria, Yugoslavia) who need, besides the support for the preservation of their cultural identity, support at international level, regarding the recognition of their rights within the respective countries.

3.2.3. *The public opinion and mass-media*

The Romanian public opinion perceives the migration related phenomenon mainly as labour migration. Thus, the Public Opinion Barometer from October 2002 shows that 86% of the interviewed individuals think that the migrants earn money from a paid job. Only 7% and 5% respectively consider that the migrants make money by stealing or begging, respectively.

51% of the interviewed people believe that only a part of the migrants create a bad reputation to Romania and 11% consider that the migrants are a shame for our country. When having been asked "who creates a bad image", 68% answered that the Roma people have to be blamed for that, while 20% blamed the outlaw groups (thieves, beggars, prostitutes). This is a typical stereotype, by which the Roma ethnic group is associated with the outlaw activities, while the trafficking in human beings is incorrectly associated with prostitution.

The situation until 2001, characterized by difficult conditions of getting visa for the EU countries has engendered and fed a collective mentality based on fears, reluctance towards travelling abroad. 55% of the answers to the above mentioned barometer state that the negative reports on the Romanians' migration may determine the EU member states to reconsider the measure of lifting visa restrictions, as far as Romania is concerned. Besides, 64% of the interviewed people appreciate that there are certain categories of people who should not be allowed to leave the country, while 54% think that there are certain categories that should not have the right to bear a passport (the Roma people are on top).

The above mentioned results reveal a wrong perception – in some points - of the negative aspects that accompany the Romanians' external migration, which proves that the public opinion finds it difficult to distinguish between certain objective hardships related to the travel within the Schengen space and the violation of the law, between the groups performing illegal activities and the affiliation to a social, ethnic or religious minority, which leads to the creation of stereotypes, to attitudes that feed delinquency, intolerance and xenophobia. This perception could be set right

by means of joint, coherent efforts of mass-media, public administration and representatives of the civil society.

Up to present, one cannot say that *mass-media* has brought its necessary contribution to the accurate rendering of external migration phenomenon, with all its aspects and to the creation of an adequate social behaviour with respect to both migration itself and the integration/reintegration process.

It has been remarked that migration is not systematically rendered and assessed, in its entire complexity, the emphasis being put on the narration of certain negative, sensational facts and less on the *orientation* of the migrants within an universe that makes them face numerous risk and uncertainty components, on the *prevention* and *combating* delinquency, clandestine travelling and corruption related to visa issuance. Mass media seems to be less preoccupied by the development of some objective reports on migration, being rather focused on the overtaking of certain articles from the international media and the stereotypes of the Romanian society. Furthermore, the passive attitude of the media has enabled the coming out of certain advertisements related to job offers abroad implying an obvious trafficking in human beings, as well as the mediation of certain labour recruitment campaigns that have proved to be fraudulent.

To a considerable extent, the partial and sometimes wrong coverage of the migration phenomenon by the mass media is the result of the *shortage of specialized journalists* in this field; therefore is highly recommended the organization of certain courses for their training with respect to the investigation and assessment of migration (Lăzăroiu, 2003).

The most important contribution, that has been coherently organized in order to create an accurate perception by the public opinion, setting the focus on the fight against the human trafficking and illegal migration belongs to IOM –the Romanian Mission that has run large information campaigns by radio, television, the distribution of printed materials, the organization of media events. Also, besides the specialized NGOs of UNHCR and due to the cooperation of certain institutions of the Romanian state (the Ministry of Education, Research and Youth, the General Inspectorate of the Border Police, etc.), of the Romanian Orthodox Church, IOM has initiated several informative campaigns in schools, churches and border police offices.

At the same time, IOM has been involved in the building and reinforcement of the institutional and legislative capacity, in the assistance provided to the victims of the trafficking in human beings and to the illegal migrants, concerning their return home.

IOM also supports the scientific research in migration field and the introduction into the university curricula of a series of subjects specialized in this phenomenon (labour economics, law and policy, medicine, health policy, sociology, education sciences, etc.). It has come up with suggestions regarding the creation of a national center for migration research (to be founded by the Romanian Government in partnership with IOM, UNCHR and other international organizations) and faculties or sections for the inter-disciplinary study of the migration phenomenon, so as to build new expertise in public policies, social assistance, human resources and migration management.

Conclusively, IOM considers that with a careful thinking and proper management, the national migration policy may become a major catalyst, able to enhance a new economic prosperity in Romania (IOM, 2004).

CHAPTER 4. THE EFFECTS OF ROMANIA'S ACCESSION TO EU UPON THE IMMIGRATION FLOWS

4.1. The migration flows that cross Romania. Main features

At the worldwide level, it is estimated that during the next 15 years the main migration flows will follow three main directions:

- the migration towards the United States of America and Canada, mainly from Latin America, Central America and Asia;
- the migration towards Europe, with its main source in North Africa, Middle East, Asia, the ex-communist countries in Eastern Europe and Eurasia;
- the migration flows between the developing countries (usually from the less to the more developed ones), in the areas of South America, Sub-Saharan Africa, Middle East, Asia, the area of the Pacific, the ex-communist countries.

Related to the last two directions, it can be mentioned that they will definitely imply also Romania, but it will be much more difficult to estimate their amplex, direction and their intensity.

As immigration country, during its history Romania has been subject to the arrival of different flows of foreign population. Of course, these processes have not lack in critical moments (see the migration flows that periodically transited Romania during the feudal era.) But in the end, to the extent in which the new-comers did not leave for farther destinations, they have been relatively well integrated in the social and economical local environment, without creating major dissensions and bringing their own contribution to the national culture.

Broadly speaking, during the second half of the XXth century such events were almost inexistent, and the few exceptions were of little amplitude, mainly as a consequence of the restrictive state politics, but also as a consequence of the international context of the time. But after 1990, the immigration flows have (re-)started to consider Romania a destination country. It is true that, due to their amplex, definitely inferior to that of the emigration, they did not constitute a reason of concern.

Within our assessment, in the beginning we shall make reference to the permanent immigration. In 1991 (the first year when the national statistics registered such data) the number of permanent immigrants amounted to 1602 persons, and the subsequent tendency was that of increase, with certain fluctuations from one year to another. Between 1991-2002, the highest number of immigrants was registered in 1998 (11907 people, meaning 80.4 % more people by comparison with the previous year and 7.4 times the value of 1991). Between 1999-2001, the immigration was settled to an approximate annual quota of 10000-11000 people, in 2002 a new reduction in the number of immigrants was established (a difference of 36.4 percentage points less in comparison to the previous year), up to 6582 persons, a number that remains to a quota definitely superior to that of the year when the statistic registration of this phenomenon was initiated (4.1 times bigger.)

The gender structure of the permanent immigration was subject to important variations from one year to another, during the analysed interval (Table no. 4, Chart no. 4).

Although initially (in 1991) the number of women was overwhelming (63.7%, in comparison with 36,3%, the percentage corresponding to the number of men), this characteristic was

subsequently no longer valid, and male immigration became and continued to be of majority during all the other years of the interval 1991-2002. The lowest percentage of women from the total number of immigrants was registered in 1996 (35.7 %), when men represented 64.3% of the total number. But it can be appreciated that the gender distribution of the immigrant flows was generally a well-balanced one, as during the whole period women represented 46.7% of the total and men represented 53.3%.

Table no. 4. Level and gender/age structures of immigrants' flows between 1991-2002

Year (period)	Total number of immigrants	From the total no., classification by gender		Classification on large groups of ages, from the total number		
		Men	Women	Under the age of 25	26-50	51 and over
persons						
1991	1602	581	1021	501	798	303
1992	1753	1028	725	295	937	521
1993	1269	747	522	339	685	245
1994	878	533	345	249	488	141
1995	4458	2590	1868	1316	2455	687
1996	2053	1321	732	552	1202	299
1997	6600	3894	2706	2213	3545	842
1998	11907	6325	5582	3684	6453	1770
1999	10078	5185	4893	3269	5211	1598
2000	11024	5612	5412	3636	5605	1783
2001	10350	5304	5046	3594	5231	1525
2002	6582	3414	3168	2176	3569	837
1991-2002	68554	36534	32020	21824	36179	10551
The structure (percentages)						
1991	100.0	36.3	63.7	31.3	49.8	18.9
1992	100.0	58.6	41.4	16.8	53.5	29.7
1993	100.0	58.9	41.1	26.7	54.0	19.3
1994	100.0	60.7	39.3	28.4	55.6	16.1
1995	100.0	58.1	41.9	29.5	55.1	15.4
1996	100.0	64.3	35.7	26.9	58.5	14.6
1997	100.0	59.0	41.0	33.5	53.7	12.8
1998	100.0	53.1	46.9	30.9	54.2	14.9
1999	100.0	51.4	48.6	32.4	51.7	15.9
2000	100.0	50.9	49.1	33.0	50.8	16.2
2001	100.0	51.2	48.8	34.7	50.5	14.7
2002	100.0	51.9	48.1	33.1	54.2	12.7
1991-2002	100.0	5.3	46.7	31.8	52.8	15.4

Source: calculated according to the N.I.S. data

The newcomers are generally adult and young persons, with high potentialities of self-integrating on the labour market (Chart no. 5). The percentage of persons older than 51 from the total number of immigrants exceeded 20% solely in 1992 and during the whole interval between 1991-2002 was of 15.4%. Young people under 25 represented between 17%-35% of the total number of immigrants and in recent years their number seems to have been settled to 32-34%. The most important sector of immigrant population was represented by people of ages between 26-50. This category, who is of greatest interest for the domestic labour market, registered total percentages of 50%-59%.

Cumulatively, during the whole interval comprised between 1991-2002, the persons younger than 50 and those who were 50 represented 84.6% of the number of immigrants who have arrived in Romania.

Chart no. 4

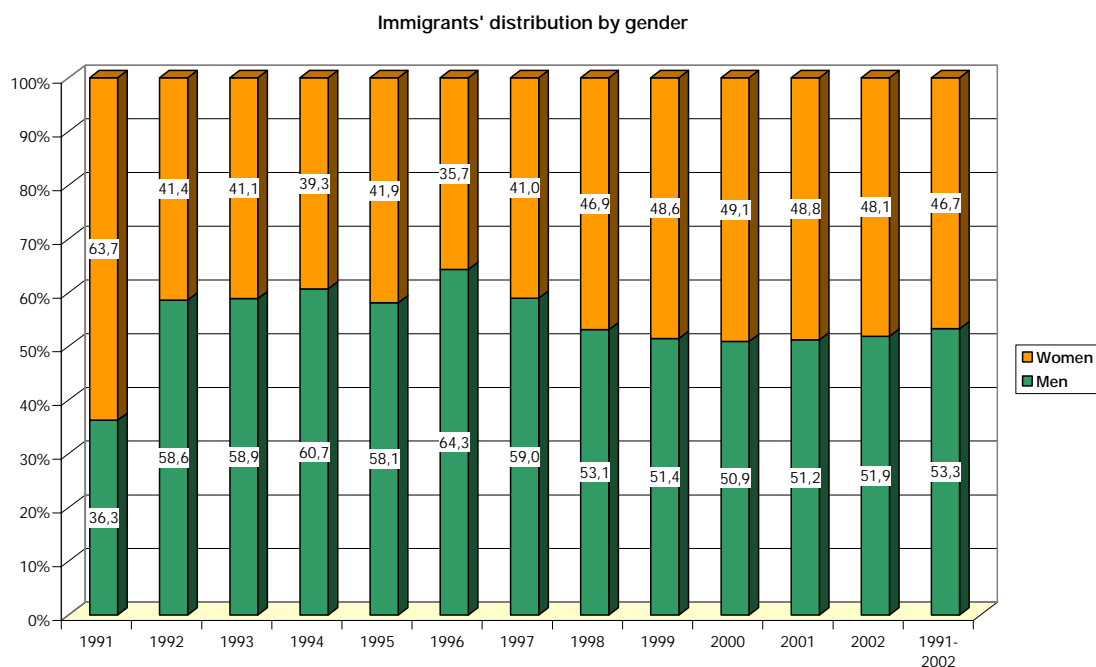
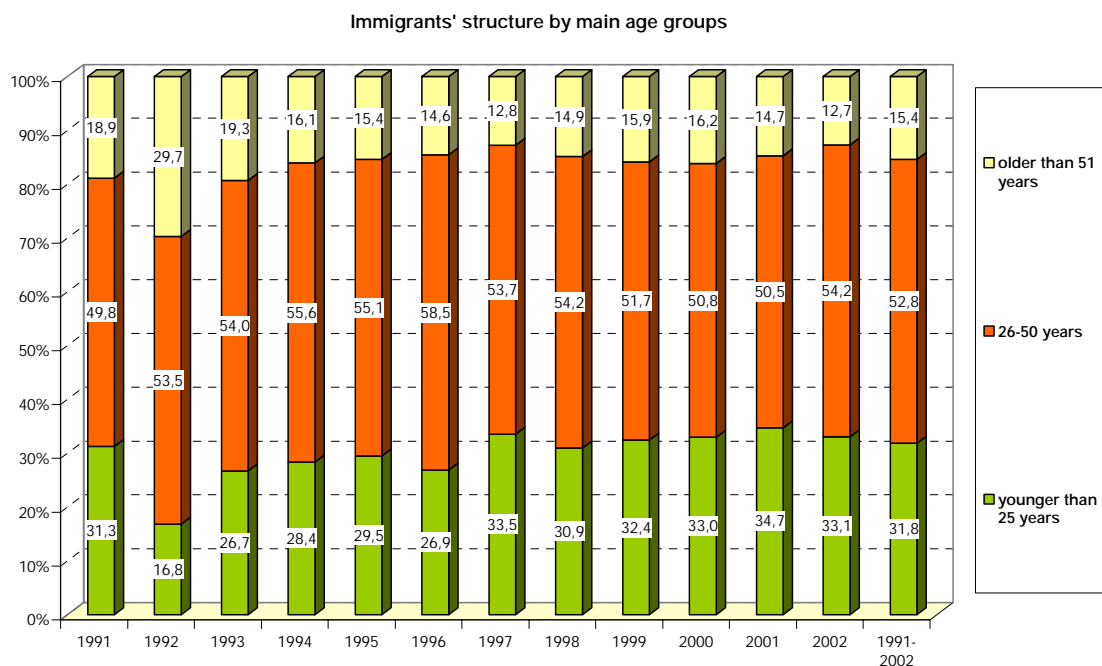


Chart no. 5



According to the available data, the immigrants' countries of origin are mainly from the European continent (Table no.5, Chart nos. 6 and 7). Out of the total number of those who arrived in 1994, most of them were natives of Germany (228 persons, respectively 26%) Austria (121

persons, respectively 13,8%), France and USA (79-80 persons from each of them, respectively 9%), Moldova (62 persons, 7.1%), Hungary (60 persons, 6.8%) and Israel (31 persons, 3.5%). That year, the immigrants from other countries represented 24.7% of the total.

Starting with 1995, the Republic of Moldova is the main source country of Romanian immigration, and subsequent to 1997, its share has represented more than 75% of the total number.

Chart no. 6

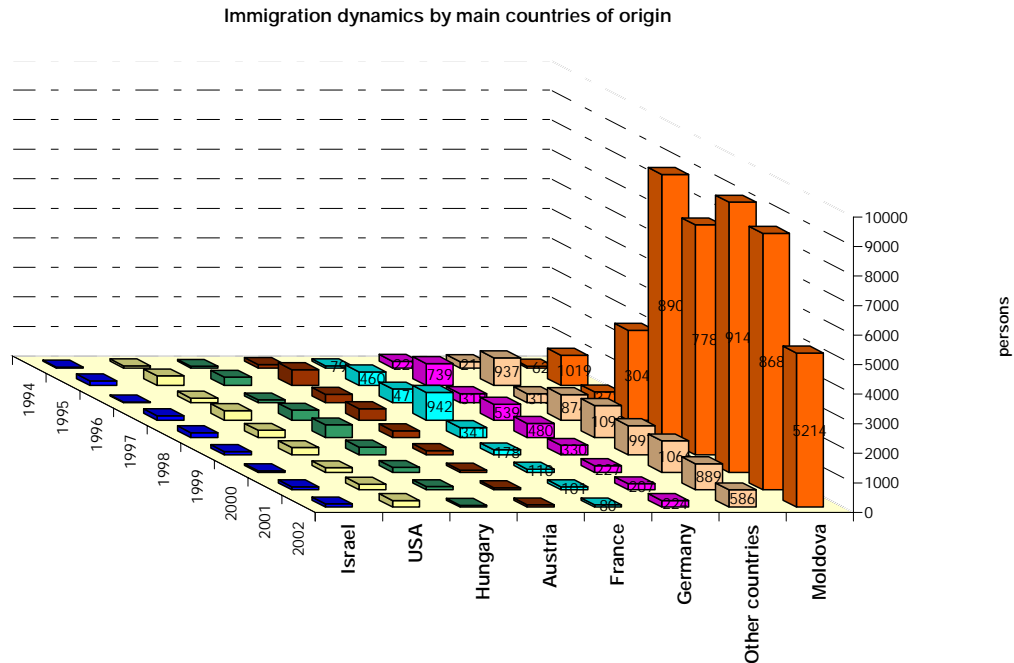


Chart no. 7

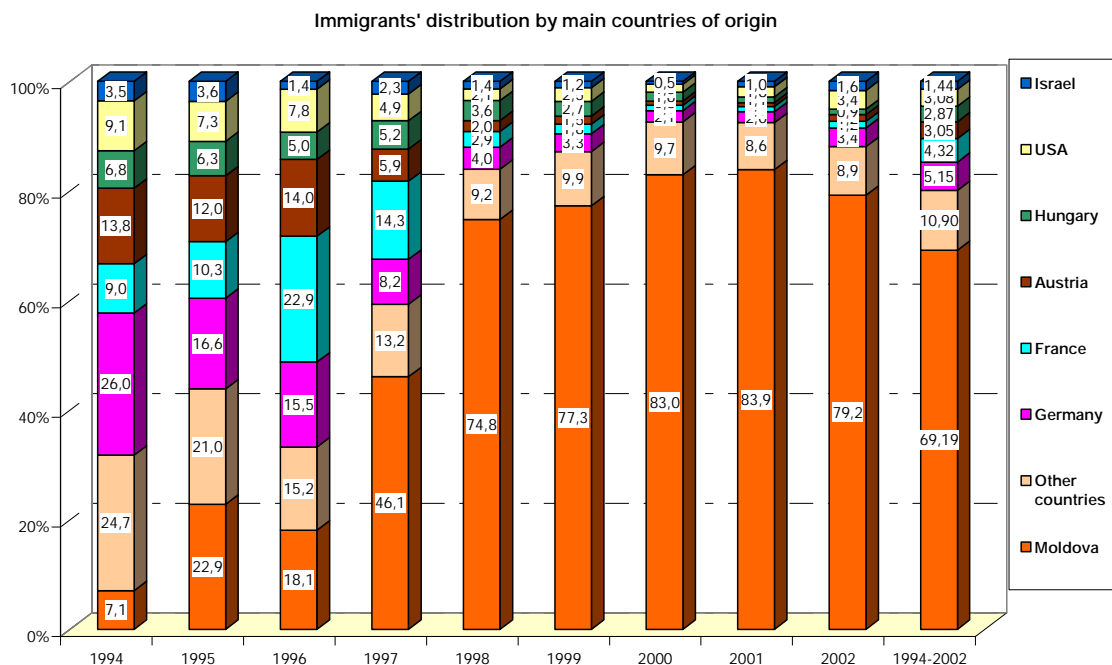


Table no. 5. The number and the structure of the immigrants by country of origin, in the interval 1994-2002

Period	Total	Moldova	Germany	France	USA	Austria	Hungary	Israel	Other countries
Persons									
1994	878	62	228	79	80	121	60	31	217
1995	4458	1019	739	460	325	536	280	162	937
1996	2053	372	318	471	161	288	102	29	312
1997	6600	3044	539	942	324	387	340	150	874
1998	11907	8908	480	341	252	235	434	164	1093
1999	10078	7789	330	178	248	147	272	117	997
2000	11024	9146	227	110	161	84	173	57	1066
2001	10350	8682	207	101	191	68	111	101	889
2002	6582	5214	224	80	227	81	62	108	586
1994-2002	63930	44236	3292	2762	1969	1947	1834	919	6971
Structure (percentages)									
1994	100.0	7.1	26.0	9.0	9.1	13.8	6.8	3.5	24.7
1995	100.0	22.9	16.6	10.3	7.3	12.0	6.3	3.6	21.0
1996	100.0	18.1	15.5	22.9	7.8	14.0	5.0	1.4	15.2
1997	100.0	46.1	8.2	14.3	4.9	5.9	5.2	2.3	13.2
1998	100.0	74.8	4.0	2.9	2.1	2.0	3.6	1.4	9.2
1999	100.0	77.3	3.3	1.8	2.5	1.5	2.7	1.2	9.9
2000	100.0	83.0	2.1	1.0	1.5	0.8	1.6	0.5	9.7
2001	100.0	83.9	2.0	1.0	1.8	0.7	1.1	1.0	8.6
2002	100.0	79.2	3.4	1.2	3.4	1.2	0.9	1.6	8.9
1994-2002	100.0	69.2	5.1	4.3	3.1	3.0	2.9	1.4	10.9

Source: Calculated according to N.I.S. data

Except for this country, during the first half of the interval taken into discussion, relevant shares (more than 10%) were those of Germany, France and Austria in 1995 and 1996, and in 1997 only France remained in this category. After 1998, no other countries have brought an important contribution to the supplying of the immigration towards Romania.

During the whole interval 1994-2002, 69.2% of the immigrants were from the Republic of Moldova, 5.1% from Germany, 4.3% from France, between 3.1%-2.9% from USA, Austria and Hungary, 1.4% from Israel, and 10.9% from other countries.

Bucharest was the main destination of the immigrants (Table no. 6, Chart no. 8 and no. 9). In each of the years taken into consideration, at least 28% (1997) and maximum 53% (1999) of them went to the capital (on the whole period 1992-2002, over 41% of the immigrants).

The north-eastern region comes second as a favourite destination, since 18.2% of the total number of immigrants who arrived during the same period have chosen that area. In 2001, this region occupied the first place (36.3%), outrunning Bucharest. The north-western region comes third as a preferred area (11.04% of those who arrived during 1992-2002).

Initially, the second position was occupied by the western region, which had succeeded in attracting over one quarter of the total in 1994 but, as the characteristics of immigration changed, (by the fact that the number and the proportion of the newcomers from West-European countries reduced and the immigration from the Republic of Moldova increased to a larger extent), this region has come to occupy the last but one position in 2002 (5.58%). During the whole interval this region placed itself on the fourth position (10.07%).

Chart no. 8

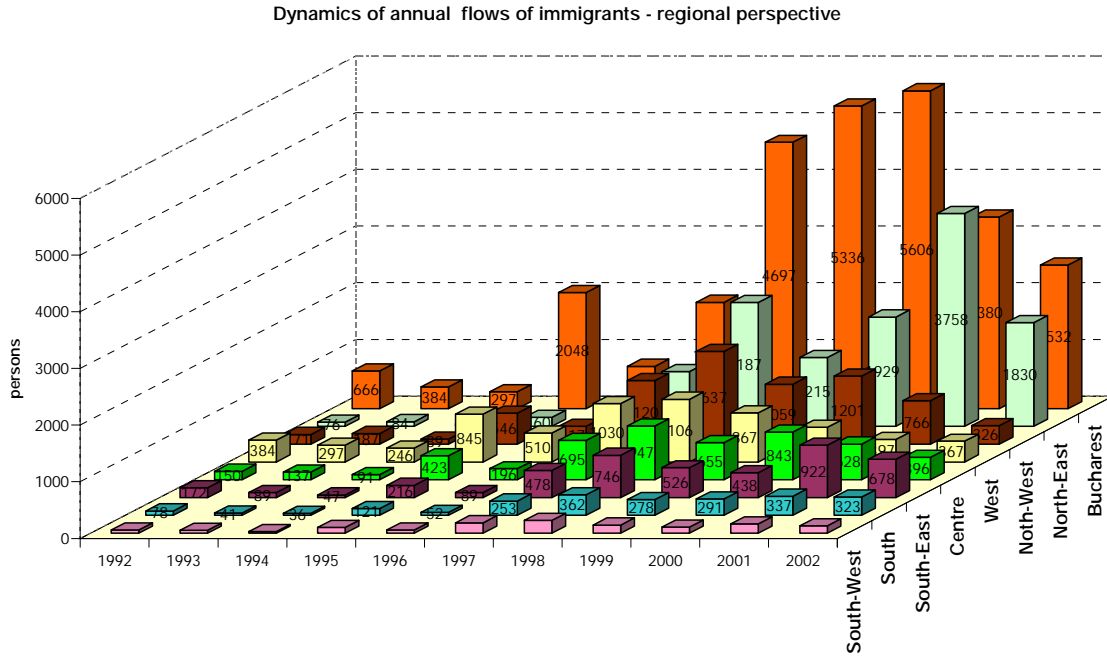
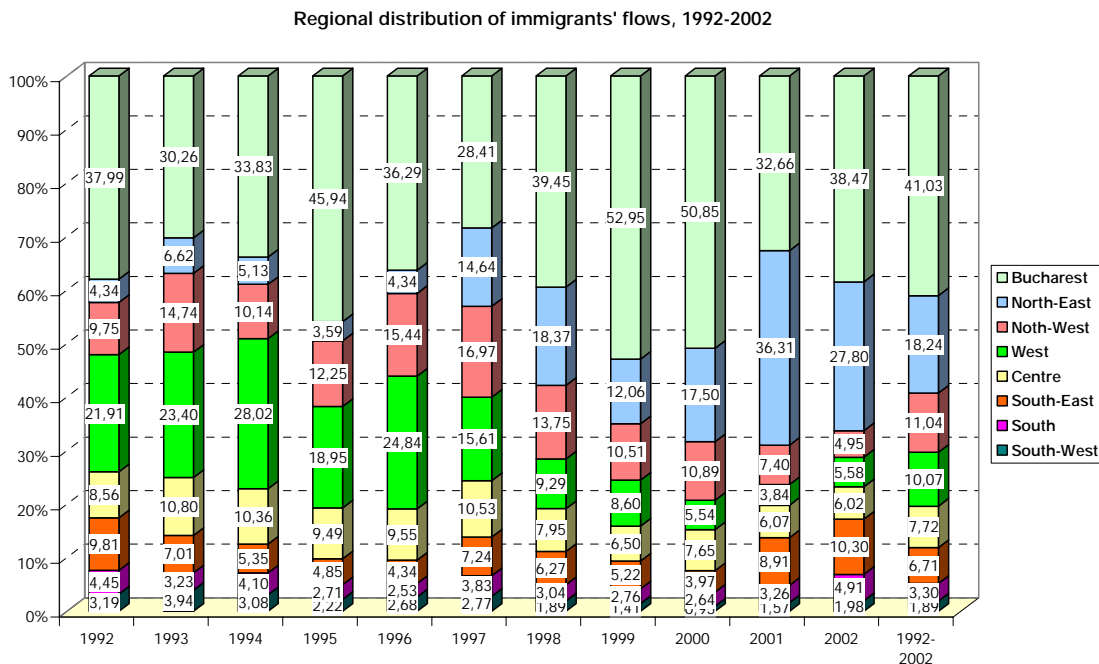


Chart no. 9



The fifth position is occupied by the south-eastern region, which has received 6.71% of the cumulated total of the emigrants, its proportion presenting a slight tendency of increase towards the ending of the interval.

The south and south-western regions have been least affected by the flows of migrants who have come to Romania.

Table no. 6. Level and structure of immigrants' flows during 1992-2002, by destination area

	Immigrants (persons)											
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	1992-2002
Total	1753	1269	878	4458	2053	6600	11907	10078	11024	10350	6582	68554
North-East	76	84	45	160	89	966	2187	1215	1929	3758	1830	12503
South-East	172	89	47	216	89	478	746	526	438	922	678	4597
South	78	41	36	121	52	253	362	278	291	337	323	2262
South -West	56	50	27	99	55	183	225	142	105	162	130	1298
West	384	297	246	845	510	1030	1106	867	611	397	367	6905
North-West	171	187	89	546	317	1120	1637	1059	1201	766	326	7568
Centre	150	137	91	423	196	695	947	655	843	628	396	5292
Bucharest	666	384	297	2048	745	1875	4697	5336	5606	3380	2532	28129
	Structure (total Romania = 100)											
	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
North-East	4.34	6.62	5.13	3.59	4.34	14.64	18.37	12.06	17.50	36.31	27.80	18.24
South -East	9.81	7.01	5.35	4.85	4.34	7.24	6.27	5.22	3.97	8.91	10.30	6.71
South	4.45	3.23	4.10	2.71	2.53	3.83	3.04	2.76	2.64	3.26	4.91	3.30
South -West	3.19	3.94	3.08	2.22	2.68	2.77	1.89	1.41	0.95	1.57	1.98	1.89
West	21.91	23.40	28.02	18.95	24.84	15.61	9.29	8.60	5.54	3.84	5.58	10.07
North-West	9.75	14.74	10.14	12.25	15.44	16.97	13.75	10.51	10.89	7.40	4.95	11.04
Centre	8.56	10.80	10.36	9.49	9.55	10.53	7.95	6.50	7.65	6.07	6.02	7.72
Bucharest	37.99	30.26	33.83	45.94	36.29	28.41	39.45	52.95	50.85	32.66	38.47	41.03

Source: calculated according to N.I.S. data

Only 20 of the country districts (approximately half of them) have concentrated over 90% of the cumulated total number of immigrants in the period 1992-2002 (Table no. 7). After Bucharest, the district with the highest proportion was Iasi (7.7%), followed by Timiș (4.9%) and Cluj (4.3). Percentages between 2.9%-2% have been registered in the districts of: Neamț, Suceava, Constanța, Brașov, Galați, Arad, Maramureș, Mureș and Bihor. Only seven other districts have received, each of them separately, more than 1% of the total number of immigrants (Bacău, Botoșani, Satu Mare, Caraș-Severin, Vaslui, Prahova, Sibiu), while the remaining 22 have got insignificant percentages.

Table no.7. The first 20 districts by immigrants' arrival during 1992-2002

Position in the chart	Districts	Total number of immigrants between 1992-2002 (persons)	Share on the whole country (percentages, total Romania = 100)
	Total Romania	68554	100.0
1	Municipal of Bucharest	27791	40.5
2	Iași	5263	7.7
3	Timiș	3368	4.9
4	Cluj	2914	4.3
5	Neamț	1955	2.9
6	Suceava	1944	2.8
7	Constanța	1833	2.7
8	Brașov	1754	2.6
9	Galați	1738	2.5
10	Arad	1614	2.4
11	Maramureș	1487	2.2
12	Mureș	1387	2.0
13	Bihor	1356	2.0
14	Bacău	1230	1.8
15	Botoșani	1092	1.6
16	Satu Mare	1090	1.6
17	Caraș-Severin	1086	1.6
18	Vaslui	1019	1.5
19	Prahova	964	1.4
20	Sibiu	913	1.3
	The rest of the other 22 districts	6756	9.9

Source: calculated on the basis of N.I.S. data

A special category of immigrants is represented by those who came under the incidence of the 1951 Geneva Convention regarding the refugees' statute. According to the data provided by the United Nations High Commissioner for Refugees this category of persons has been included in the official statistics since 1992 (Table no. 8 and Table no. 9).

Table no. 8. Refugees and asylum seekers in Romania

	persons										
	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Refugees	-	520	1,170	1,170	194	269	640	989	1,242	1,685	1,805
New asylum claims submitted	500	800	-	-	-	588	1,425	1,236	1,670	1,366	2,431
Admissions according to the 1951 Convention	-	-	-	-	-	78	80	175	253	85	83
Residence permits for humanitarian reasons	-	-	-	-	-	-	-	101	368	86	38
Rejected applications	-	-	-	-	-	521	214	2,300	1,648	1,271	2,232
Total number of solved cases	-	-	-	-	-	692	371	2,638	2,353	1,503	2,418
Unsolved cases at the end of the year	-	-	-	-	1,994	1,514	1,299	731	45	-	-
Share of admissions according to the 1951 Convention (%)	-	-	-	-	-	13.3	5.6	14.2	15.1	6.2	3.4
The total share of admissions (%)	-	-	-	-	-	11.3	21.6	10.5	26.4	11.4	5.0

Source: UNHCR, 2002

Table no. 9. Admissions of asylum applications during the 1992-2001 period in selected countries and regions

Country/region	New asylum claims submitted	Admissions according to the 1951 Convention	Favourable solutions for humanitarian reasons	Other cases of refugees' admission and of temporary protection	Total number of admitted persons	The ratio of asylum applications per one thousand inhabitants	The ratio of the admitted persons per one thousand inhabitants
- Europe	4,279,208	538,925	521,823	590,134	1,650,882	7.6	2.9
- Western Europe	4,065,016	509,619	515,606	589,635	1,614,860	10.5	4.2
- European Union 15	3,749,540	478,741	396,094	517,516	1,392,351	10.0	3.7
- Central Europe	153,467	7,480	6,073	444	13,997	1.6	0.1
Bulgaria	7,745	1,255	2,028	-	3,283	1.0	0.4
Czech Republic	48,106	1,302	-	-	1,302	4.7	0.1
Hungary	37,575	2,326	3,382	444	6,152	3.8	0.6
Poland	25,019	1,313	-	-	1,313	0.6	0.0
Romania	9,516	770	593	-	1,363	0.4	0.1
Share in Central Europe	6.2%	10.3%	9.8%	-	9.7%	-	-
Slovakia	13,275	510	-	-	510	2.5	0.1
Slovenia	12,231	4	70	-	74	6.2	0.0
-North America	1,155,310	275,746	-	1,029,983	1,305,729	3.7	4.2
- Australia/New Zealand	100,939	22,956	-	101,159	124,115	4.4	5.4

Source: UNHCR, 2002

Except for certain variations, the general tendency was that of increasing the number of refugees and, also, of those who apply for asylum in Romania, but at least up to the present moment, there have not been recorded numbers that should be considered alarming.

In 2001, a number of 1805 refugees were registered, while 2431 asylum applications were handed in. Out of the latter, only 83 have got a favourable solution according to the principles of the 1951 Geneva Convention (only 3.4% from the total) and other 38 persons were granted the residence permit on the basis of humanitarian reasons. The total share of favourable solutions was of 5% during the same year, and 2232 asylum applications were rejected.

By comparison with the previous years, the simple share and the total share of favourable solutions of such applications were significantly reduced (-9,9 percentage points, respectively - 6,3 percentage points compared to the year 1996, or -2,8 percentage points, respectively -6,4 percentage points by comparison to the previous year).

Between 1992-2001, comparatively to the group formed by seven countries of Central Europe (Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia), Romania was confronted with less problems related to the refugees (Table 6). This statement is based on the following observations:

- the number of asylum applications submitted in our country represented only 6.2% of the total;
- out of all the applications with favourable solutions in Central Europe, only 10.3% were issued by the Romanian state;
- out of all the residence permits for humanitarian reasons, 9.8% were granted by our country;
- the share of the asylum applications per one thousand inhabitants was of only 0.4‰ (the lowest), as against 1.6‰ in the other seven countries of Central Europe, 10‰ in the European Union, and 5.4‰, respectively 4.2‰ in Australia/New Zealand or North America.

It is difficult to explain this situation in which Romania has been and continues to be to a large extent avoided by the waves of refugees and asylum applicants, if we do not take into consideration as a main explanatory factor the economical downtrend, the sinuosity of the transition period, the general level of economic development, which was seriously damaged during the last decade and which, by rebound, made our country a less attractive target for migration even in cases of *force majeure* and even by comparison to neighbours that are in similar processes of transition¹⁵.

4.2. Foreign citizens registered in Romania, during the census of 1992 and 2002

It is important to emphasise the fact that permanent immigrants as they are mentioned by the national statistics represent only a part of the flows of population that have as a target a certain country. A complete, exhaustive and precise image over the migrating phenomenon in a country,

¹⁵ It is estimated that, in spite of the general economic recession, the main type of migration registered during the last decade among the countries with economies in transition was motivated by ethnic and political turmoil, while a significant part was that of conflicts, including armed conflicts in the area, in which even our closest neighbours were involved. Only the emigrants from Yugoslavia represented by themselves approximately 2 million persons between 1990-1998, but their main destination was the developed countries in Western Europe, especially Germany and Austria.

should it be the case either of entrances or exits, is an ideal desideratum, impossible to be accomplished both by analysts and by the persons with political power of decision. The studies regarding this domain operate with a multitude of dynamic and static indicators, that many times overlap or partially/totally converge towards the same conceptual category, but there does not exist the possibility to establish a total coincidence. As the current stage of development of the national statistics (even in the most developed countries) does not allow the quantification of all the aspects of real interest in this field, usually it became common to use a set of indicators and even different information sources.

We also considered useful to resort to census data, which, although are only providing a statical image, takes the advantage of supplying Charts of highest credibility. (But it has to be mentioned that even this statistic method considered unanimously to be the most viable, does not offer the guarantee of measuring a fundamental component of migration, meaning the *illegal* one.)

At the moment of the 2002 census, in Romania there were 27.910 foreign citizens (Table no. 10); 18.878 of them were men and 9032 were women; from the total, 20.738 persons had been registered in the country for more than 12 months, which allow us to consider them as *long-term immigrants*, according to the internationally accepted definition.

Table no. 10. Foreign citizens in Romania at the 2002 census, by country/area of citizenship (total number, distribution by gender and according to the duration of the stay)

Country/area of citizenship	Total			Out of the Total, according to the duration of their stay:		
	Both genders	Women	Men	Less than 3 months	3-11 months	12 months and more
Total	27910	9032	18878	4406	2766	20738
Countries from Europe, out of which:	14568	5488	9080	3430	2097	9041
-Countries of EU 15	8273	2165	6108	2475	502	5296
-Countries joining in 2004 (10)	612	290	322	250	52	310
-European countries outside of EU 25	5683	3033	2650	705	1543	3435
Countries from Asia	8944	2130	6814	379	288	8277
Countries from other continents	4398	1414	2984	597	381	3420

Source: Calculated according to the Population and Dwellings Census 2002, N.I.S.. Bucharest, 2003

Out of the total number of foreigners registered in Romania at that moment, more than half (52.2%) came from Europe (Table no. 11). EU citizens represented 29.6% of the total, citizens from the 10 newly joining countries only 2.2%, while the other countries in Europe (others than those of EU25) had a share of 20.4%.

An important share was that of citizens from certain Asian countries (32% of the total), while people from other continents (America, Africa and Oceania) represented together 15.8%.

Table no. 11. The distribution of foreign citizens registered in Romania at the 2002 census by country/area of citizenship (total number, by gender and the duration of their stay)

percentages (total Romania = 100)

Country/area of citizenship	Total foreign citizens			According to the duration of their stay:		
	Both genders	Women	Men	Less than 3 months	3-11 months	12 months and over
Total	100.0	100.0	100.0	100.0	100.0	100.0
Countries from Europe, out of which:	52.2	60.8	48.1	77.8	75.8	43.6
-Countries of EU 15	29.6	24.0	32.4	56.2	18.1	25.5
-Countries joining in 2004 (10)	2.2	3.2	1.7	5.7	1.9	1.5
-European countries outside of EU 25	20.4	33.6	14.0	16.0	55.8	16.6
Countries from Asia	32.0	23.6	36.1	8.6	10.4	39.9
Countries from other continents	15.8	15.7	15.8	13.5	13.8	16.5

Source: Calculated according to the Population and Dwellings Census 2002, N.I.S.. Bucharest, 2003

Out of the total number of foreigners, only 32.4% were females, the rest of 67.6% representing male population (Table no. 12). In the case of foreigners from the European Union and from Asia the gender structure is characterised by even bigger disparities, the male population representing three-quarters from the total. A more balanced gender distribution is established in the case of the citizens natives of the European countries outside the EU25, in whose case women represent the majority (53.4%), as well as for the 10 countries that adhere this year to the EU (a share of 47.4% of the number of women).

If generally the number of foreign citizens in Romania varies inversely proportional to the distance between our country and the country of citizenship, the duration of the stay seems to increase as the newcomer has to go a larger distance in order to travel from the native country to the current one. Thus, according to the duration of the stay, the most stable contingents were represented by the citizens of the Asian countries, who, at a rate of 92.5%, had been on the territory of Romania for a period of time longer than 12 months. From the same point of view, the second position was occupied by the citizens who were natives of other continents than Europe and Asia. Shorter periods of stay (up to three months) tend to characterise the foreigners who are natives of the countries that will adhere to EU in 2004 (40.8%), those from the current EU15 (29.9%) and, generally, the Europeans.

Still, valid for the total of the foreigners, a longer than 12 months stay can be noticed for approximately three quarters of them, fact that represents a possible signal that the intention to remain definitively on the territory of the country represents a variant to be taken into consideration, at least for a part of them.

Table no. 12. The classification by gender and according to the duration of stay for the flow of foreign citizens on the territory of Romania at the 2002 census (total number and according to the countries/areas of citizenship)

percentages (total area of citizenship = 100)

Country/area of citizenship	Total	Out of which, according to gender		Out of which, according to the duration of their stay:		
		Women	Men	Less than 3 months	3-11 months	12 months and more
Total	100.0	32.4	67.6	15.8	9.9	74.3
Countries from Europe, out of which:	100.0	37.7	62.3	23.5	14.4	62.1
-Countries of EU 15	100.0	26.2	73.8	29.9	6.1	64.0
-Countries that adhere in 2004 (10)	100.0	47.4	52.6	40.8	8.5	50.7
-European countries outside of EU	100.0	53.4	46.6	12.4	27.2	60.4
25						
Countries from Asia	100.0	23.8	76.2	4.2	3.2	92.5
Countries from other continents	100.0	32.2	67.8	13.6	8.7	77.8

Source: Calculated on the basis of the data of the Population and Dwellings Census 2002, N.I.S., Bucharest, 2003

As far as localization by area (rural/urban) is concerned, the great majority of the foreigners is concentrated in the urban area, regardless of their country/area of origin, gender or the duration of stay. On the whole, 91.8% were in the urban area and only 8.2 in the rural one. The lowest number in rural areas is that of citizens coming from Asia (3%), continents other than Europe and Asia (5.3%) and the European Union (8.8%). A preference higher than the average for the rural environment (but still of little importance) is manifested by the foreign citizens from countries of Europe that are not EU members (17%) and from the other 10 countries that have recently joined EU (14.4%).

The highest share of citizens who have settled down in villages is shown in the case of those coming from the newly admitted 10 EU member-countries, who are supposed to stay for 3-11 months (36.5%), as well as in the case of citizens of European countries outside the area of EU enlargement and who reside in Romania for more than 12 months (20.3%).

By comparison to the 1992 census (when there had already passed two years of transition to the market economy and the travelling of people was no longer subject to the restrictions specific to the previous political regime), the number of the foreign citizens present on the territory of the country was in 2002 higher with approximately 25.000 persons in absolute terms and in relative terms by 9.4 times (Table no. 14). Therefore it can be asserted that, during 10 years, Romania has become a much more interesting destination for the citizens of other countries (on the purpose of business, studies and on other purposes); in addition to this, taking into consideration that the great majority of these people have been resided here for a period of time longer than 12 months, the characteristics of immigration country are becoming more and more clear.

Table no. 13. Rural/urban distribution of foreign citizens in Romania at the 2002 census (total, according to gender, duration of their stay and according to the countries/areas of citizenship)

percentages (both areas = 100)

Country/area of citizenship	Total, both genders		Total, women		Total, men		Residing less than three months		Residing between 3-11 months		Residing more than 12 months	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Total	91.8	8.2	88.6	11.4	93.4	6.6	94.0	6.0	88.0	12.0	91.9	8.1
Countries from Europe, out of which:	87.8	12.2	83.5	16.5	90.4	9.6	93.3	6.7	85.6	14.4	86.2	13.8
-Countries of EU 15	91.2	8.8	89.8	10.2	91.7	8.3	94.3	5.7	84.9	15.1	90.4	9.6
-Countries joining in 2004 (10)	85.6	14.4	84.5	15.5	86.6	13.4	88.4	11.6	63.5	36.5	87.1	12.9
-European countries outside of EU 25	83.0	17.0	78.9	21.1	87.8	12.2	91.3	8.7	86.6	13.4	79.7	20.3
Countries from Asia	97.0	3.0	98.7	1.3	96.4	3.6	96.8	3.2	95.5	4.5	97.0	3.0
Countries from other continents	94.7	5.3	93.3	6.7	95.4	4.6	96.1	3.9	95.3	4.7	94.4	5.6

Source: Calculated according the 2002 Population and Dwellings Census, N.I.S., Bucharest, 2003

It can be noticed that the foreigners coming from Europe on one hand and those who are not Europeans on the other hand, increase closely in number, although the first category holds the first position (+13079 persons, comparatively to 11992 persons). From the same point of view, the countries that are members of UE15 outrun in number the non-members and the 10 newly joining ones.

In relative terms, the highest increase was that of foreign citizens coming from EU15, whose number has increased over 19 times, while the 10 joining countries hold the opposite position, after having increased their number by „only” 1.6 times.

Table no. 14. The dynamics of the foreign citizens between the census in 1992 and the one in 2002 (total and by country/area of citizenship)

Country/area of citizenship	1992 (persons)	2002 (persons)	Differences (persons)	Index of increase (percentages, 1992 = 100)
	2959	27910	24951	943.2
Total	1499	14568	13079	971.8
Countries from Europe, out of which:	433	8273	7840	1910.6
-Countries of EU 15	375	612	237	163.2
-Countries joining in 2004 (10)	691	5683	4992	822.4
-European countries outside of EU 25	1450	13342	11992	920.1
Countries from Asia				
Countries from other continents				

Source: Calculated according to the 2002 Population and Dwellings Census, N.I.S., Bucharest, 2003 and the 1992 Population and Dwellings Census, N.I.S., Bucharest, 1994

Although a thorough observation for all source countries could not be performed (for some of them, e.g. the Republic of Moldova, the census in 1992 does not supply any information), it can be noticed that the presence of foreigners in Romania has increased mainly in the case of the citizens from Germany (147.3 times), from the United Kingdom (81.3 times), Netherlands (61.5 times), Italy (3.6 times), etc.

At the 2002 census, in both absolute and relative terms, the most significant presence in Romania was registered by the persons who were citizens of the Republic of Moldova (3576 persons, respectively 12.8% of the total number of the foreigners), followed by those from Italy (2378 persons, respectively 8.5%), Turkey (2344 persons - 8.4%), China (1943 persons - 7%), Germany (1767 - 6.3%), Greece (1681 persons - 6%), Syria (1180 persons - 4.2%), USA (1129 persons - 4%), while the other countries registered less than 3% each.

As compared to census data, the data supplied by the Ministry of Administration and Interior led to more important assessments. Thus, in the course of the same year (2002), a number of 72859 foreigners (44949 more) were registered in the evidence kept by the Authority for Foreign People. Twenty-four per cent of them were natives of the countries of the European Union (see Chart no.10)

Table no. 15. Foreign citizens residing in Romania at the 1992 and 2002 census (selectively – by country of origin)

The country of origin	1992 (persons)	2002 (persons)	Index, 1992=100 (percentages)	Differences (persons)
Germany	12	1767	14,725.0	1755
United Kingdom	7	569	8,128.6	562
Netherlands	4	246	6,150.0	242
Portugal	1	42	4,200.0	41
Spain	4	155	3,875.0	151
Italy	66	2378	3,603.0	2312
Belgium	5	146	2,920.0	141
France	29	806	2,779.3	777
Denmark	2	41	2,050.0	39
Austria	14	225	1,607.1	211
Sweden	11	150	1,363.6	139
Total number of foreign citizens	2959	27910	943.2	24951
Albania	25	226	904.0	201
Greece	278	1681	604.7	1403
Bulgaria	92	215	233.7	123
Poland	47	96	204.3	49
Hungary	296	417	140.9	121

Source: Calculated according to the 2002 Population and Dwellings Census, N.I.S., Bucharest, 2003 and the 1992 Population and Dwellings Census, N.I.S., Bucharest, 1994

Between 2000-2003, the number of foreign citizens who were registered in the evidence kept by the Authority for Foreign People reduced to less than a half (from 104682 people to 44760 people), the share of those natives of UE15 decreasing from 27% to 23%.

However there can be noticed an increase in the number of people who were not allowed to enter the country, from 62135 in 2001, to 80729 people in 2002, respectively 80332 persons in 2003 (see Chart no. 11), as main consequence of implementing the new specific legislation, as well as a consequence of strengthening customs and border control measures.

As a reason for this interdiction, the most important is the lack of means of subsistence of the applicants (40% in 2002, 57% in 2003), issues related to customs regulations (33.1% in 2002, 27.1% in 2003) and the possession of fake or non-corresponding travel documents (14.6%, respectively 8%).

By rank of importance, most of them were natives of Hungary (33%), the Republic of Moldova (25%), Serbia (18%), Ukraine (6.8%), Bulgaria (6.3%), Turkey (3%), Macedonia (0.4%), the Russian Federation (0.2%), Syria (0.1%) etc.

Also, 4038 foreign citizens were forbidden to leave Romania, almost for the same reasons for which permits for entering the country were not granted. In this case, the countries of origin were the Republic of Moldova (35.5%), Bulgaria (9.6%), Turkey (8.9%), Ukraine (6.3%), Hungary (4.4%), Serbia (3.1%), Poland (2.6%) etc.

Chart no. 10

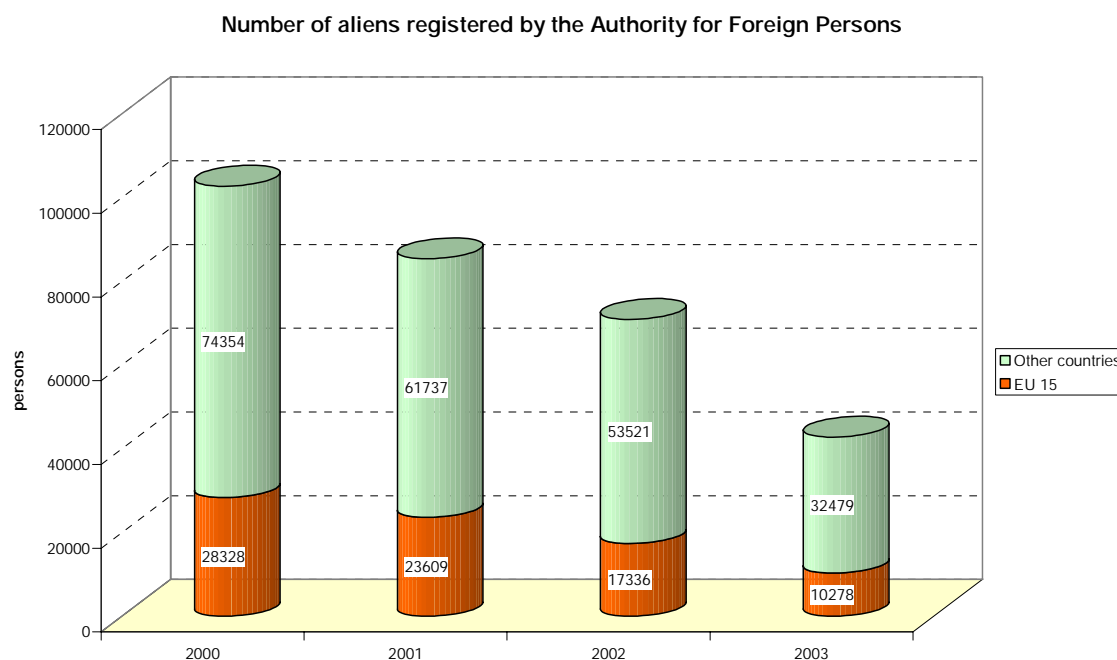
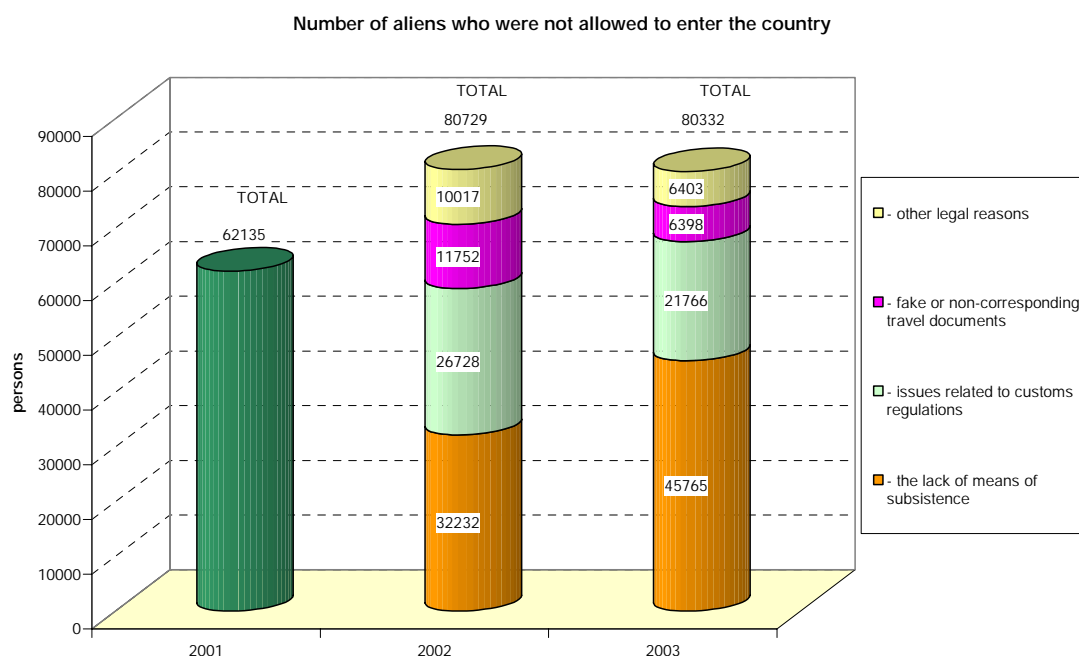


Chart no. 11



Apart from these, by intensified border police control, 2469 persons in 2002, respectively 790 persons in 2003 were apprehended when trying to cross the *green border* illegally (in or out), conducted by 147, respectively 109 guides/transporters.

According to assessments made the Ministry of Administration and Interior, the channels and the routes of illegal migration are subject to a continuous process of adaptation and diversification,

including also some „hidden” methods, legal migration being combined with illegal migration and other criminal phenomena.

Also, as forthcoming event, after the 10 new states will join the EU, it is predicted that a new kind of illegal immigration will occur, meaning that different citizens on the territory of the previously mentioned countries (especially on the territory of Hungary), who are included in the EU police data bases, will try to illegally cross the border to Romania.

Regarding the preparation of the *foreign mafia members* who perform activities on the territory of Romania the report of the General Inspectorate of Border Police within MAI presents the following *situation concerning their specialization in committing illegal action at the frontier*: *the Chinese* – crossing currency over the border, illegal migration; *the Iraqis* – illegal migration; *the Turkish* – illegal migration, crossing currency over the border, drug trade, poaching; *the Bulgarians* – illegal migration, contraband, poaching; *the Ukrainians* – illegal migration, prostitution, armament and munitions trade; *the Russians* – illegal migration, car, armament and munitions trade, guides for prostitution; *the Italians* – car, armament and munitions trade, guides for prostitution; *the Serbians* – guides for illegal migration and prostitution, car trade; *the Iranians* – illegal migration, drug trade; *the Moldavians* – illegal migration, prostitution, cigarette trade, smuggling goods, drug trade; *the Columbians* – illegal migration; *the Syrians* – illegal migration, crossing currency over the border; *the Poles* – drug trade; *the Hungarians* – contraband (especially with petrol), illegal persons trade; *the Romanians* – illegal migration, prostitution and mendicancy, contraband, stolen car trade, drug trade, poaching.

A good management of trans-border crime requires the continuation of the efforts that are made by the Romanian Border Police in its domain of interest in order to fulfil the objectives of Romania's join to EU, objectives that have in view: to conform the national legislation in the frontier management and control to the requests of the “*acquis communautaire*”, the increase of the institutional capacity of border control and management, asylum and migration, staff training in accordance with the new legislation, the prevention and control of the transborder transgression process, especially the illegal migration, the consolidation of the control of the arrivals and transits on the international Romanian airports, the regulation of the juridical situations of collaboration at the frontier with the neighbour states, the development of the legislation regarding visas policy, the fight against corruption among their own staff.

4.3. Immigration perspectives in Romania

According to the examinations that have been made up to now, we can affirm that, at least for the time being, Romania is not confronted with major problems as far as immigrants, refugees and the people of foreign citizenship are concerned. This assertion is valid both in comparison to the developed countries, which have been and will always be the main destination of such migratory flows, but even in comparison with other countries that have been subject to similar transition processes and that have similar geo-political positions.

Unlike repatriation, that constituted the main component of the permanent legal immigration, the main motivation of illegal immigration is the intention of transit, having as destination one of the developed countries in Western Europe. But there are enough reasons to conclude that it will no longer be possible to consider the problem of Romania-heading immigration as a collateral, unimportant one:

- Romania's accession to the European Union will end up, sooner or later, in lowering the still important gap against the developed economies, as far as living standard is concerned; but

automatically the difference from the less developed countries will increase, so that this fundamental type of “*push factor*”, that up until now has proved to be an inhibitor factor, will definitely squeeze action;

- even in the current conditions, in recent years, only the legal part of the immigration has almost managed to equalize or to exceed (in 2001) the one of the emigration (also legal);

- the information offered by the Ministry of Administration and Interior leads to the conclusion that, in the absence of an adequate border security, the number of the permanent and/or transitory immigrants in Romania would have been much larger than the one actually registered (up to 7-8 times bigger, taking into account the number of persons returned from the frontier, cross passing illegally etc.);

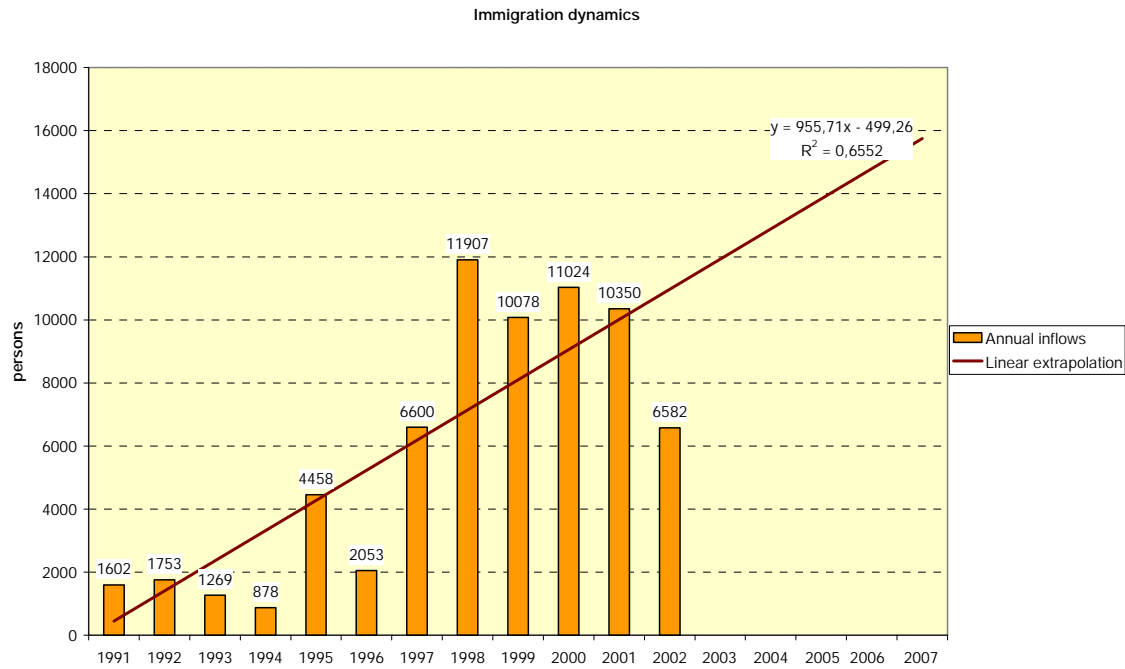
- Romania will have to assume the role of eastern frontier of the European Union; it is well-known the fact that, at the world-wide level, at least from the demographical point of view, but also considering the economic distress, Asia is considered the major migratory reservoir of the 21st century, and we are connected to this continent by a green frontier, relatively easy to penetrate, where flexible routes of legal/illegal migration, able to adapt to the changing environment, have already been established.

As this represents a relatively new phenomenon in our country, the extrapolations (based on few years of examination), can not be sufficiently and coherently justified in methodological-scientific terms, especially because generally, the migratory flows have got a stabile, predictable side only to a small extent, and they show by definition a great sensitiveness to the modifications of the political, economical, geo-strategic environment at local, regional or world-wide level.

That is exactly why we consider that the results obtained by the simple extrapolation of the previous situation (Chart 12) using a linear regression can be regarded exclusively as a mental exercise, which should offer a minimum starting point basis for the substantiation of a national policy in the immigration field. Although it does not claim to be a prediction with real chances of being put into practice, the tendency of the legal immigrants to increase in number established in the last 10-14 years – which, if maintained in a linear way would lead to approximately 15.000-18.000 immigrants annually by the year 2007-2010 – should warn the authorities regarding the necessary measures that should be taken in order not to come to crisis situations, should they be taken by surprise. We take into account both the measures of strategic kind – national and international policy – modifications and adaptations in the legislative-institutional field, and improvements and developments of the infrastructure capable to reject or, on the contrary, to adequately receive and administrate these flows. We must not disregard both the demographic aspect and the psycho-social one, which are implied by the newcomers’ integration in the Romanian society, and we also consider that evaluating as precisely as possible the implications in the economical field of such a phenomenon is of extreme importance in this context.

As border country of the future European Union, Romania will take over the role of buffer zone in front of the waves of persons who want to enter the EU territory, especially those who use terrestrial means of transport. Also, after the accession, an essential issue will become the way in which the community level migration policy will be synchronized. For example, the 1990 Dublin Convention, completed by the Council Regulation no. 343/2003, establishes the criteria and the mechanism of establishing the “*responsible state*” regarding the solving of the asylum applications handed in by the citizens of some third countries.

Chart no. 12



In conformity with these, when is proved that an asylum seeker has illegally passed the frontier to enter on the EU territory, the „responsible state” for solving his or hers application is the one on whose territory the trespassing took place¹⁶, even if the asylum application is handed in to another member state. In this situation, the applicant is in the care of the responsible state, which is obliged to receive him once more and to grant him the necessary assistance and solve the case.

From this point of view, the main goal of the immigration policy has to be, in addition to strengthening border security, also to best adapt policy regulations in this field, both the internal ones (restrictive conditions for granting visas, bilateral and international agreements with the main source countries etc.), and the EU-level ones (harmonising EU migration policy, the negotiating certain special conditions for border countries, such as Romania, sharing the financial and logistic effort in providing security of the borders and solving of the asylum applications, the common administration of the refugees’ problem etc.), in order not to come to the situation in which Romania, as a border state, should be forced to provide by itself a great part of the illegal immigrants afflux who try to enter the EU territory.

At present, it is appreciated that the world-wide flow of migrants varies between 5-10 million persons annually, including both the legal and the illegal parts of the migration (Table no. 16). Only a part from the number of this flow has as destination the developed countries. In 1965, their share was of 36.5%, in 1990 of 43.4% and in 2000 40%. If we consider that these characteristics will remain the same in the future, the result is that the developed countries of the world can expect to receive further on a significant number of immigrants, comprised between

¹⁶ In Germany, for example, in a period when this country provided also the role of external border for EU, the number of those apprehended when crossing illegally the frontier varied between 54,298 persons in 1993, 27,024 persons in 1996, respectively 40,201 persons in 1998.

1.8-4 million of persons annually (we excluded from our calculations the share registered in 1990, because subsequently significant modifications took place in the migration regulations in the majority of the receiving countries, especially in EU, which strongly influenced both the illegal and especially the legal part of immigration).

Not all emigrants will go towards the European Union. To assess, even approximately, what their number will be, we can use two reference points:

- on one hand, as a limit that can be considered *maximum*, a share of 50% in the framework of the developed countries (taking into consideration that, in the total of the arrivals of foreigners in OCDE countries, EU25' share was 45.8% in the period 1990-1994, 39.9% in the period 1995-1999, respectively 43% in 2000);
- on the other hand, as a *minimum limit*, the current share of Europe in the world-wide stock of migrants, which in 2000 was of 32.1%.

By combining the previous assumptions, there would result an annual afflux of immigrants (legal and illegal) in the European Union of 0.6-2 million persons, numbers that do not contradict the different national and/or international estimates in this field.

We hereunder presume that, during the next years, these Charts will not be significantly modified. Concomitantly to Romania's join to the European Union, a part of those who choose this destination will cross our country's border in order to enter EU. If, as the legal part of immigrants is concerned, it is most likely that the overwhelming majority should choose one of the economically developed member countries, the illegal part will automatically come under our country's responsibility. It is extremely difficult to estimate which will be the share or the total number of these persons, if we take into discussion either the legal immigrants, or the illegal ones. That is exactly why, for taking every possible precaution measures, we have resorted to three variants:

- the first one takes into account that the economic development gap between Romania and other member countries will still continue to exist even many years after enlargement, which leads to the idea that the EU immigrants' preference to settle down in our country will be extremely low: 1%; that is why we can consider that as a *minimum variant*;
- the second one resorts to the demographical criterion, presuming that the newcomers are uniformly distributed between the member countries, correspondently to the share of each one in the total population of EU; according to this reasoning (in fact enough simplistic and easy to contradict), Romania should house approximately 4.4% of the EU immigrants;
- the third variant gives a greater importance to the illegal immigration and to the position that Romania has within a widened Union, namely the one of external border; the fact that the terrestrial border is easier to be crossed is also taken into account; furthermore, in comparison with other countries from the eastern extremity (the Baltic countries), Romania is closer to the central core of the richer member countries; for obtaining a **maximum limit** of the possible evaluations, even with the risk of being accused of "catastrophic" exaggerations, we shall also resort to this variant, considering that 10% of the immigrants will enter EU by crossing Romania's border.

A wide range of possibilities (no less than 24 variants) result from grouping the last three assumptions with the previous evaluations regarding the annual Charts of EU immigration. The lower limit, resulted under the most restrictive/non stimulating terms/factors of immigration, reaches an annual number of immigrants of 5.9 thousand persons, a bit less than the actual reports of the year 2002. But the upper limit of 200,000 persons annually (obtained, we emphasise once

more, on the grounds of some extremely permissive assumptions and leaving aside the other limitative factors) exceeds to a large extent the amount that Romania is prepared to and/or accustomed to administrate in the migration field.

From the total of 24 variants, 21 exceed the annual amount of 10,000 persons, and 17 present values bigger than 20,000. In five cases, the annual immigration in Romania exceeds 100,000 persons and in 12 situations it comprises between 20,000-100,000 persons. The average of all 24 variants is of 60.5 thousand immigrants per year.

Even if Romania will absorb only 1% of the total EU-heading immigration, it is still possible to be forced to deal with an afflux of persons much bigger than the one we have been confronted with until now: triple, by comparison with the year 2002, respectively double, by comparison with the years 2000 or 2001. The variants that may be characterised as *moderate* forecast an yearly contingent of immigrants amounting to a number of 25,000-60,000 persons. Considering that the immigrants' flow will change not only in number but also in its structure, showing, unlike the last decade, an increased share of asylum applicants, if all of the latter ones were granted the non reimbursable aid provided by Ordinance 102/2000, the financial effort of the Romanian state (having in view the current level of the national minimum wage) would amount to EUR 10.5 – 37.8 million annually.

Table no. 16. Variants regarding the annual immigration in Romania, as a EU member country

<i>Assumptions</i>		The possible variants regarding the annual EU immigration							
<i>Annual world-wide migration flow</i> (thousands persons)		5	5	5	5	10	10	10	10
<i>The share of developed countries in the annual flow of migrants</i> (%)		36.5	3.5	40.0	4.0	36.5	36.5	40.0	40.0
<i>EU share in the annual flow of immigrants towards developed countries</i> (%)		32.1	50.0	32.1	50.0	32.1	5.0	32.1	50.0
The annual flow of EU immigrants (thousands persons)		0.6	0.9	0.6	1.0	1.2	1.8	1.3	2.0
		The resultative variants for the annual immigration in Romania, as a EU member country (thousands persons)							
<i>The share of Romania in the total immigration heading EU</i>	<i>1%</i>	5.9	9.1	6.4	10.0	11.7	18.3	12.8	20.0
	<i>4.4%</i>	25.8	40.2	28.2	44.0	51.6	80.3	56.5	88.0
	<i>10%</i>	58.6	91.3	6.2	100.0	117.2	182.5	128.4	200.0

Source: own calculations, starting from different authors' evaluations regarding world-wide migration levels.

Romania will have to put in force a **complex immigration management system**, providing, inclusively or totally from its own funds, means of accommodation and of subsistence, social and economical integration services etc. Only the financial effort that is implied by the interim housing of the refugees and of the asylum applicants until their claims are solved – that represents just a small part of the total expenses occasioned by the administration of this process – can reach significant¹⁷ values. This kind of situation must be prepared in advance, especially because, unlike emigration, where losses/returns are measured mainly in terms of *comparative costs* (which would be the gain/loss of the country following permanent/temporary emigration, how much the state loses in terms of returns in human capital investment etc.), immigration implies foremost *financial costs that are immediate, concrete, that can not be reprieved*¹⁸.

¹⁷ In Greece for example, in one of the housing centres, the daily cost that reverts to an assisted person was in 1999 of approximately 9 EUR; considering that nowadays the minimum salary in Romania is not bigger than 2.9 EUR for a normal working day, it became obvious that our country will not afford to allot to these objectives – only through its own effort – comparable funds, especially in the conditions of a growing immigration.

¹⁸ Also as an example, in 1999, Finland spent for 3106 asylum seekers and refugees more than 33 millions EUR, meaning almost 10,000 EUR annually per one assisted person. At an unitary cost even ten times lower, in Romania would also result total amounts that can not be neglected, by comparison with the national budget possibilities. If only 10% of the immigrants estimated on our calculation entered in the category of those who claim for assistance, the expenses could come to 0.6-20 millions EUR, the medium variant having a correspondent sum of 6 millions EUR annually.

CHAPTER 5. THE EFFECTS OF ROMANIA'S ACCESSION TO EU UPON THE MIGRATION TOWARDS THE EU MEMBER STATES

5.1. Dimensions, features, effects of the emigration regarding Romania

5.1.1. Overall remarks

Emigration represents the «classical » form of migratory movement of the population, characterised by *ingoing-outgoing final flows that involve the change of the residence or of the domicile*. During the previous centuries it represented the main form of external circulation, but nowadays and especially in the future it is bound to lose its intensity and the **predominant form of migration will become the temporary labour migration**.

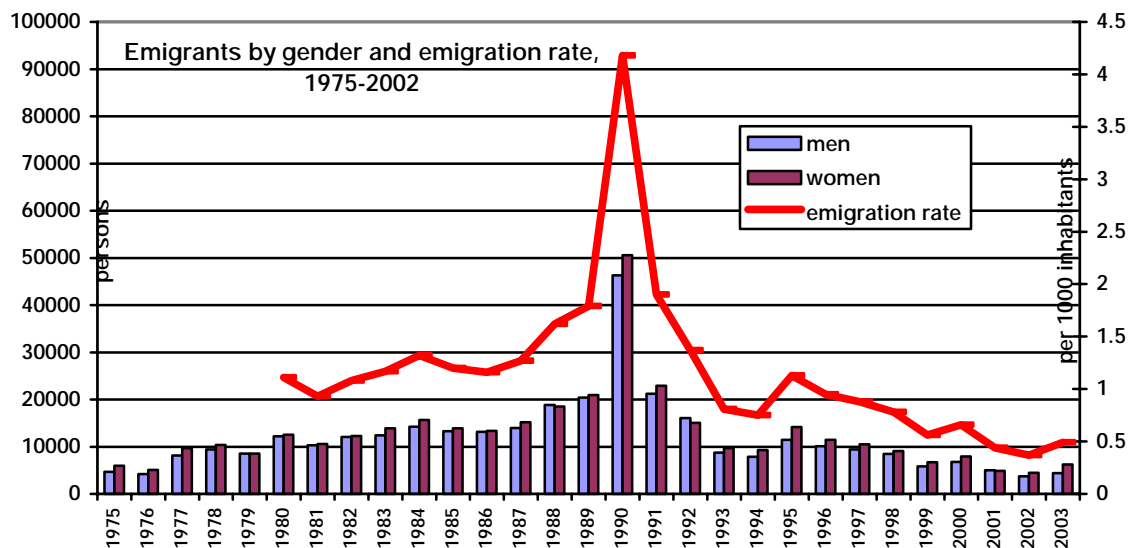
The number of emigrants in Romania in 2001-2002 was close to the one in the years 1975-1976, but the emigration reasons and the access to emigration were different. The evolution of emigration within this period of time is characterised by variations in intensities and directions, with spectacular modifications around the year 1990. **Emigration flows are events that can be classified on stages**. (Chart no. 13):

- The economic decline *in the 80s generated a progressive, but fairly small increase in the number of those who legally left the country*. At the same time the number of emigration applications increased constantly, but most often they were not granted. Concomitantly, the attempts to illegally cross the border in order to emigrate became more and more numerous.
- Approximately in 1990¹⁵ *the outgoing flows were the most important ones* because they included also the persons who, for various reasons, postponed their emigration (voluntarily but most often compulsorily). The motivation for emigrating was especially centred on criterion of family reunification, or that of belonging to a certain ethnic or religious group.
- *During the last 13 years*, as the freedom to travel abroad or the possibility to stay abroad for working a period of time have increased, *the number of emigrants has been reducing continuously*. It should be mentioned that **the emigration reduction is associated to the alternative opportunity to choose forms of temporary migration (a more appealing and facile form of migration)**.

It must be mentioned that emigration represent on average less than 2‰ of the Romanian population and reached a maximum value of 4‰ in 1990. Starting with 1995, the emigration rate reduced from 1.13‰ to almost one third, respectively 0.4-0.5‰ in 2001-2003.

¹⁵ Emigration, that was not officially accepted by the previous regime, “exploded” in 1990-92, the number of those who left the country during these three years exceeding the number of emigrants that was recorded during the following 10 years. 1990, the year with a record figure of nearly 97000 emigrants and the following two years-1991 and 1992 (44160 and, respectively 31152) can be considered a period of “relief”, when emigration included the quasi-totality of the departures forbidden/postponed by the previous political regime.

Chart no. 13

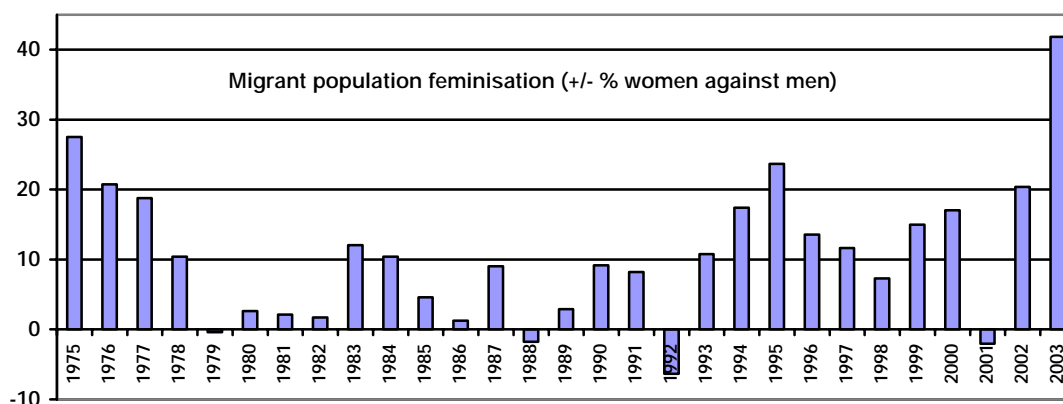


Source :N.I.S. data

On the whole, during the last 3 decades approximately 711 thousand persons have emigrated, out of which 49% after 1989.

The option to emigrate was higher among women, their share being superior to that of men during the largest part of the analysed period (52%). The increase of the female emigrant population was accentuated in the years 2002-2003, in the last one women being 40% more numerous (Chart no. 14).

Chart no. 14



Source: results based on the N.I.S. data

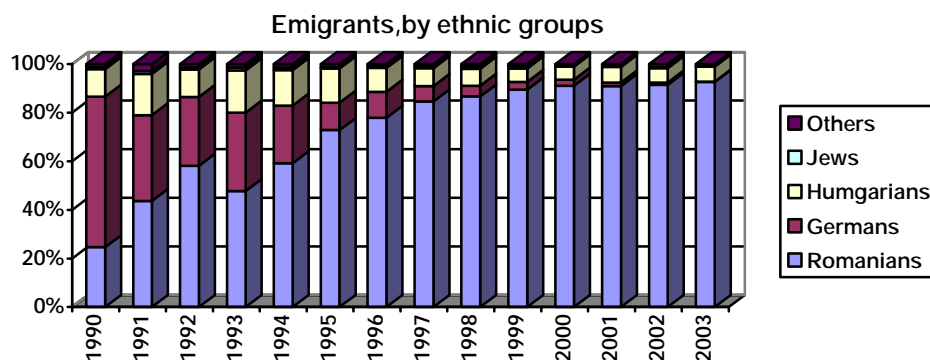
5.1.2. Emigration during the transition period: stages, particular features

Emigration during the transition period had an oscillating evolution with a tendency of progressively reducing the total numbers. The reasons for migration were different, as well as the territorial distribution of the main flows. The general tendency was that of **converting from migration on ethnic reasons with certain origin and destination concentration centres, to a more motivationally diverse migration, of a larger distribution on territory, associated with the destination preferences changing as well.**

According to the mentioned criteria, the main stages/sub stages of emigration can be the following:

- 1990-1993, the stage of ethnicity and of religious affiliation, when migration were focused on the return of the German and Hungarian population to the countries of their close or distant ancestors and / or the family reunification. The flows originated from the areas of ethnic focus and drifted towards Germany and Hungary on the one hand and on the other hand the repatriation of the Jew population take place. An “awakening” of the religious groups also occurred, both in the countries of origin and in those of destination. It is the case of Neo-protestants who thus stimulate the travelling of Romanians (Diminescu, 2003);
- after 1994, the stage of *the prevalence of Romanian migration*. The ethnic criterion dissoluted, on the one hand because of the considerable reduction of the number of ethnic population and on the other hand because definitive migration is replaced by the circulatory one, meaning that there are certain persons who travel frequently between Romania and the “maternal” country. The motivation for the emigration of Romanians is diverse -economical, social, political, but most of the emigration is justified by the difference in incomes and by professional affirmation/success.

Chart no. 15



Source: processing of N.I.S. data

5.1.3. Emigration flows

The source of the outgoing flows, of emigration for the population is a mobile one, being influenced by the various reasons for emigration. At the beginning of the transition period, the most important groups were from the counties of Transilvania, a high ratio being that of the population of German origin. At the present moment, the areas of departure are more numerous and the intensity of the flows is lower (about nine times lower).

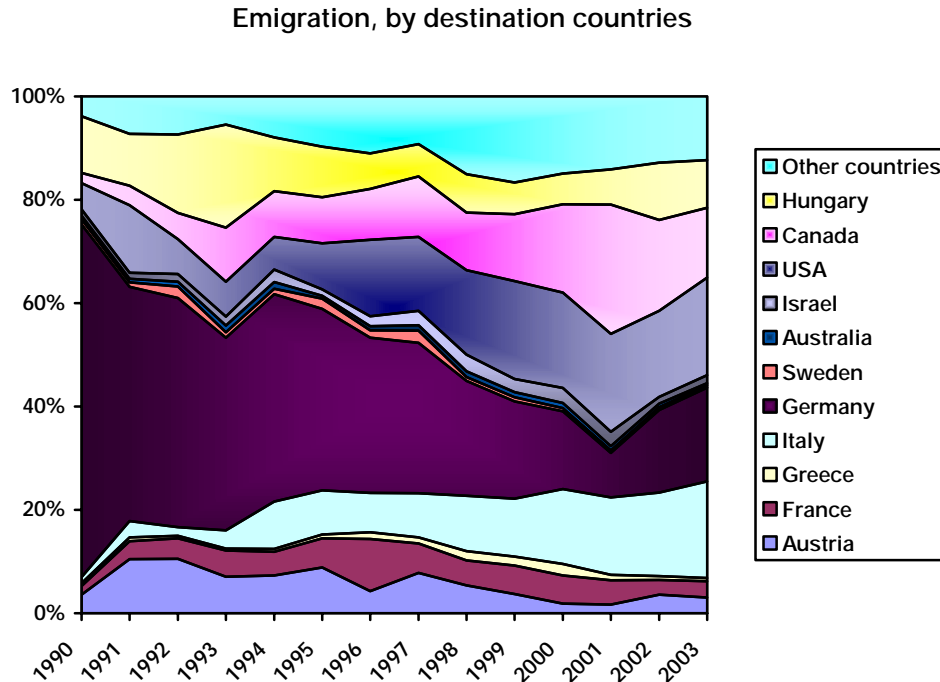
A hierarchy of the counties of departure according to the number of the emigrated persons during 2002 allows us to make the following remarks:

- Bucharest is the main source of emigration: 17.3% from the total emigrants, of which 32.1% of the Jews, 18.7% of the Romanians and 3% of the Germans who leave the country .

- Braşov, Timis, Cluj and Mureş have provided, each of them, approximately 6 % of the total emigration, Suceava , Sibiu, Bihor 4% each and Neamţ, Satu Mare and Arad approximately 3 %, the rest of the counties having lower contributions.
- From the total number of emigrants, the Jews represented 0.3%, the Germans 0.8% and the Hungarians almost 6%. The departure areas of the ethnic population are: Bucharest, Cluj, Iaşi and Botoşani for Jews; Cluj, Timiş, Arad, Braşov and Sibiu for Germans; Cluj, Mureş and Harghita for Hungarians.
- There is no direct and intense connection between the number of emigrants and the unemployment rate. For example, in 2003 comparatively to the previous year the first five counties with a ratio of emigrants of over 5% of the total recorded a decrease in the unemployment rate (Bucharest, Timiş, Cluj, Sibiu, Braşov). Out of the emigrants of 2003, 41.65% departed from these areas, and the number of the unemployed at the end of the year accounted for 14.65% from the total.

The favoured destinations have changed too. During the first years the most important flows headed for Germany (about half of them), Hungary and Austria (approximately 10%), whereas in 2002-2003 the preferred destinations were USA, Italy, Germany and Canada, with approximately 15-18% each (Chart no. 16).

Chart no. 16

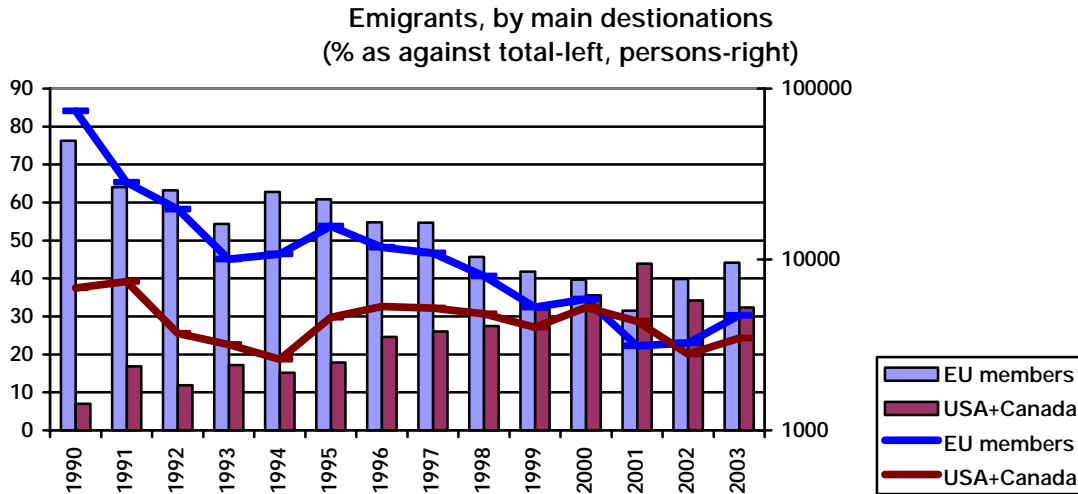


Source : based on NIS data

During 2002-2003, most of the Romanian citizens who emigrated in the EU area established their domicile in Italy (4233 persons) and Germany (3646). Less than 1000 people emigrated to Austria and France and a little over 100 people emigrated to Greece and Sweden. (I.A.M., 2004).

A reorientation of the flows can be noticed on large geographical areas, from Western Europe (EU area) at the beginning of the 90s to Northern America. In 1990-1995 over 60% of the emigrants choose as their destination a EU member state and only 15-17% of them left for America. Starting with 1996 the ratio of those who headed for Europe progressively reduced and the flow towards America grows significantly, the tendency being that of equalizing ratios. Approximately 40% still prefer the EU areas and almost 35% head for Canada and USA (Chart no.17). Thus we can appreciate that the pressure on European countries exercised by the emigration from Romania constantly reduced until 2001. The slight change in 2002-2003 regarding the preference for the two destinations can not be appreciated (yet) as a new tendency, the annual variations, especially those regarding the preference for America as destination being registered also during 1991-1995.

Chart no. 17



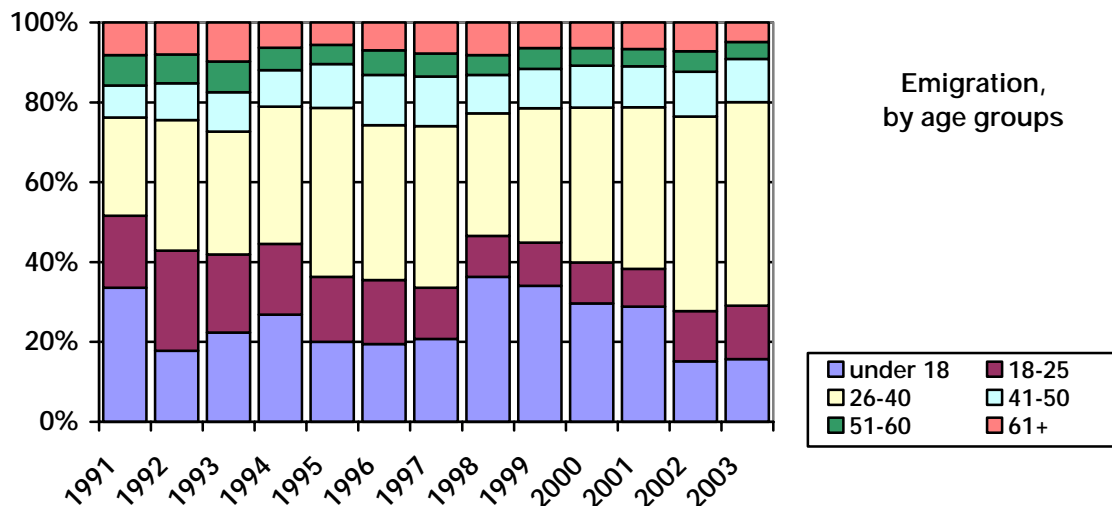
Source: based on N.I.S. data

5.1.4. Quality features of the emigrant population

According to **age groups**, those who tend to leave are the people with the biggest opportunities of professional affirmation:

- A significant and increasing ratio of the 26-40 year old emigrants, meaning approximately 48.7% in 2002 and 51% in 2003, already trained persons, with the highest working and innovation potential, who are the most adaptable and the most mobile.
- A diminishing ratio until 2001 of the 18-25 year old emigrants (25.06 % in 1992, approximately 16% in 1995-6, approximately 10% in 1998-2000, 9.4% in 2001), followed in the last 2 years by an increase to 12.62% in 2002 and 13.4% in 2003, graduates or attending their last school year, with certain perspectives and labour and creative potential.
- We also add the fact that approximately 11% of the emigrants are between **41 and 50** years old and that they represent an active labour force, whose productive potential can be still used.

Chart no. 18



So

urce: based on N.I.S. data

While in the case of **Romania** emigrants represent a net loss, as a proof of the still reduced capacity of the economy and of the society to **generate proper labour and remuneration opportunities**, they are for the destination countries labour force that can accomplish high performances, a competitive labour force for the periods to come.

The quality of the human capital export – respectively of the emigrant population during the transition years – can be revealed by the following indicators:

a) the distribution of emigrants by educational level and profession. Higher education graduates assimilated to the brain-drain represent approximately 10-12% of the total number of emigrants. This labour force category's propensity to migrate is higher because they cannot find easily a satisfactory job on a distorted labour market and they are tempted in a way by the "mirage" of the migration to another civilization. Over one quarter of the emigrated persons are secondary-school graduates and post secondary-school graduates. The emigrants with **vocational school and technical school** degrees are less than the first category.

The highest ratio, approximately one third from the total of the emigrants, according to the level of education and professional training, is that of the persons who have graduated primary or gymnasium schools. A large part of them are children and teenagers who have not finished their professional training yet and who emigrate together with their families.

b) the distribution of emigrants according to selected professional groups. We approximate that the selection of the families for the statistics from the point of view of their occupation and profession is not in compliance with the current tendencies of the labour force demand; it can be improved by the introduction of new professions, that are in deficit at the moment in the immigration countries, in the case of which the demand is higher (specialists in informatics, programmers, constructors, para-medical personnel, etc.)

It has to be mentioned the great proportion of the “others” group, which does not allow the statistics of the migration flows according to the professional mobility of the jobs and professions, for example, or of the specialisations of maximum interest on the markets of the developed countries¹⁶.

Even this way and especially because this category of people perform works that are under their level of qualification it is obvious that this brain drain is a **loss** for Romania and an important **input** for the human capital and for the labour force in the destination country. The training expenses were made in Romania and the income they generate at the individual and collective level is obtained within another country (productivity, competitiveness, GDP, export, wages and other rewards).

From the professional groups related to which statistic data exists, especially after 1995 the group of engineers and architects is registering increasing values, from 8-9% in 1995-1996 to approximately 12-13% in 2002-2003. The groups of teachers and economists, about 3-5%, come second, followed by technicians, doctors, chemists with 2-3%. Compared to the 1995-1999 period, the ratio of the emigrant artists has been reduced to half (0.5-0.6% in 2002-2003).

The fact that emigration at the present moment is more influenced by criteria of professional affirmation and more advantageous incomes, that the brain drain phenomena are valid for the flows with increased research potential countries has been confirmed by the most recent evolutions. Thus, at the level of 2002, most emigrants that went to Canada and USA were university graduates and the preponderant age group was that of 30-34 years old. Regarding the people who left for Germany, although they were mostly secondary- school graduates, their age varied on average between 25-29 years old, fact that can be categorised as emigration with the aim of accomplishing school education and/or with the aim of employment in high qualification domains (computer science etc), in which case younger ages can be noticed.

5.2. Labour migration

5.2.1. Dimensions. Information limits

Migration for labour – unlike emigration/immigration, has got a **temporary** character, its duration varying within large limits (from a few weeks/months to a few years) and it does not imply the permanent change of residence.

Those who are part of the legal and/or contingent migration movement are usually part of three big labour force categories:

- a) **high qualification** labour force with **competences validated in high domains of science and technology**, as well as in certain **services**, like education and health. This directly recruited category, often from the last years of studies or by Romanian or foreign bodies, has also got the most numerous chances to obtain long term contracts and finally the right to permanently residence in the host country. In addition to this, they fall within the age group of **25-40 year old**, which is considered the most creative and the most productive;

¹⁶ A more rigorous image in this case could have resulted if we had had at our disposal statistic information, by the calculation of an emigration density index as a ratio between of the number of emigrants from the professional category 1,...,n the total number of the persons from profession 1,...,n.

- b) labour force with a medium level of qualification and specialisation which covers a large range of activities and professions, as:
 - **constructors**¹⁷ - labour force category with a long tradition in working abroad, and which is highly appreciated on western labour markets (Germany, Israel);
 - the **para-medical** personnel (nurses), for which the employers' demand in some countries is increasing (Italy, USA, Canada, Switzerland etc);
 - personnel in **hotel and restaurant industry**, also requested on certain western labour markets;
- c) finally, **unqualified or semi-qualified** labour force for agricultural activities (during harvesting periods), in sanitation, constructions, etc. (Spain, Portugal, Greece).

There is also a very powerful migrating movement for *uncontrolled* labour, both in the country of origin (Romania) and in the destination country. An important part of these people work temporarily, for unspecified periods of time, more often without legal documents, **on the black labour market of the destination country**. The working and living conditions granted and accepted are not among the best, they are by far inferior to those granted to the local labour force. Firms are fond of this method of employment because of the reduced labour costs while the contribution of these employees to the increase of competitiveness within the firm is a significant one.

The information regarding labour migration from Romania – which has started to gain proportions in recent years, without reaching alarming levels – is only partial and it does not allow a relevant and detailed analysis. By law, this information represents the object of competence of several operators on the labour force market and of the operators at the frontier; they reflect most often the flows (the number of exits or that of temporary contracts) and not the stock of migrants (labour force that repeatedly leaves for the purpose of working, for different periods and for different destinations). There are several sources of collecting information: some of them are administrative – L.F.M.O., I.A.M., Frontier Police, the Ministry of Education; others are provided by various **polls, opinion surveys**. *Unfortunately, all these have got two main flaws: a) they are incomplete, they do not describe the phenomenon on the whole and from the point of view of its dynamics; b) even the administrative ones are very recent, they are of the same age with the newly created body or that of the coming into force of a normative act and of the methodological norms of its application, and they do not allow to estimate the trends.*

In the given circumstances, our analysis is based only on the information provided by L.F.M.O. and **M.L.S.S.F.** that, related to the real dimension and the impact of the examined phenomenon, has got a limited relevance. Regarding the amplexness of the phenomenon, the data of the last census offer us a different perspective (which is still a partial one.) The persons who have temporarily left for working abroad for a period shorter than one year have not been distinctly taken into account by the census. In its evidences M.L.S.S.F. has registered only a few tens of thousands per year. The number of Romanian citizens who have left the country for more than one year (for working or for studying) amounted to 159426 (census data). Those who were

¹⁷ Employers in the construction domain estimate that at the present moment the number of the constructors who work abroad is higher than that of those who work within the country. According to the estimates of the social partners, in 2002 over 300,000 constructors worked abroad and approximately 270,000 within the country. The reasons for migrating are of economical nature. Thus, Romanian constructors who work in legal conditions in EU countries can earn Euro 1500-2000 per month, and those who work illegally/on the black market can earn Euro 1000/month. Within the country, the salary in the domain of constructions is under the average at national level (!)

“missing” from the population at the same census in 2002 were approximately 600 thousand persons and they can be considered temporary migrants, for working purposes.

Meanwhile, the data from external sources regarding labour migration of the Romanian citizens differ a lot from the data of the various bodies within the country.

In spite of the approximation inconvenient it is estimated that annually the total number of Romanians left for working abroad for specific periods of time within the EU member countries amounts to 500-600 thousand persons. If we also take into account those who work in the extra-EU area, approximately at the same level and on the whole more than one million Romanians are working abroad. The estimates are not very exact, but they make evident the extent to which labour force is absent from the national labour market (approximately 20% of the employees in the economy). For short term, these persons diminish the tension on the labour market, by reducing the proportions of unemployment and creating a fake impression of positive influence. The middle and long term effects are a subject to argue about, from the point of view of the sustainable development of the national economy and of the human resources.

5.2.2. Labour migration by agreement (M.L.S.S.F. statistics)

Agreement categories for working abroad

From the point of view of quantity, quality and destination, working abroad is established in Romania by:

- bilateral government agreements/conventions regarding the establishment and the organisation of the labour force circulation – with Germany (the Government Decision (Hotararea de Guvern-HG) 167/1991, HG 402/1992), with Hungary (HG 412/2001), Luxembourg (The Government Ordinance (Ordonanta de Guvern-OG) 36/2001), with Switzerland (HG 579/2000) and Spain (HG 930/2002) ;
- agreements at the level of ministries – with Germany (HG 930/1999) ;
- contracts of labour force distribution abroad by means of specialised agencies for Italy, France, Canada, the United Kingdom, USA, Greece, Austria, Hungary, Turkey ;
- direct agreements between Romanian firms and firms from abroad;
- labour contracts of the Romanian workers with firms from abroad and with natural persons (for activities related to the household domain).

In the relation with the EU member states, the number of persons for which labour contracts are intermediated and the domains are different from one year to another depending on the demand on the labour market from the destination country. The labour contracts on gender is also variable depending on the activity domain and respectively on the requested professions.

In 2003 there were placed for labour abroad on the basis of bilateral agreements 43,189 persons, on the increase in comparison with 2002. The principal beneficiary countries were:

- Germany with 4,259 labour contracts on the basis of the Government Decision 167/1991, 297 persons as guest workers and 23,243 seasonal workers;
- Spain, with 15,319 workers, out of which 473 with contracts for 12 months while the rest of them were seasonal workers, especially in the agriculture field;

- Switzerland, with 59 persons out of which 49 in the health care field;
- Hungary, 11 persons on the ground of the exchange probationers system;
- Luxembourg, one person, also by the probationers' exchange.

The main domains for which workers were requested were: agriculture, constructions, hotels, restaurants and tourism, the medical and social assistance (nurses and assistants for the elderly).

Young persons are preferred, those of ages between 26 and 35, with good working capacity, motivated by the income they can earn, more easily adaptable to new cultural patterns, civilisation standards etc. Therefore, almost half of the persons who have worked/work in Germany in the last two years are included in the age group 26 – 35, less than a forth the persons from the ages group of up to 25 years and between 36 – 45 years and merely 7% - 8% are more than 45 years old. In **Spain**, and **Switzerland**, younger persons are by far more numerous, of ages between 26 – 35.

Other series of statistical information regarding the labour migration is offered by the *embassies in Bucharest* of the EU member states. This time also the information is partial and quite compendious. For 9 of the EU member states a number of 40,516 visas was granted in 2002, and 68,649 visas were given in 2003 (Table no. 17). A part of the persons who received visa also concluded labour contracts, other tried to find a job after they had arrived in the respective country. This way some of those that are registered in the statistics received from the embassies are also mentioned in the MLSSF registrations. In this situation, Germany is on the first position with 23,658 visas granted in 2002 and 27,799 in 2003, being followed by Italy 11,974 and, respectively 19,947. In 2003, 15,319 visas were granted for Spain, more than 6 times more than in 2002 (only 2,395). The visas number granted for Sweden is in diminution, from 1,820 in 2002 to only half of this number one year later (912). For those who work by contract the situation is clear, meaning that there is a certainty of the labour conscription carried on in the destination country. But we can not know if those who have got only visas found a job, how long they worked, if they returned in the country before the visa expiration date, at the expiration term or if they remained to work on the black market.

Table no. 17. Romanian citizens who have received labour visa abroad

Country		2002		2003
		Number of persons that are the beneficiaries of labour contracts	Total number of granted visas	Total number of granted labour visas
Belgium	Long sejour labour visas		58	164
Greece	Labour visas		119	...
Germany	Total Seasonal labour contracts Contracts of contingent Contracts for 18 months	 19,350 4,172 134	23,656	27,799
Italy	Total Independent workers Employees	 37 11,937	11974	19,947
Finland	Work permits		34	...

France	Work visas		456	...
Luxemburg			4	1
Spain	Total		2,395	15,319
	Seasonal workers	1,888		
	Employees	507		
Sweden	Total		1,820	912
	Business visas	1,541		
	Work permits for seasonal workers	127		
	Work visas	22		
	Visas granted for independent workers	130		
TOTAL			40,516	68,649

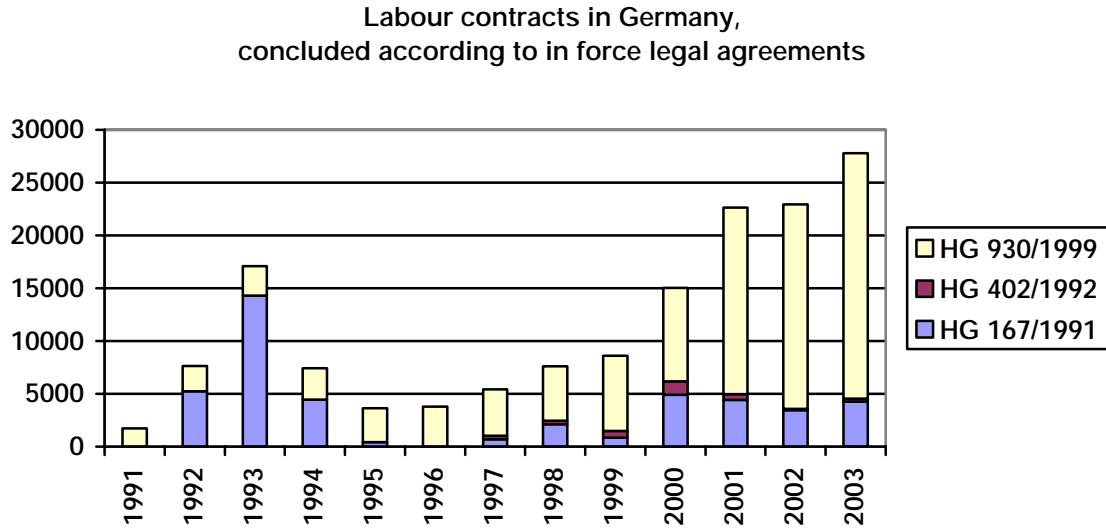
Source: M.L.S.S.F. information

The demand of work visas for states that will enter EU starting with 1 May 2004 is also on the increase, but its number is relatively reduced. In 2003, 213 visas were granted for the Czech Republic, 23 for Poland and 31 for Slovakia.

Contingent contracts have been granted up to now with Germany, Spain, Switzerland and Luxembourg. Their advantages is that it is possible to get informed regarding the labour demand on the EU markets, regarding jobs and professions, the persons being selected on the ground of the **registration in the data bank** (quite a recent practice, developed in the last years especially in relation with Spain).

Taking the long application period into account, the most intense relations are established with Germany. From 1991 (when the first convention was concluded –HG 167) and until 2003 the total number of employed persons on the ground of a group contract amounted to 155,069. The annual number differs because it is correlated with the fluctuations of the demand on the German labour market. For example, only in 2003 the total number of persons, in the framework of the three operational conventions was of 27,799.

Chart no. 19



Source: M.L.S.S.F. data

This **accentuated annual variability** does not allow a correct estimation of the outgoing flows for working purposes. Because of the incertitude of a labour agreement abroad, those who want to work there choose an alternative solution: they either seeking for jobs on the labour market in Romania until contract possibilities occur, or they try to find a job abroad by their own (even by going to the destination country or remaining there after the expiration of the previous contracts). **As a tendency during the last years, there were registered a more reduced annual oscillation and a relative stabilization of the labour force contingent at approximately 20-27 thousands persons per year.**

The agreement that was concluded with Spain also comprises, in addition to the seasonal labour contracts the establishment of permanent labour contracts. The proportion of the second category in the total number of contracts is of approximately 22% in 2002 and under 5% in 2003. According to the last evolutions in the relation with Spain, the number of workers demand for this country was increased, but the number of the Romanian applicants is much bigger. Labour in this country represents mainly jobs in the agricultural field, in seasonal activities, that is low qualified labour force, but which requires experience.

As far as the **tendency of temporary migration** is concerned the following observations are necessary:

- especially in the last years, in most of the cases, as a rule, **the Romanian supply of human capital exceeds the demand of the foreign employers**, the pre-selection, the selection and the employment becoming more and more severe and even discriminatory;
- the demand of activities that require labour force with medium qualification is predominant, or even labour force with **lower qualification/ semi-qualification, but with great working power**, generally young people and workers who are no older than 40.

The liberties granted to the labour force after 1990, the intensification of regulating the labour abroad activity through bilateral agreement *did not generate massive movements from the Romanian labour market to the labour market of the EU countries*. Contrary to the warning and the fear of many of the authorities from EU countries or even of Romania, “the exodus, the explosion” of the labour migration did not take place and such an amplitude of the phenomenon can not be expected. The Romanian specialists assess that even if the labour supply abroad is relatively high, from the quantitative and qualitative point of view, the contracts that will be concluded depend on the situation of the labour markets from the destination countries and not on the desire of the Romanian workers. **It is expected an increase of the number of the Romanian workers who work abroad after accession, but only to the extent to which the member states will promote a policy of openness.**

In conclusion, as a general characteristic, the Romanians’ propensity to migrate is relatively low. The *western mirage has lost its glamour from the starting of the last decade*, and the recession that affects nowadays the EU member states and not only them, will lessen the number of routes of labour migration towards these markets. At the present moment, **the young people with professional qualification in the top competitive domains have the highest chances of affirmation abroad**, reason for which the proportion of the migrant persons of that segment of population will increase.

5.2.3. Some aspects regarding the border circulation of the Romanian citizens

The Romanian citizens’ behaviour when crossing the border registers a *positive tendency*. More and more citizens who come to the customs integrally meet the legal conditions, fact that significantly reduces the illegal migration stock.

The increase of the frontiers’ security and the application of the *acquis communautaire* in the field induced an increase of the frontier control effectiveness. The rate of the denial to cross over the border, of 15.6% of the total applications in 2003, although big enough, must be analysed having in view the purposes that are asserted by the frontier police bodies. From the total, 18% did not have medical insurance and did not have green card for the car, fact that proved transgression and superficiality. About 2/3 from the total number did not have requested per diem money, and other 4% did not have return travelling ticket, fact that can generate suspicion about labour migration intention. The share of those who presented false or falsified passports as well as of those who committed economical financial infringements of the law was each of them, under 0.1%.

In 2003 only 19% of those who declared that they wanted to cross the border, respectively approximately 1,246 thousands persons travelled directly in the Schengen space. The persons who initially went to other countries (Hungary, Serbia, Poland etc.) and who subsequently showed up at the EU member states frontiers can be also added. From the total of those who requested the admission in the Schengen area, only 8,135 persons were rejected (the reasons being the lack of justification of the travel real purpose or the existence of the admission ban). In comparison with the previous year, this number is reduced with 38%.

Another important aspect in estimating the uncontrolled labour migration is represented by the **annual flow stock** (the difference between those who went out and those who came into the country). For the same year 2003 the level of this indicator increased up to 5.3% of the outgoing total that meant approximately 347 thousand persons. The tendency is of reducing (absolutely

and relatively) the number of those who remain a longer period a time abroad (in 2002, the stock was of approximately 453 thousands persons, respectively 8% of the total of those who went out of the country).

There can be also noticed a reduction on the green frontier of those who transgress the state frontier legal regime. In 2002 a number of 300 persons (from/in the country) tried to illegally cross the border, and in 2003 the number was reduced to 281.

The Romanians who were sent back were more numerous: 21,869 persons in 2003, most of them returned from the Schengen space. For these Romanian authorities took the legal measures (including criminal files drawing up) and decided the restriction of the passport during a period between 6 months and 5 years. As proportion, they do not exceed 0.3% of the number of those who went out of the country, and that is why in the Frontier Police General Inspectorate Report from 2003 it was mentioned that “the percentage of the sent back persons proves the diminution of the law transgression process committed by Romanians in other states”. Nevertheless, the efforts for the diminution of this phenomenon have to continue.

For the same purpose it is necessary to firmly intervene against those agents (companies of transport or tourism from Romania, foreign citizens, foreign tourism companies, Romanian and foreign tour-operators) that help the Romanians who legally leave the country as tourists to reach the real aim of their travel to Western Europe: working on the black market and other illegal actions (prostitution, begging etc.).

In the end, it is to mention that a part of the Romanians found out to be illegal migrants were the beneficiaries of measures that regulate their situation in some of the EU member states. The OCDE data show that from the total number of those who benefited by the regulating measures, Romanians represented approximately 4% in Greece, almost 6% in Portugal, around 8% in Spain and 11% in Italy. The beneficiaries' total number oscillated between approximately 7,000 persons in Portugal and Spain and 24,000 persons in Italy (Table no. 18).

Table no. 18. Persons from Romania who was the beneficiaries of measures that regulate the illegal migrants' situation in some of the EU member states

Country	Year	Total number (Thousands persons)	The share of the persons from Romania in the beneficiaries total (%)	Romania's position in the origin countries hierarchy according to the number of the beneficiary illegal immigrants	Ratio between the persons from Romania and those from the (origin) country that is situated on the first place in the beneficiaries hierarchy (% , country)
Greece	1997-1998	16.7	4.5	3	7 (Albania)
Italy	1996	11.1	4.5	6	32.4 (Marocco)
	1998	24.1	11.1	2	61.8 (Albania)
Portugal	2001	7.0	5.8	4	16.4 (Ukraine)
Spain	2000	6.9	4.2	6	15.3 (Marocco)
	2001	18.8	8.7	4	38.5 (Ecuador)

Source: Processing on *Trends in International Migration*, SOPEMI 2003, OECD, Paris, page 90

5.3. *Incomes. Remittances*

The main reason for labour migration, as we have already emphasized, is an **economic** one: the obtaining of incomparably **higher earnings** than those received in the country for a work with the same value and, obviously, a little less than the one earned by the native labour force for the same kind of work. The salary in Romania, of approximately 175 Euro per month (gross sum) is few times smaller than the EU average, the fiscal system and the social assistance precariousness lead to the fact that **the labour migration reasons are strong**.

The earnings from working abroad have multiple destinations:

- the **consumption on the internal market** of the host country for maintaining and recovering the working capacity: food, dwelling places, clothes, different articles for personal hygiene;
- the **transfers in the country** in currency (remittances). They are used on various purposes:
 - for **current consumption** – family allowance, inclusively the education and training of children, health care. These are consumption expenses for household, made on the internal market. They are found – not in an implicit mode – in the final consumption of the population;
 - **the savings and investments in goods for long term use**: dwellings, lands, other goods (household equipment, car, machines and agricultural tools). Some of these (dwellings) contribute to the increase of national wealth;
 - **the initiation of some micro business** or the setting up of some **a familiar associations with a lucrative purpose** (the agro tourism, cultural tourism and the use of the local natural resources – osier willow, different types of services in the rural area and in the urban environment – the repairing, the maintenance and the collecting of certain agriculture products and their processing in micro-factories that are situated in the rural areas, etc.) .

The amount of money transferred in the country depends on:

- the **personal** situation – the migrant workers with higher qualification and with increased incomes transfer just a little part of their earnings. They save more and (eventually) invest in the host country (Lowell 2001, Puri and Ritzema 1999) ;
- the **family situation** – the persons who have family/close relatives in the country of origin make important money transfers from their earnings, but these are temporary and do solve the problem of the low living pattern of the household only if investments have got possibilities of long term fructification.

5.3.1. Remittances – a form of partial “recovery” of the possible losses caused by outgoing migration

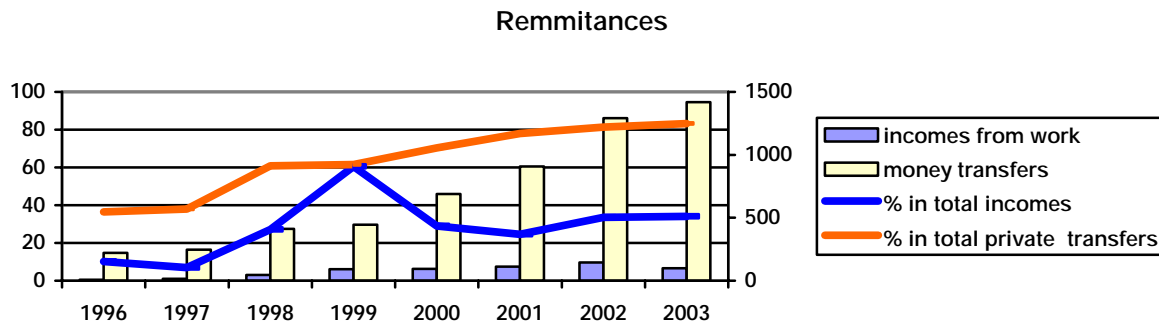
Before presenting certain information regarding the measure of the money transfers made by persons who work abroad, we make the specification that also this information has a partial character, representing only a part of the obtained incomes, respectively **transfers made by banking flows**. Other parts, maybe even larger amounts, come into the country by other means, directly with the migrant persons or with the family members who visit them, friends etc. This method is probably the most frequently used by the illegal migrants.

In the National Bank of Romania’s (N.B.R.) statistical system, the monetary flows are registered in the group of **incomes from work**, if at the transfer initiation the sender specifies the source of the transferred sums, respectively from the carrying on of an activity based on a labour contract,

or in the category of **persons' private transfers**, if the remunerated work is not mentioned as constituting source.

Even if the available data are quite precarious and unsystematic, we can appraise that in the transition period a constant growth of the incomes from work transferred from abroad was registered, especially after 1995. This tendency is sustained by the intensification of the bilateral agreements for work in different countries, on the ground of labour contracts.

Chart no. 20



Source: N.B.R.data

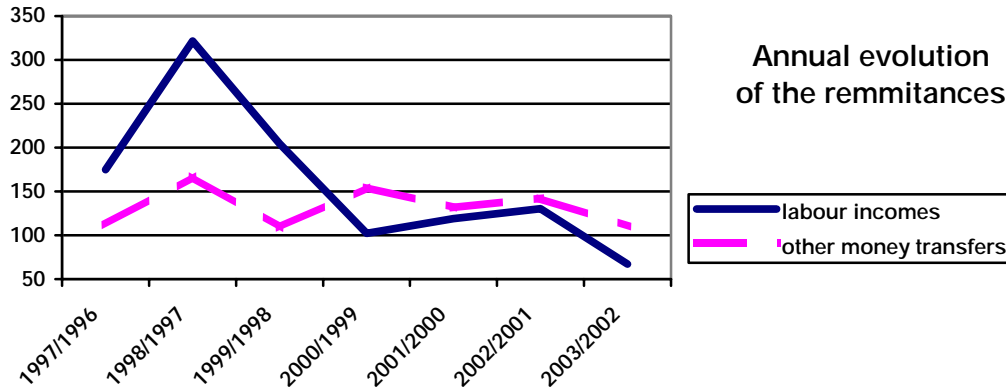
The declared transfers as originated in the work abroad doubled its level in comparison with the previous year in 1997 and 1999. Subsequently they oscillated around 100 millions \$ USA annually, with a maximum amount of 146 millions in 2002. Their share in the total incomes has been stabilized in the last years more or less 30-35%. The group «other money transfers», that we consider that comprises in significant proportions incomes from undeclared labour relations registers a 9 times increased level and a more important dynamics starting with 1999(doubling of the level by comparison to the previous year, followed by annual increases of 30-50%). As a share in the total private transfers, it represents approximately 90%.

From the analysis of the money transfer balance, respectively of the ratio ingoing/outgoing amounts, the following remarks are distinguished:

- In the case of the *incomes from work* – additional contracts monitored by the authorized institutions-, the ingoing flows, respectively the transferred sums from abroad in Romania are prevalent. These are superior to those of outgoing, the biggest difference being registered in 2002 when 146 mil. \$ USA went in and only 6 mil went out by this way.
- In the case of *other money transfers* – that we consider that comprise in the most part Romanian residents' incomes from working abroad-, the balance is also positive, and the ratio ingoing/outgoing is 5-6 times lower, respectively in 2002, 1228 mil. \$ USA in comparison with 227 mil., and in 2003, 1419 mil. exits in contrast with 240 mil.
- *The ratio* between the ingoing flows from money transfers and those from work is flatly in the favour of the first category. But the authors consider that in reality, the money flows from work directed towards the beneficiaries from Romania, via the banking system or especially outside of it, are clearly superior to other incomes categories – from donations, inheritances, etc.
- *The dynamics* of the ingoing flows from the two sources was oscillatory during sub-periods, fact that reflects: a) a delayed and slow process of regulating the labour relations through bilateral

agreements with states other than those “with tradition” –Israel, Germania; b) an intensification of the direct contacts between the employers from abroad and the Romanian workers; c) the increase of the medium duration of the activities that are carried on abroad; d) the modification of the individual behaviour in the relation with the banking system and the increase of the monetary flows transparency by the natural persons accounts.

Chart no. 21



Source: N.B.R. data

After 1999 it has been a moderation of the annual fluctuations dynamics, with the maintaining of a relatively important ascending trend – annual increases of 20-35%.

- For both remittances categories, the net sold of the flows balance is positive, fact that reflect, on the one hand a diminishing of the negative balance of the total incomes with approximately $\frac{1}{4}$ and, on the other hand, an increasing contribution to the positive balance of the private transfers – from approximately 58% in 1999 to almost 80% in 2002.

- The net positive balance of remittances from the two sources diminished/absorbed an important part from the negative balance of the current account: more than $\frac{1}{5}$ in 1999, almost $\frac{1}{3}$ in 2000 and approximately $\frac{1}{4}$ in 2001.

In conclusion, the **currency ingoing amounts by remittances have seriously increased in the last years. The transfers from private sources are predominant.** After 1999, the incomes transfers from work are maintained to a reduced value, partially because of the fiscal policy, especially global income taxation.

The partial characteristic of the measurement of the phenomenon using shown indicators do not allow some series of impact values, as:

- the real dimension of the work carried on by the Romanians abroad and the net loss of incomes from the sub evaluation of their labour;
- the loss of GDP by non utilization of labour capacity and of the creativity of those who go for work outside the country;
- the loss on export by the difference of the productivity of those who go for work abroad. In this case the destination country wins twice: a) by direct, more competitive work; b) by comparative market advantages, the products of the destination country (more efficient and/or

more qualitative) entering the competition with those from the country of origin of the labour force (less performative).

Even in the conditions in which, through remittances, the current losses resulted from working abroad would be monetarily recovered, the **balance of these labour relations would be on medium and long term negative for the country of origin** because:

- the investment in human capital made by the initial educational system and, eventually by the subsequent one (CVT) in the working process is (partially) lost;
- the competitive advantages to export is more reduced both as higher costs (less productivity of the remained one) and as the incorporated technical progress (inventiveness etc.) that is relatively more reduced.

5.3.2. Some implications in the macro economic field

For purposes related to the information transparency and the accessibility we will focus only on two aspects, **a statistical one and a dynamic one**.

First of all it is necessary to establish the impact of the remittances over some macro economic indicators: Gross Domestic Product, Export, Import, Direct Foreign Investments, currency reserve (Table no. 19).

Table no. 19. The impact of the remittances on the banking system, made by the native Romanian persons that are abroad, over some macro economic indicators, during the period 1997-2002

year	Total remittances (mil. \$ SUA)	In percents of				
		GDP	Export FOB	Commercial balance	Direct foreign investments	The currency balance of N.B.R. (in convertible currencies)
1997	260	0.7	3.1	9.1	21.2	...
1998	457	1.1	5.5	12.9	22.2	...
1999	538	1.5	6.3	26.0	48.8	35.3
2000	784	2.1	7.6	27.3	70.9	31.7
2001	1019	2.5	9.0	24.5	78.2	26.0
2002	1437	3.2	10.5	36.5	108.4	23.5
2003	1517					

Source: N.B.R. data, taken from Pert and Vasile, 2003

The remittances represent an important contribution of financial resources that can not be ignored. The annual values more and more increased can have multiple implications in the potential of economical and social development of the country. In comparison with 1997, for example, the ratio between the remittances and the macro economic indicators as GDP, export, direct foreign investments increases: more than 4 times in case of GDP, more than 3 times in the situation of comparing with the export and comes to exceed the direct foreign investments level. These amounts suggest us that **a stimulating policy for the autochthonous investors would represent an important (and advantageous) complementary development for the private capital in Romania, in addition to the foreign capital**. Furthermore, this orientation would allow a more efficient allocation of the financial resources that are available on the consumptions

categories (direct-indirect, for consumption-for capitalization). It is well-known the fact that **an important part of such money transfers are used in Romania for current household expenses, stimulating the internal demand of goods and services, but especially based on the imports demand and not of the national products, that are less competitive as quality and/or price.**

In this context, other two specifications become relevant:

- *the human capital export in a balanced proportion and in more distant prospect the free circulation of the labour force should prove to be **advantageous** for the both partners. But it depends on the level and the structure of the human capital, on the consumption model that is promoted, on the manner in which it administrate the gained incomes.*
- *the net losses in economic and social fields that determined by the current behaviour of the labour migration for work and/or incomes lead to the **net losses** on short, medium and long term, that will be difficult or even impossible “to recover”.*

Box no. 3

Remittances in some countries

For a comparative image regarding the relative level of the remittances in the external trade indicators for some of the EU candidate or member countries we took some statistical information provided by the World Bank in its annual reports. We specify that for keeping the compatibility we used for Romania the “total current transfers” indicator, that comprises both the private transfers and the one of the public administration.

Country	Remittances (USA mil. dollars)	% of EXPORT	% of IMPORT
Romania	750	9.0	6.3
Poland	2897	6.6	5.5
Hungary	1018	3.9	3.7
Czech Republic	408	1.2	1.1
Slovakia	366	2.8	2.3
Bulgaria	230	3.8	3.8
Slovenia	112	1.0	0.9
India	10280	21.6	17.3
Greece	7510	50.5	29.3
Mexico	6014	4.6	4.3
Turkey	5727	10.5	10.3
Egypt	4403	32.6	20.1
Portugal	4031	11.6	8.8
Spain	3249	2.0	2.0

Source: Daniel Dăianu et al. (2001), calculated on the basis of the data from World Development Report 2000/2001, World Bank for Romania, N.B.R. data using export indicators FOB and import indicators CIF

It is established that the ratio of the money transfers in the total export and import is higher than in the majority of the candidate states, the closest values being registered in Poland. In comparison with the less developed countries that are EU members –Greece and Portugal, the two proportions are smaller. Through these values Romania is situated on a **intermediary position** between the two categories of states, that could suggest a **bigger mobility of the labour force from Romania to jobs abroad** –in comparison with other candidate countries–, but much reduced in contrast with these types of flows intensity registered in the EU less developed countries. (Source: Pert and Vasile, 2003)

The money transfers from working abroad are much more important if we take into account also the **informal transfers**. The informational system deficiencies in the field, but especially the “restrictions” of the banking system (a banking system that is insufficiently developed and non stimulating for the money deposits/transfers made by natural persons) and of the fiscal system (the high fiscal taxation of the working incomes) **discourage the integral declaration of incomes**, so that the statistics registrations take into calculation amounts of 2-3 times less than the ones effectively obtained. But, even in these conditions the total value of the transfers exceeded the FDI volume. So we can appreciate by right that, **on short term for the national economy and for the involved persons the temporary labour force “export” is more efficient**. This situation is not a Romanian particularity, being met also in other countries, inclusively in transition (I.O.M., 2003a).

On the second place, **as a prospect, the increase of the money flows from working abroad is estimated**. The concluding of new bilateral agreements will entail the fact that the labour contracts concluded by OMFM and implicitly the incomes from this source will have an increased importance and even a character of regularity. Such a phenomenon, as we have already specified, has social and economic effects that are at the same time positive and negative for Romania: supplementary incomes in households and the diminution of pressure on the internal labour market, the increase of the internal investment, but also the loss of productivity, of young and creative labour potential, the slowing down of the economic growth and of the technological renewing etc.

Recent **estimates** appreciate the remittances around 1.5 –2 thousand millions Euro annually. The illegal transfers are comparable with the legal ones. **The development potential of these sources is huge, and if the necessary instruments for the stimulation of the banking system for transfer, for long term disposals and/or for productive investments will be made, important positive consequences for the national economy can arise**: the monetary flow increasing, the payment balance improvement and the currency reserve rising, the money cost and the interest rate are reducing, the life standard of the consumers/households and implicitly the internal demand or goods and services increasing.

CHAPTER 6. THE MIGRATION FROM ROMANIA AND THE EU POLICY FOR MANAGING THE IMMIGRANT LABOUR FORCE FIELD. CURRENT EVOLUTIONS AND TENDENCIES. THE RESTRICTIONS FOR ROMANIAN WORKERS

The reaction of the states and of the international community to manage/regulate the migration was sporadic and dominated by ad hoc considerations. But the **migration problem requires more and more an efficient management, in the benefit of all those who are involved.** In contrast with other flows types (of goods, financial etc), the persons migrations is based on the individual decisions that often do not correspond to the collective strategies and can not be controlled. For this reason, **nowadays states try to integrate the problems of the person flows in the total construction of sustain economic development and of social progress.** In addition, *the migration is now a multinational process that can not be anymore managed (only) unilaterally or bilaterally.* But the **migration is/remains an eminently political problem** (I.O.M., 2003a).

Being confronted with the qualification deficit, the population decline and its ageing, **the European countries change their orientation regarding the labour force migration,** by cautiously promoting some measures of accepting foreign workers that are directed towards: the simplification and the flexibility of the current access schemes to the EU labour market and the creation of some new migration routes, but the majority favours the access of the high qualified labour force. **The access schemes for the migrant workers are limited to certain workers categories,** as those from the IT domain and from the health protection domain (O.E.C.D., 2002).

6.1. EU member states' current orientations in the immigration domain. Possible consequences for Romania

The current concerns of the EU member states are oriented especially towards the efficient labour market management. The supplementary problems appear when labour migration is associated with the (temporary) migration of workers' families, a phenomenon that is noticed especially in case of some longer periods of working abroad (on the basis of long term contracts or of renewed contracts).

The main reasons of the workers' migration continue to be those identified during the last years: employment with more favourable financial prospects and the improvement of the living conditions. If according to ACC-13 (Acceding and Candidate Countries) the dominant motivation for the workers from the Czech Republic, Slovenia, Letonia is represented by the desire of «an equilibrium between the economic and social life», for those from **Romania** (and Bulgaria) the **prospects of a substantial financial income on short term are the most important.**

In the context of the negotiations with AC – 10 the liberal attitude initially manifested by the EU member states regarding the complete liberalisation of the labour market immediately after the expansion was transformed into a cautious position, even one of concern, concretized in restriction access (excepting Greece and Portugal that haven't presented their official standpoint). Consequently, it is expected that Romania will be the beneficiary of the same «**treatment**» **even if (or exactly because) the accession is provided for 2007.** To a small extent, on the basis of the practical experience of AC-10, during the period 2004-2007, and especially on the basis of the experience of Poland, it is possible that the orientation of the managing migration policy by EU-15 regarding Romania should substantially change. On the contrary, it is possible that the restrictions and recruitments to be more selective (and discriminatory), only the access for

«**completing the market needs**» being promoted, fact that naturally will comprise specializations of extreme / of edge – workers highly competitive or for the unattractive jobs, that are rejected by the native labour force. Through these measures, in a more or less hidden form, one of the four fundamental rights of the EU internal market is violated «the member states will not discriminate the other member state citizens, on the basis of their nationality, in their own co nationals' benefit».

However, **two types of restrictions will be on the EU states' labour market:**

- **from the state**, of the institutions of regulating/managing the labour market
 - the limitation/postponing of the migrant workers access to the national social protection systems (United Kingdom, Ireland);
 - restricting employment in some jobs that can be requested also by the native citizens (Netherlands);
 - Fulfilling certain conditions as respecting the in force collective labour contracts stipulations, the existence of demand for the respective labour types, the workers to have the accommodation assured etc (Sweden);
 - The restrictive stipulations' application during a transition period of 2-7 years (Denmark, Belgium, Finland, Germany, Austria) etc.
- **from the workers who are already present on the labour market and/or from the EU citizens.** An EC study (published in March 2004) emphasises the fact that 40% of the European citizens who answered¹⁸ consider that it is no « need of immigrants to cover the labour force deficits in some domains of the economy», the most reticent being the ones from Greece, Germany and Belgium. In addition, 14% of them are against promoting the equality of chances on the labour market.

If we take into account the population that is added with every EU enlargement wave and the gap of incomes of the new comers in comparison with the member states, than we remark that:

- every new wave contains countries with a more and more reduced level of the GDP. The enlargement towards south meant the integration of some countries (Greece, Spain, Portugal) with an average of GDP/inhabitant equivalent to 2/3 of the level registered by EU-9. The enlargement towards east « +12 » will mean the acceptance of some states with a medium income of approximately 38% of the average EU-15 ;
- the population increase is relatively important. In the case of the enlargement towards south it meant an addition of 22% of the population of EU-9 (in year 1980), while the enlargement towards east will mean 28% of the population of EU-15 (1998). In every wave there is a state with dominant position from the point of view of population –Spain in the first wave with 14% of the population of EU-9, Poland with approximately 10% of the population of the EU-15.

These aspects support the idea promoted by some specialists according to which « **the current enlargement round will generate a higher migratory potential** » and « **justifies** », to some extent the restrictive attitude regarding the persons' circulation, and especially of the labour force from the member states in EU-15 area. It has to be mentioned in this context that

¹⁸ the interview took place during 8-16 December 2003, and comprised a representative sample at the member state of EU level.

the fear manifested because of the enlargement towards south regarding the migration flows intensification on the axis south north has proved to be without substance.

All these new aspects in comparison with the enlargement to south and the fact that the enlargement to east comprises two stages, and Romania is in the latter, will be able to entail both **supplementary advantages and disadvantages in the field of permitting the free persons' circulation**. It is possible that *on medium and long term the disadvantages will predominate, the competition for employment abroad being already quite intense. In addition, the financial situation of every potential worker abroad will represent the decisive element in accepting a job, inclusively one under the professional qualification that has been obtained in the origin country.*

6.2. The Romanian labour force migration perspectives

The specialists' estimations regarding the migration evolution in the next two decades have in view (IOM Bucharest, 2004):

- *The increase of the labour force flows towards EU, with the preponderant directions reorientation. The destination countries considered as the principal target are from the west and the south of EU –Spain, Portugal, France, Italy and Greece. Germany remains, by tradition, a preferred destination for the Romanian workers, but the flows have a relatively stationary tendency. The migrants choose regions where their presence is accepted more easily on the labour market and where previous experiences proved to be successful for them or for their acquaintances.*
- *Temporary migration for work is preferred to the definitive one. The migration duration tends to increase, but it varies from several months to several years.*
- *The option for regulated migration increases in place of the uncontrolled one because it assures a bigger incomes security, a higher level of them and (in an increasing way) a certain social protection degree.*
- *The workers' returning to the national labour market has profitable consequences – contributes to the economic performances increase, stimulates the technological progress absorption, continuous vocational training, promotes modern labour relations, based on competition, contributes to the development of a labour culture comparable to the west-European one.*

The monitoring of these flows represents a process in full reform, but based at present on the implication of many agencies and institutions, fact that makes the coordination of the policies and the implementation of the most adequate procedures, respectively the migration regularization difficult.

As possible and necessary objectives of some migration policies that are adequate to the present realities and long term we mention:

- **the legal migration stimulation, through informing and assistance services specific for the potential migrants.** The real protection of the migrants workers can be best made through their informing and training (UN, Report of the Secretary-General, 2002). It regards three major elements: informing about the conditions/exigencies on the labour market, training for being able to action on the new labour market and in the new working environment and assuring “social security stock” (the access to health services, insurance at the age etc);

- **circular migration stimulation**, especially in the EU area, for the benefit of both countries involved, **the stimulation of the qualified and well remunerated labour demand and the elimination of the migrant workers' discrimination**;
- **the encouraging of the remittances using bank systems and the support** (assistance, training) **for entrepreneurial activities, for productive investments**. The ideal investment of the money transferred in the origin country is one of migrant workers returning and starting a business in which the plus of experience should be used, as well as the professional training gained during the migration period. Another solution would be the long term investments (in competitive companies etc.)

6.2.1. Short remarks regarding the external migration potential

In Romania, labour resources are and will remain important in comparison with those of other candidate countries (new UE members). The population decreasing and of the labour resources will affect also the migration dimensions. **The migration as a phenomenon will not disappear but will have new characteristics**. The flows' intensity will depend on the national economy capacity to retain and render valuable the population working potential.

The demographic parameters of migration dimension restriction. Romania will be part of a depopulated and ageing Europe and, in its turn will confront with an accentuated demographical decline. The population reduction and the accentuated ageing of it will entail an increase of the median age with at least 8 years until 2025 and with another 4-6 years until 2050. The consequences will be strongly felt on the labour market both directly by changes of age groups structure in favour of the older ones and indirectly by increasing the economic dependence rate of the old people.

The pro birth rate increase policy until 1989 will determine that until 2005 the population with ages between 15-64 will oscillate around a number of 15 millions persons. After this date, in the group of working age population will enter the generations after 1990, less numerous, and will be excluded those born during the war. The N.I.S. forecast regarding labour resources evolution indicates that until 2025 contingents **will be reduced per total with less than 10% but with important structural changes**: a diminishing of up to a third for the groups of young ages and an increase of the groups of mature adults with values of more than 140%. **The decreasing of the working age population** will be in 2025 of at least 1.5 millions persons, according to some forecasts will exceed even 2.2 millions, and in 2050 will fall under 11.5 million and even under 10 million in accordance with the most pessimistic variants (N.I.S., N.C.P., 2004, I.O.M. 2003). These evolutions will not be able to assure attaining the European objectives established by the Lisbon Treaty, the **amplitude of the gaps will remain important close to the date of the integration and on longer term** (until 2025, the estimated employment rate will be of approximately 47%, and the working age employment rate will not exceed 65% -N.C.P., 2004).

The EU expansion will lead, at least in the first years after the accession, to an increase in the active population that will look for a job in the developed countries; the migration will also have the form of some legal but uncontrolled movements. However, it must not be forgotten that as **EU member country, Romania will give rise to a demographical flows from the underdeveloped countries to Romania, that in the course of time will become an important source for covering the labour force deficit** (The National Commission for Prognosis, 2003).

The demographical reduction affects labour offer, but, in addition (and what is the most critical) *the young groups, with a superior labour potential (and some of them highly qualified)* “disappear” from the national labour market, by migratory flows for labour. These losses in the societal domain generate lacks of balance on the national labour market and reduce the competitive capacity of Romania on the international and EU markets. In exchange, these persons cover the deficits and remove the lacks of balance on the labour markets of the beneficiary countries, increasing their productive and creative force. It has to be mentioned that the policy of these countries is and will be more **intensively selective**¹⁹. *Thus, through its own (human) resources, Romania increases its disadvantages on the market;*

Economic and social factors of migration «endorsement». There are three important aspects:

- a) *we confront with the reduction of the labour potential under the circumstances of a much lower living standard than in the west-European countries, the society being unable to make up this loss through other factors and mechanisms (the utilization of some performance technologies, immigration, inclusively of the brains, etc.);*
- b) *the national market, through its characteristics, cannot keep the necessary labour force, being at a disadvantage in comparison with the EU market that offers at least much higher incomes from work;*
- c) *a labour culture adequate to the new context hasn't been formed yet; the labour skills as much as possible self-preserve instead of suiting to the western model, that is more effective. The Romanian worker behaviour shapes itself against the environment in which the working process takes place, it is extremely flexible/adaptable in case of working abroad and too conservative in case of performing the activity on the national labour market. The making efficient originates more in the imposed behaviours (as a rule by the foreign or mixed companies). There are national exceptions, but not in a sufficient number to create the necessary trend for changing the working style.*

It has to be mentioned that important gaps of performance will be maintained: a reduced productivity, a lower technical level. The occupational and qualitative supply of labour force is too less anticipative, in comparison with the dynamics of the national economy.

6.2.2. Possible evolutions of the external migration

The migration theories and the estimation patterns of the migration dimensions loses relevance by comparison to the changes in the EU zone and not only. Some specialists consider even that the migratory flows can not be predicted, the differences between the theoretical estimates and reality (for example the south-north migration at the first EU expansion) being too big (the forecast remaining a beautiful intellectual exercise). But some of the migration laws remain valid also at present –« as a rule, the migration takes place during the first part of active life, between the ages

¹⁹ In the developed countries, especially in the European ones, a labour force deficit permanently was existent, the demographical decline being generally compensated with enters of labour resources from abroad. If in the first years after the war the deficit was global –domains or professions in a serious lack of balance being inexistent- at the same time with the development process, this deficit localized on the extreme parts on the labour market. At present, within EU the lacks of balance between the demand and supply of work have in view: a) the *penury* of young labour force, in professions of great complexity and high competence; b) the *deficit of supply* of work of professions of medium competence in the services field (health, hotel industry, civilian buildings etc) or from some industrial domains/occupations; c) the *deficit, especially seasonal, of offer the jobs* with reduced qualification or without qualification. The labour force migration from the candidate countries has, in spite of some accepted theoretical principles, a **strong selective character** from the point of view of labour force recruiting (N.C.S., 2003).

of 20 and 49 » (E. Ravenstein, 1889, in the article “The laws of migration”). The regulation and the politics in the migration field **increase the importance of the normative side** (especially at the destination), **but without being able to really shape it**. The individual decision gives a strong volatile character to any estimation in the field.

Concerning the final migration, the forecast for Eastern Europe can not be integrated in the compartmental pattern registered in the last quarter of century. From an emigration zone that was specific during the period 1975 - 2000 **it is estimated to become a immigration region with a relative reduced intensity** – approximately 400.000 persons **starting with 2005 – 2010**. These estimations take into account the EU enlargement and the regulations regarding the migration and the people’s circulation in the extended space of EU. The states of Eastern Europe that will become EU members will be transformed in attractive zones for the people of Asia and Africa.

The “contribution” of migration in Romania to the persons flows at the regional and world-wide level, as well as the economic and social effects on the destination states economies will remain reduced. If during 1995 – 2000, the Romanian net migration rate represented $\frac{1}{4}$ of the value due to the developed regions of the world, in 2000 – 2005 is estimated to represent $\frac{1}{7}$. The forecast net migration rate, even with the same sign as the one due to Eastern Europe (emigration) is more reduced for Romania with up to 25 percentage points (U.N.O. estimates, 2003).

In case of temporary labour migration, the accession perspective shapes the flows dimension and intensity:

- up to 2007, the **bilateral regulations** associated with the contingents **system** will represent the dominant restriction of the controlled migration. The uncontrolled migration can be gradually reduced by consolidating the control at the frontier and by promoting the specific assistance for the potential migrants;
- after the integration, 2-7 years more, **the migration flows can be directed and limited on certain destinations** (several states have already announce this intention);
- after 2014 the **migration pattern can radically be changed**, depending on Romania economical and social progress.

6.3. Some tendencies and effects of the East-West migration

The circulatory labour migration from East to West is preferred by the EU member countries to the one from South to North, which is generally less qualified.

As we have already shown, **for Romania, the emigration potential is reduced, and instead the preference for temporary migration, for labour, in all its form increases** – on short term, cross border, occasional or seasonal on medium term, or even on terms longer than 1 year, for professional specialisation, career etc. In this situations the **flows intensify**, a migrant worker, who during the period of labour contract execution can circulate several times one-way-and-return from the residence of domicile to the working place. **The migrant population stock is expected to increase, but not in significant proportions so that should give rise to worry in the destination states**. In fact, this situation is not possible if we take into account at least two factors:

- on the one hand the **bilateral agreements and the contingents** that are performed in the relations with the member states;
- on the other hand the unceasing efforts to **control** the labour force circulation (providing frontier security, granting labour licences, limiting the labour on the black market by the destination countries themselves etc.).

In addition, the geographical position of Romania makes the access to the EU 15 countries labour market more difficult, in which case there are only migration forms on medium (and long) term and to a less extent migration for work for a period shorter than 3 months.

In the conditions of the Romanian tradition of low intensity **labour mobility**, the **young people groups** will prevail among those who choose to find a job abroad. Many of them not being married, the **temporary complementary migration of the family members is potentially reduced**, at least in the first years after the accession.

In this perspective **the profile of the potential migrant in Romania** will be similar with the one that is defined by the EC and European Foundation for the Improvement of Living Conditions (in February 2004) for the other candidate countries, respectively –young, alone, without obligations, with high professional qualification. In addition, in case of **Romania is estimated a more important increase of the young people and graduates of higher education**, fact that reduces the risk of some social tensions or of their participations in antisocial, criminal actions etc. The 15 years of transition and the openness to west from the point of view of the access to information have significantly changed the people and young persons' attitude regarding life in west-European countries. They proved themselves to be **versed in the economical and social realities of other countries and they have become more pragmatic in defining the choice of migration for work or for professional specialisation**. Many times the migration or even the intention to migrate occurred among teenagers (during secondary education), being transformed into a choice of temporary migration for specialization or simply have no interest if the labour market could provide alternative solutions for satisfactory employment (comparable salaries, working positions within foreign companies etc.). In addition, the **perspective of e-work development** that does not preclude going abroad is not to be neglected.

The labour migration routes will not significantly change in comparison with the present situation.

The stimulation factors for migration will continue to be:

- **the lack of jobs**, respectively the regions/districts with a unemployment rate bigger than the average will have an increased migration potential among the labour force;
- the will of **professional affirmation** of those with high potential, of specialisation or continuation of the studies (master, doctorate, research etc) ;
- the prospect for better jobs, higher remunerated than the one in the country.

In this context there is to mention that **two tendencies/restrictions of access on the labour market will be maintained**, with negative implications on the utilization of the migrant workers labour potential, according to the following:

- **employment abroad is made as a rule on a job less qualified** than the professional training obtained by the migrant worker in the country of origin;
- **the tendency of jobs polarisation for the migrant workers is maintained**; on the one hand the super qualified persons, the brain drain being a phenomenon that has already become of daily occurrence for the countries of origin. On the other hand, and this represents the overwhelming proportion of those with low skilled jobs, poorly remunerated, atypical, rejected by the autochthonous labour force, to which a social assistance that is precarious or even inexistent is associated.

CHAPTER 7. CONCLUSIONS AND RECOMMENDATIONS

In the beginning, the analysis of the migration phenomenon from the perspective of Romania's accession to the European Union has led to drawing some **general ideas**, pointing out the following aspects:

1. Migration represents **an ever more important element** of the contemporary society, a factor stimulating market globalization and an instrument for adjusting balances on regional/local labour market. **Labour migration** (*associated or not with territorial mobility*) now represents **the most dynamic form of movement of persons (active potential)**.
2. For external migration from Romania to represent a stimulating factor of the national economy development is necessary for the policies in the field *to find an area of balance* between the employment on the national market and labour migration taking into account the costs, the benefits and the risks, as well as national and EU interests. However, the two groups of interests may not be convergent, benefic for all.
3. The assessment of the perspectives in the evolution of population flows from Romanian heading for the EU is differentiated according to the period we are referring to, that is the pre-accession period, the post-accession but control period (maximum 7 years) and the free movement of the labour force, after 2014. Policies will be different, on Romania's part, as country of origin/transit and on the part of the countries of destination. A factor that requires due consideration now, and especially after 2007, is that of Romania-heading immigration, which, after May 1st 2004 is EU external border and which after 2007 is to become EU's eastern border.
4. Migration management at national level without proper informational and computer system is no longer possible. In order to have an image closer to reality, changes are necessary to take place both at the level of primary data collection system (in the entire operator network – Ministry of Administration and Interior, Ministry of Labour, Social Solidarity and Family, Labour Force Migration Office, etc.), as well as of data centralization system and international comparison system. Migration statistics must be completed with specific surveys on population samples representative at national level which would allow relevant qualitative findings, with regard to migration attributes.

Further on, considering the **major fields of interest** of our study, a series of **defining features** can be distinguished, as follows:

5. The analysis of **migration mechanisms** has shown that, after 1990, changes have taken place in the most frequent migration mechanisms in Romania, the main changes being the following:
 - *The share of different types of migration has changed.* A shift took place from a preponderantly permanent migration towards other forms of temporary migration.
 - *New forms of migration have emerged.* Romania has become a transit country for migrants coming from third countries and intending to head for an EU country. In this context, a present problem is the illegal migration of persons who come from third countries and transit Romania and also of Romanians' who emigrate illegally.

- The *main reasons for migration have also changed*. If the main reasons for migration before 1990 used to be ethnical and political ones, at present the main reasons are of economic nature and manifest through temporary labour migration. In the future, it is expected that temporary labour migration remains prevalent, estimating that, at the same time with the integration in the EU and the progress of economic development, Romania itself will become a country of destination for migrants from third countries.

6. Legislation influencing migration is to be found in three main categories of laws: laws regarding migration, laws regarding the labour market and laws regarding mutual recognition of degrees and qualifications.

6.1. As far as the *relation* with the EU is concerned, these categories of laws are correlated with the contents of the negotiation Chapters no. 2 and no. 24. In chapter 2, “Free Movement of Persons”, the main regulated aspects are the mutual recognition of professional qualifications in the view of the freedom of movement of the labour force and the European citizenship in the view of exercising the right to vote and the right to stand in the European Parliament elections. In Chapter 24, “Cooperation in the Field of Justice and the Internal Affairs”, regulated aspects mainly consider asylum, external borders, migration, organized crime, fraud and corruption, police cooperation as well as other aspects less related to the freedom of movement of persons and migration.

6.2. Romania, as a candidate country for joining the EU, makes tremendous efforts to adopt the *acquis communautaire*. Thus, in the past years (after 2000) great progress has been reported in the modification of the existing legislation and the adoption of a new legislation compatible with the EU legislation. *The main progress* has been recorded in the following aspects:

- the regime of foreign persons in Romania, according to which EU citizens do not require entry visa for Romania and do not have to justify the purpose and the conditions of their stay in the country, unlike foreign persons coming from third countries who require an entry visa and stay permit;
- the regime of refugees and their social protection is the field that has registered the most significant progress as far as the legislation is concerned, as it started from zero. At present, the Romanian state can grant three forms of protection (refugee status, conditioned humanitarian protection and humanitarian protection), and recently (2004) the social integration of the foreign persons has also been regulated;
- the prevention and the combating of human trafficking is regulated precisely to prevent and combat such phenomena and to ensure protection and assistance to its victims, given that the phenomena has grown in Romania after 1990. At the same time, the cooperation with responsible bodies from the other European countries, including EU member states is also regulated envisaging to combat the human trafficking at international level;
- granting labour permits is necessary for all foreign persons performing lucrative activities on Romania's territory, with few exceptions, among them being citizens from EU member states and states signatories of the Agreement regarding the European Economic Area and members of their families.

6.3. Aspects that have recorded a lesser progress refer to mutual recognition of professional qualifications and the fact that there is still a discrimination between foreign citizens and Romanians as far as the access to the labour market is concerned, in that the Romanian citizens are given priority when being employed compared to foreign citizens, including to EU citizens.

In the future, until 2007, Romania will adopt the full legislation included in the *acquis communautaire*, with influence on the migration phenomenon.

7. Migration policies. EU countries have well formulated migration policies supported by a national and European legal and institutional framework. In Romania, measures that are being taken both with regard to legislation and the institutional framework, are rather reactive, and envisage to ensure the adjustment to the European requirements, than to design and follow a national migration policy with clear objectives. As it completes the adoption of the legal-institutional framework according to the EU requirements, Romania will start to design its own migration policy that will be compatible with those existing at European level.

8. After 1990, **a number of institutions** have been set up in Romania in order to run activities in connection to external migration.

8.1. These institutions take the following forms:

- local offices of different international organizations with activity in the field of migration (IOM, UNCHR);
- governmental institutions such as agencies and offices, departments of different ministries (such as those within the Ministry of Administration and Interior, the Ministry of Labour, Social Solidarity and Family, the Ministry of Foreign Affairs, the Ministry of Education and Research);
- non-governmental organizations (the National Romanian Council for Refugees, the Romanian Forum for Refugees and Migrants, etc.).

8.2. In the past five years, there have been set up, transformed and restructured numerous governmental institutions, so that their activity can support the implementation of the new legislation compatible with the European legislation. Many have been developed, supplied with technical high performance equipment, and their personnel has benefited of special professional training. However, the rather intense activity at the level of the non-governmental organizations and the local offices of the international organizations, has shown that, despite the changes and the progress registered in the recent years, the state institutions are not able yet to resolve all problems related to migration. It was found that there are numerous agencies, each being responsible for a certain aspect of migration. For example, emigration and immigration, the two aspects of migration are the responsibility of different institutions, and even when the same institution is in charge of both aspects, this is achieved through different departments. This is where the problem of the coordination between different departments and agencies occurs, in relation to activities regarding migration. The issue of the complete implementation of the adopted legislation through the existing institutions still remains: on the one hand, the institutional capacity - although in progress – is not sufficient and on the other hand, there are difficulties at a material level and in coordinating the activities of the institutions involved in migration-related activities.

8.3. In the future, is estimated an increase in the institutional capacity of the state, so as its institutions to cope to a larger extent with the migration problems. The fact that Romania will become the eastern border of the EU will shift a number of problems, currently European, to the Romanian institutions, requiring an even more powerful development of the institutional capacity, which will have to demonstrate the capacity to answer the challenges more complex than current ones.

9. The international experience in migration administration and monitoring demonstrates **the close relationship between the legislative-institutional dimension and the social-cultural one.** The elaboration and adoption of laws, the creation of institutions, the development of corresponding strategies and policies represent major components of this process, but their success cannot be separated from the manner in which the involved actors –governmental institutions, non-governmental organizations, mass-media, communities, individuals – respond to the so-called “behavioural challenges”, related to participation, communication, mentalities and attitudes.

10. In the mentioned context, the **problems of integration in the host country society** takes a central part, the following aspects having special relevance to Romania: the integration of immigrants, the re-integration of Romanians returning to their home country after an external migration experience, the integration of the Romanian emigrants in the host countries.

10.1. Taking into account the lack of previous experience in the field, the still low number of immigrants, refugees, and the limited financial possibilities, it has been noticed that services and assistance regarding integration are not entirely satisfactory, despite the efforts undertaken in the recent years to harmonize with the international standards. Thus, it is required to support and consolidate, in all its elements, the activity of the National Office for Refugees and Migrants (ONR) as well as the extension – in depth and width - of the cooperation of this institution with the specialized non-governmental organizations of the UNHCR – the National Romanian Council for Refugees and the Romanian Forum for Refugees and Migrants, with the IOM – Romanian Mission, with the associations set up by the immigrants communities for labour and business, etc.. It is also necessary to increase the involvement of other governmental institutions as well (for example, the Ministry of Education, Research and Youth, the Ministry of Labour, Social Solidarity and Family), according to their specific fields of interest.

10.2. The integration of immigrants equally requires the **adoption of an open, tolerant attitude by Romanian society**, as opposed to discrimination, xenophobia and other forms of rejection of migrants. This requirement aims not only at the common citizens of Romania but also at the civil servants dealing with the problems of immigrants, asylum seekers and refugees.

10.3. Regarding the position of the public opinion towards the immigrants established in Romania, this is found in a rather large variation range, having as determinants the urban/rural environment, level of education, previous contacts with minority groups or the living in homogeneous cultural environments. The research undertaken in our country, that this study refers to, has identified *specific tolerance areas*, where immigration flows are expected to be directed to, whereas the access to other environments and areas may be restricted by intolerance.

10.4. In addition to the integration of immigrants, a challenge with multiple implications for the Romanian society is the **reintegration of Romanians returning to their country** after an external migration experience, with emphasis on special categories, such as the Romanian students that have attended the courses of universities abroad, ethnic Roma persons, victims of human trafficking, unaccompanied Romanian minors, the repatriated, etc. It is necessary that the answer to such a challenge cover a wide diversity, from those regarding the legislative and

institutional level to the mechanisms and tools of motivation and stimulation and the concerted efforts for major changes in mentalities and attitudes.

10.5. Romania must be also concerned with certain aspects of **integration of Romanian emigrants in the host countries**. The role of the Romanian authorities is essentially connected to the contribution to creating and supporting of a correct and objective image on the entire Romanian Diaspora, which may have a valuable contribution to the enrichment of the scientific and cultural patrimony of the host country, as well as to maintaining the connections between the Diaspora and the mother country.

10.6. A special aspect focuses on the support that the Romanian state must provide to large communities of Romanians living outside the country due to historic reasons (in the Republic of Moldova, and also Ukraine, Hungary, Bulgaria, Yugoslavia), which, in addition to the aid in preserving the cultural identity also need support at international level for the recognition of their rights in the respective countries.

11. The Romanian public opinion perceives the migration phenomenon mainly as labour migration. A large number of people believe that migrants earn money from a paid job and only a small part of the public opinion think that they obtain money from theft and begging. Yet, the results of the opinion polls mentioned in this study reveal a wrong perception – in some points - of the negative aspects that accompany the Romanians' external migration, which proves that the public opinion finds it difficult to distinguish between certain objective hardships related to the travel within the Schengen space and the violation of the law, between the groups performing illegal activities and the affiliation to a social, ethnic or religious minority, which leads to the creation of stereotypes, to attitudes that feed delinquency, intolerance and xenophobia. This perception could be set right by means of joint, coherent efforts of mass-media, public administration and civil society.

12. Up to present, one cannot say that *mass-media* has brought its necessary contribution to the accurate rendering of external migration phenomenon, with all its aspects and to the creation of an adequate social behaviour with respect to both migration itself and the integration/reintegration process. It has been remarked that migration is not systematically rendered and assessed, in its entire complexity, the emphasis being put on the narration of certain negative, sensational facts and less on the *orientation* of the migrants within an universe that makes them face numerous risk and uncertainty components, on the *prevention* and *combating* delinquency, clandestine travelling and corruption related to visa granting. To a considerable extent, the partial and sometimes wrong coverage of the migration phenomenon by mass media is the result of the *shortage of specialized journalists* in this field; therefore is highly recommended the organization of training courses with respect to the investigation and assessment of migration.

13. Our study appreciates and supports the proposals converged in various documents regarding migration (especially the IOM's) with reference to the **introduction in the academic curricula of subjects specialized on the study of the migration phenomena** (labour economics, law, medicine, health policy, sociology, education sciences, etc.), as well as the **creation of a national migration research center** (to be set up by the Romanian Government in partnership with IOM, UNCHR and other international organizations), **of some faculties or departments of interdisciplinary studies on migration**, so as to build up the necessary expertise in public policies, social assistance, human resources and migration management.

Quantitative determinations of the migration flows performed by this study have led to a series of conclusions with direct impact on the strategy and policies that Romania must adopt in the migration field in view of the status it is preparing to acquire, that of EU member state.

14. The analysis of immigration flows shows that, unlike emigration, which, despite restrictions by means of political constraint, had manifested during the previous regime as well, for the first time we can talk about immigration in Romania after 1990. If, in the case of legal permanent migration, the main component consisted in repatriations, the major reason of illegal immigration remains that of transit, heading for one of the developed countries of Western Europe.

15. Permanent immigration was fuelled mainly by citizens of the Republic of Moldova (after 1997, their share rose up to 75% of the total), and generally consisted in young people, with high potential of integration on the labour market (those younger than 50 years of age representing 84.6% of the total). The favourite destination of new entrants is Bucharest (over 41%), followed by the North-East region (18.2%). Only 20 of the country counties (nearly half) have summed up 90% of the total permanent immigration between 1992 and 2002.

16. Regarding foreign citizens residing in Romania, between the *two censuses of 1992 and 2002*, their number has gone up 9.4 times (by approximately 25,000 persons), reaching 27,910 persons, of which 74% represent long term immigrants (a duration of stay longer than 12 months) and who are concentrated mainly in the urban area (91.8%). The most important dynamics, in both absolute and relative terms, was reported within foreign citizens arriving from EU15, whose number has risen 19 times, while, at the opposite side, the 10 countries joining EU in 2004 have increased their presence in Romania “only” 1.6 times. It can be said that, throughout these 10 years, Romania has become a much more interesting destination (for business purposes, studies, and other reasons) for foreign citizens, and Romania’s features as immigration country are more and more clearly defined.

If, generally, the number of foreign citizens in Romania varies reversely proportional to the distance between our country and the country of citizenship, the duration of stay seems to be increasing as the newcomer has to travel a greater distance between the place of birth and the present one.

Compared to census data, the *data supplied by the Ministry of Administration and Interior* lead to much higher levels. Thus, in the same year (2002), a number of 72,859 foreigners were registered within the Authority for Foreign Citizens (44,949 more). Of them, 24% came from the European Union countries.

17. As concerns the refugees and asylum seekers, according to our analyses, we can say that, at least for now, Romania is not facing major problems (during 1992-2001, the rate of asylum applications per one thousand inhabitants was of only 0.4‰). The same applies, both compared with the developed countries, which have been and will always be the favourite destination of such migratory flows, and even to countries undergoing similar transition processes and which also have similar geo-political positions.

Such situation, where Romania was and continues to be, to a large extent, avoided by flows of refugees and asylum seekers, cannot be explained without considering as main factor the economic decline of the past ten years, the sinuous road of transition, the general level of economic development, which showed much distress and which, by rebound, has determined our country to represent a less attractive destination for migration, even in cases of force majeure, and even compared to the neighbouring countries undergoing similar transition processes.

18. There are, however, enough reasons to support us in concluding that the issue of Romania-heading immigration can no longer be considered as collateral, and without importance:

- Romania's accession to the European Union will imply, sooner or later, a shift in the still wide gap in living standards between our country and the developed ones; automatically, however, the gap to the less developed countries will grow, so that this fundamental type of "*push factor*", which up to the present played a rather inhibitory role, will become active;
- simply by extrapolating the permanent immigration in the recent years, the annual flow of new entries may rise to around 15,000-18,000 persons by 2007-2010;
- Romania must assume its role as eastern border of the European Union; it is well known that, at the world-wide level, at least from the demographic point of view but also with regard to the economic distress, Asia is considered the main migration reservoir of the 21st century, and Romania is linked with this continent by a "green border" fairly easy to cross, whereas the already established routes of legal/illegal migration are flexible enough and capable to adapt to a changing environment.

19. The migratory flows - especially in what concerns the refugees and the asylum seekers - have but a small element of stability and predictability, whilst showing, by definition, a great sensitiveness to changes in the political, economic, geo-strategic environment at local, regional and global level. Given the present trend in globalisation, immigration, and migration in general, can no longer be treated or explained as isolated phenomena, thus acquiring an ever more regional and global pattern. Bearing that in mind, it is clear that in the future, and especially after the accession date, the level and dynamics of immigration in Romania will depend on domestic factors to a much lower extent (the national migration regulatory framework, state policy in the field, the evolution of the Romanian economy and Romanian society on the whole etc.), while **external factors will have a significant role**. In other words, immigration in Romania can be estimated and explained only if we are considering the regional migratory phenomena, at EU level, Europe as a whole and even at the world-wide level.

20. Taking into account different possible variants of migratory flows evolution (at world-wide level, in the European Union and particularly in the case of Romania), and combining between them different assumptions, our study shows an extremely large range of possibilities with regard to the future trend of immigration in Romania (not less than 24 variants). The lower limit, calculated under the most restrictive/non-stimulating conditions/factors of immigration, is set at an annual average number of immigrants of 5.9 thousand persons, just beneath the actual figures reported in 2002. However, the upper limit of 200,000 persons annually (resulted under extremely permissive assumptions and showing the least consideration for other restricting factors) exceeds by far what Romania is prepared and/or is used to handle in terms of immigration.

20.1. Even if Romania is to absorb but 1% of the total number of immigrants arriving in the EU every year, it is nevertheless possible for it to be forced to handle a flow of persons much higher than to date: three times higher than in 2002, twice than in 2000 or 2001. Variants that may be considered as *moderate* provide for an annual contingent of immigrants amounting to 25,000-6,000 persons.

20.2. Moreover, if so far the main statistically proven element of immigration was represented by repatriations, it is expected that, after accession, such feature be taken over by another type of immigration (asylum seekers, refugees, and particularly illegal migration).

21. From the perspective of immigration, especially the illegal one, Romania's accession to the European Union implies, in addition to undoubted advantages, certain **risks as well, that cannot be neglected.**

21.1. Considering our estimates' results, as well as the EU regulations regarding the criteria and mechanisms for determining the Member State responsible for examining an asylum application, that may affect to a greater extent the border countries (1990 Dublin Convention, amended by the Council Regulations No. 343/2003), the main objective of immigration policy will have to be, beside an increased border security, a good immigration policy management, both *domestic* (restrictive conditions for granting visas, bilateral agreements with the main countries of immigration etc.), and *at the wide EU level* (EU migration policy harmonisation, negotiation of special conditions for border countries, such as Romania, a common sharing of financial and logistic efforts in ensuring borders security and resolving asylum applications, joint management of refugees' crises etc.), so as to prevent the situation when Romania would have to support all by itself a large part of the flow of illegal immigrants trying to enter EU territory.

21.2. Romania will have to devise a **complex immigration management framework**, ensuring, partially or entirely, from its own funds, means of accommodation and subsistence for the newcomers, social and economic integration services etc. The financial effort alone involved by temporary hosting of the refugees or asylum seekers until a decision on the submitted application is made – which does not represent but a small part of the total expenses required by the management of such process – may reach significant levels. Such situations must be prepared in time, especially as, unlike emigration, where losses/gains are measured in terms of **comparative costs** (which would be the gain/loss of the country following permanent/temporary leave, how much the state loses in terms of human capital investment etc.), immigration also implies **immediate, concrete financial costs, that can not be postponed.** If only 10% of the immigrants estimated by our calculations would fall into the category of people applying for assistance, and also if the unitary expenses allocated per one assisted person would be 10 times lower than the figures reported, for instance, in Finland, the total financial effort which should be supplied by the Romanian state, may amount to EUR 0.6-20 million annually, or, in the case of the average variant, EUR 6 million per year.

22. The analysis of migration potential per type of exit flows shows, to begin with, the fact that external migration is divided into two components – emigration and labour migration, the external migration dimension in Romania being relatively *modest*:

- Emigration is more temperate, without significant changes of the flows and is maintained at relatively low levels (around 10-15 thousand persons/per year).
- Labour migration of human capital in Romania, especially of young generations will be the prevailing form, but «managed» through contingent policy and border crossing control. The evolution of these flows is more dynamic, with qualitative progress in terms of behavior and labour and inter-human relations.
- The legal migration-illegal migration ratio evolves in favour of the first form, but it will be further influenced by the policies of the countries of destination, especially with regard to access to social protection systems.
- The employment of «overqualified» young persons with outstanding performances in the country, still remains a delicate issue, tensioning migration flows, as long as the national economy does not offer attractive solutions. Although, due to the demographic decline, the population contingent of 15-23 years old will reduce significantly (by approximately 1.2 million by 2015-2020) we estimate that **as far as brain-drain is concerned, Romania will remain an**

area of high interest for transnational companies or for international scientific research. *However, the challenges that the national economy has to face make every loss in the productive and creative potential due to migration to be too much of an expensive luxury on the middle and long term for Romania.*

23. Emigration «pattern» changes continuously:

- Areas of departure scatter as the importance of the ethnicity criteria declines. Emigration oriented on family relations - distant relatives or friendship is gaining ground.
- The criterion of distance becomes a minor issue, which means that migration flows heading for farther continents gain importance. Preferred areas are those offering wider perspectives for professional achievement and relatively easy conditions of integration in new communities (recent policies promoted by Canada and the USA for attracting young families).
- There is an increasing tendency towards emigration of youth/young families which have previously acquired some «migratory experience», such as studies abroad, specializations, temporary jobs abroad, etc.

24. As far as labour migration is concerned, the following aspects will have greater relevance:

- it will be fluctuating, factors defining intensity and characteristics being determined mainly by the situation of the labour market in the countries of destination and only to a small extent by the «option» of the supply available in the origin country;
- policies of the destination countries makes it practically impossible to reach a «critical, alarm» level of the Romanian worker's presence on the EU market (contingents, etc.);
- a further improvement in the behaviour and attitudes of the Romanian migrant worker is estimated, and also a much firmer mindset regarding anti-discrimination, including concerning social security.

25. External migration equally presents advantages and disadvantages for all involved, though in different proportions. Without making an ample and very rigorous inventory of losses/gains, we will further present **some significant effects for present and future:**

25.1. Added value from external migration:

a) at an economic and financial level, this is materialized mainly by the surplus of money resources for:

- consumption (adding to the current consumption of goods and services, long term use products) ;
- household investments (in fixed and moveable assets of high value – buildings, lands, art objects, etc.) ;
- income generating investments (shareholding in companies, acquisition of state securities, etc.) ;
- investments for the development of local communities by setting up new businesses.

b) at a socio-cultural level:

- access to quality services including private services;
- development of labour relations corresponding to the competition environment – attitudes towards labour, labour skills, productivity, responsibility, innovating spirit, etc.;

- development of inter-human relations at the workplace and in the local community which would support involvement in taking actions for the common benefit – charity actions, etc.

25.2. Without minimizing the advantages, we would like to stress that, in the long run, both emigration and labour migration can have **undesirable effects** by:

- **considerable reduction of the national supply** of labour force, in terms of both quantity and quality;
- **«adjustment» of possibilities to reduce gaps** in terms of Romanian products' competitiveness on foreign markets, covering the demand for labour force in high competence professions/occupations;
- **limitation of the possibilities to reduce income differences** to the EU countries and, implicitly, encouragement of labour migration;
- the emergence, at national level, of **segments of qualification deficits** of the labour force;
- increasing population ageing with all social problems that it raises.

26. Eventually, we should underline that not only do we need to remove but also to avoid the **risk of being marginalized within the new European structure**. And this is depending, above all, on the quality of the internal economic, educational and social policies, the conservation of national cultural and ethic values and critical assimilation of western values, adapting them to the national conditions. The conditions for such combination are already laid down in the European Strategy for Employment (ESE), the National Action Plan for Employment (NAPE), Joint Assessment Paper (JAP) and other EU documents (Pert, 2003).

27. In longer run, Romania can turn into an immigration country, but having a considerable contingent of autochthonous population working abroad. It will represent a supply source for east-west emigration and a beneficiary of south-north and east migration. Far from rejoicing over this condition, we will have to relieve, as much as possible, the **unfavorable effects on the national labour market** – the de-structuring of the labour supply and the non-correlation with the national market demand; on the average, a much lower level of education and professional training of the labour force existing on the market compared to the structure of the graduates within the initial system of education, and, complementarily, a much lower creative potential, a weakening of employment; the job insecurity increase and relatively modest productive performances. If we are to consider, on one hand, the necessary quantity and quality levels of human resources that Romania would require in order to live up to the exigencies imposed on it as EU member country, and, on the other hand, the labour potential “ensured” by demographical evolutions, then **the picture of the labour market becomes quite discouraging** – the structural deficit of the labour force, already existing on the national labour market will further grow, to which a quantitative deficit will be added after 2005.

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