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**Research Report**

## European perspectives on asylum and migration

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# EUROPEAN INSTITUTE OF ROMANIA

## *Project SPOS 2008 – Strategy and Policy Studies*

### Study No. 4

## European Perspectives on Asylum and Migration

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**Bucharest**  
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## **FOREWORD**

The study “European Perspectives on Asylum and Migration” is the third in a series of studies dedicated to migration issues performed by the European Institute of Romania, after “Free Movement of Persons” (PAIS I – 2002) and “Migration Phenomenon in Romania from the Perspective of Romania’s Accession to the European Union” (PAIS II – 2004). If the first two counted among the few studies undertaken on international migration until that date in Romania (the 2004 study being considered the largest), later on a substantial increase of the interest for studying the migration phenomenon could be acknowledged, both among experts in the State institutions with duties in the field, and among researchers. This happened while Romania was preparing to access the European Union and, subsequently, to acquire the statute of member country of the EU, with all the consequences in quantifying dimensions – in multiple fields – and in managing this phenomenon.

This study approaches the subject matter of the external migration of Romania from the European perspective, accompanied by the asylum perspective, which is of particular interest nowadays, after Romania has become the Eastern border of the EU.

The literature emphasizes the difficulties arising in many cases when separating voluntary migration from forced migration, which entails challenges to the systems analyzing asylum applications adopted by various countries that have to make a correct distinction between refugees and other categories of immigrants. It was often necessary to elaborate extremely costly procedures to separate asylum seekers who were entitled to obtain the refugee status from those who treated this application as a solution they resorted to in case other immigration ways were becoming increasingly restrictive (Martin, 2001).

Starting from these general considerations and in accordance with the established reference terms, this study is structured on three main components.

The first component approaches the legislation, the policies and the institutions in the field of migration in the European Union and in Romania. The existing legislation, the current legislative proposals and perspectives regarding migration and asylum in the EU and Romania are analyzed, accompanied by the measures deriving from the strategies and plans of measures elaborated in this direction.

The second component allows for a statistic (quantitative) analysis of Romania’s emigration and immigration flows, with an emphasis on labour migration and an outline of the last developments in this field. Separately, the study presents some asylum-related issues at international level and in Romania, while the pressure is increased with regard to entrance into Romania, as the Eastern border of the EU. Also, having regard to its amplitude and dramatic consequences, the trafficking in persons was also subject to a short analysis.

The third component refers to a series of considerations regarding the predictable evolutions of the migration phenomenon, extracted from the quantitative and qualitative analyses undertaken. At the same time, the possibilities of adapting to the predictable tendencies are identified, in view of managing this phenomenon as efficiently as possible, particularly as regards its main form of manifestation, i.e. labour migration. The survey ends with a distinct section, dedicated to conclusions and recommendations.

During our research, we benefited from the particularly useful support of the representatives of beneficiaries and of other specialists involved in the analysis and management of migration, who provided us with an important quantity of data and information, such as high-competence remarks, suggestions, and propositions. Our thanks go to the following ladies and gentlemen: Gabriela Iancu, Mihaela Alexe – The Department of European Affairs of the Government of Romania, Niculae Dinu, Stefan Mazilu, Dorin Tepuşa, Mircea Băbău, Ovidiu

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Simina – The Ministry of Interior and Administrative Reform, Corina Aldea, Bogdan Pașca, Mireala Argăseală – The Ministry of Labour, Social Solidarity and Family, Cătălin Stanciu – The National Agency of Employment, Dorel Gheorghiu – The National Institute of Statistics, Daniel Kozak – International Organisation for Migration. – Mission in Romania.

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## **INTRODUCTION. THE CURRENT CONTEXT OF INTERNATIONAL MIGRATION – EUROPE’S CASE**

In the recent debates on international migration, both governmental representatives and the private sector representatives admitted the need of an efficient global labor market, considering that the projections regarding the imbalances between the demand and supply of workforce for the following years indicate their intensification, while there is demographic ageing and decline of the population in developed countries, and increase of population in developing countries. At the same time, disparities in the level of wages and opportunities to find a job between and within developed countries and developing countries are expected to be perpetuated, which will generate new reasons for mobility and migration (Appave and Cholewinski, 2007).

The OECD Outlook on international migration for year 2007 highlights that in 2005 the group of the most important source-countries has remained relatively stable, having geographic proximity as a major determinant factor in choosing the country of destination both in Europe and outside it.

However, there is an evident change in Europe as regards the countries of origin, while there is an intensification of the migration flows from the Eastern Europe countries that have recently become members of the European Union<sup>1</sup>.

Since 2005, Poland and Romania (candidate countries at that time) have become by far the first two countries of origin, while they were among the first ten even in 2000 (Table 1).

**Table 1. The first ten countries of origin of the migration flows to countries of the OECD in 2000 and 2005**

2000			2005		
Rank	Country	Thousands of persons	Rank	Country	Thousands of persons
1	Morocco	96	1	Poland	324
2	Ecuador	95	2	Romania	202
3	Poland	94	3	Morocco	128
4	Bulgaria	81	4	Bulgaria	82
5	Turkey	79	5	Germany	77
6	Romania	76	6	Ukraine	70
7	USA	64	7	Turkey	66
8	Germany	61	8	United Kingdom	65
9	France	60	9	Russian Federation	54
10	Italy	56	10	France	49

**Source:** *International Migration Outlook*, OECD, 2007, p.38

For the Polish citizens, the main destinations were the United Kingdom, Germany, Italy, Ireland and Austria, whereas Romania, Spain, Italy and Germany attracted approx. 90% of the emigrants.

We should also mention the ranking among the first ten countries of the United Kingdom, Ukraine and the Russian Federation. As regards the United Kingdom, the destination of a large part of the migration flows is Spain, as those who choose this country are mainly

<sup>1</sup> See “Regional aspects of international migration towards OECD countries” in the OECD Outlook 2007 – *International Migration Outlook*, p. 38-39

pensioners. Ukraine and the Russian Federation are important sources of migration to the Czech Republic, Germany, Italy and Spain.

Besides Europe, the emigrants of Asia occupy a dominant position, with a significant increase of those coming from India and China. A particularly interesting aspect is the tendency of increase of the training level among the young migrants in these countries.

Even if the destination of the most important flows of Chinese migrants is Canada and Japan, the European continent is neither avoided, as the main country of destination is, in this case, the United Kingdom. For the Indian citizens, the preferred destinations are Australia, Canada and the USA.

As a general conclusion, the countries of origin for the migration to the countries of the OECD are defined by a large diversity, the direction and intensity of the migration flows depending, among other factors, on geographic and linguistic proximity, as well as on historic bonds.

As regards the European Union, framed in the general background described above, it intends to promote a comprehensive migration policy which is able to provide a coherent and efficient manner of responding to the challenges and opportunities related to migration.

The comprehensive, multilateral approach conceived by the EU refers to all stages of the migration process, valorizing its benefits and, at the same time, applying efficient policies and measures as regards illegal migration and trafficking in persons. It is based on generally accepted principles regarding subsidiarity, proportionality, solidarity and respect towards the legislation and the economic and social context of the member countries (Europe-Rapid Press Release, 2007). Also, it contemplates the respect of the human rights and fundamental freedoms of migrants, including access to the applicable asylum seeking procedures.

From this perspective, this study analyzes both the quantitative aspects of migration and its qualitative aspects, with an emphasis on the challenges that Romania has to cope with, deriving from its new status of member state of the EU.

## **Chapter 1. LEGISLATION, POLICIES, INSTITUTIONS IN THE FIELD OF MIGRATION IN THE EUROPEAN UNION AND ROMANIA**

Migration is a complex process, with a multinational character that cannot be dealt with only in a unilateral or bilateral way, but through an efficient management that takes into consideration the benefit of all those involved and the changing characteristics of the migration process. In this context the migration policies of the countries change according to the evolutions of the world economy, of political situations, of the influence of different factors: natural, social, etc. This section discusses the policies and the legislation in the field of migration in the European Union and analyzes the policies, legislation and institutions regarding the migration process in Romania.

### **1.1.Policies and legislation in the field of migration in the European Union**

Europe was and will continue to be a geographical area with important migration flows in various directions, but it will represent most of all an area of destination.

In the last 30 years European policies in the field of migration had a strong restrictive character, but they started to change after 1990, when a higher openness and a higher degree of acceptance of third countries immigrants, is encountered. The demographic decline associated with the decline in qualifications at a European level will determine in the future a decrease in the employable population in Europe. Consequently, it appears the necessity to

find solutions in order to eliminate the negative effects of the demographic decline. In this context the European Union's opening towards migratory workers from third party countries. Thus, at the present legal immigration is seen as a method of counterbalancing the decrease in Europe's employable population. It is thought that a controlled migration at the level of the Community space is more beneficial than leaving each member state to decide upon its migration policy. This is why a common migration policy emerged at a Community level, which shows an opening towards the work force from third countries.

The change of the policy regarding the field of migration at the level of the EU is marked by the Communication regarding the Immigration, Integration, and Work of the European Commission in June 2003. See Box 1.1.

At the same time, the EU's migration policies took into consideration 4 aspects in view of managing in an efficient manner the migration process:

- policies for regulating and controlling of migration flows;
- policies for fighting illegal migration and employment of foreign workers;
- policies for the integration of immigrants;
- policies regarding the international cooperation in the field of migration.

These policies are reflected in the EU directives, as well as in the adopted strategies and programmes adopted in the field of migration. They regard a coordinated approach of the migration problem, the legal and illegal as well, towards the benefit of the EU countries, but towards that of the supplier countries.

**BOX 1.1.**

**The European Commission's Communication concerning Immigration, Integration and Work issued in June 2003**

The 3 messages of the policy regarding the field of migration from this communication are:

1. **Migration flows are necessary to fill in the workforce deficit that will start growing after 2010.** It is expected that between 2010-2030 the number of persons employed will decrease by 20 million workers in the 25 members EU, due to the deficit of workforce (caused by the demographic decline) and the deficit of qualifications.
2. **EU must accomplish a good integration of immigrants.** This is a condition to ensure future migratory flows, and in this context EU must consolidate the legal channels of immigration which must replace the present illegal channels. The process of integrating the immigrants must include key aspects such as: the labour market, educational and language abilities, providing housing, social and health services, social, ensuring cultural and civil rights.
3. **EU must take initiative in providing a coherent framework in the field of migration at a European level.** While the measures for integrating the immigrants remain the responsibility of the Member States, the Commission must intensify its efforts to build a more coherent framework at the EU level. This requires coordinating the national policies regarding the integration.

Source: Immigration and employment in EU

**1.1.1. Directives, regulations and decisions of the European Union in the field of migration and asylum**

There are a number of older and newer **directives, regulations and decisions** that directly and indirectly regulate the migratory policies in the European Union. Amongst them, the most important are mentioned below.

*Directives* of the European Union in the field of migration in the chronological order of their publication are:

- Council Directive 221/1964 concerning the coordination of the special measures regarding the movement and staying of the foreign citizens, measures that were justified as being in the interest of public order, public safety and public health.
- Council Directive 360/1968 concerning the elimination of movement and staying restrictions within the Community for workers from the member states and their families.
- Council Directive 207/1976 concerning the carrying into application of the principle of equal treatment of men and women in what concerns the access to employment, to the professional formation and promotion, as well as the work conditions.
- Directive 71/1996 of the European Parliament and Council concerning the transfer of workers in the framework of service performance.
- the Council Directive 78/2000 creating a general framework in favour of equal treatment concerning the workforce's occupation and the work conditions.
- Council Directive 23/2001 concerning the bringing together of the member states legislation referring to the maintenance the worker's rights in the case of transfers between companies, between units or transfers between one part of the company and another unit.
- Council Directive 109/2003 concerning the status of third countries citizens that are long time residents.
- Council Directive 86/2003 concerning the right to family reunification.
- European Parliament and Council Directive 38/2004 concerning the right to movement and staying for the Union's citizens and their families (changes).
- Council Directive 81/2004 regarding the work permits issued for citizens of third countries, victims of human beings traffic or those that were the subject of an action for the facilitation of legal immigration in cooperation with the qualified authorities.
- Council Directive 114/2004 concerning the conditions of admitting citizens of third countries with the purpose of studying, student exchange, unpaid training or voluntary services.
- European Parliament and Council Directive 36/2005 concerning the acknowledgement of professional qualifications.
- Council Directive 71/2005 in regard to the admission procedure of third countries citizens for scientific research.

*Regulations and decisions* of the European Union in the field of migration in the chronological order of their publication are:

- Council Regulation 1612/1968 concerning the free movement of workers in the Community.
- Council Regulation 1408/1971 concerning the way social security regimes application are applied to employed persons and their families (who are citizens of a EU member state) who are moving within the Community.
- European Parliament and Council Regulation 883/2004 concerning the coordination of social security systems.
- European Parliament and Council Regulation 1992/2006 for modifying Council Regulation 1408/1971 concerning the way social security regimes application are applied to employed persons and their families (who are citizens of a EU member state) who are moving within the Community.
- Council Decision 491/2007 concerning the orientation of the policies for employment of the member states.

These regulations regard on the one side the circulation in purpose of work of citizens from member states of the European Union and of their families to other EU member states, and on the other side the citizens of third countries and their ability to develop profitable activities in the EU Member States. As it was already mentioned, recently there was a change in the EU policies regarding the recruitment of workforce outside the EU borders, and this fact is reflected both in the directives and the proposals for directives from the last years.

Besides existing directives and regulations other directives concerning migration are being discussed and/or on the way to being adopted at the present. These are in the stage of proposals, and will be discussed in the following sections, when the plans and programs of the European Union in this field will be presented.

A special place is occupied by *the regulations in the field of asylum*. In this way the distinction between the person requesting asylum and other categories of immigrants must be mentioned. Thus, while the **immigrant**<sup>2</sup> **chooses** to leave his country of origin for reasons of an economical, social, cultural, family nature etc., **the person requesting asylum**/the one that has received some form of protection<sup>3</sup> (refugee status, subsidiary or temporary protection) **is forced** to leave its country of origin, because his freedom or life are being threatened. International Agreements establish the obligation of signatory states to ensure the unrestricted access to the asylum procedure and the observation of the principle of non-returning (meaning the prohibition of measures of returning, expulsion, extradition of the person requesting asylum or of a person who is in the process of the asylum requesting procedure), accompanied by the necessary assistance during the asylum procedure and subsequently, in the case of people receiving some form of protection.

The European policies and legislation in the field of asylum represent a distinct field of the European regulations in the field of migration. Table 1.1 presents the main directives of the *acquis communautaire* as regards the asylum and the regulations comprised in these documents.

**Table 1.1. The documents of the *acquis communautaire* in the field of asylum and their provisions**

**A. The Tampere program concerning the creation of a common policy in the field of asylum**

<b>Document</b>	<b>Provisions</b>
1. Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted	Establishing minimum compulsory standards for granting a form of protection, and the content of the protection granted
2. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers	Establishing minimum standards for the reception and assistance of asylum seekers
3. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status	Establishing minimum standards for the procedures for granting and withdrawing a form of protection

<sup>2</sup> The other categories, besides the people requesting asylum.

<sup>3</sup> There are differences in the rights of the asylum seekers and the ones who following an asylum application, received a form of protection (who have more rights than the previous).

<p>4. Dublin/Eurodac<sup>4</sup> Regulations</p> <p>- Council Regulation (CE) 2725/2000 of 11 December 2000 concerning the establishment of EURODAC for the comparison of fingerprints for the effective application of the Dublin Convention</p> <p>- Council Regulation (CE) 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No. 2725/2000 concerning the establishment of EURODAC for the comparison of fingerprints for the effective application of the Dublin Convention</p> <p>- Council Regulation (CE) 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national</p>	<p>Deterring asylum applications from persons on the territory of several European countries, so that they may be entitled to a single asylum procedure, as well as establishing the state responsible for the entry into the European space.</p> <p>Fingerprint comparison for the purpose of effective application of the Dublin Convention.</p> <p>Establishing rules to implement Council Regulation (CE) 2725/2000</p> <p>Establishing criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the Member States by a third-country national.</p>
<p>5. Council Directive 2001/55/CE on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof</p>	<p>Establishing minimum standards for giving temporary protection in the event of a mass influx of displaced persons and the measures promoting a balance of efforts between Member States and bearing the consequences</p>

**B. The Hague Program**– The measures concerning the assistance and cooperation with countries from the regions of origin and transit, with EU neighbour countries; The measures concerning the social integration of aliens.

**Source:** Processed from “Immigration and asylum in Romania – year 2006” (in Romanian), M.A.I., Bucharest, 2007, p.13-14

### ***1.1.2. European Union strategies, programs, plans in the field of migration and asylum***

Among the main European Union programs regarding migration are:

- The Tampere program (1999) that introduces the common policy in the field of asylum;

<sup>4</sup>In essence they aim at fighting the so-called "asylum shopping", which refers to a person's incline to start a new procedure for asylum in a European state before the completion of a previous procedure in another state, which would allow him to stay and receive material assistance free of charge in Europe for a period of 10 years.

- The Hague program (2005) for the consolidation of freedom, security and justice in the European Union, followed by the Program for solidarity and management of migratory flows for the 2007-2013 period (2006).

The Hague program (2005) has established 10 priorities of the European Union for the consolidation of the area of freedom, security and justice in the following 5 years. Among these, many reference directly the migration problem (see Box no. 1.2). This program established a balanced approach of legal and illegal migration, comprising measures for fighting illegal immigration and human trafficking, as well as concrete plans for action. Such are The plan regarding legal migration and the integration of immigrants that takes into consideration especially the migration coming from third-countries and the Plan of European action concerning workplace mobility in 2007-2010, which regards the geographical and professional mobility inside the European Union.

In what regards legal migration, there are 4 main fields that are being considered in **The plan regarding legal migration and the integration of immigrants:**

- legislative measures in the field of workforce migration;
- the access and exchange of information;
- immigrants integration;
- the cooperation with origin countries.

**A. The legislative measures in the field of workforce migration** at the level of the European Union are considering proposals of directives, among them a general directive and 3 specific directives (for highly qualified workers, for seasonal workers, for employers of illegal workforce):

1. *The proposal for a directive concerning an unique procedure of requesting a single permit for third-countries asylum seekers in the view of staying and occupying a work place inside the territory of the member states and a common set of rights for workers from third-countries with legal staying on the territory of a member state is a proposal for a general directive that was submitted to the Council in October 2007.*

**BOX 1.2.**

**The priorities of The Hague Program for the consolidation of freedom, security and justice in the European Union (2005)**

1. The consolidation of fundamental and citizen's rights
2. The fight against terrorism
3. Defining of a balanced approach of migration
4. Establishing of a common procedure in the field of asylum
5. The maximization of the positive impact of migration
6. The development of an integrated management of the EU's external borders
7. The achievement of equilibrium in the field of information exchange
8. The development of a strategy for dealing with the problem of organised crime
9. Establishing an European area of original justice
10. Dividing of responsibility

Source: <http://eur-lex.europa.eu>

This proposes two important regulations:

a) the existence of an unique procedure both for requesting the right to stay and for the right to work, unique procedure that should be followed by only one administrative act comprising both the staying permit and the work permit. The unique permit is issued by

the member states in a single format according to a model provided by Regulation (EC) no. 1030/2002.

b) guaranteeing of a number of rights for third-countries workers through ensuring them of equal treatment with national workers in connection with: work conditions, freedom of association, professional education and formation, recognition of diplomas, certificates and professional qualifications, social security systems, the payment of pension rights, fiscal benefits and the access to the goods and services for the population (including obtaining housing or getting employed).

2. *The proposals for a directive concerning the entrance and staying conditions of asylum seekers from third-countries* for filling in highly qualified work positions, is a specific directive proposal for submitted to the Council in October 2007. The proposal regulates the admittance of highly qualified workers (upper education graduates) in the purpose of filling in a highly qualified work position in EU member state. A highly qualified asylum seeker from a third-country that requests the admittance in an EU country for a work purpose must bring proof of an available work contract or a firm employment offer and must fulfil the conditions provided by the national legislation. Those whose request is admitted receive the European Blue Card for a period of two years (or for the duration of the work contract plus 3 months) on the basis of which they have the right to perform the work for which they have requested the admittance in the first state from the EU. After 2 years they receive the same rights as the asylum seekers from third-countries with a long term right for staying and working, having the possibility to move in a second member state together with their family. Member states establish: a) levies of admission for asylum seekers according to the situation of their own workforce market. They can apply the principle of choosing EU citizens over asylum seekers from third-countries; b) who can submit a request for the European Blue Card, the asylum seeker or the employer.

3. *The proposals for a directive concerning work conditions of temporary workers* were submitted to the Council in March 2002. The proposal establishes as a general principle the non-discrimination of temporary workers in concern to the work and employment conditions, as opposed to those that perform the same activity, but are permanent employees.

4. *The proposals for a directive of establishing sanctions for the employers of illegal stay third-country asylum seekers* was submitted to the Council in May 2007. This proposal regards the participation of employers in the diminishment of illegal immigration and sets forth the incumbency of employers to verify if the third-country asylum seeker owns a valid stay permit for the period of time of the employment and to notify the authorities in charge when hiring a new third-country asylum seeker (so that they may verify the authenticity of the papers). Employers that do not comply with these requirements will be punished financially, will contribute to the costs of repatriation of illegal immigrants, they will pay them all their outstanding salaries and taxes and contributions due to the state. Also, other sanctions are proposed for such employers, such as the exclusion from the opportunity of benefiting from aids and subsidies, from participating in public acquisitions, etc.

**B.** In regard to *the access and the exchange of information*, the creation, development and improvement of means of information in the field of migration are being considered: a portal of the European Union where the EU policies and the relevant *acquis communautaire* will be accessed, the EURES network, etc.

**C.** *Integration of legal migrants* represents another priority of the European Union in the field of migration. Social and cultural integration of legal migrants is considering their access

to education and professional training through information with the help of informative packets, courses in language and civic orientation, etc.

**Cooperation with countries of origin** is a fourth course of action of the European Union in the field of migration.

It takes into consideration the identification of countries of origin of immigrants on various qualifications and the growth of the degree of information in these countries about the possibilities of immigration in the European Union. Also, covering the needs of both the EU member states and that of the countries of origin is being considered.

Intensifying workforce mobility within the European Union, as one of the main aims of the Lisbon Strategy, is considered by **the European Action Plan concerning the mobility of jobs for 2007-2010**. It sets out the main directions for future action followed by concrete objectives, as well as 4 as priority areas for action.

Box 1.3 presents the directions for action and the objectives of the plan and below we show the priority areas of the plan:

- improving the current legislation and the administrative practices
- providing support for policies concerning the mobility of the authorities at all levels
- EURES consolidation
- increasing public awareness concerning the benefits of mobility

**BOX 1.3**

**The European Action Plan concerning jobs mobility (2007-2010)**

Future courses of action (based on the experience of the previous plan from 2002):

- determining a larger adaptability of educational and training systems to the work force market and training people for mobility through language learning
- eliminating legal and administrative obstacles and promoting cross-border recognition of qualifications
- creating a centralized portal for information concerning mobility, based on the job offer system, EURES.

Plan objectives 2007-2010:

- improving the current legislation and administrative practices concerning the mobility of workers
- ensuring that authorities at all levels support policies concerning mobility-
- strengthening the role of EURES as a unique tool for facilitating mobility of workers and their families.

Source: The Commission's Communication to the Council, the European Parliament, The European Parliament, the Economic and Social Committee and the Committee of Regions, COM (2007) 773

**The improvement of the current legislation and of the administrative practices** is one of the first priority fields for the increasing of the workforce mobility within the European Union. We start from the fact that one of the most important aspects which influence the mobility of the workforce at the Community level is the guarantee of the fact that the migrant workers won't lose their social protection. Currently, this thing is regulated by the CEE Regulation no. 1408/1971 concerning the implementation of the social security regimes in rapport with the employees and the members of their families who relocate within the Community and the rules that have been subsequently changed. Considering that new types of mobility emerged (for example, temporary seasonal employment by periodical relocation between the origin country and the destination country) which are not socially protected by the current regulations, emerges the question on one hand whether the laws should be changed and on the other hand whether the field's administrative practices should be adapted. To this purpose, the European Commission is organizing through 2008 a complex study to identify these needs and after this, the needed law changes will be decided. In what concerns the improvement of the administrative practices, steps were already taken towards a better administrative cooperation between the institutes and national authorities. Thus, it is planned that by the end

of the year 2009, the administrative exchange of information between the national institutions of the European Union countries, to be done in an entirely electronic way, through the launching of an European health insurance electronic card, by offering consultations and exchanging information on-line.

**Ensuring support for the policy concerning mobility from the authorities at all the levels** is the second priority field of the plan. It plans that promoting the geographic and professional mobility throughout the Community to be implemented through national strategies for employing the workforce and a lifelong learning policy. The elimination of the barriers of the current practices and promoting the "equitable mobility" (by combating social dumping and informal work) will be kept in mind. To support the mobility, the member states are encouraged to apply the European Qualification Framework.

Another field is about the **consolidation of EURES** (European Employment Services), as a main informational tool about the available workplaces in European Union countries. EURES created a unique portal which, since 2006, includes all the working place offers within the national workforce public services, available in 25 European languages. EURES wants to improve its activity by: giving more information; extending its services to new specific categories of workers (the long-term unemployed, young workers, researchers, seasonal workers); increasing the volume of collected information about the mobility flows; eventual expanding of the services toward third-country **asylum seekers** (in a first phase, beginning with informing the origin countries about the protocols which must be respected to have access on the European Union workforce market).

**Increasing the level of awareness concerning the benefits of mobility** is the fourth priority area of the plan. This considers conducting activities for raising public awareness about workers' rights and the benefits of mobility by increasing the exchange of information and popularization of good practice. To this purpose each year activities like "Days of European jobs" will be organized, networks of cooperation between interested parties will be created, the results of the latest achievements in the field will be disseminated and innovative new programs will appear.

In terms of **illegal migration**, The Hague Program has formulated a balanced approach to it, in which the fight against illegal migration in itself is explicitly associated with the fight against trafficking in persons, especially women and children. Subsequently, the European Commission has set the political priorities, solutions and measures for the priority components for combating the illegal migration (COM/2006/402/final). Mainly, they refer to (see MIAR, 2008):

- **Continuing the dialogue and cooperation with third countries in the field of migration**, particularly those in sub-Saharan and the Mediterranean regions that participate in the neighbourhood policy of the EU. Combating the causes of migration in the countries of origin (poverty, conflicts, environmental degradation, etc.) and the assistance for strengthening the capacity of these countries to run the management of migratory flows and the fight against human trafficking will be considered.

- **Securing the borders**, including through the "e-borders" system. For analyzing the risks and highlighting the potential dangers the system under which some carriers are required to communicate data from the passengers' travel documents to the authorities carrying out checks at external borders will be expanded.

- **Creating a model of integrated management of borders**, by identifying best practices in the field.

- ***Ensuring the security of travel and identity documents*** through the development of common guidelines designed to establish minimum standards on procedures for issuing/issuance of travel or identity documents.
- ***Fighting against human trafficking*** through the development of coordination and cooperation mechanisms, promoting the best practice of identifying and supporting victims, the development of guidelines for data collection, the involvement of international organizations and NGOs.
- ***Fighting against illegal work***, by adopting and implementing measures to compel employers to verify the status of the workers in terms of entry and right of residence of third-country citizens before being employed. To this purpose, the employer's liability, including financial, in the case of the employing citizens of third countries who are in situations of illegality in the member states will be established. Other measures aim at ensuring health and safety in the workplace.
- ***The completion of negotiations concerning readmission agreements*** regarding the removal from the EU territory of illegal immigrants, with emphasis on the states in the Western Balkans area. A special importance will be given to preparing the staff involved in implementing returning measures.
- ***Intensifying the cooperation between the liaison officers on issues of immigration (OLI)***, in the purpose of maximizing the available information. Priority will have the creation of OLI networks OLI in African countries and in the Western Balkan area.
- ***Establishing clear and transparent rules concerning the return of third-country citizens*** that no longer meet the conditions of residence within the EU.

## **1.2.Policies and legislation in the field of migration in Romania**

Developments in policies, legislation and institutions concerning migration in Romania have been heavily influenced in recent years by Romania's accession to the European Union, namely the need of ensuring the compliance with the Community legislation and the existence of an institutional administrative framework to allow the participation in EU policies on migration. Thus, the harmonization of the national legislation with the *acquis communautaire* in the field of migration took place and measures have been taken regarding the improvement of the institutional framework and of the inter-institutional coordination for the management of legal and illegal migration.

In the legislative field, existing national legislation has been amended and supplemented, so that now it corresponds fully to the legislation concerning migration in the European Union.

Below are the main legislative acts in Romania regulating the field of migration from its various perspectives.

### **A. General regulations concerning the circulation of aliens in Romania:**

- Law 248/2005 concerning the free circulation regime
- Emergency Ordinance 194/2002 concerning the regime of aliens in Romania republished (completed and modified through Law 357/2003, Law 482/2004, GUO 113/2005, Law 306/2005, Law 56/2007, GUO 55/2007)
- Governmental Decision no. 1864/2006 regarding the approval of the Methodological Norms for applying the Emergency Ordinance 102/2005 concerning free circulation on the Romanian territory of European Union Member States citizens and of the European Economic Space and for establishing the form and the content of the documents that are issued to EU citizens and their family members.

### **B. Regulations related to the migration in work interest in Romania:**

- Law 344/2006 concerning the transfer of employees when performing trans-national services

- Emergency Ordinance 56/2007 concerning the employment and deployment of aliens in Romania
- Law 200/2004 concerning the recognition of diplomas and professional qualifications for the professions regulated in Romania
- Emergency Ordinance 109/2007 for the modification and completions of Law 200/2004 concerning the recognition of diplomas and professional qualifications for the professions regulated in Romania
- Law 53/2003 Labour Code

**C. Regulations related to asylum:**

- Law 122/2006 concerning asylum in Romania. It states in its provisions the Community acts in the field, mentioned before (in Table 1.1).
- Law 46/1991 for Romania's accession to the Geneva Convention in 1951 and the New York Protocol in 1967 concerning the status of refugees.
- Ordinance 44/2004 concerning the social integration of aliens that acquired a form a protection or a right to of residence in Romania, as well as that of citizens of European Union Member States and of the European Economic Space
- Government's Decision 1122/2007 concerning the implementation of the objectives of the National Strategy concerning immigration through its annual plans.

**D. Regulations concerning financial planning, coordination, implementation and auditing the use of funds granted by the Schengen Facility**, which aims to strengthen external border controls and surveillance of external borders area as well as the protection against cross-border crime and increasing the capacity of control by increasing the possibilities of supply and access to data, targeting in the end Romania's accession to the Schengen area. Among these regulations are included:

- Government's Decision 620/20 June 2007 concerning the method of using funds allocated by the EU through the Schengen Facility and for the cash flows;
- Government's Decision 882/5 July 2006 concerning the formation of the National Schengen Commission for Self-evaluation;
- Urgent Government Ordinance 34/13 April 2006 concerning the awarding of public contracts, of contracts of public works concession and of contracts of services concession, and other.

**E. Regulations concerning the emigration of Romanians abroad:**

- Law 248/2005 concerning the regime of free movement of Romanian citizens abroad
- Law 156/2000 concerning the protection of Romanian citizens working abroad, modified through Ordinance 43/2002. There are a number of laws that ratify Romania's bilateral agreements with other countries concerning the movement of workforce between the states concerned. Such would be: with Switzerland (2000), Hungary (2001), Portugal (2001), Spain (2002), France (2004), Germany (2005), and Italy (2006). These bilateral agreements were signed before Romania joined the European Union, and taking into account the transitional period in respect of liberalization of the work force market in the EU for Romania and Bulgaria (with 2 years initially and up to 7 years maximum beginning the year when both countries joined the European Union - 2007), they keep their validity to the present. Annex. 1. presents the different access of Romanian workers on different markets in the European Union, after Romania's accession to the EU.
- Decision 187/2008 concerning the approval of the Plan of measures for the return back home of Romanian citizens working abroad

**E. Other Regulations:**

- Decision 1122/2007 for approving the National Strategy regarding Immigration for the period 2007-2010

In the next section we will detail some of them depending on the types of migration they regulate.

A. Thus, we find general legislation for regulating the movement of persons and of legal migration in Romania through:

- **Emergency Ordinance 194/2002 concerning the regime of aliens in Romania republished and re-amended** through Emergency Ordinance 55/2007, covering the movement of aliens in Romania in a broad way. This law governs the entry, exit and residence of aliens in Romania. Under this law *the entry of aliens* from third countries on Romanian territory is allowed when fulfilling certain conditions and on the basis of obtaining a visa. In 2000, Romania has unilaterally renounced the visas for entry into the country for EU citizens, and starting 1<sup>st</sup> January 2007, these benefit of the right of free movement and residence on Romanian territory, as stipulated in Directive 2004/38/CE. In terms of *stay of aliens* from third countries who are temporarily and legally in Romania, they can stay on the territory of the Romanian state based on a staying permit. For the ones who work, it is issued a unique permit that gives both the right to stay and the right to work in Romania. A new type of long-stay visa is introduced for the activities of scientific research for workers from third countries.

Regarding immigration, meaning entry flows of foreign citizens, these may, in their turn, be legal or illegal. **Legal immigration** may be permanent or temporary, and has in turn different motivations (marriage and / or reuniting the family, employment, investment, study). Romanian legislation is considering all these issues, but we will focus especially on immigration in the purpose of work as it is the main form of legal immigration.

B. *The legislation governing immigration in the purpose of work* in Romania regards the access to the workforce market in Romania of foreign citizens, and includes:

- **Law 344/2006 concerning the deployment of employees** in the purpose of performing transnational services and **Emergency Ordinance 56/2007 concerning the employment and deployment of aliens in Romania** which stipulates that aliens can be hired or deployed on the basis of a work authorization, which replaces the work permit. According to the new regulations, the deployed individuals need a work permit from the first day of work.

- **Law 200/2004 concerning the recognition of diplomas and professional qualifications** for professions regulated in Romania and **Emergency Ordinance 109/2007** define regulated profession as being the activity or the ensemble of professional activities covered under Romanian law, which comprise the profession. Completions to the list of regulated professions were made by adding new professions (land surveyor, mimic-language interpreter) and modify existing ones. It is also stipulated that persons who benefit from the recognition of professional qualifications must have knowledge of the Romanian language to the extent they are necessary to exercise said profession, but assessment of linguistic knowledge is not part of the procedure of recognition.

C. *The legislation concerning asylum* is materialized, firstly, in the new **Asylum law** (122/2006), which is an European law, clear and balanced, ensuring the respect for human rights and the fulfilment of Romania's obligation as EU Member State from the date of accession (MIAR, 2008). It is both a tool for combating illegal migration and for preventing the abuse of asylum procedure.

The law achieved full compliance with European terminology, avoiding confusion, differences of interpretation. Thus, such terms as: form of protection, asylum seeker, alien,

demand for a form of protection or asylum application, procedure of asylum, refugee status, subsidiary protection, temporary protection, family members, unaccompanied minor, displaced persons, mass inflow, area of transit, accommodation centre, and so on are explicitly defined. The law mentions the central authority responsible for implementing the Romanian policy in the field of asylum, that at that time was the National Office for Refugees, under M.I.R.A., indicating its duties. Starting 26 June 2007 was set up The Romanian Office for Immigration, through the reorganization of the Aliens Authority and the National Office for Refugees. Also set are the principles and the procedural safeguards relating to: the access to the asylum procedures, non-discrimination, non-returning, family unity, the superior interest of the child, the period of granting of a form of protection, privacy, causes which remove the criminal character of the deed, the active role, the examination of the application for asylum, the decision on the application for asylum, the presumption of good faith, guarantees concerning unaccompanied minors requesting asylum.

Special sections are devoted to fundamental issues related to the rights and obligations of asylum seekers, the forms of protection, the asylum procedure, the accelerated procedure, the procedure for settling the request for granting access to a new procedure for asylum, the rights and obligations of individuals during the procedure determining the Member State responsible.

In comparison with the previous asylum law, the one in force now brings in a series of changes and additions regarding the family reunification, the procedure for asylum in the administrative stage, the procedure for unaccompanied minors requesting asylum, the transfer of responsibility on the refugee status, the procedure of the Member State responsible, the temporary humanitarian protection, etc.

**Reasons for exclusion** from the granting of subsidiary or temporary humanitarian protection have been expressly introduced, indicating that the protection is not granted to any person who: has committed a crime against peace and humanity, a war crime; has committed a serious common law offence before entering Romanian territory; has committed acts which are contrary to the purposes and principles set forth in the UN Charter; constitutes a danger to Romania's public order and national security; has instigated or has been an accomplice to committing of the categories of facts listed above; has planned, facilitated or participated in committing acts of terrorism.

**D. Emigration**, through the exit flows of Romanians that go abroad is in turn governed by Romanian law. *The legislation concerning emigration of Romanians* abroad has as main objectives the protection of Romanians working abroad, and more recently, it encourages Romanian citizens working abroad to return to the country.

Therefore,

- **Law 248/2005 concerning the free movement of Romanian citizens abroad** mainly stipulates the conditions for issuing travel documents abroad for Romanian citizens with residence in Romania and abroad.

- Decision 187/2008 concerning the approval of **the Plan of measures for returning in the country of Romanian citizens working abroad** aims to regulate the activities concerned with the encouragement of the Romanians working abroad to return to work in Romania.

3 large categories of actions in this respect are stipulated:

a) Establishing and regularly updating the databases on Romanian citizens doing business abroad. The term for establishing is the end of 2008, after that follows the permanent updating of the databases established. MMFES, MIAR and MAE are responsible.

Italy has already done a study<sup>5</sup>, which is posted on the website of the National Agency for Employment, study that offers statistical data related to Romanians working in Italy. It has been estimated that by 2007 there were about 1 million Romanians living in Italy. The study provides the structure of the Romanians in Italy on grounds of the presence in Italy, gender, region of destination in Italy, and referring to the sectors in which they operate their activity: services, industry, agriculture, as well as other information.

b) Creating campaigns for informing and recruiting workforce from among the Romanian citizens working abroad about the job opportunities in Romania in the purpose of returning to the country. MMFES and MAE are responsible. To this end in the first half of 2008, the first job fairs for the Romanians abroad were created (Rome, Italy in February 2008 and Castellon de la Plana, Spain in April 2008; Torino, Italy in June 2008; Alcala de Henares, Spain in June 2008). The objectives of these actions were: to facilitate the direct contact between the companies that offer jobs in Romania and the Romanians who are willing to return to Romania; to inform the Romanian workers from Spain and Italy about the job vacancies in Romania and the tendencies of the workforce market and distributing informative materials regarding the social security rights that they can benefit in Romania and the coordination with the social security systems from EU, the risks of the illegal work, the start up of their businesses and the professional formation programs they can benefit in Romania using the financial support of the European Union available in Romania. They have attracted each of them between 400 and 1,300 Romanian participants working in each of those countries, and facilitation of the meeting between Romanian workers and employers in Romania was created. Among the participants a large proportion said they want to return to Romania, the discussions being held around the salary levels that can be achieved in Romania (acceptable levels between 600-800 Euro / month were suggested) and around getting information related to the possibility on obtaining pension rights in the situation of conducting professional activities in several EU member states.

c) Regulating a system of incentive for the return and the professional reintegration of Romanian citizens in the country by promoting the principle of circulatory migration. A greater number of ministries are responsible, the aim being to encourage citizens that returned to Romania to develop businesses on their own, to integrate back to working in agriculture, to return the workers with higher qualifications.

E. Among *other regulations* in the field of migration in Romania, but with a special importance in light of recent developments in the field at an international and European level, are included legislative acts governing The National Strategy concerning immigration for the period 2007-2010 (Decision 1122/2007 for the approval of The National Strategy concerning immigration for the period 2007-2010).

Next we will present actions that took place in Romania as a consequence of the change in the legislation regarding the migration phenomenon.

***The National Strategy Concerning Immigration for the period 2007-2010***, starts from the idea that immigration should not be seen as a negative aspect or a problem to be solved, but rather as a process to be managed. This strategy aims mainly to maximize the positive effects and minimize the negative effects of immigration for society, including the lines of action concerning several aspects of migration, such as: controlled immigration, the prevention and combat of illegal immigration, asylum, the social integration of aliens, and the migration phenomenon of Romanian citizens.

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<sup>5</sup> Volume „România, Imigrare și muncă în Italia” (Romania, Immigrazione e lavoro in Italia), prepared by the Foundation *Caritas Italia*, under the coordination of the editors of “Dossier Statistico Immigrazione”, [www.muncainstrinatate.anofm.ro/files/raport%20caritas%202008.doc](http://www.muncainstrinatate.anofm.ro/files/raport%20caritas%202008.doc)

a. *Controlled immigration* is considering promoting the free movement of persons within the European Union, but also facilitating the admission of employees from third countries.

The measures proposed in Romania through the national strategy, are consistent with the Hague Program and the EU common policy on immigration laws.

a.1. Providing the necessary administrative framework for exercising the right to freedom of movement and residence of citizens of European Union Member States by providing the appropriate legal and institutional framework

a.2. Promoting the admittance of citizens from third countries for purposes of **work** will be done according to the requirements of the labour market in Romania through: the establishment of quotas for admission in the purpose of work, facilitating the access for limited periods of certain socio-professional categories that are deficient in the domestic market, bilateral agreements between Romania and other countries for the admission of workers in Romania for purposes of work.

a.3. Encouraging the admittance of citizens from third countries for the purpose of conducting **commercial activities and businesses**, which have major potential in the realization of investments and the creation of jobs in Romania.

a.4. Promoting an efficient system of selecting the citizens of third countries in order to **study** in Romania, so that, after completing their studies, the level of their training to contribute to the benefit of Romanian society during a further stay.

a.5. The development and management of IT systems that are efficient in managing immigration on the national territory. The creation of advanced IT systems that are interconnected at a national level is being considered, a central element within these systems is the National System for Visas, Migration and Asylum.

b. *Preventing and combating illegal immigration*, taking into account the trend of transforming Romania into an increasingly attractive destination for migrants. Aligning to the EU policies in the field regards:

b1. Efficient information of potential immigrants on the Romanian legislation concerning the admission and the measures taken by the Romanian state to combat illegal immigration

b2. Intensifying the cooperation between institutions empowered to combat illegal immigration and undeclared work, in particular through the involvement of regional structures that have direct contact with the target groups.

b3. Intensifying measures to remove aliens who have entered Romanian territory illegally or who have entered legally but subsequently their stay became illegal. Actions will be differentiated depending on the specific situation of each category of persons, applying special measures for vulnerable people such as: minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parent with minor child/children, people who have been subjected to torture, abduction or other forms of serious emotional, psychological or sexual violence.

b4. Actions in the field of visa policy, migration, asylum, border control and police cooperation in preparing for Romania's accession to the Schengen Area.

b5. Intensifying the cooperation of Romanian authorities with similar institutions in EU Member States and with those in the countries of origin or transit for combating illegal immigration, with an emphasis on exchange of information. A special place will be occupied by the cooperation with institutions in the countries with an important migratory potential for Romania. Collaborating with agencies and existing institutions at the European level is also envisaged.

c. *Asylum*. The main actions to be undertaken in line with European legislation in this area refer to:

- c1. Ensuring the access to asylum procedures and respecting the principle of non-returning, special attention being given to the cases of persons illegally staying on Romanian territory, but which have a real need of international protection, their status need to be regulated.
- c2. Preventing, deterring and penalizing abuses in the asylum procedure, by applying criteria of efficiency and quality concerning the corresponding procedures, policies and practices.
- c3. Ensuring and maintaining Romania's ability of assumption of responsibilities and obligations of EU Member State in the field of asylum, which imply, *inter alia*, an active contribution to the mechanisms for sharing of tasks between the countries receiving asylum seekers and refugees.
- c4. Providing an active role in the development of the legislative and institutional framework and building functional systems of asylum in eastern and south-eastern Europe, with openness to countries such as those in the former Yugoslavia or the Republic of Moldova. In this respect cooperation with the authorities of EU Member States as well as with international bodies - O.I.M. and U.N.H.C.R. - will strengthen.
- c4. Improving the conditions for reception of asylum seekers and for research of information from the countries of origin through solutions which capitalize on the opportunities offered by the European Refugee Fund and the European Fund for Integration.

d. *The social integration of aliens* considers:

- d1. Supporting the active participation of aliens residing or having the legal residence in Romania considers:
  - d1. Supporting the active participation of aliens residing or who have their legal residence in Romania to the social, economic and cultural life of the country, which will contribute to their integration into the host country, in parallel with the preservation of their cultural identity.
  - d2. Protecting vulnerable categories such as victims of persecution on the basis of gender / sex, unaccompanied minors, victims of torture, people with disabilities, elderly persons and others.
  - d3. Providing access to all aliens who are domiciled or are residents in Romania to the procedure for obtaining the Romanian citizenship.
  - d4. Appropriately preparing the personnel involved - civil servants, contractual staff, people in positions of leadership, staff employed in health services, education, welfare etc. for respecting cultural, religious, psychological and physical differences of the persons in the course of integration. The focus will be on conducting of education and training programs of these categories of staff.

The Government's decision referred to above has established that this national strategy will be implemented through annual action plans. The first plan was **the Plan of Actions for 2007 for the implementation of the National Strategy concerning Immigration**, which, although it was approved in September 2007, has managed to achieve a rate of 87% of the proposed actions (MIAR study, 2008). It referred to action in all four main areas of the national strategy in order to achieve the objectives it had proposed. The objectives of the plan for 2007 are presented in Box 1.4.

**BOX 1.4**

**The objectives of the Plan of Actions for 2007 for the implementation of the National Strategy concerning Immigration (2007-2010)**

The objectives of the plan in 2007 were:

- improving the management concerning the admission of aliens and restricting those staying illegally in order to reduce illegal immigration
- filling shortfalls work force in Romania with qualified personnel from third countries
- attracting foreign investments in Romania
- increasing the level of information of the Romanian people about the phenomenon of migration, so as to comply with the legislation in force and to make strangers be easier to accept by the Romanian society
- Aliens' participation in social and cultural life in Romania with respect for their cultural identity
- developing the inter-institutional cooperation and specialization of the staff of institutions involved in implementing the National Strategy concerning Immigration

Among the main activities that were conducted as part of the plan in 2007, are included:

a. Concerning *the legal and controlled immigration* a number of actions have been undertaken among which are included:

- Setting up the Romanian Office for Immigration.
- Adopting, amending and supplementing certain normative acts (GEO 194/2002 concerning the regime of aliens in Romania, GEO 56/2007 concerning the employment and deployment of aliens in Romania) as presented earlier in the section concerning legislation.
- Developing a Guide for guidance and information of potential migrants from third countries on the opportunities and conditions for admission into the labour market and the risks to which they are exposed in the event of not complying with the national legislation.
- Expressions of interest (prior negotiations and visits) for concluding mobility partnerships between Romania and third countries in order to attract the work force in those states. Negotiations were started and in some cases projects for bilateral partnerships between Romania and Moldova and Turkey and China were developed.
- Establishing and implementing protocols of periodical meetings between representatives of the institutions involved in managing the migration (for example between the Romanian Office for Migration and the Directorate General of Consular Affairs, between the Romanian Office for Immigration and the National Agency for Employment, etc.).
- Carrying out analyses concerning the deficient fields in our country that require foreign work force. They were identified as areas deficient in labour: construction, agricultural services, hotel industry, and health.
- Pursuing a study concerning the degree of satisfaction of aliens concerning the services offered by the Romanian Office for Immigration.
- Establishing a project in order to obtain the financing for the development of a virtual library which would include specimens of the civil status documents used by aliens on Romanian territory.

b. As regards *the prevention of and the fight against illegal immigration* the following actions were taken:

- Early detection of aliens staying illegally and fighting against undeclared work through actions carried out by the Romanian Office for Immigration in cooperation with other institutions with competence in the field such as the police, the border police, the territorial labour inspectorates, the county inspectorates for Rangers. A result of this was the necessity

of ordering measures to the subordinate territorial structures of these institutions in order to efficiently fight illegal migration at a county level (the correct filling in of aliens' data in the records of border traffic, the mutual exchange of data, etc.).

- Conducting, by the Romanian Office for Immigration, of a campaign to communicate through the media the legislation concerning aliens regime, recognizing their employment, the social security system, and the risks to which migrants are subject to when they do not comply with legal provisions.
- Creating a campaign offering information and fighting the discrimination of persons with disabilities, including foreign citizens who are on Romanian territory, campaign coordinated by the National Agency for Disabled Persons.
- Analysis of the situation concerning with ensuring the translation to and from the Romanian language in court for aliens with illegal stay and the sources of funding for carrying out this action.
- Developing a draft bill to update the existing provisions concerning the legal regime of contraventions by including procedures relating to the collection of the sanctions applied to citizens of third countries.
- Creating, at the level of the ROI, of a work group for establishing the technical details necessary for accessing available allocations from the European Return Fund for the 2008.

c. With regard to asylum, the action taken endorsed:

- Elaborating, at the level of the ROI, the necessary documents (software, books, projects) for attracting funding under the Transition Facility offered by the EU
- Preparations for Romania's participation as a Junior Partner in projects financed by the EU, in particular to provide expertise to countries that have signed mobility partnerships with the EU (e.g. Republic of Moldova).
- Continuing the implementation process in Romania of the European Directive 2005/85/EC concerning the minimum standards of the procedure for granting and withdrawing the refugee status in Member States
- Initiation, by the ROI, of projects of normative acts concerning the powers of the authorities responsible for the implementation of the Eurodac system and the establishment of the methodology for cooperation regarding the implementation of European regulations in this field, providing the material assistance for the persons housed in the centres under the ROI's subordination, the relocation of refugees in Romania.
- Creating the legal framework concerning the single standard for residence permits for people who enjoy a form of protection.
- The development by the ROI of a code of professional conduct in relation to asylum seekers.
- Making the necessary demarches for changing the format of travel documents for all categories of asylum seekers, according to the standards for biometric identification (e-passports).

d. As regards *the social integration of aliens* actions have been taken in the following directions:

- The organization by the ROI of biannual meetings for coordination with other institutions involved in the process of integration of refugees, namely the Ministry of Education, Research and Youth, the Ministry of Labour, Family and Equal Opportunities, the Ministry of Public Health, the National Agency for Protection of Child Rights, etc.
- Organizing training sessions for the staff in the territorial centres of the ROI for the proper implementation of the legislative provisions to facilitate the integration of aliens with the right to stay in Romania.
- Development by the Ministry of Education, Research and Youth in collaboration with the ROI of a methodology (project phase) for the accreditation of pre-university studies for aliens with a form of protection in Romania who do not possess attesting documents.
- Organizing training and perfecting sessions for the personnel responsible in issuing licenses / permits for the purpose of work.

- Starting the specific procedures for connecting on-line the Romanian Agency for Foreign Investment and the Ministry of Education, Research and Youth to the IT System of Aliens' Management, administered by the Romanian Office for Immigration.

**The project for a plan of action for 2008 for implementing the National Strategy concerning Immigration** in turn contains a number of objectives which are listed in Box 1.5. This was approved for the year 2008.

**BOX 1.5**

**The objectives of the Plan of Action for 2008 for implementing the National Strategy concerning Immigration (2007-2010)**

The objectives of the plan for 2008 are:

- implementing the policy concerning controlled immigration
- implementing the policy concerning the prevention of and fighting against illegal migration
- preparing for Romania's accession to the Schengen Area
- implementing the policy concerning asylum and the social integration of aliens
- improving the quality of services offered to citizens by the institutions with competence in the field of immigration and asylum

Thus, this plan has established a number of actions taken into consideration in order to achieve the objectives set (according to a M.I.R.A. study, 2008):

a. For the implementation of the policy concerning *controlled immigration*, the following activities have been proposed:

- informing citizens of states with migratory potential about the legal methods of admission / residence / employment in Romania;
- assessing the required number of foreign citizens that can be allowed on Romanian territory for purposes of work to cover the existing deficit on the specific domestic market and by default of the protection of the work force in our country;
- performing, at Romania's level, of some media campaigns promoting the legislation concerning the employment and deployment of aliens in Romania, in order to prevent undeclared work and exploitation of persons;
- training the representatives of other institutions in the field of immigration and asylum
- developing partnerships with third countries (for example Moldova and Ukraine) on the recommendation of the EU;
- initiating legislative proposals for attracting highly skilled migrants.

b. For the implementation of the policy concerning *the prevention of and fighting against illegal migration* the following activities were considered:

- deepening the cooperation between national authorities with tasks in the field, by organizing work meetings, training seminars and completion of joint plans of action ;
- organizing campaigns to inform aliens of the program concerning the humanitarian assisted voluntary repatriation;
- organizing meetings with representatives in Romania of the diplomatic missions of third countries with the aim of increasing the exchange of information on the prevention of and fight against illegal migration;
- developing the cooperation at the regional level concerning the fight against illegal migration and promoting the EU policies in this area;
- strengthening the cooperation with the EU institutions and other international organizations to enhance the exchange of information of operational interest;

- optimization of the organizational structures and improving the quality of functioning of the national institutions in the field, in accordance with European standards.
- c. For preparing Romania's accession to the Schengen Area adapting the national legislation in accordance with the provisions of the Schengen acquis, on the basis of the Schengen Action Plan, revised in 2007, is considered.
- d. To implement the policy concerning *asylum and the social integration of aliens* the proposed actions include:
  - continuing the process of implementation of the provisions resulted out of the harmonization of the national legislation with the *acquis communautaire*, thus ensuring compliance with the minimum standards for the procedure of granting and withdrawing refugee status;
  - provision of uniform practices at national level with regard to asylum procedures;
  - coordinating the activities of the institutions with attributions in the field of social integration of aliens, in order to increase the quality of results;
  - informing and raising the local population's awareness on the situation of refugees in Romania;
  - accelerating the measures for applying the Dublin procedure by concluding bilateral agreements on the administrative line with Hungary and Bulgaria.
- e. To improve the quality of *services offered* to citizens by the institutions with competence in *the field of immigration and asylum* the following measures are being undertaken:
  - ensuring the compatibility of the Informational Management System of aliens in Romania with the community systems SIS II and VIS;
  - providing Romanian citizens with relevant information concerning the admission and residence of aliens in Romania, and the procedures for asylum and social integration;
  - increasing the degree of specialization and competence of the staff who comes into contact with foreign citizens.

Presented actions require the close cooperation between all institutions involved, in order to deal with the migration phenomenon in line with the European practices and, also, to the benefit of the Romanian state.

### **1.3. Institutions in the field of migration in Romania**

There are several main reasons leading to the reform of the state institutions in Romania in the field of migration:

- a) Romania accession to the European Union and the need to ensure the compatibility with the systems of the Member States and with the EU policies imposed an improvement in the institutional capacity, in addition to the legislative improvement for the purpose of conducting an efficient management of migration in Romania. Thus emerged the need of using some Community documents directly applicable at the national level: participation in the Dublin mechanism and the EURODAC<sup>6</sup> system, the use for aliens of passports with biometric data, the participation in the European system for checking visas, entering into service the uniform residence permits, etc.
- b) The statute which Romania acquired with the accession to the European Union as well as the expected economic development in the post-accession years, influence the existing migration flows through Romania's gradual transformation from a country of transit to a

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<sup>6</sup> The Dublin mechanism refers to a set of norms establishing which member state is in charge of processing an asylum application if a person has transited several member states and lodged an asylum application and, usually, the state through which the alien entered the European Area is held responsible. To that effect, a European database of fingerprints of all persons illegally entering or staying or seeking asylum in EURODAC member states was established. This database allows avoiding lodging asylum applications in several member states successively or simultaneously. In such situations, the person is identified and, based on the Dublin mechanism, is returned to the member state that implemented for the first time the fingerprints of that alien.

country of destination for immigrants. Therefore, the need to establish a single register of aliens regardless of their status emerged.

c) The emergence of a shortage of manpower in certain fields of activity in Romania because of massive migration flows in recent years, leads to the need of encouraging work force immigration, as a possible solution for covering the gaps recorded in the work force market in Romania.

These issues require that the necessary measures for the effective management of the migration phenomenon, both by adapting at a legislative and an institutional level. In this context, in recent years took place in Romania significant institutional changes to manage the phenomenon of increased immigration and that of immigration: institutions were restructured, new institutions with powers were created, has intensified inter-institutional cooperation for a better coordination

### ***1.3.1. Institutions with general powers in the field of migration in Romania***

At present, the main state institutions in Romania that have competence in managing migration in both its forms immigration and emigration are shown in Figure no. 1.

In order to implement the National Strategy concerning Immigration for the period 2007-2010 and the annual plans of action related to it a group for coordinating the implementation of the strategy was created, which includes all institutions directly or indirectly involved in the management of migration. This group is composed of the institutions with competences in the field of migration (represented by certain departments) included in the figure no. 1., and the powers of the main institutions directly involved in managing migration are discussed below.

#### **The Ministry of Interior and Administrative Reform (MIAR)**

The institutional change with the largest impact in the field of migration was the establishment of a single institution with attributions in the field of immigration namely, *the Romanian Office for Immigration* from the Department of Public Order and Security of MIAR.

It was established by Emergency Ordinance 55/2007 and was formed through the reorganization of the National Office for Refugees and the Authority for Aliens, whose rights and obligations it assumed, together with those of the Office for Work Force Migration from the Ministry of Labour, Social Solidarity and Family Affairs.

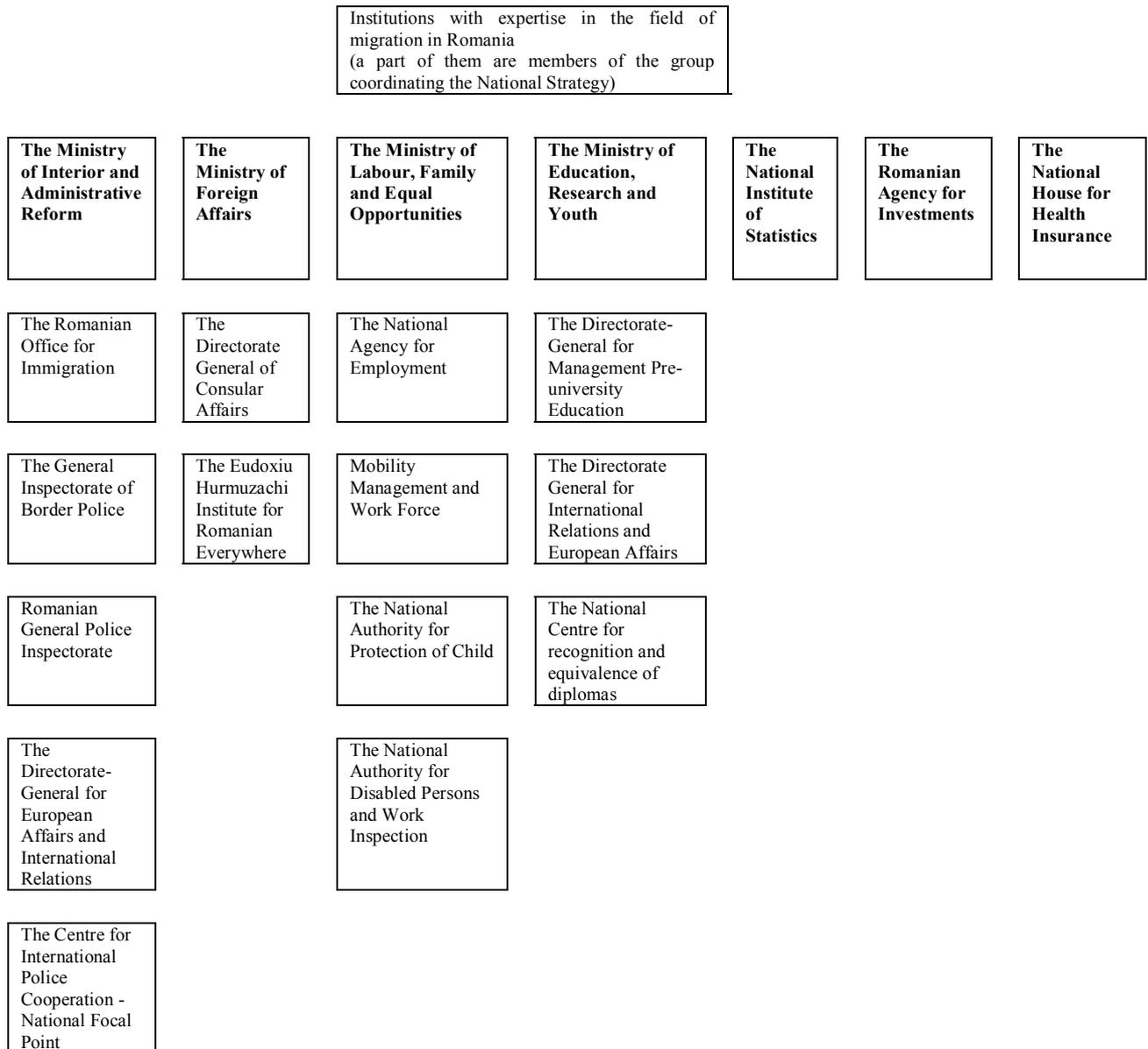
By creating a single institution the following were considered: developing a uniform vision of the immigration phenomenon, a better coordination of policies and practices in the field of immigration, reducing the degree of bureaucracy, the appropriate and uniform implementation of Community documents.

The main tasks of the institution, in the field of migration are:

In the field of migration:

- ensuring the regulation of the right of temporary stay and conferring the right of permanent stay for the third country citizens.
- endorsing the granting of entry visas for aliens in Romania in accordance with legal competences
- granting work permissions in order to obtain a right of residence for the purpose of employment
- registering the residency higher than 3 months on Romanian territory and granting permanent residency to nationals of Member States of the European Union and the European Economic Area.
- administering the activity of combating illegal stay and the illegal work

**Figure 1. 1. Institutions with direct and indirect competences in the field of migration in Romania**



In the field of asylum:

- receiving, recording and settling claims for asylum
- deciding on granting access on Romanian territory to asylum seekers
- deciding on the re-sending of the alien in a third country according to law and administering the activity of sending away of aliens from the Romanian territory.

In general:

- coordinating the social integration of aliens who have received some form of protection or right of residence in Romania
- drawing up studies, analyses and forecasts on the migration of aliens in Romania.

**Border Police** in Romania aims, in the present stage, the actual participation in the harmonization of legislation and procedures in the European Union to encourage the exchange of information between participating structures at European level, international police cooperation to efficiently fight against the criminal phenomenon. The institution's

main task is the border's supervision and control and research under the conditions of the law of the criminality at the country's borders. The creation of an Integrated Border Security System, which will help combat illegal migration and cross-border crime as well as intensifying the measures for cooperation with all structures of the Ministry of Interior and Administrative Reform.

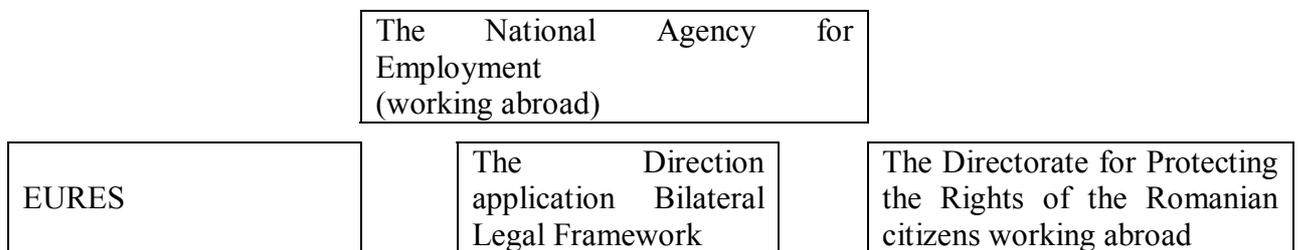
**The Directorate-General for European Affairs and International Relations** in the Ministry of the Interior and Administrative Reform is the contact point for relations of cooperation with similar institutions from abroad and other international governmental and non-governmental organizations and at the same time it coordinates the MIAR relations with organizations specializing in the field of security and public order (INTERPOL, EUROPOL, etc.).

Among the main tasks of the directorate are: the conduct of cooperation relations with the specialized authorities in other countries in its fields of competence, coordinating the activity of European integration and international relations of all MIAR structures, organizing visits to Romania at the level of the Ministry's management, travelling abroad, receiving foreign delegations at the level of minister or secretary of state that carry out official visits to Romania.

**Ministry of Labour, Family and Equal Opportunities (MLFEO)**

**The National Agency for Employment (NAE)** offers its services both to economic operators and the unemployed, and has as main objective increasing the level of employment and lowering unemployment. One of the agency's tasks is related to working abroad and supporting Romanian workers in finding a job abroad. The NAE's activity related to work abroad is organized on 3 lines, which are shown in Figure 1.2.

**Figure 1. 2. The NAE structures concerning working abroad**



The EURES *Department* of the NAE ensure the connection to the European EURES network, offering services of information, guidance and investment, both for employers and for jobseekers interested in the European labour market. EURES Romania promotes such jobs available in the EU countries, especially those in the public sector, but also supports Romanian employers wishing to recruit workers from other states. The Directorate for Applying Legal Instruments continues the activity of the former Office for Work Force Migration, and acts in the field of recruitment and placement of labour abroad. The Directorate is responsible for implementing bilateral agreements signed between Romania and other countries concerning the exchange of work force. Among the 13 agreements signed in the field of work force, only 7 are operational, namely: Spain, permanent and seasonal workers, Germany, guest workers, seasonal workers, students and awarding a quota for Romanian companies in the construction industry, France, exchange of trainees and Switzerland, exchange of trainees.

*The Directorate for Protecting the Rights of the Romanian Citizens Working Abroad* has as main tasks: informing the Romanian citizens who work or who wish to work abroad about the applicable legislation, about the rights and obligations they have as employees on the territory

of another state; conducting information campaigns concerning the risks of illegal labour and lack of social security; cooperate with the competent institutions in the country and abroad in order to protect the rights of the Romanian workers and preventing them from abuse.

**The Management and Work Force Mobility Directorate** is part of the Department of Strategy and Employment in the Ministry of Labour, Family and Equal Opportunities, and contributes to the planning, development and implementation of strategies and policies in the field of work force management and mobility. Thus, among the main tasks of the department are included: developing and promoting the legislative framework, including in the view of introducing EU legislation into national law, drafting projects of normative acts initiated by other institutions of the state; participating in the negotiation and conclusion of bilateral agreements and other protocols in the field of work force movement; carrying out tests and studies concerning the mobility of work force; participating in the adaptation of the national strategy concerning immigration.

**The Ministry of Education, Research and Youth (MERY)** keeps track of Romanians studying abroad and aliens studying in Romania.

**The National Centre for the Recognition and Equivalence of Diplomas (NCRED)** was established in 1999 as a specialized unit within The Ministry of Education, Research and Youth. The Centre is associated with ENIC European networks (the European Network of Information Centres) and NARIC (the National Academic Recognition Information Centres). It works as a contact point with regard to the recognition of professional qualifications and at the same time since 2002 it became the coordinator of the general system of academic and professional recognition in Romania. Among the activities of NCRED are included: establishing the criteria for recognition and equivalence of diplomas at pre-university, university and post-graduate level, issuing certificates attesting to studies performed in Romania for those who wish to continue their studies abroad or work abroad, recognizing the diplomas of aliens wishing to obtain permits to work in Romania.

### **1.3.2. Institutions with specific competences in the field of asylum**

The main institution with responsibilities in the field of asylum is the Romanian Office for Immigration, through its specialized department for the management of asylum applications, with adequate representation in the territory. The ROI has 5 centres for receiving asylum seekers, located in Bucharest (reception capacity - 500 seats), Timișoara (250), Galați (250), Rădăuți (100) and Somcuța Mare (100).

In order to grant the necessary assistance to applicants for asylum and, later, to refugees, ROI cooperates with a number of other institutions including: the Directorate of Social Welfare in the Ministry of Labour, Family and Equal Opportunities, the National Authority for Protection of Child Rights (subject to the same Minister), the Ministry of Research, Education and Youth etc. In the plan for accession, the Romanian state undergoes counselling programs concerning the opportunities for employment and organizes Romanian language courses and vocational courses. Further on, prioritizing the prospective approach of the opportunities for integrating into the work force market and ensuring access to refugees for social security benefits must be imposed.

An important support for the reception and integration is provided by UNHCR by financing the activities of the Romanian National Council for Refugees and the Romanian Forum for Refugees and Migrants, non-governmental organizations engaged with notable results in the administration of reception centres for refugees and asylum seekers (along with the ROI), in legal counselling services, in training and integration programs, training, learning the Romanian language, medical care, etc. The best practices identified in the field refer to the

activities of providing material and educational assistance, but also to the activities related to the psycho-social support: communication with the assisted people, moral and emotional support, cultural orientation, etc.

ROI also cooperates with the International Organization for Migration (IOM), which is involved, from the perspective of asylum, in providing humanitarian assistance to migrants with problems, including refugees and groups of displaced persons. Recently, IOM. – Romania was involved in the Assisted Voluntary Repatriation Program funded by the Romanian Government through the former Authority for Aliens (currently a reorganized structure in the ROI).

### ***1.3.3. Institutions involved in the fight against human trafficking***

A particularly worrying phenomenon, affecting both Romanian immigrants and foreign immigrants in Romania is human trafficking, which is manifested in various forms: sequestration, sexual exploitation, work exploitation, forcing someone to commit crimes and antisocial acts (theft, swindle, pornography, begging). To prevent and combat this phenomenon by Government's Decision 1584 / Dec 8 2005, the National Agency against Human Trafficking, with legal personality, subordinated to the MIRA was established. It aims to coordinate and evaluate activities for preventing human trafficking and monitoring assistance to the victims (<http://anitp.MIAR.gov.ro>). NAAHT cooperates both with other structures of MIRA and a number of Romanian and foreign non-governmental organizations, as well as intergovernmental organizations for the purpose of public awareness of the phenomenon and its consequences and take appropriate measures to combat it<sup>7</sup>. In this respect the National Strategy against Human Trafficking for the period 2006-2010 was developed, with a national plan of action. Its areas of action and the strategic objectives focus on the following directions: the national integrated system for monitoring and evaluating trafficking in persons, inter-institutional coordination, prevention of human trafficking, the protection, assistance and social reintegration of victims, combating human trafficking, investigation and prosecution of traffickers, international cooperation. A particular emphasis in the strategy falls on reducing vulnerability among the groups with maximum risk, in the first place unaccompanied, unattended or institutionalized children, but also women, the Roma citizens, the disabled, the elderly, the asylum seekers and people who have received a form of protection in Romania. An extension of the consequences of the phenomenon, on which the empowered authorities increasingly turn their attention, is trafficking in organs.

### ***1.3.4. Other organizations***

In addition to state institutions, which have a major role in the management of migration, there are other types of organizations existing both at international level and national and local, that are involved in activities related to migration, as shown in Figure no. 1.3. Annex. 2 briefly shows details about the functions and role of some of these institutions in the field of migration.

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<sup>7</sup> The General Inspectorate of the Romanian Police, the General Inspectorate of the Romanian Gendarmerie, the National Authority for Protection of Child Rights, the General Inspectorate of Border Police, the Ministry of Education, Research and Youth, the Trade Registry, the National Agency for Roma, as well as NGOs: "Save the Children Romania", the Institute for Social Policies, the Ecumenical Association of Churches in Romania, the Association of Social Alternatives etc. Abroad cooperation is carried out with international and regional bodies with responsibilities in the field such as UN, OSCE, Council of Europe, IOM, ILO, SECI, etc.

**Figure nr. 1. 3. Institutional actors involved in international migration**

O = origin; D= destination

Level/Types of institutions	State Authorities	Private companies	Volunteer organizations	Informal networks of transport and mediation
Supra-national	European Union	Corporations (headhunting, legal, transport)	International Organizations (IOM, ILO, UNCHR *)	Trans-national communities
National	Governments (O/D)	Intermediation Companies (O/D)	Volunteer organizations (D)	Associations of migrants (D)
Local	Local authorities, government agencies	Intermediation Companies (O)	Volunteer organizations (D)	Associations of migrants (D)

Source: Lăzăroiu S. (2002) “Migrația circulatorie a forței de muncă din România. Consecințe asupra integrării europene”; [www.osf.ro](http://www.osf.ro); Constantin D.L, Vasile V., Preda D. and Nicolescu L., The migration phenomenon from the perspective of Romania’s accession to the European Union, European Institute of Romania, Studii de Impact II, 2004

\* OIM = International Organization for Migration; ILO = International Labour Organization; UNCHR = United Nation High Commission for Human Rights

It may be noted that in Romania there are numerous organizational structures that have competences related to migration and asylum, implying on the one hand a high complexity of the institutional framework, and on the other hand, some degree of fragmentation of powers between the institutions in the field of migration and asylum.

#### **1.4. The European Union - Moldova mobility partnership**

Within the context of massive decrease in work force in the European Union in the next few years, the European Union is going to open towards workers from third-party countries to cover the workforce deficit. This change in the migration policy resulted in: a) the adoption by the European Council in December 2005 of the Global Approach to Migration, completed in June 2007 with the extension toward the east and south-eastern regions neighbouring the European Union, and b) the European Neighbourhood Policy (ENP) which is interconnected with the Global Approach in the field of Migration and both contribute to a better handling of migration between the European Union and the involved countries.

*The European Neighbourhood Policy* is a new approach to the relationships between the European Union and its neighbours, an approach which wants to consolidate the neighbourhood relations and the intensification of cooperation with the countries that neighbour the extended European Union. It considers creating an area of prosperity, good neighbourhood, security and stability at the new frontiers of an enlarged European Union. The ENP Action Plans are one of the main instruments of implementing the policy, being the key political document in the development of the relations between the European Union and its neighbours. The action plans of the ENP are decided for a period of 3-5 years, being settled with each neighbour country and define the cooperation priorities in many fields, such as the

political dialogue, economic and social policy, trade, justice and internal affairs (among which the migration, border management, human trafficking).

Through the enlargement of the European Union, the Republic of Moldova became one of the new neighbours bordering the European Union, being included the European Neighbourhood Policy for the eastern area, together with Ukraine and Belarus. Thus, in 2005, an action plan ENP between the European Union and Moldova was decided.

As part of the *Global Approach to Migration*, the European Union decided in 2007 to create some Mobility Partnerships and Circulatory Migration with third-party countries. These Mobility Partnerships are new Community tools that have as purpose to assure the common management of the migration flows in the interest of the European Union, of its partners the third countries, and of the migrants. They take into consideration both exploring the current opportunities, as well as a better management of the challenges migration implies. The Republic of Moldova and the Republic of Cape Verde are the first two countries for which Mobility Partnerships were launched, as pilot partnerships.

The *Mobility Partnership between the European Union and Moldova* was launched in June 2008 and it resulted in a political Declaration of Intent, which includes an annex with concrete initiatives proposed by the signatory countries. Fifteen countries members of the European Union showed interest toward the mobility partnership with Moldova: Bulgaria, Cyprus, France, Greece, Germany, Italy, Lithuania, Poland, Portugal, Romania, Czech Republic, Slovakia, Slovenia, Sweden and Hungary. They can also sign bilateral treaties. The Mobility Partnership is based on dialogue and reciprocity and it aims to create a common efficient framework for the traffic of people and the regulated migration, especially the consolidation of the capabilities of the Republic of Moldova in managing migration (through informing, integrating and protecting the migrants and the people who returned). Current initiatives of the Partnership are focused toward: the increase of the benefits of migration, especially toward the development of the country; the softening of the negative effects of the work migration, especially for the highly-qualified people; making easy the circular migration for encouraging the return and reintegration of the work migrants to their country of origin, Moldova. The bilateral initiatives of the partnership take in consideration the transfer of social security benefits, reintegration programs and temporary work instruction. Subsequently, in the cooperation with the Republic of Moldova, other initiatives would be implemented for: the consolidation of the capacities of management in the workforce market; the adequate approach of the asylum related issues, the protection of refugees, fighting illegal migration and human trafficking, improving the border checks.

Romania, as a member of the European Union located at its eastern border and also as a neighbour of the Republic of Moldova applauded and appreciated in a positive way the initiatives of the European Union of intensifying the relations with the neighbours from the new borders of the European Union, while supporting the aspirations of the countries from the eastern border of the European Union of signing European Neighbourhood Partnerships with the EU, contributing with proposals for the improvement of the European Union offer for collaboration with the neighbours, proposals which were subsequently found in the European Union documents.

## **Chapter 2. QUANTITATIVE ANALYSIS OF MIGRATION FLOWS**

### **2.1. Evolution of migration flows on the long term**

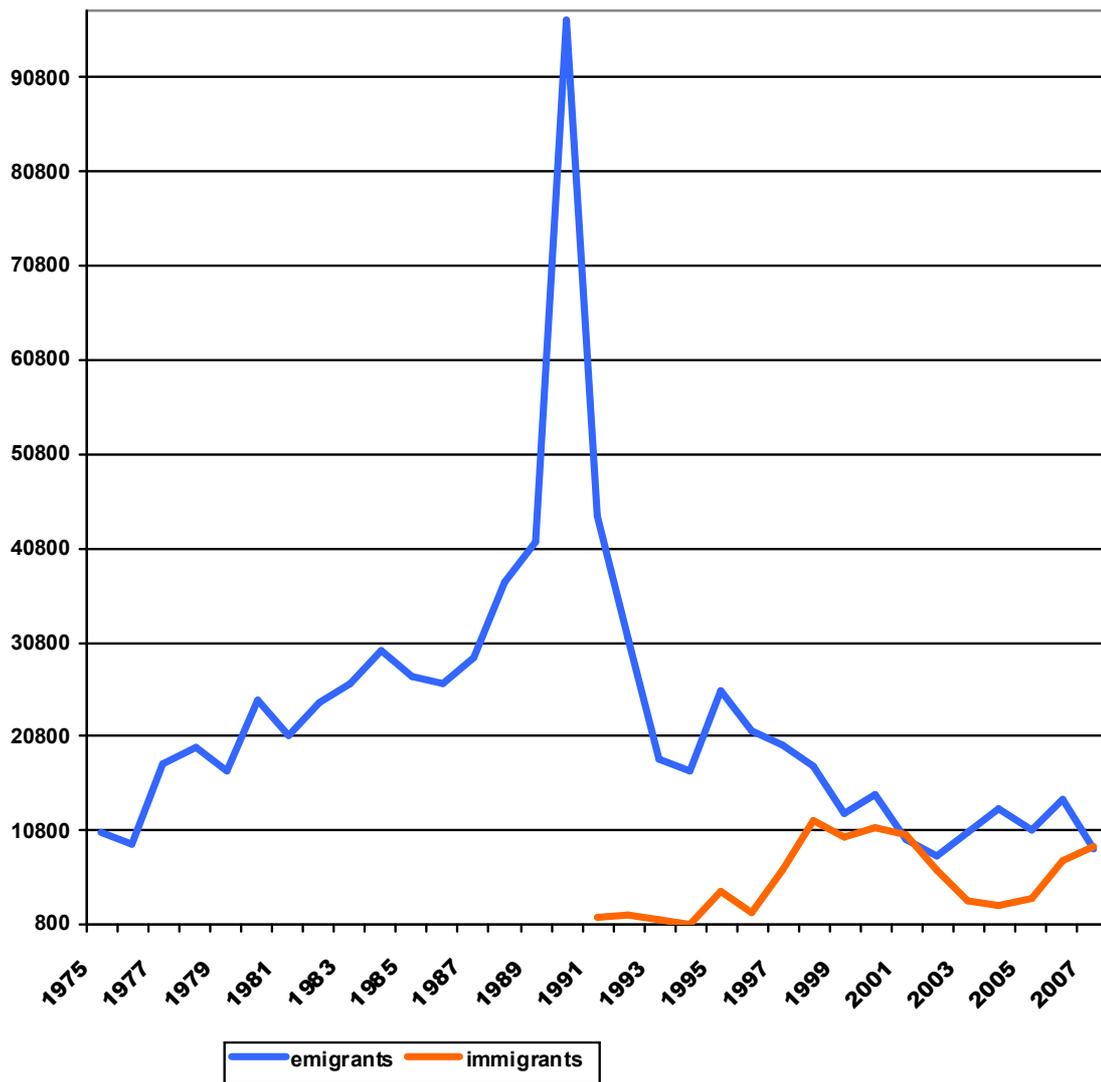
During the 20<sup>th</sup> century, Romania was mainly an emigration country, its tendency being maintained even under the restrictive conditions of the communist system. The ethnic migration permanently represented an important weight in the total migration flows. The long-term evolution of permanent emigration (by relocating one's domicile) had an increasing trend until 1990, when it reached a climax of 96,929 persons, caused by the change of legislation regulating the phenomenon, as well as by the political and social context, and predominantly decreasing afterwards (figure 2.1).

In a first stage, in the early 90's, the ethnic motivation was the main cause for keeping a high level of external mobility by relocation of domicile. The largest departure flows originated from the high ethnic concentration regions, particularly from Transylvania, mainly to Germany and Hungary. On the other hand, during this period, there were significant Jew repatriation flows.

During a second stage, after year 1994, the permanent migration was heavily reduced, whereas the temporary migration became preponderant, motivated most of the time by professional distinction and by the chance of obtaining higher income, favoured during the last years by the liberalization of circulation of Romanians in the Schengen area, and later by Romania's accession to the European Union.

The trajectory of permanent legal immigration is opposed to that of permanent emigration: after 1991, emigration decreased and immigration increased constantly, except for a temporary decline over 2004-2005. The two migration flows tend to become equal in 2007, the permanent loss of autochthonous population being compensated by the permanent immigration by relocation of domicile.

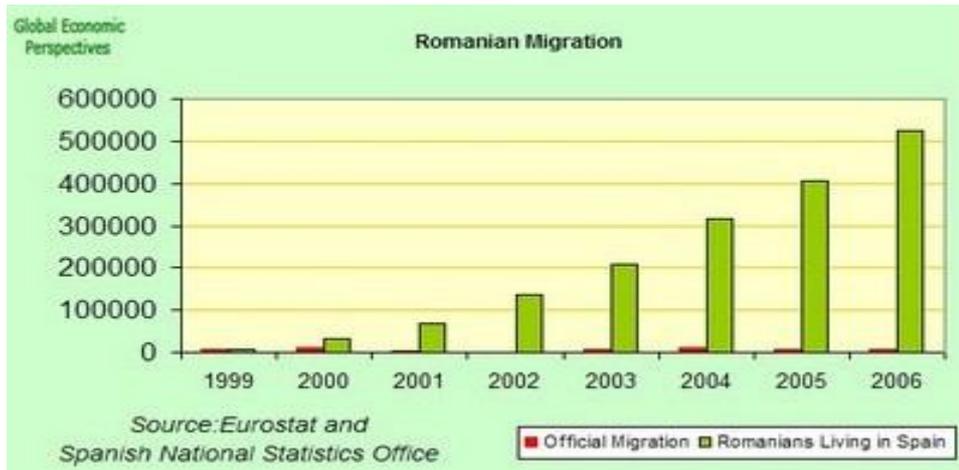
The true extent of migration flows is difficult to assess for Romania, the statistic evidence providing data only for permanent migration (figure 2.1). The official figures regarding migration reflect only a small part of the real size of the phenomenon. For example, Spain, although it is not among the first destinations of permanent emigration (table 2.4), is, together with Italy, the largest receiver of temporary emigration, the estimated number of Romanians living in Spain amounting to more than half a million persons, according to the official Spanish statistics, and exceed by far one million persons according to certain unofficial assessments.



**Figure 2.1. Total number of emigrants and immigrants over 1975-2007**

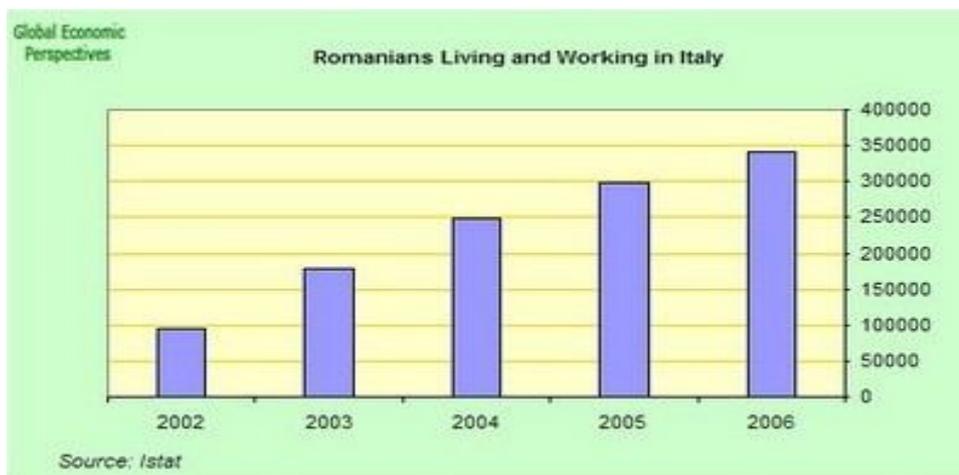
*Source: data from Romanian Demographic Yearbook, 2006 and Romanian Statistical Yearbook, 2007; NIS estimations for the year 2007*

Since the official statistics cannot provide a complete and accurate image of the migration flows, other sources of information should also be allowed for, as well as a variety of statistic indicators contributing to a better cognizance of the phenomenon.



**Figure 2.2. Official and real Romanian migration in Spain, 1999-2006**

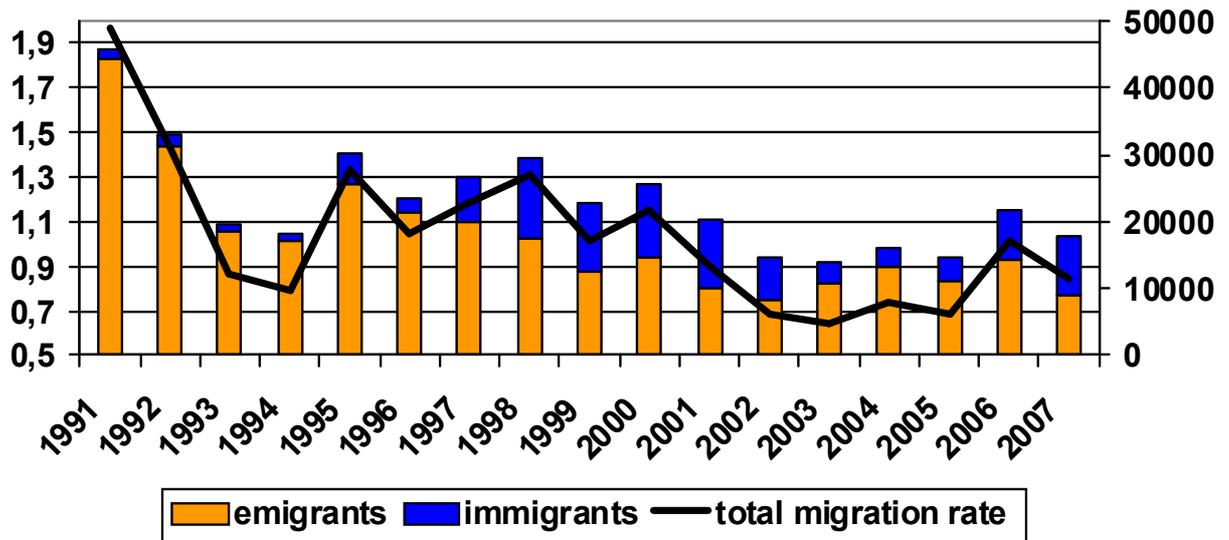
Source: <http://romaniaeconomywatch.blogspot.com/2007/>



**Figure 2.3. Romanians in Italy, 2002-2006**

Source: <http://romaniaeconomywatch.blogspot.com/2007/>

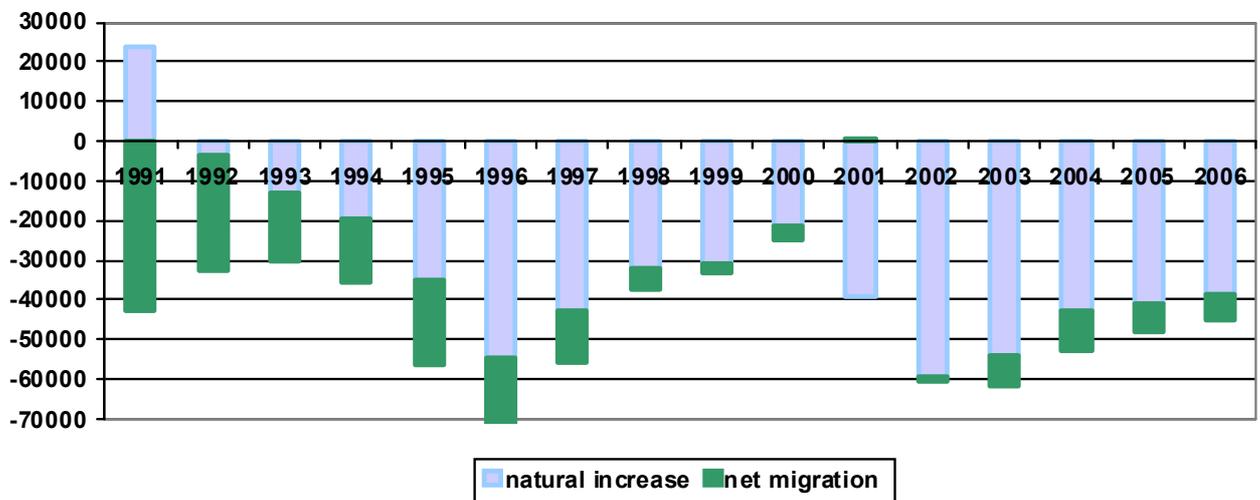
A representative indicator of the extent of migration flows is the **total migration rate**, which is the cumulated number of emigrants and immigrants per 1,000 inhabitants (figure 2.4). In Romania, the total migration rate decreased from almost 2 migrants to one thousand inhabitants in 1991 to 0.84 in 2007, with many fluctuations during that time interval. The lowest levels of the indicator were recorded over 2002-2005. Since the emigration flows were predominant until 2006, the evolution of the total permanent migration rate generally followed their evolution, recording two stages of important decrease: the period 1991-1993, dominated by the repatriation of German, Hungarian and Jewish ethnics, and the period 2000 – 2003, when permanent migration is replaced by temporary labour migration. The permanent immigration flows, which had an increasing trend after 2005, became an increasingly important component of the indicator, succeeding in compensating the emigration flows in 2007.



**Figure 2.4. Emigrants, immigrants and total migration rate, 1991-2007**

Source: data from Romanian Demographic Yearbook, 2006 and Romanian Statistical Yearbook, 2007; NIS estimations for the year 2007

The negative migration increases over 1991-2006 enhanced the trend of continuous reduction of the total population of Romania, mainly caused by the higher and higher negative annual natural increases (figure 2.5).



**Figure 2.5. Decrease of Romanian population due to negative natural increase and net migration over 1991-2006**

Source: data from Romanian Demographic Yearbook, 2006 and Romanian Statistical Yearbook, 2007; NIS estimations for the year 2007

As compared to developed countries, for the time being, Romania does not face massive immigrant flows; however their number has been rapidly increasing since 2005 (figure 2.1), the permanent legal immigration currently equating the permanent legal emigration. Whereas the permanent legal immigration was dominated by repatriations, the temporary immigration is mainly motivated by the increased chances of finding a job in an economy whose trajectory

has been ascending during the recent years and which is beginning to feel the lack of autochthonous workforce. Another component, more difficult to quantify, is the illegal immigration (preponderantly of transit), usually having as final destination the Western Europe.

The **National Strategy regarding Immigration over 2007-2010**, approved by Government Decision no. 1122, establishes new landmarks for the national policy in the field of migration, including the obligations that Romania must undertake in its quality of member state of the EU and the necessary measures to efficiently manage the phenomenon, in view of gradually transforming our country from a transit area into a destination area for immigrants.

## **2.2. Structural features of migration flows**

Knowing the emigrant's/immigrant's profile involves the statistic record of defining features such as: age group, gender, level of education, country or region of origin/destination.

### **2.2.1. Emigration**

The structure of emigrants by genders was dominated by women over the entire period of 2000-2007. The predominance of women has become even more obvious during the recent years, as they represented in 2007 more than 65% of the total number of emigrants (table 2.1)

**Table 2.1. Emigrants by gender, 2000-2007**

	Emigrants by gender (%)							
	2000	2001	2002	2003	2004	2005	2006	2007
Male	46.08	50.51	45.38	41.35	37.72	37.58	37.62	34.97
Female	53.92	49.49	54.62	58.65	62.28	62.42	62.38	65.03

*Source: authors' computation using data from Romanian Statistical Yearbook, 2007; NIS estimations for the year 2007*

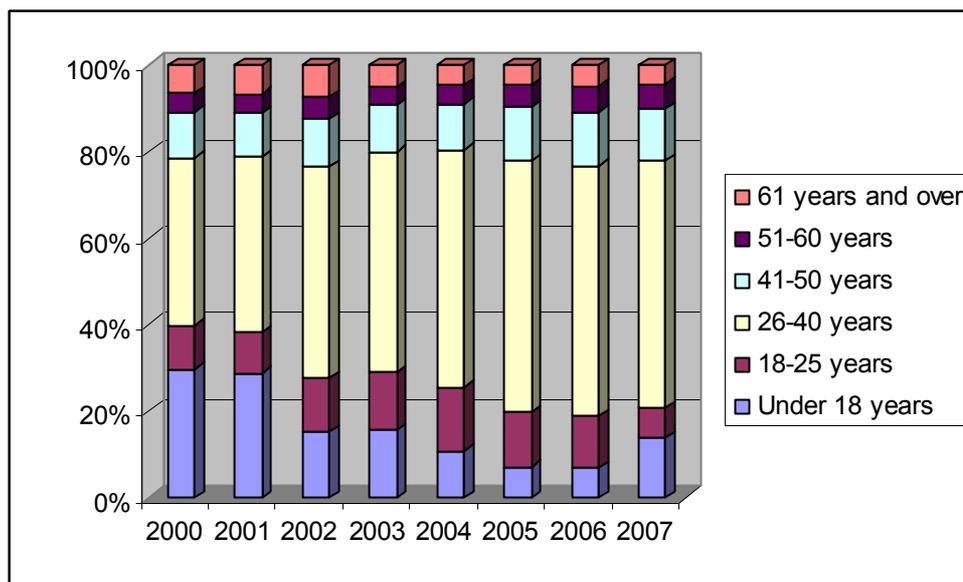
The structure of emigrants by age groups witnessed important variations over 2000-2007, particularly for the group of persons between 26 and 40 years of age (table 2.2 and figure 2.6), whose weight increased from 38.75% in 2000 to more than 57% in 2007. Low increases are also found in groups of persons between 41 and 50 and between 51 and 60 years of age, while the weight of all the other age groups decreased in the relevant interval.

If we compare the age group structure of emigrants with that of the total population (table 2.2), we notice that the inclination towards migration reaches its climax for persons between 26 and 40 years of age and that it's very low after the age of 50, which confirms the important role that the professional component now has in the decision to emigrate.

**Table 2.2. Emigrants by age group, 2000-2007**

Age group	Age group structure (%)								Total population
	Emigrants								
	2000	2001	2002	2003	2004	2005	2006	2007	2006
Under 18 years	29.63	28.83	15.12	15.71	10.83	6.99	6.78	13.88	19.78
18-25 years	10.26	9.45	12.62	13.36	14.68	12.87	12.16	6.92	12.34
26-40 years	38.75	40.49	48.71	50.95	54.84	58.14	57.74	57.01	24.17
41-50 years	10.51	10.21	11.22	10.86	10.81	12.39	12.55	12.16	12.74
51-60 years	4.45	4.32	5.11	4.21	4.41	4.98	5.91	5.75	21.87
61 years and over	6.39	6.69	7.21	4.91	4.43	4.63	4.85	4.27	31.81

*Source: authors' computation using data from Romanian Statistical Yearbook, 2007; NIS estimations for the year 2007*



**Figure 2.6. Emigrants by age group, 2000-2007**

*Source: authors' computation using data from Romanian Statistical Yearbook, 2007; NIS estimations for the year 2007*

After the preponderantly ethnic emigration period in the early 90's, the structure of emigrants by nationality was massively dominated by Romanians who, as of year 2000, represented between 90% and 95% of the total number (table 2.3).

**Table 2.3. Emigrants by nationality**

<b>Nationality</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Romanians	13438	9023	7465	9886	11890	10301	13296
Germans	374	143	67	20	36	93	85
Hungarians	788	647	489	661	1062	460	693
Jews	66	72	28	24	36	48	54
Other	87	36	105	82	58	36	69
<b>Total</b>	<b>14753</b>	<b>9921</b>	<b>8154</b>	<b>10673</b>	<b>13082</b>	<b>10938</b>	<b>14197</b>

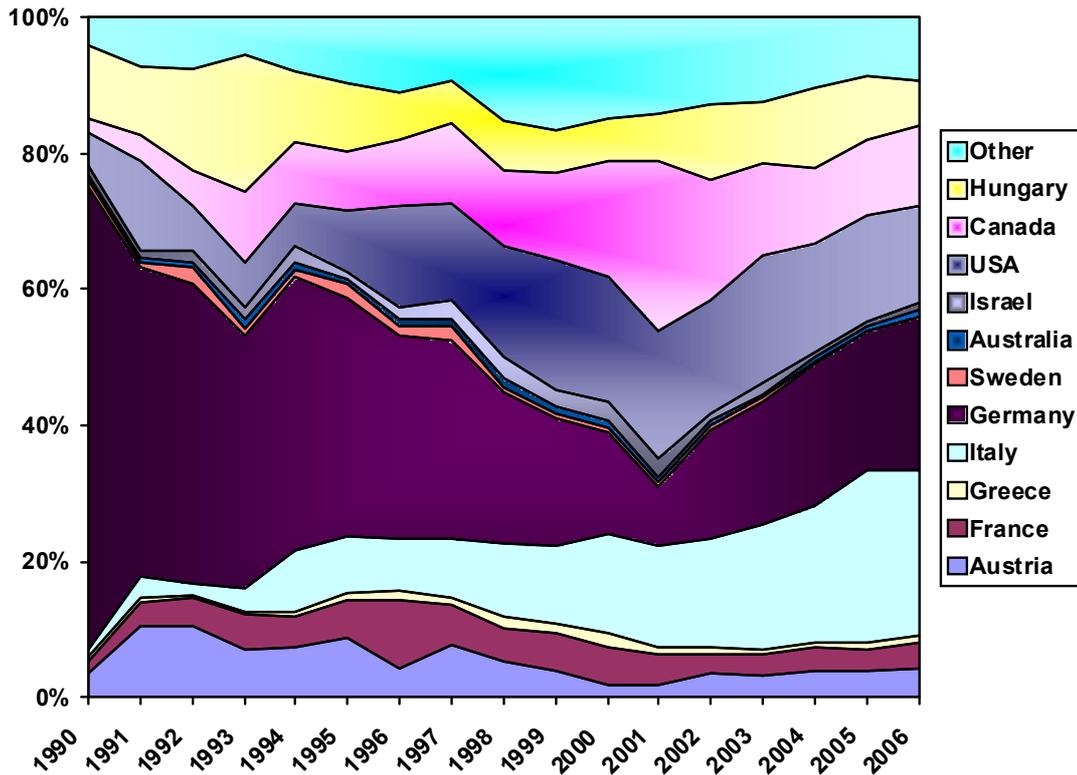
*Source: data from Romanian Demographic Yearbook, 2006 and Romanian Statistical Yearbook, 2007*

The main destinations of the permanent legal emigration after 2000 were Italy, Germany, Canada and the USA (table 2.4). As compared to the previous period (1990-1999), there was a significant decrease of preferences for Germany and Austria, accompanied by an important increase for Italy (figure 2.7).

**Table 2.4. Emigrants by destination country**

<b>Destination country</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Australia	143	79	58	45	84	78	125
Austria	270	167	293	326	491	421	581
Canada	2518	2483	1437	1444	1445	1220	1655
France	809	463	233	338	436	343	529
Germany	2216	854	1305	1938	2707	2196	3110
Greece	328	105	60	64	97	114	134
Israel	433	279	106	164	85	64	128
Italy	2142	1486	1317	1993	2603	2731	3393
Spain	...	616	172	186	162	139	330
U. S.A.	2723	1876	1356	2012	2049	1679	1982
Sweden	90	51	42	50	62	29	37
Hungary	881	680	903	984	1553	1013	900
Other	2200	782	872	1129	1308	911	1293

*Source: data from Romanian Demographic Yearbook, 2006 and Romanian Statistical Yearbook, 2007*



**Figure 2.7. Emigrants by destination country**

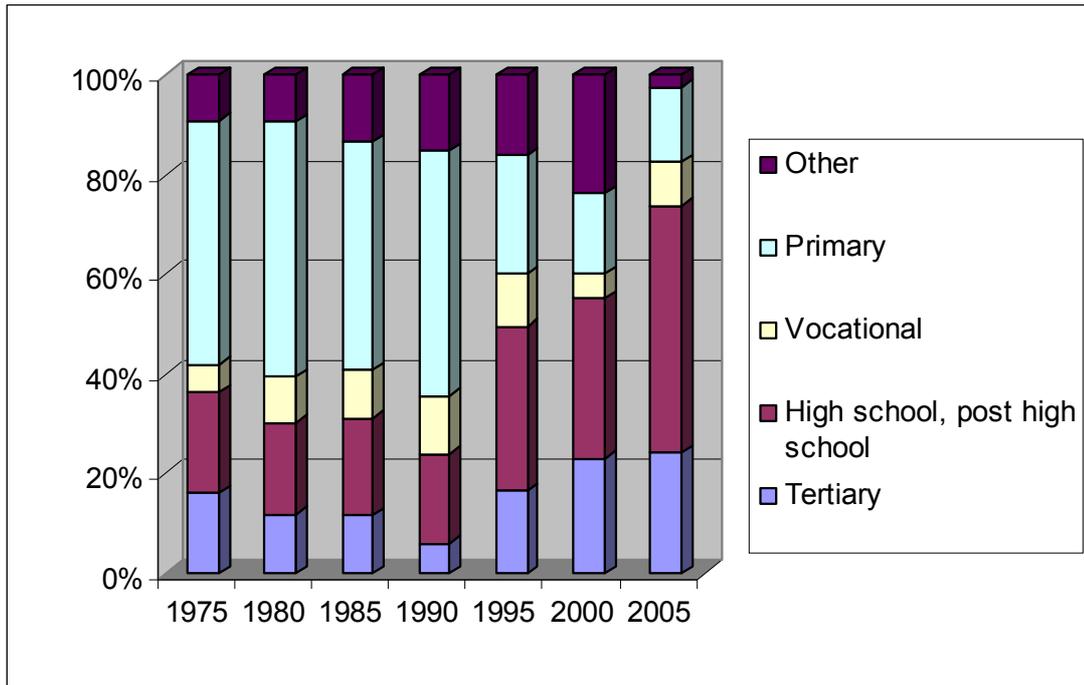
Source: authors' computation using data from Romanian Demographic Yearbook, 2006 and Romanian Statistical Yearbook, 2007

The structure of emigrants by level of education (table 2.5 and figure 2.8) witnessed important changes on the long term. After a climax of over 49% in 1990, the weight of persons with elementary education decreased to 5% in 2000 and 9.7% in 2005, while the weight of persons with high school and post high school education increased alarmingly (53.77% in 2005), as well as that of higher education persons (26.38% in 2005).

**Table 2.5. Emigrants by level of education (%)**

	Education				
	Tertiary	High school, post high school	Vocational	Primary	Other
<b>1975</b>	16.02	20.35	5.63	48.78	9.21
<b>1980</b>	11.88	18.38	9.12	51.30	9.31
<b>1985</b>	11.49	19.57	9.77	45.82	13.34
<b>1990</b>	6.00	17.90	11.80	49.20	15.10
<b>1995</b>	16.43	33.18	10.44	23.78	16.17
<b>2000</b>	22.94	32.13	5.08	16.19	23.66
<b>2005</b>	26.38	53.77	9.7	16.38	2.50

*Source: authors' computation using data from Romanian Demographic Yearbook, 2006*



**Figure 2.8. Emigrants by level of education (%)**

*Source: authors' computation using data from Romanian Demographic Yearbook, 2006*

### **2.2.2. Immigration**

In Romania, at the end of year 2007, there were 49,775 foreign citizens, among whom 43,123 on temporary stay (according to the records of the Romanian Immigration Office). As compared to year 2006, the total number of aliens registered for legal stay (temporary or permanent) in Romania dropped by 7.7% in 2007, mainly due to the more restrictive conditions in granting or extending the temporary stay permit of the new legislative provisions. On the other hand, the simplification of the conditions of granting the permanent stay permit for the citizens of the EU and of the EEA, as well as the obtaining, by some of the aliens on temporary stay, of the permanent resident statute has led to the decrease of the number of aliens on temporary stay and to the relevant increase of the number of those on permanent stay.

Most of the aliens with temporary residence on our territory in 2007 originated from the Republic of Moldova (11,852), Turkey (6,227) and China (4,336). The number of citizens of the Republic of Moldova temporarily living in our country is also increased by the many pupils and students studying in Romania (5,725 in 2007, according to the statistic data held by the Ministry of Education, Research and Youth).

After 1991, the number of foreign citizens who settled down in Romania became predominantly ascending. Predominant immigration was temporarily reduced over 2004-2005, but it continued to increase afterwards (figure 2.1). The number of aliens on permanent stay in Romania was, in 2007, 18.4% larger than in 2006, most of them originating from China (1,070), Turkey (976) and Syria (757).

The structure of immigrants by gender is significantly different from that of emigrants. starting from an approximately equal distribution by gender in 2000, the weight of women in

the total number of immigrants was constantly reduced, reaching a little over 38% in 2006 (table 2.6).

**Table 2.6. Immigrants by gender, 2000-2007**

	Immigrants by gender (%)							
	2000	2001	2002	2003	2004	2005	2006	2007
Male	50.91	51.25	51.87	53.44	56.58	57.15	61.73	
Female	49.09	48.75	48.13	46.56	43.42	42.85	38.27	

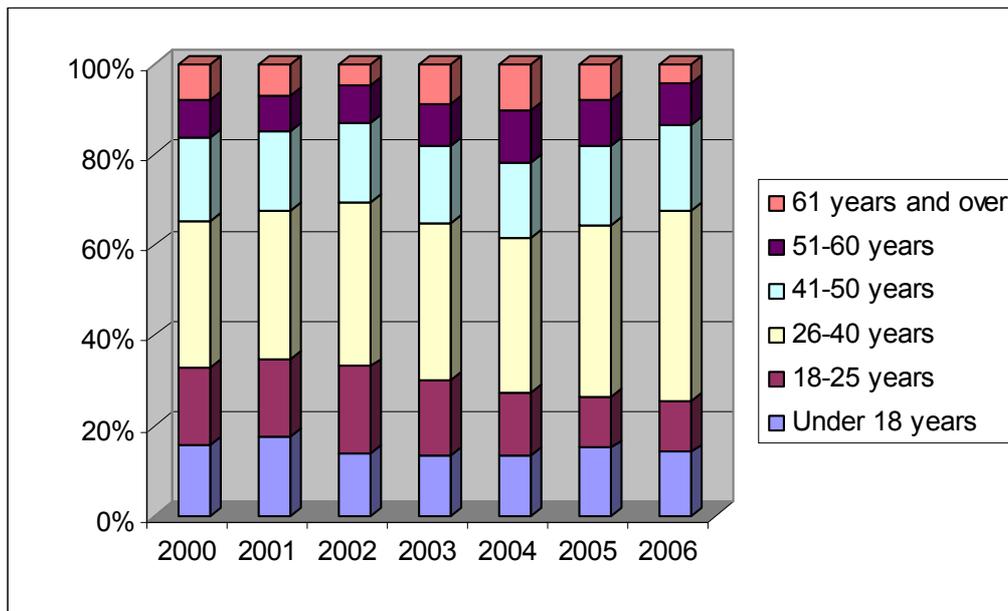
*Source: authors' computation using data from Romanian Statistical Yearbook, 2007*

The structure of immigrants by age groups (table 2.7 and figure 2.9) suffered more significant changes in age groups between 26 and 40 years of age (increasing by almost 10%) and in age groups of 61 years and over (reduced to half). Same as with immigrants, the increase of the weight of labour migration is the explanation of the increase recorded on the active population groups.

**Table 2.7. Immigrants by age group, 2000-2007**

Age group	Immigrants by age group (%)						
	2000	2001	2002	2003	2004	2005	2006
Under 18 years	15.81	17.60	13.64	13.38	13.53	14.96	14.04
18-25 years	17.17	17.12	19.42	16.74	13.86	11.50	11.25
26-40 years	32.55	33.11	36.54	34.89	34.42	38.07	42.33
41-50 years	18.30	17.41	17.68	16.84	16.37	17.52	19.04
51-60 years	8.24	8.05	7.99	9.64	11.65	10.15	9.45
61 years and over	7.94	6.71	4.73	8.51	10.18	7.80	3.89

*Source: authors' computation using data from Romanian Statistical Yearbook, 2007*



**Figure 2.9. Immigrants by age group**

*Source: authors' computation using data from Romanian Statistical Yearbook, 2007*

The structure of immigrants by their country of origin (table 2.8 and figure 2.10) was permanently dominated by the Republic of Moldova, which provided between 83.88% (2001) and 41.98% (2004) of the total number of aliens settling down in Romania.

The afflux of immigrants from the Republic of Moldova was largely favoured by the legislative changes in 1991, which practically considered the migration of the Moldovan citizens as a form of repatriation, establishing that the descendants of the former Romanian citizens can obtain Romanian citizenship even without settling down in Romania. Under the circumstances, the immigration from the Republic of Moldova can be much higher than the statistical data are showing, if we accept that many Moldovans moved to Romania as Romanian citizens, thus not being included in the statistics regarding migration.

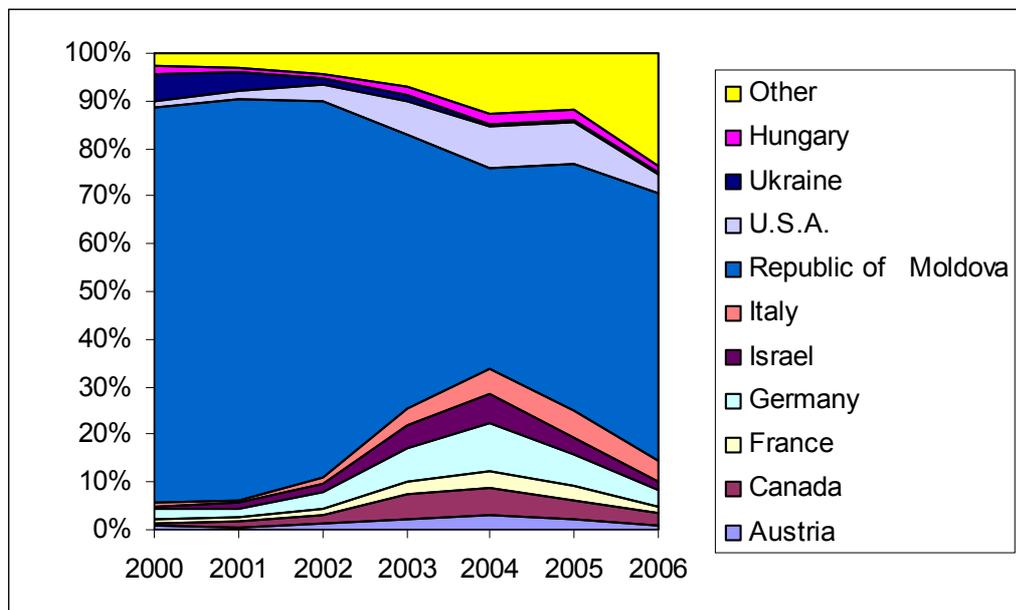
The immigration flow from the Republic of Moldova is far from attaining its maximum level. After Romania, having become a member of the European Union, has introduced the compulsoriness of visas for Moldovan citizens, an unprecedented increase of the number of their applications for Romanian citizenship has occurred: approx. 800,000 in 2007, expected to increase to 1.8 million, while the Republic of Moldova has less than 4 million inhabitants.

**Table 2.8. Immigrants by origin country, 2000-2006**

Origin country	2000	2001	2002	2003	2004	2005	2006
Austria	84	68	81	69	90	76	75
Canada	60	93	131	181	175	153	187
France	110	101	80	83	101	117	125
Germany	227	207	224	231	296	238	252
Israel	57	101	108	148	185	134	156

Italy	70	81	91	112	163	216	313
Republic of Moldova	9146	8682	5214	1881	1254	1917	4349
U.S.A.	161	191	227	235	259	311	292
Ukraine	649	396	66	39	19	27	38
Hungary	173	111	62	56	68	74	103
Other	287	319	298	232	377	441	1824
<b>Total</b>	<b>11024</b>	<b>10350</b>	<b>6582</b>	<b>3267</b>	<b>2987</b>	<b>3704</b>	<b>7714</b>

*Source: data from Romanian Statistical Yearbook, 2007*



**Figure 2.10. Immigrants by origin country**

*Source: data from Romanian Statistical Yearbook, 2007*

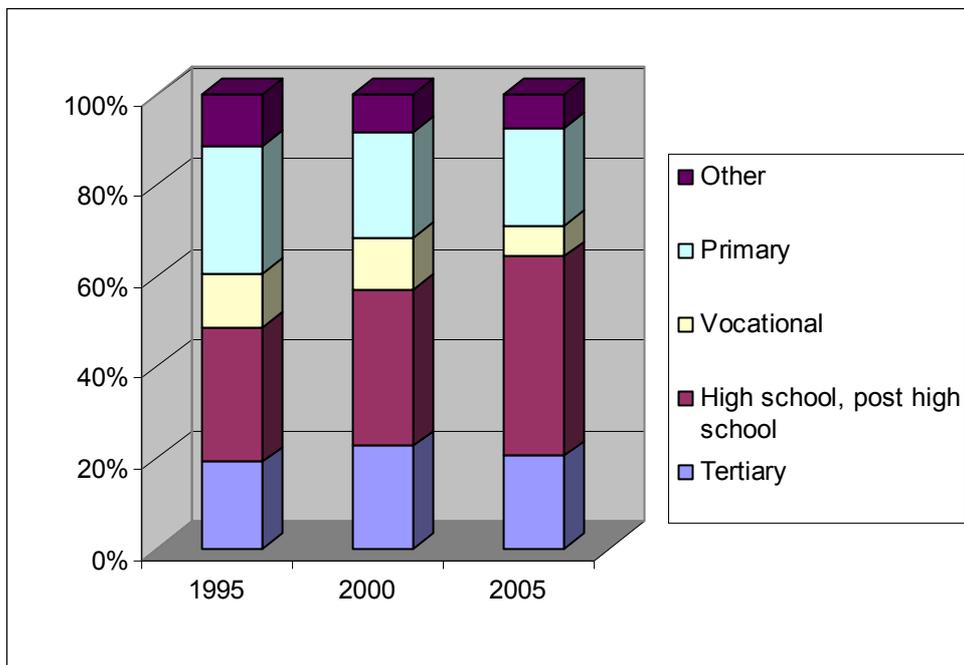
The structure of immigrants according by their education level witnessed small changes as compared to that of emigrants. The most important change is the increase by more than 12% of the weight of immigrants with high school and post high school, who reached almost 44% of the total number in 2005 (table 2.9 and figure 2.11).

**Table 2.9. Immigrants by education (%)**

	Education				
	Tertiary	High school, post high school	Vocational	Primary	Other
<b>1995</b>	18.98	29.79	11.91	27.88	11.44
<b>2000</b>	22.49	34.39	11.60	23.21	8.31

<b>2005</b>	20.36	43.93	6.80	21.57	7.34
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*Source: authors' computation using data from Romanian Demographic Yearbook, 2006*



**Figure 2.11. Immigrants by education (%)**

*Source: authors' computation using data from Romanian Demographic Yearbook, 2006*

### **2.3. Territorial features of migration flows**

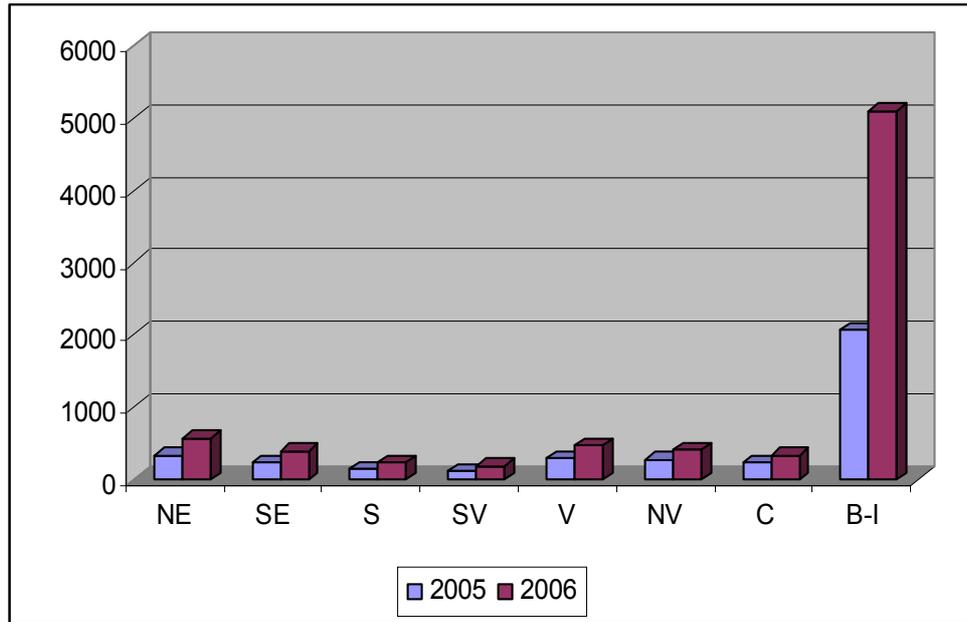
Aliens who obtained temporary or permanent residence in Romania preferred the economically developed counties, as well as university centres.

Most of the aliens were, in 2007, in the municipality of Bucharest (17,132), followed by the counties of Timiș (3,403), Cluj (3,332) and Iași (3,158). Even in the previous years, the region of Bucharest-Ilfov definitely dominated the hierarchy of preferences of immigrants (figure 2.12), far away from the other regions of the country.

The emigration flows have a more balanced territorial distribution as compared to immigration flows, the main emigration sources over 2005-2007 being the regions of the Centre, North-East and Bucharest-Ilfov (figure 2.13). More modest levels of emigration were recorded during the aforementioned period in the South and South-West regions.

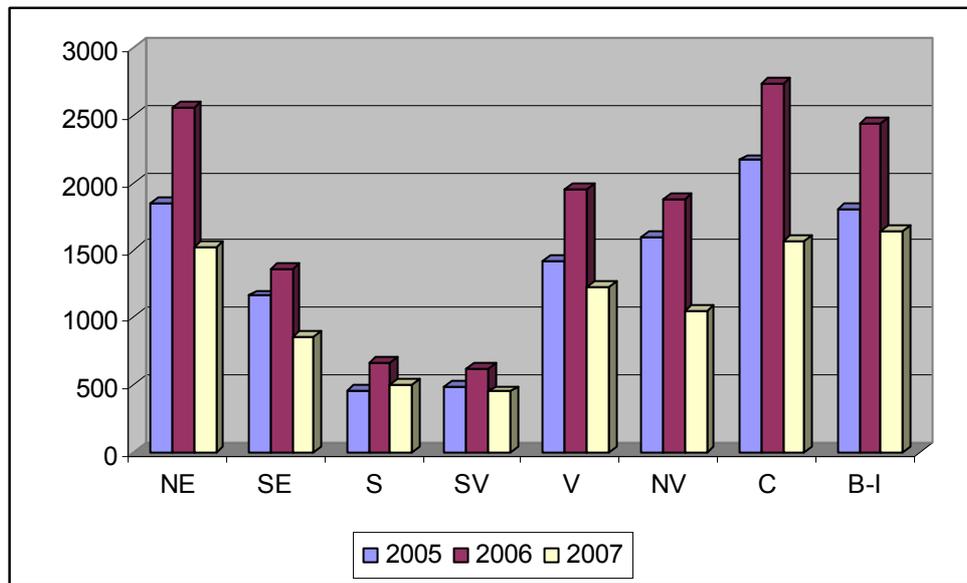
If it's natural that areas with an unemployment rate higher than the average should have an increased potential of migration among the workforce, it is acknowledged, however, that the region of Bucharest-Ilfov, defined by a low number of unemployed workers, is also an important source of emigration, but its features are different from other areas of the country.

In case of the region of Bucharest-Ilfov, a higher weight in the number of emigrants have persons with higher professional skills, who decide to leave the country, motivated by the better odds of professional distinction and of obtaining very large income, as opposed to that of Romania, as well as young people attracted by the specialization perspectives or by the continuation of studies in better conditions.



**Figure 2.12. Regional immigration flows, 2005 and 2006**

Source: authors' computation using data from Romanian Statistical Yearbook, 2006, 2007



**Figure 2.13. Regional emigration flows, 2005-2007**

Source: authors' computation using data from Romanian Statistical Yearbook, 2006, 2007; NIS data for the year 2007

#### 2.4. Scenarios, forecasts

There is a series of arguments to continue reducing permanent emigration in the future, reducing temporary labour emigration, and the return of some of the Romanians who left abroad to work.

A first argument refers to economic recession which is more and more clear in Europe as well, as the economic increase forecasts are increasingly pessimistic in the countries concentrating most of the Romanian emigrants. Constructions, which have attracted many Romanian emigrant workers, are among the first branches affected by the decrease of economic activity, with serious consequences on jobs, already felt by emigrants.

Italy and Spain, two of the main destinations of Romanian emigrants, are no longer attractive. The economic recession begins to make its presence felt in Spain as well, where the constructions sector, which was the engine of the Spanish economy for a long time, is in decline, thus generating a significant increase of the number of unemployed workers, among whom many Romanians. The campaign launched by Italy against immigrants adds up to this, forcing many Romanians to reconsider their decision of emigrating/remaining in Italy.

Another argument is the workforce deficit in the country, particularly in constructions, and the continuous increase of salaries (figure 2.14), largely correlated to this deficit. The tireless economic increase of the recent years and the emigration of an important part of the workforce created a lack of workforce in many activity fields in Romania (constructions, clothing and footwear industry, food industry, trade, health, etc., see annex 4). According to the territorial workforce placement agencies, there is a rough estimate of workforce deficit of 83,000 persons.

The resulting salary pressures (which sometimes caused salary increases above the labour productivity dynamic) can negatively influence direct foreign investments, especially because the perspective of economic recession determines the increased prudence of investors. On the other hand, the higher salaries and the continuous increase of the amount of money transfers to the country from Romanians who work abroad (which reached 5.3 billion EUR in 2006 – according to the National Bank – and are estimated to 7.4 billion EUR in 2007) maintain the consumer demand at a high level, thus favouring the economic development.



**Figure 2.14. Quarterly indices of wages and salaries in Romania, 2000-2007**

*Source: Eurostat*

Maintaining the economic development forecast for the following years as well (although recently revised to lower increase rhythms) raises the issue of compensating the labour market deficit in Romania with skilled personnel from other countries (migrant workers) in order to continue supporting economic development; the decrease and ageing of population, combined with the massive emigration of Romanians will favour labour immigration in the future, raising at the same time problems connected to the management of a relatively new phenomenon for Romania.

The negative impact of migration on the volume and quality of employment in Romania can be noticed in various directions, as follows: the orientation to foreign countries of a significant part of the highly qualified labour force (*brain-drain*), the *brain-loss – brain-win* ratio is disadvantageous for Romania in qualitative terms, considering that the qualification level of the labour immigrants to Romania is lower than of those who leave the country, the *brain circulation* and *brain regain* processes, the ageing of the labour force in some sectors (e.g. research and development) which is partially influenced by migration, etc.

### **Chapter 3. ASYLUM-SEEKERS AND REFUGEES**

#### **3.1. The situation of refugees at international level in 2007**

Year 2007 brought significant developments in the international humanitarian assistance as a result of the armed conflicts and of human rights violation. According to the statistics of the UN High Commissioner for Refugees (UNHCR, 2008), the number of the population this organization is responsible of went down from 32.9 million persons at the end of 2006 to 31.7 million persons at the end of 2007, which is an absolute decrease of 1.2 million persons, i.e. 3% in relative terms.

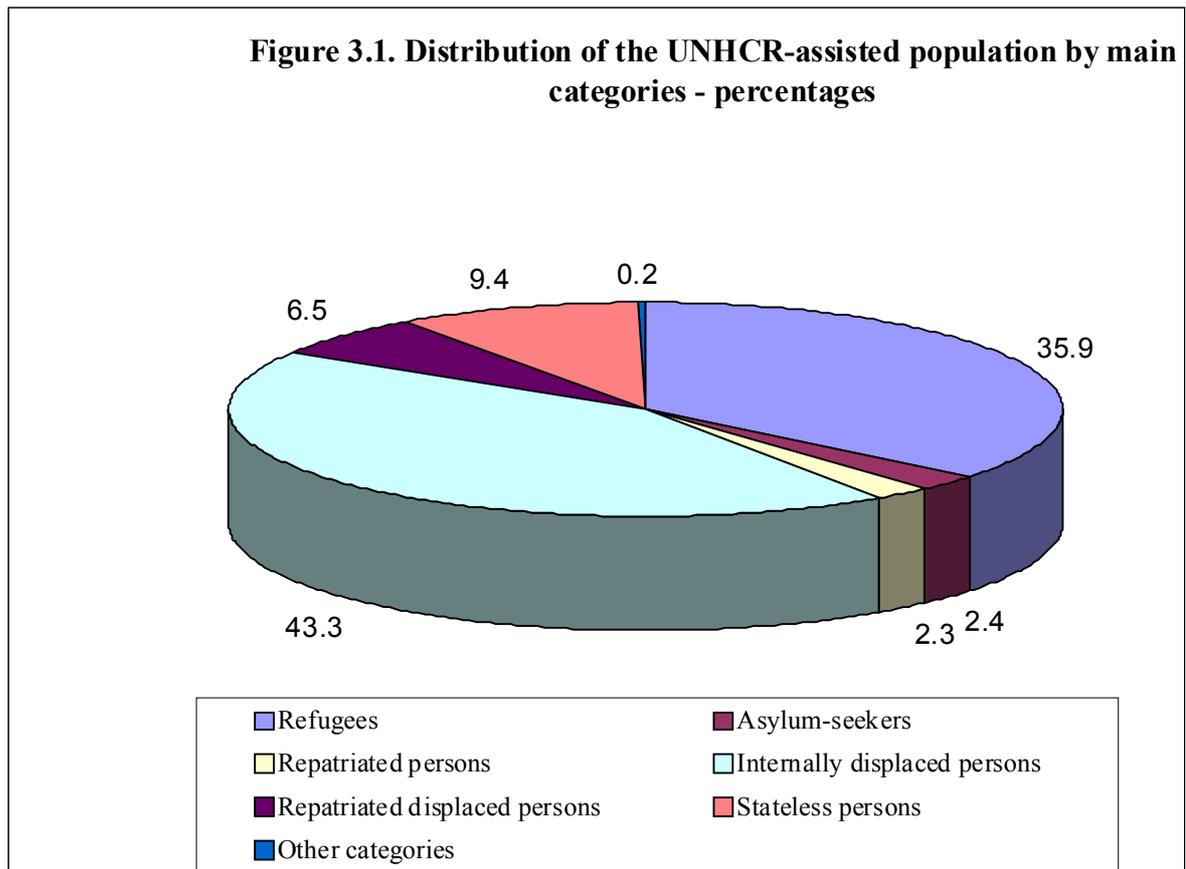
In exchange, the number of refugees, which are a very high weight category, has increased during 2007 by 1.5 million persons, reaching an unprecedented level at the end of that year, i.e. 11.4 million persons. Besides refugees, among the UNHCR-assisted persons also count other categories, such as asylum-seekers, internally displaced persons, repatriated refugees, repatriated displaced persons, stateless persons, etc. The structure according to categories, at the end of 2007, is shown in Table 3.1 and Figure 3.1.

**Table 3.1. Structure of the UNHCR-assisted population at the end of 2007**

- percentages -

<b>Category</b>	<b>Share</b>
Refugees	35.9
Asylum-seekers	2.4
Repatriated refugees	2.3
Internally displaced persons	43.3
Repatriated displaced persons	6.5
Stateless persons	9.4
Other categories	0.2
<b>Total</b>	<b>100.0</b>

**Source:** 2007 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 2008, p.5



From the total number of refugees at the end of 2007, more than one third originates from Asia and the Pacific region, 80% being Afghans (Table 3.2). The Middle East and North Africa countries hosted 25% of the total number of refugees, followed by the rest of Africa (20%), Europe (14%), North and South Americas (9%).

**Table 3.2. Refugee population by geographic area at the end of 2007**

UNHCR-assisted region	Refugees	Persons living as refugees *	Total number of refugees at the end of year 2007
Central Africa and Great Lakes	1,100,100	-	<b>1,100,100</b>
East Africa and Horn of Africa	815,200	-	<b>815,200</b>
South Africa	181,200	-	<b>181,200</b>
West Africa	174,700	-	<b>174,700</b>
<b>Total Africa**</b>	<b>2,271,200</b>	-	<b>2,271,200</b>
America (North, Central and South)	499,900	487,600	<b>987,500</b>
Asia and Pacific region	2,675,900	1,149,100	<b>3,825,000</b>
Europe	1,580,200	5,100	<b>1,585,300</b>
Middle East and	2,645,000	67,600	<b>2,721,600</b>

North of Africa			
<b>Total</b>	<b>9,681,200</b>	<b>1,709,400</b>	<b>11,390,600</b>

\* **Note:** “Persons living as refugees” refers to persons outside their home country or territory and who are subject to the same risks as refugees, but whose status has not been defined – due to practical or other reasons.

\*\* Without the North of Africa

**Source:** 2007 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 2008, p.7

It is important to remark that most of the refugees choose the neighbouring countries, thus remaining in the same geographic area. Table 3.3 and Figure 3.2, which show the rate of refugees inside and outside the geographic area they belong to, indicate that conflict-causing areas host between 83% and 90% of “their” refugees. According to the estimations of UNHCR, 1.6 million refugees (i.e. 14% of the total number of 11.4 million) live outside their home region.

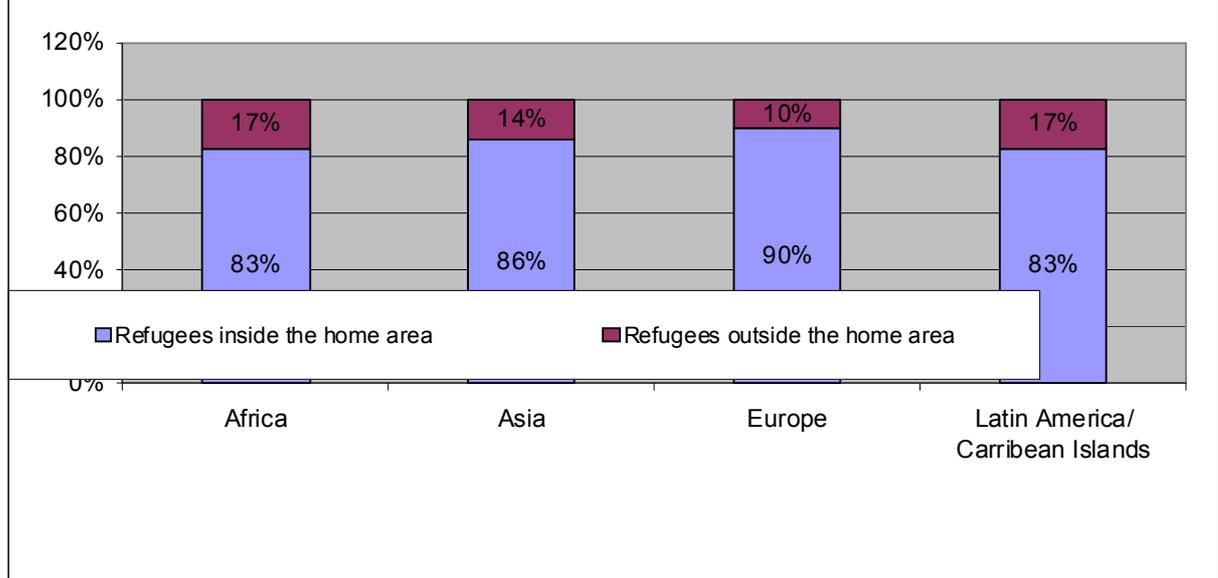
**Table 3.3. Weight of refugees established inside or outside the home geographic area**

- percentages -

<b>Continent</b>	<b>Refugees inside the home area</b>	<b>Refugees outside the home area</b>
Africa	83	17
Asia	86	14
Europe	90	10
Latin America / Caribbean Islands	83	17

**Source:** 2007 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 2008, p.7

**Figure 3.2. Weight of refugees settled down inside or outside their home geographic area**



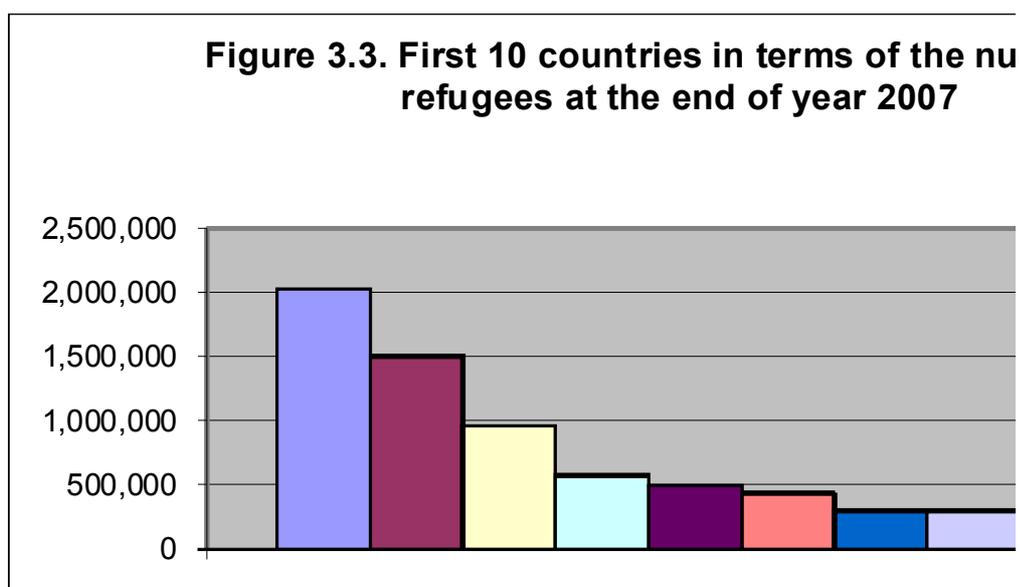
Confirming this general situation, the top 10 host-countries for refugees in 2007 brings to foreground first of all countries of Asia: Pakistan, Syria, Iran (Table 3.4 and Figure 3.3).

**Table 3.4. Host countries with the largest number of refugees at the end of year 2007**

- number of persons -

Country	Number of refugees
Pakistan	2 033 100
Syria	1 503 800
Iran	963 500
Germany	578 900
Jordan	500 300
Tanzania	435 600
China	301 100
United Kingdom	299 700
Chad	294 000
USA	281 200

**Source:** 2007 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 2008, p.8



### 3.2. Asylum applications in industrialized countries

Until obtaining the statute of refugee or of some other form of protection, the relevant persons are asylum-seekers, a status reflected in most cases in the national legislations according to the provisions of the Geneva Convention of 1951 regarding the statute of refugee.

UNHCR statistics concerning asylum applications have contemplated 43 countries, generically called “industrialized countries”<sup>8,9</sup>. Among these, most countries belong to the EU.

To the possible extent, asylum-seekers are registered only once in each country. However, the total figures overestimate the number of new arrivals because there are persons who lodge asylum applications in more than one country. For example, the Eurodac system has demonstrated that, both in 2005 and in 2006, 17% of the asylum applications were in fact multiple applications.

According to the available statistics at UNHCR level, in 2007 the number of asylum applications increased by 10% compared to 2006. In absolute figures, in 2007, 338,300 asylum applications were lodged, i.e. 32,000 more than in 2006. Nevertheless, the level in 2007 is only half of the number reached in 2001, when 655,000 asylum applications were recorded in 51 countries. Table 3.5 and Figure 3.4 show the dynamics of the asylum applications in some areas of the world, between 2006-2007 as compared to 2001-2006.

**Table 3.5. Dynamics of asylum applications in some areas of the world between 2001 and 2006, and between 2007 and 2013**

- percentages -

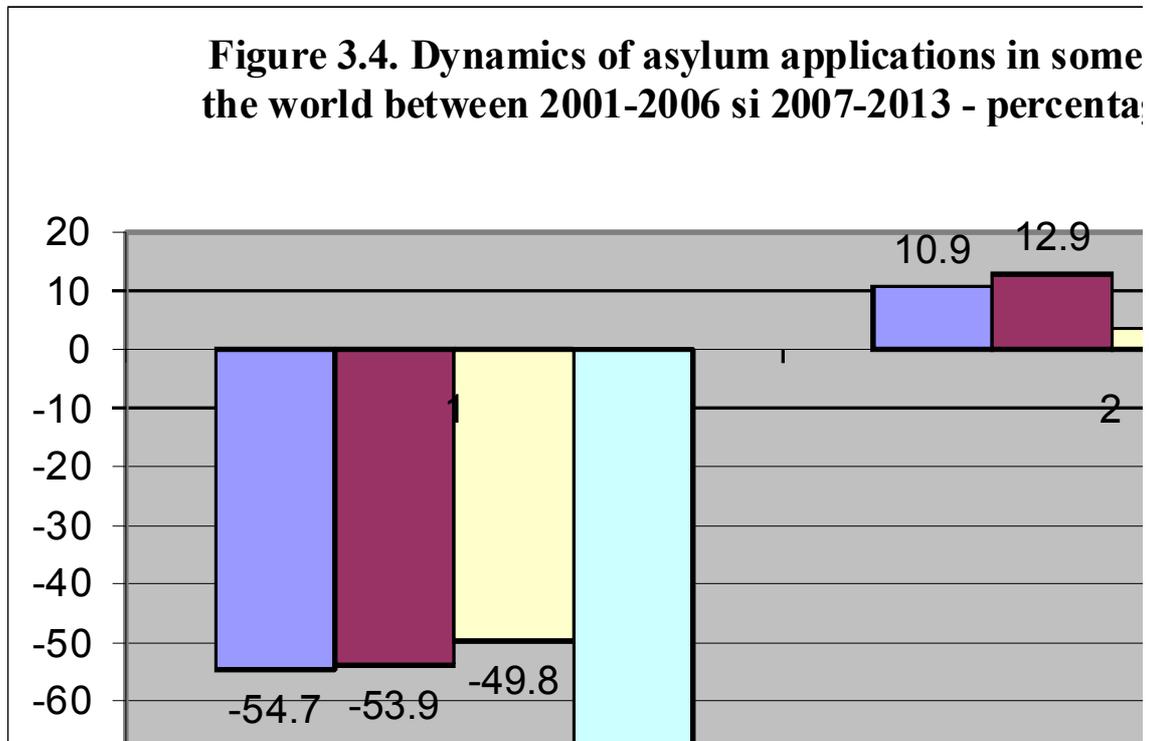
Area	2001-2006	2006-2007
EU-27	-54.7	10.9

<sup>8</sup> The 43 include: 26 EU members (without Italy), Albania, Bosnia-Herzegovina, Croatia, Island, Liechtenstein, Montenegro, Norway, Serbia, Swiss, FRI Macedonia, Turkey, as well as Australia, Canada, Japan, New Zealand, Korea and USA.

<sup>9</sup> Recently, Armenia, Azerbaijan, Belarus, Georgia, Moldova, the Russian Federation and Ukraine have recently joined them, out of statistic reasons. Italy was also included in these statistics starting with 2008.

Europe	-53.9	12.9
Canada/USA	-49.8	3.6
Australia/New Zealand	-72.8	11.1

Source: *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.4



In 2007, out of the total number of 338,300 asylum applications, Europe received 254,200 applications, i.e. 13% more than the previous year.

The changes in the top 10 countries for which asylum applications were lodged between 2004 and 2007 are shown in Table 3.6.

**Table 3.6. Changes in the hierarchy of the first ten countries for which asylum applications were lodged between 2004 and 2007**

Country	Rank in 2004	Rank in 2005	Rank in 2006	Rank in 2007
USA	2	2	1	1
Sweden	7	7	4	2
France	1	1	2	3
Canada	5	6	5	4
United Kingdom	3	3	3	5
Greece	19	12	9	6

Germany	4	4	6	7
Italy	13	11	12	8
Austria	6	5	8	9
Belgium	8	8	10	10

**Source:** *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.7

On the European continent, the countries traditionally ranking on the first positions, such as France, Germany, Great Britain, Austria, have recorded a decrease of the number of asylum applications in favour of countries such as Sweden, Greece, Italy. Table 3.7 shows the first ten countries in terms of the number of asylum applications for 1,000 inhabitants in 2007.

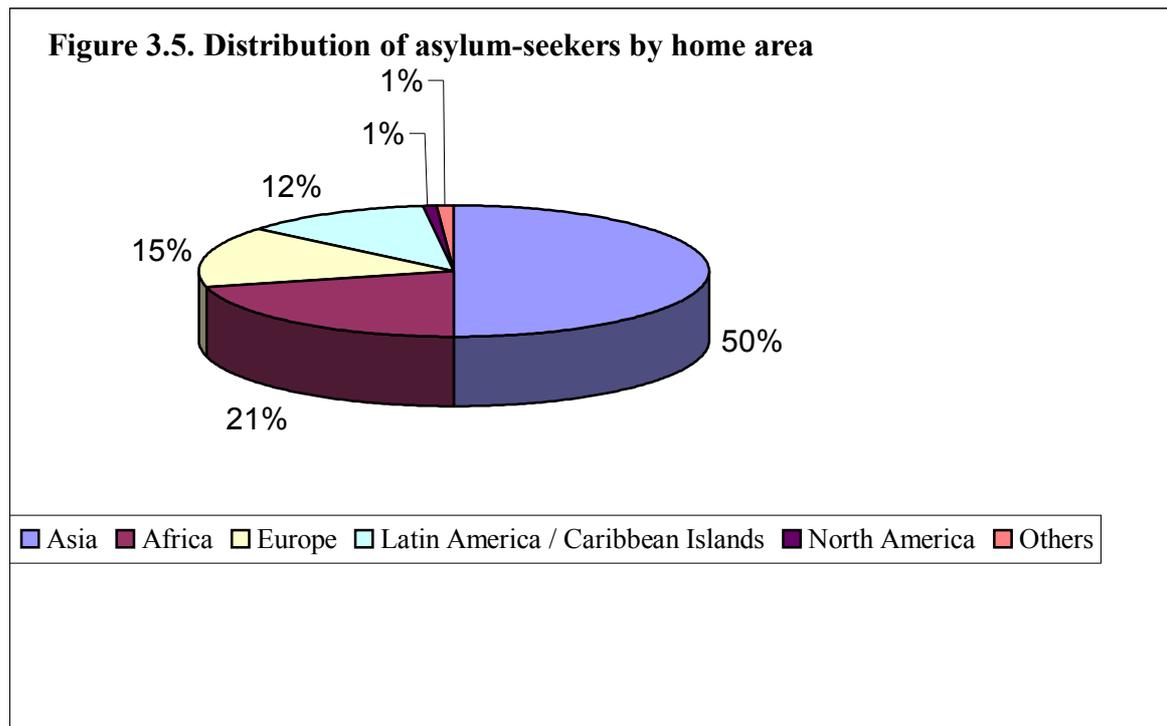
**Table 3.7. Number of asylum applications for 1,000 inhabitants in 2007. Hierarchy of the first 10 countries with which applications were lodged**

Rank	Country	Number of asylum applications for 1,000 inhabitants
1	Cyprus	7,9
2	Sweden	4,0
3	Malta	3,4
4	Greece	2,3
5	Austria	1,4
6	Norway	1,4
7	Swiss	1,4
8	Belgium	1,1
9	Ireland	0,9
10	Luxembourg	0,9

**Source:** processed according to *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.12

In the hierarchy of all the 51 countries in the UNHCR statistics, **Romania** ranks 38<sup>th</sup>, with less than 0.1 applications for 1,000 inhabitants.

As for the origin of the asylum-seekers, approximately 50% originate from Asia, 21% from Africa, 15% from Europe, 12% from Latin America and Caribbean Islands, 1% from North America (Figure 3.5).



Source: processed according to *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008

Among the main 40 nationalities seeking asylum, 17 witnessed an increase in 2007. Among these, the most important increases were recorded in Iraq (+98%), Pakistan (+87%), Syria (+47%), Somalia (+43%), Mexico (+41%).

Among the 23 nationalities that witnessed decreases, the most important decreases were recorded in Azerbaijan (-41%), Sudan (-34%) and Turkey (-22%). Table 3.8 shows the changes in the hierarchy of the most important ten home countries of asylum-seekers between 2004 and 2007.

**Table 3.8. Changes in the hierarchy of the first ten home countries of asylum-seekers between 2004 and 2007**

Home country	2004	2005	2006	2007
Iraq	9	4	1	1
Russian Federation	1	2	4	2
China	3	3	2	3
Serbia*	2	1	3	4
Pakistan	8	10	9	5
Somalia	10	11	8	6
Mexico	21	17	11	7
Afghanistan	12	8	7	8
Iran	5	6	5	9
Sri Lanka	19	15	16	10

\* Note: In 2007, Serbia is recorded jointly with Muntenegru

Source: *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.10

### **3.3. Situation in Romania<sup>10</sup>**

Although, in the past, Romania was not among the top countries assaulted by asylum applications, being considered a transit country on the way to the other European countries, after its accession to the EU it is expected to shortly become a target country, with all the implications deriving from the strategic, politic and managerial points of view.

Thus, only in 2007 the number of asylum applications was 605, i.e. 40% more than in 2006, when 381 applications were recorded<sup>11</sup>.

As regards the home country, Table 3.9 shows the situation in 2007 as compared to that in 2006. Serbia's ranking second in 2007 is explained exactly by Romania's becoming member of the EU.

**Table 3.9. Main home countries of asylum-seekers in Romania in 2006 and 2007**

Rank	2006 (persons)	2007 (persons)
1	Iraq - 78	Iraq - 223
2	Somalia - 51	Serbia - 183
3	China - 50	Turkey - 35
4	Turkey - 28	Somalia - 28
5	Iran - 21	China - 19

**Source:** MIRA reports for 2007 and 2008

In 2007, from the total number of asylum-seekers, 268 entered legally, 328 illegally, and 9 are (minor) aliens born in Romania.

For the same year 2007, ORI statistics show that, based on the 605 asylum applications, 314 travel documents were issued, out of which 251 for aliens whose statute of refugee was acknowledged, and 63 for those who were granted subsidiary protection. At the same time, the validity of the travel documents was extended for 161 refugees and 94 subsidiary protection persons.

75 persons lodged applications for a new asylum procedure. Among these applications, 40 (54%) were rejected as unacceptable, and 35 (46%) were accepted.

As regards the multiple applications, more than 50% were lodged by Iraqi citizens. More than 95% of the multiple applications were solved in Bucharest, although there are also other courts of law in other cities that receive applications (Timișoara, Galați, Rădăuți).

Complying with its obligations deriving from the EC Directive on the implementation of the Dublin II mechanism, Romania accepted 97 responsibility takeover cases, 13 asylum-seekers being transferred.

At international level, in accordance with the practices supported by the UNHCR, *the possible answers in managing asylum are searched in three directions*: voluntary repatriation to the home country, transfer to another country and finding adequate mechanisms of permanent integration in the asylum country. Between the three forms, there are several differences, such as:

<sup>10</sup> Based on the data in the MIRA reports of 2007 and 2008.

<sup>11</sup> In fact, in 2006, 464 applications were lodged but, according to the Eurodac system, 83 were multiple applications (filed the second time).

- Voluntary repatriation is seen as a long-lasting solution that satisfies a wide number of refugees.
- Transfer to another country is a protection instrument based on responsibility sharing mechanisms.
- Integration into the society of the host country is a legal, socio-economic and political process by which refugees become members of the society of the host country.

Below, the third direction is analyzed, whereas the other two will be approached in the chapter dedicated to the removal of aliens from the Romanian territory.

The **integration in the society of the host country** is meant not only for aliens who have obtained some form of protection, but to all aliens legally staying on the Romanian territory.

In *general terms*, *for the immigrant* **integration** means speaking the language (written, spoken) of the host country, access to the education system and labour market in that country, possibilities to increase the professional mobility by raising the education level and professional training, equality before the law, cultural and religious freedom, respect for the laws and traditions of the country they live in. At the same time, *for the host society* the integration of migrants requires tolerance and open-mindedness, the consent of receiving immigrants, understanding the benefits and challenges of multicultural societies, providing unlimited access to information regarding the benefits of integration, tolerance and intercultural dialogue, respect for and understanding of the condition, traditions and culture of immigrants, respect for immigrants' rights (IOM, World Migration, 2003).

Up to now, refugees have been the main beneficiaries of the integration programmes, namely 77 aliens that were granted some form of protection, out of which 66 entered integration programmes in 2007. Most of them originated from Iraq 36% and Somalia (19.5%).

These programmes contemplated and continue to contemplate the following:

- access to the labour market;
- access to education;
- access to the healthcare national system;
- access to lodging;
- access to the social assistance system and to training services.

To provide an image on the efforts made, we shall rely on the statistic data collected by ORI – MIRA, as well as on the results of the sociological research that the annual reports of MIRA for 2007 and 2008 were based on.

Thus, as regards the **access to the labour market**, 65% of the interviewees had a job, and, among these, men were predominant (approx. 77%). However, the number of refugees recorded by the workforce occupation agencies is quite low (44), out of which only 26 being subject to occupation stimulation measures. Besides, 56.6% of the interviewees answered that they got a job with the help of their friends, and only 0.7% through labour force occupation agencies. 43.8% of the interviewees stated that they did not have any professional training when they arrived in Romania.

Among persons who obtained some form of protection in Romania, 77.8% stated that they had secondary education (46.6%) and university education (31.2%). 25.2% of them declared that they continued their studies in Romania (6.4% - high school, 14.7% - university, etc.).

The **access to education** is crucially conditioned by **being a speaker of Romanian language**. Generally, this proficiency is directly proportional with the time spend in Romania (48.5% of the refugees have lived in Romania for more than ten years). 32.3% of the interviewees have participated to a Romanian learning course, most of them as students (15.4%). Another part of them signed up for the courses organized by ORI in collaboration with the Ministry of Education and Research and for courses organized by NGOs.

As regards the **healthcare system**, only 46.6% of the interviewed adults had health insurance. However, 81.8% of them stated that they were in a good health condition.

As for the **access to lodging**, 82.3% of the interviewees lived in apartments; 74.4% asserted they were satisfied with the lodging conditions, 12.8% being very satisfied, and 12.8% dissatisfied.

The **access to the social assistance system** is necessary particularly for persons who have not succeeded in finding a job, being incapable of providing for themselves. Among the interviewees, 34.2% benefited from social services, non-repayable aid being the most frequently used (29.1%).

At the end of year 2007, in the records of the National Authority for Child Protection there were 5 **unaccompanied alien children**, out of which 3 from Somalia. They obtained the statute of refugee. The other 2 were from the Republic of Moldova, being repatriated in the meantime.

However, from a wider perspective, integration in the society of the host country also requires **a tolerant attitude of the majority population**, an attitude opposed to discrimination, xenophobia and other forms of migrant rejection. Organizations concerned by refugee rights often notice a subtle rejection of aliens, not only by usual people, but also by public servants taking care of the asylum-seekers' and refugees' problems. They do not always distinguish between a refugee, an immigrant or a trafficker, between migrants having economic reasons and those who are forced to emigrate as a result of dramatic events or persecutions back in their own country (Lăzăroiu, 2003).

As for the **position of the public opinion** towards the immigrants settled in Romania, it is acknowledged that urban population, having a higher level of education, is more tolerant, and that, generally, persons who have had contacts with minority groups, are more tolerant than those who live in homogenous cultural environments. Immigrants are expected to integrate better in the urban environment than in the rural one, and in terms of regional distribution, chances are higher in Bucharest and in the West and South-East areas (opening onto the Black Sea) than in the South and East areas of Romania. Therefore, *specific tolerance areas* have been outlined (Lăzăroiu, 2003), towards which the immigration flows are expected to continue to concentrate in the following years, whereas the access to other environments and areas might be restricted because of the intolerance.

In their turn, **the media** must concentrate more on the systematic analysis of migration in its complete complexity, thus contributing to the *guidance* of migrants in a universe with many risk and uncertainty components, to *preventing and fighting* delinquency, clandestineness, corruption. In many cases, the media have proven to be less preoccupied by elaborating objective reports on migration, by rather concentrating on adopting some articles from the international media and stereotypes from the Romanian society.

Even if some newspapers and, particularly, some TV stations have lately supported the specialization of journalists in the field of migration, the need to organize courses to train them for the investigation and analysis of this phenomenon continues to exist.

Also, there is a need to **support scientific research** in the field of migration and to include in the university curricula certain disciplines specialized in studying this phenomenon (economics, medicine, law, education sciences, etc.), at the same time making suggestions in order to create a migration research national centre (which is to be created by the Romanian Government in partnership with IOM, UNCHR, and other international organizations) (see, for example, IOM, 2004; Lăzăroiu, 2008). Creating some faculties or cross-disciplinary study

sections for migration, so that the necessary expertise may be created in public policies, social assistance, and migration management, is another point of interest<sup>12</sup>.

## **Chapter 4. REMOVAL OF ALIENS FROM THE ROMANIAN TERRITORY**

### **4.1. Removal methods**

The permanent control of legality as far as the aliens staying on Romanian territory are concerned inevitably leads to taking measures for the removal of aliens who no longer justify their stay in the country. Depending on the case, these measures consist in decisions to return, decisions to return under escort, taking in public custody and voluntary repatriation (MIRA 2007 and MIRA 2008).

The **orders to leave the Romanian territory** are applied to illegally entering aliens, whose stay has become illegal or whose right of stay has been cancelled or revoked. Depending on the situation, interdiction to enter Romanian for a definite period of time can be ordered.

The **decisions to return or the decisions to return under escort** are applied, as the case may be, to illegally entering aliens, whose stay has become illegal or whose right of stay has been cancelled or revoked. Depending on the situation, interdiction to enter Romanian for a definite period of time can be ordered.

In case of a **return under escort**, removal can be made by escorting the alien to the border or to his country of origin, or, if not impossible, to any other country that allows them to enter their territory.

The **taking in public custody** is used when the illegally entered aliens cannot be removed within the legal deadline of 24 hours, which involves the limitation of the freedom of motion for such persons on the territory of the Romanian state and the provision of accommodation for them.

**Voluntary repatriation** is a modern form of removing illegally staying aliens from the territory of another state, by highlighting the voluntary character of removal and by involving the authorities (seen as a corrective force of the state) only by providing the necessary funds.

### **4.2. Quantitative dimensions**

In 2007, ORI issued 4,470 orders to leave the territory/decisions to return concerning illegally staying aliens or aliens who no longer met the conditions for the extension of the right of temporary stay. This number was 7% larger than in 2006.

Most of the aliens removed like this from the Romanian territory originated from Turkey, Moldova and China. Table 4.1 shows the situation of the decisions to leave/decisions to return, by country of origin, in 2007 as compared to 2006.

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<sup>12</sup> The master course in migration, organized by the University of Oradea together with OIM, the doctoral dissertations elaborated on this subject (e.g. those from the Babeş-Bolyai University of Cluj-Napoca, West University of Timișoara etc.), the research projects and the debates, the scientific manifestations organized in Bucharest and in the country, are significant achievements in this respect.

**Table 4.1. Orders to leave/decisions to return on the home territory in 2007 as compared to 2006**

Country	2006 (number of persons)	2007 (number of persons)	2007/2006 (abs. - persons)	2007/2006 rel. (%)
Turkey	993	1337	344	134.6
Moldova	933	1304	371	138.8
China	305	431	126	141.3
Serbia	115	247	132	214.8
Iraq	92	105	13	114.1
Ukraine	106	97	- 9	91.5
India	55	73	18	132.7
Syria	104	73	- 31	70.2
USA	81	72	- 9	79.1
Lebanon	108	69	- 39	63.9
Other countries	1278	662	616	51.8

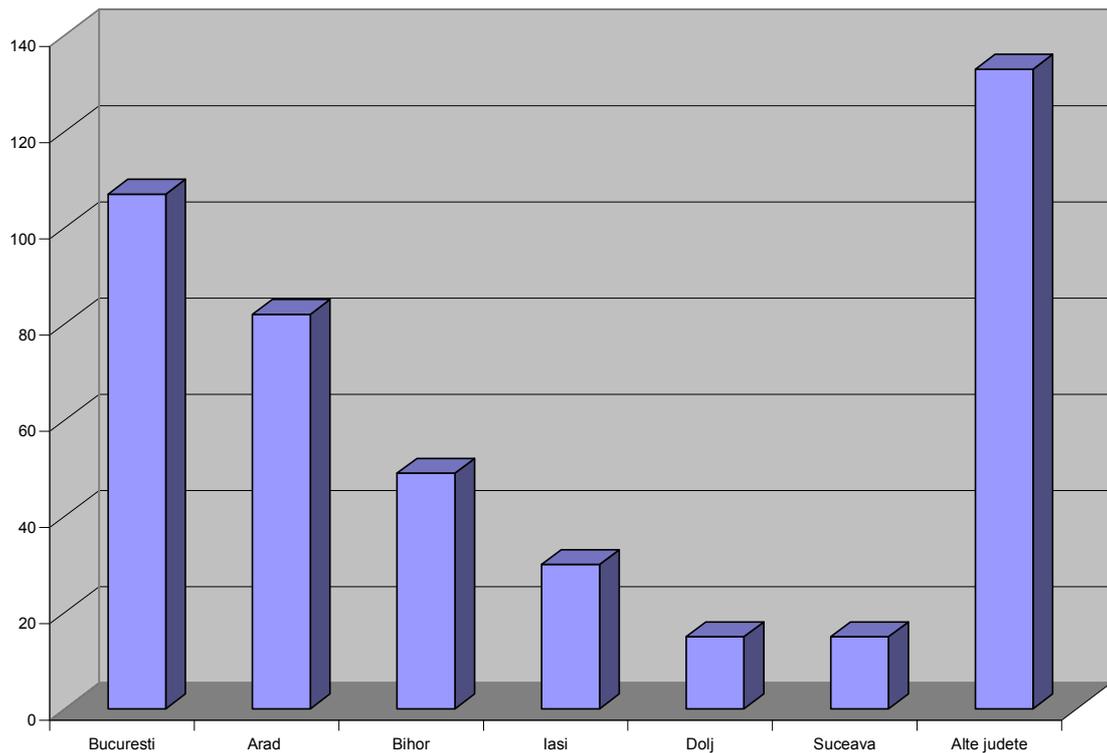
**Source:** processed by the authors according to the data in the MIRA 2008 Report (as opposed to 2007)

The most important increases in relative terms are noticed in Serbia (214.8%), China (141.3%) and Moldova (138.8%), and in absolute terms in Moldova (371), Turkey (344) and Serbia (132). At the opposite pole, of the countries where a decrease of the number of orders to leave/decisions to return, there is Lebanon (rel. 63.9%, namely -39 persons), Syria (70.2%, namely -31 persons), and USA (79.1%, namely -9 persons).

The **measure of return** was taken in 2007 for 431 aliens, representing a decrease by 58% as compared to year 2006. The first four places were occupied by the municipality of Bucharest and by the counties of Arad, Bihor and Iași, on whose territory were found, respectively, 107, 82, 49, 30 aliens in illegal situations (Figure 4.1).

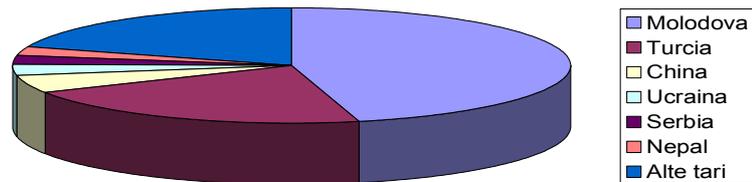
Most of the returned aliens originated from Moldova (196), Turkey (90) and China (23), who, relatively speaking, represent, respectively, 46%, 21% and 5% of the total number (Figure 4.2).

**Figure 4.1. Number of returned aliens, by county, in 2007**



**Source:** processed by the authors according to the data in the MIRA 2008 Report (as opposed to 2007)

**Figure 4.2. Distribution of returned aliens, by country of origin**



**Source:** processed by the authors according to the data in the MIRA 2008 Report (as opposed to 2007)

Although the largest basin for illegal migration in the world right now is Asia and Middle East, while in Romania the highest pressure is still exercised by aliens coming from states on the European continent that do not belong to the EU. Its statute of EU member state is expected to cause the increase of this category, imposing both specific measures on the Romanian territory and the collaboration with authorized institutions in the countries of origin.

Aliens who cannot be removed within the legal deadline of 24 hours are taken in **public custody**, which involves limitation of freedom of motion on the territory of the Romanian state and bearing the accommodation expenses. This measure was applied in 2007 to 257 aliens.

Taking into account the entailed costs, ORI was concerned about increasing efficiency in applying the measures of removal from the Romanian territory, particularly as regards the obtaining of temporary travel documents. In this respect, 177 of the aliens taken in public custody in 2007 were removed within 30 days.

Most of the aliens that were subject to the measure of taking in public custody come from China, Moldova and Turkey. Whereas the number of such Chinese and Turkish citizens is decreasing, the number of Moldovans is growing, in terms of illegal migration and association to criminal groups framing within the area of organized criminality, particularly traffic with migrants.

**Voluntary repatriation** is another removal form for illegally staying aliens, whose main feature is the voluntary departure, while the state gets involved only by ensuring the necessary funds, without exercising its corrective force.

This measure was applied in Romania after a memorandum was signed between the Romanian Government and OIM, the necessary funds for the repatriation programme being approved by the Government Decision dated 17<sup>th</sup> of November 2005. In 2006, 21 alien citizens were voluntarily repatriated, whereas the rate of the cases solved due to the project run together with OIM is just 12% as compared to the previous estimates, while from the budget allotted for 2006 only 20% was spent.

## **Chapter 5. TRAFFICKING IN PERSONS**

### **5.1. Manifestation forms and risk factors**

According to the description provided by the National Agency against Trafficking in Persons (ANITP)<sup>13</sup>, **trafficking in persons (TP)** is a *phenomenon of multiple dimensions*: it is a serious violation of the human rights, an economic and social phenomenon with negative consequences for the entire society, an aspect of public health and of criminal nature, where traffickers are the criminals (and not the victims).

Among phenomena accompanying external migration, TP<sup>14</sup> is one of the most serious crimes, as victims are treated as goods and sold for profit. Most of the time, TP is regarded as a *controlled organized crime business*.

The activities falling under TP are the following: sequestration, sexual exploitation, exploitation for work, forcing to commit crimes (theft, deceit), pornography, beggary.

TP runs through *several stages*, starting with recruitment and continuing with transport, sale, sequestration and exploitation, resale, escape and repatriation.

Sociologic studies have identified a series of *risk factors* that can be grouped in three categories, namely:

- *macro-social factors* (drastic decrease of the standard of living, high unemployment rates, lack of relevant educational programmes, a socio-cultural environment characterized by

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<sup>13</sup> See <http://anitp.mira.gov.ro/ro/>

<sup>14</sup> also found under the name of trafficking in human beings (THB)

intolerance and discrimination based on gender and ethnicity, favourable to domestic violence, development of international migration for work, disasters, natural catastrophes);

- *micro-social factors* (household poverty, lack of access to jobs, to social assistance programmes, low level of education, lack of professional training, family dismemberment, deficient relationships between adults and children, disordered behaviours such as alcoholism, domestic violence, criminal history);

- *individual factors* (e.g.: gap between expectations and the resources of the individual/household in satisfying them, propensity to violate the law in order to find a job abroad, lack of information on the assumed risks, wish of adventure, failed sentimental relationships, psychic instability, alienation, etc.).

## 5.2. Recent developments

At Romanian level, a series of extremely relevant and useful information in fighting the phenomenon is provided by the National Database on TP, managed by the ANITP. Thus, as regards the *victims of traffic*, the report of ANITP regarding the TP situation in Romania during the first semester of 2007<sup>15</sup> indicates a number of 936 persons, smaller than in the first quarter of year 2006 (1281). *The period mentioned in the report is the first period when the number of victims exploited for work (425) exceeded the number of sexually exploited victims (406)*. Also, 74 victims exploited for beggary, 8 for picking pockets, 2 for infantile pornography, and 2 for internet pornography were also recorded. No cases of trafficking in organs were reported. This distribution is shown in Table 5.1 and Figure 5.1.

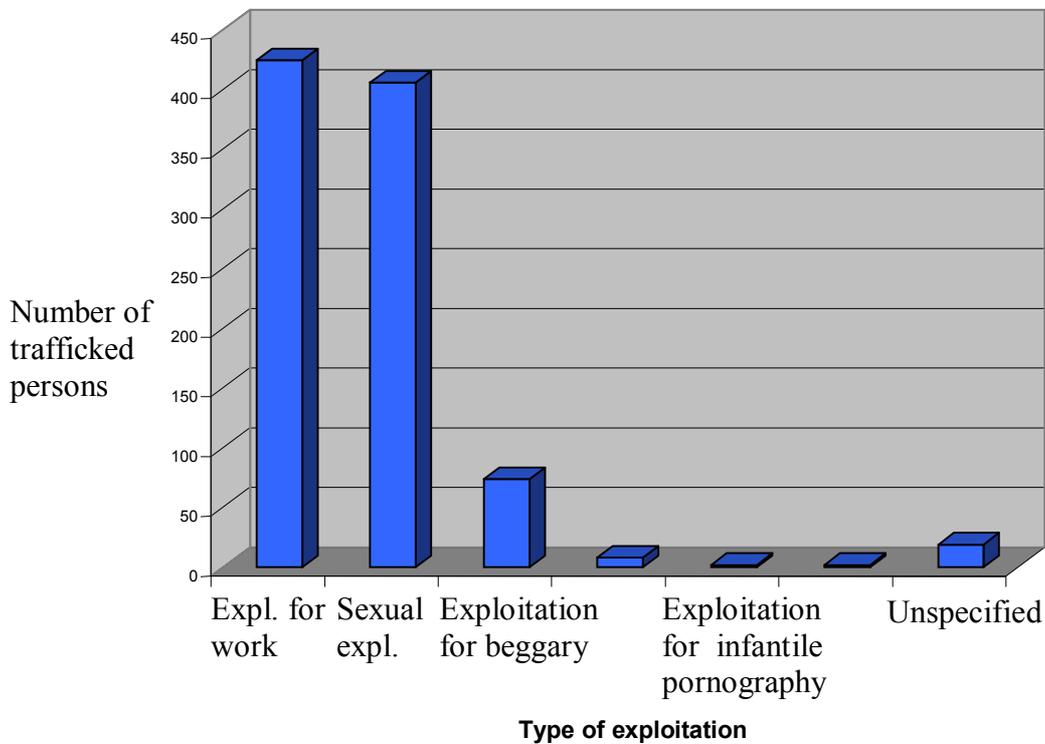
**Table 5.1. Number of victims (Romanian citizens) of trafficking in persons during the 1<sup>st</sup> semester of 2007, by exploitation type**

Exploitation type	Number of trafficked persons	Percentage points
Exploitation for work	425	45.4
Sexual exploitation	406	43.4
Exploitation for beggary	74	7.9
Exploitation for picking pockets	8	0.9
Exploitation for infantile pornography	2	0.2
Exploitation for internet pornography	2	0.2
Unspecified	19	2.0
<b>Total</b>	<b>936</b>	<b>100.0</b>

**Source :** ANITP, Semestral Report, 1<sup>st</sup> sem. 2007, [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf)

<sup>15</sup> [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf)

**Figure 5.1. Number of victims (Romanian citizens) of trafficking in persons during the 1<sup>st</sup> semester of 2007, by exploitation type**



**Source:** processed by the authors according to the data in the Semestral Report, 1<sup>st</sup> sem. 2007, ANITP, [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf)

*Distribution by age* indicates the category between 18-25 years of age as being the most numerous one: 389 persons, i.e. 41% of the total. At the same time, a connection was found between the age category and the exploitation type, as follows:

- most of the victims exploited for work belong to the age category 25+ (301 persons);
- most of the victims trafficked for sexual exploitation belong to the age category 18-25 (242 persons), followed by the age category 14-17.

*Distribution by genders* indicates the prevalence of women, at a pro rata of 56%. This weight is, however, a decrease of substance as compared to the 1<sup>st</sup> semester of 2006 (77%), which is correlated to the number of victims exploited for work, among whom most of the trafficked persons are men (81%).

*Profile of the trafficker* indicates the age, usually between 20 and 45, average level of education, emotional intelligence, neat physical aspect, appurtenance to a traffickers network.

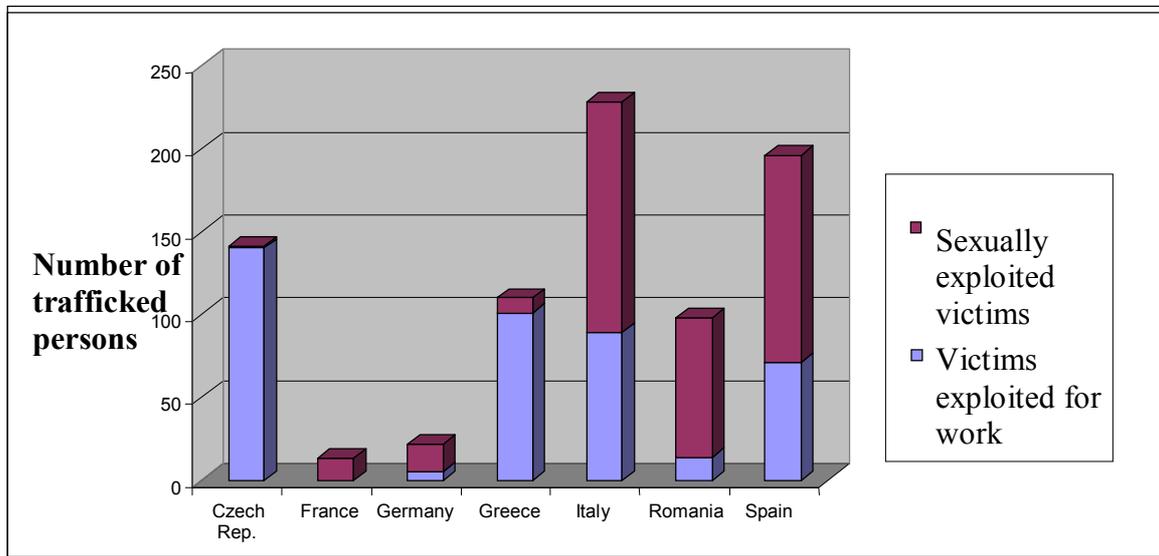
As regards the countries where Romanian citizenship victims are trafficked, on the top positions are Italy, Spain, Czech Republic, Greece and Germany. In Italy and Spain, sexual exploitation has approximately the same weight as the exploitation by forced work, in Greece exploitation by forced work is predominant, and in Germany the beggary exploitation. Recently, the top destinations also include the Czech Republic, with a large number of male victims exploited by construction work. Also, we must mention that 105 Romanian citizens were trafficked inside Romania. Table 5.2 and Figure 5.2 outline the number of Romanian citizen victims of TP, by main destination countries and exploitation types.

**Table 5.2. Victims of trafficking in persons (Romanian citizens) by main destination country and exploitation type**

Country	Number of trafficked persons - Total, out of which:	Persons trafficked for forced work		Persons trafficked for sexual exploitation	
		Abs.	Rel. (%)	Abs.	Rel. (%)
Czech Republic	141	140	99.2	1	0.8
France	13	0	0.0	13	100.0
Germany	22	5	22.8	17	77.2
Greece	110	101	91.8	9	8.2
Italy	228	89	39.0	139	61.0
Romania	98	14	14.3	84	85.7
Spain	196	71	36.2	125	63.7

Source : Processed according to ANITP, *Report for the 1<sup>st</sup> semester of 2007*, p. 11, [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf)

**Figure 5.2. Victims of trafficking in persons (Romanian citizens) by main destination countries and exploitation types**



Source : Processed according to ANITP, *Report for the 1<sup>st</sup> semester of 2007*, p. 11, [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf)

TP victims originate from all regions of the country, with relatively similar weights, variations depending rather on the destination country and on the exploitation type. For example, victims coming from the south-west region are trafficked mostly in Italy, where they

are sexually exploited by street prostitution, while victims coming from the south region are mainly trafficked in Spain (for sexual exploitation in night clubs) and Greece (for forced work). Victims trafficked for work in the Czech Republic mostly originate from the north-west region, most of them being males.

A special remark must be made in the case of Bucharest municipality which, although it is the main departure point in the transport of victims to the destination countries and an important recruitment area, has a small number of trafficked inhabitants (9 persons), which confirms the importance of the training level, of the employment opportunities and of the access to information.

For the efficient information and combat of TP, the ANITP has implemented an integrated national system for monitoring and assessment of the TP phenomenon, which also includes the National Database in the field. Also, there is a national Strategy to fight this phenomenon, as specified in Chapter “Legislation and institutions”.

As for framing Romania’s efforts into the efforts made at international level of fight TP, they are relevantly outlined in the Annual Report of the State Department of the USA regarding the TP at world level, a report whose purpose is to increase the global awareness level and to mobilize the world states in fighting this phenomenon. The report published at the middle of year 2007 specifies the progresses Romania has made in implementing coordination programmes for the assistance granted to victims, in creating the centralized national database, in creating regional centres for assistance to victims, in increasing the number of traffickers brought to trial, the measures taken in order to improve cooperation with non-governmental organizations. At the same time, there is an outline of the challenges we must cope with from now on in identifying the TP victims and in establishing a functional system so that victims may be aware of and benefit from the public services and legal assistances provided to them<sup>16</sup>.

In our opinion, institutional and technical-operational efforts should continue to combine with the efforts for sensitizing the Romanian society with regard to the TP. Continuing and extending the information campaigns must contribute to building the awareness of population of the difference between TP and various antisocial acts such as prostitution, theft, etc.<sup>17</sup>

Also, the inter-institutional capacity should be increased, particularly after returning the persons who were the victims of TP, for their reintegration and for treating the consequences of post-traumatic shock<sup>18</sup>.

## **CONCLUSIONS AND RECOMMENDATIONS**

From the survey we made and based on the data and documents provided to us by the relevant institutions in the field, on the reports of international organizations, on the Romanian and foreign literature dedicated to international migration, but also on the dialogue with the

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<sup>16</sup> [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf), p. 3-4

<sup>17</sup> At the level of the Romanian society, the phenomenon is still unknown in its essence, in its true light, its perception being affected by *serious stereotypes*. The most affected are young women victims, morally condemned by society, which places the equal sign between *traffic and prostitution*, thus making repatriation and reintegration particularly difficult (Constantin et. al, 2004).

<sup>18</sup> Most of the TP victims suffer from the so-called post-traumatic shock, for whose treating applying a complex psychological counselling scheme has an important part. It has been acknowledged that only after the TP victims reach a hospitable environment they are treated with *respect* and are offered various assistance services, their openness and wish to get new information and participate in reintegration activities significantly increase. As very few of them have ever had access to social or psychological support, it is essential to use a gradual and careful approach when starting counselling sessions, so that the victim’s openness and acceptance of the medium- and long-term support plans are ensured (Tudorache, 2004).

appointed representatives of the institutions within the system managing the migration phenomenon in Romania, resulted a series of conclusions and propositions that are meant to contribute to an enlargement of perspective in approaching this phenomenon and in diversifying the set of measures for its management<sup>19</sup>. They are in accordance with the directives, regulations and decisions of the European Union in the field of migration and asylum as well as with the requirements formulated within the strategies and policies for migration management in Romania.

If until 2007 the priority concerns focused on the legislative and institutional harmonization in view of complying with the *Acquis communautaire*, after its accession to the EU Romania has new obligations deriving from its statute of member state of the EU. From this perspective, we fully sympathize with the perspective expressed by the National Strategy on Immigration over 2007-2010, according to which “**migration is a process to be managed, not a problem to be solved**”. It objectively refers to the migration phenomenon at the beginning of the 21<sup>st</sup> century, decisively marked by the implications of globalization.

Romania currently has a well-adjusted system of strategies, policies, measure plans to manage the migration phenomenon, but the greatest, real challenge appears when they must be put into practice. To that effect, a modern, high-performance management must be provided, ensuring the best usage of human and material resources allotted to this process. That is why we are going to present a series of recommendations and propositions that are meant to improve the policy and practice in the migration field in Romania, starting from the existing facts.

From the *legislative* point of view, Romania has entirely transposed the *Acquis communautaire* in the field of migration. However, we must take into account that there are now changes in migration policies at European level, tending to a stronger availability for attracting workforce from third countries. These changes in policies attract new directives whose requirements must be transposed at national level. Romania will have to continue the permanent alignment to the European policies and legislation in the field of migration, which now has stronger dynamics.

In Romania there is a very complex but also very fragmented *institutional context*, which led to deficiencies in the communication between institutions in charge with migration, even between departments of the same institution, which have different competences in the field of migration. Thus, the need of better intra- and inter-institutional cooperation, coordination and information appears in managing the migration process. An integrated informational system in which each institution may participate with information and which may be accessible for all the involved institutions and departments would be highly useful.

The frequent institutional changes achieved through reorganizations, foundations and dissolution of institutions and departments within institutions led to a large fluctuation of the *employed personnel*, to such extent that, in many cases, the continuity in occupying certain positions is lost, with consequences on the continuity of that activity. Very many persons have recently been employed or have little seniority in the newly founded or reorganized institutions and, on the background of the strong dynamics of the institutional operating systems and frames, the activity is practically recommenced from ground zero, in new directions, with new persons, often losing a very useful previous experience in the field. Thus,

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<sup>19</sup> Due to reasons easy to understand, the authors of the survey never resumed in this section (to the possible extent) the guiding lines, the aims of the strategies and plans elaborated by the appointed institutions, with which they largely sympathize.

it is necessary to try to stabilize the personnel involved in migration-related activities, once they have become specialized in this kind of activity.

The fluctuation of the personnel, together with the insufficient coordination and information between departments and institutions may be construed as explanations for another weak point, which is the lack of a *general view* and of a general image of the employees of the various institutions, involved in various activities in the field. Everyone is familiar with their own activity that they must currently carry out, and have less knowledge on the activities of their colleagues in other departments and institutions who deal with other aspects of the migration phenomenon. That is why a better coordination between institution departments is needed, as well as a better mutual information and acquaintance as to what activities, duties, objectives are aimed by employees from various departments/institutions and as to how these can be connected and coordinated one with the other. All the workers of these departments should have the general view of all the organizations involved in the management of the migration phenomenon, which can be achieved both by providing information trainings and by organizing periodic meetings for an exchange of experience between departments and institutions, and by managing the integrated information system, which was proposed for development in one of the previous sections.

Most of the institutions with competences in the field of migration complained about the inexistence of relevant *data, studies, analyses*. But the collection of data and the elaboration of analyses and surveys based on such data should be performed within each department for the migration aspect that is managed in that department. There are institutions and departments that have high-performance data collection services (for example MIRA), but such systems must be created in all the institutions with competences in the field of migration, so that the permanent, not sporadic collection of data is ensured, allowing complex analyses (including longitudinal surveys with evolutions in time) of the various aspects of migration. Later, such surveys should be integrated to create the general image of the migration phenomenon, based on which subsequent strategies and policies may be established.

There is a high number of *non-government organizations* involved in migration-related aspects (particularly as regards asylum). A better *cooperation* of the State institutions with such organizations would contribute to a better management of the migration phenomenon. Unlike the State institutions, these organizations have a higher degree of continuation of their activities, of the organization structures, as many of them benefit from support and experience at international level. If not otherwise, at least in terms of valorisation of the experience of these institutions, a more intense collaboration can be ensured between governmental and non-governmental institutions. A best practice example in this respect is the collaboration between the Romanian Government (ORI) and the OIM in running a voluntary repatriation programme addressed to illegally staying aliens.

From the *financial perspective*, the efficient, rational management of the funds allotted for migration management – from internal and external sources, mainly from European funds – is needed. In many cases, besides the capacity to absorb the funds allotted for the solidarity and management of migration flows, the rethinking of allotments is needed, more precisely for asylum seekers, refugees, for return, border securing, integration (e.g. the daily allowance offered to an asylum seeker in a welcome centre is 3 Lei, absolutely insufficient to satisfy basic needs). These measures must be accompanied, at administrative level, by the concerns for training the personnel, by the capacity to identify real needs, to elaborate viable projects.

In the current European context of migration and of the problems Romanian workers are encountering, Romania should make its position known as vigorously as possible and militate

for the change of vision on mobility and migration of workforce: these are two interdependent concepts that should not describe distinct realities, namely the mobility of citizens from the older member states versus the migration of citizens to the new member states, which would lead to the equal treatment applied to all European citizens (Cramarencu-Cucuruzan, 2008).

From the quantitative analysis of migration flows, the following main evolutions and tendencies have resulted:

- after year 1991, the legal permanent emigration decreased, but the temporary emigration increased, while immigration constantly increased (except for a temporary decline over 2004-2005), the two migration flows tending to become equal in 2007;
- the structure of permanent emigration was dominated in 2007 by women (65.03%), by persons aged between 26 and 40 years (more than 57%), and by persons with high school and post-high school education (53.77% in 2005);
- the priority destinations of the permanent legal emigration were, after 2000, Italy, Germany, Canada and the USA;
- the structure of immigrants was dominated by men (61.73%), by persons aged between 26 and 40 years (42.33%), with high school or post-high school education (43.93%), and by citizens from the Republic of Moldova (56.38%);
- aliens who established their temporary or permanent residence in Romania preferred economically developed counties, as well as university centres: Bucharest Municipality, counties of Timiș, Cluj and Iași;
- the main emigration sources over 2005-2007 were the regions of the Centre, North-East and Bucharest-Ilfov;
- the economic recession, the workforce deficit in the country, and the recent salary increases are arguments in favour of reducing temporary labour migration in the future;
- the economic development forecast for the following years and the already existing deficit on the workforce market in Romania will favour labour immigration in the future as well.

As far as the scenarios and forecasts are concerned, a series of arguments have been identified in relation with continuing to reduce permanent emigration in the future, reducing temporary labour emigration, and the return of some of the Romanians who left abroad to work.

- A first argument refers to economic recession which is more and more clear in Europe as well, as the economic increase forecasts are increasingly pessimistic in the countries concentrating most of the Romanian emigrants. Constructions, which have attracted many Romanian emigrant workers, are among the first branches affected by the decrease of economic activity, with serious consequences on jobs, already felt by emigrants.

Italy and Spain, two of the main destinations of Romanian emigrants, are no longer attractive. The economic recession begins to make its presence felt in Spain as well, where the constructions sector, which was the engine of the Spanish economy for a long time, is in decline, thus generating a significant increase of the number of unemployed workers, among whom many Romanians. The campaign launched by Italy against immigrants adds up to this, forcing many Romanians to reconsider their decision of emigrating/remaining in Italy.

- Another argument is the workforce deficit in the country, particularly in constructions, and the continuous increase of salaries, largely correlated to this deficit. The tireless economic increase of the recent years and the emigration of an important part of the workforce created a

lack of workforce in many activity fields in Romania (constructions, clothing and footwear industry, food industry, trade, health, etc.). According to the territorial workforce placement agencies, there is a rough estimate of workforce deficit of 83,000 persons.

The resulting salary pressures (which sometimes caused salary increases above the labour productivity dynamic) can negatively influence direct foreign investments, especially because the perspective of economic recession determines the increased prudence of investors. On the other hand, the higher salaries and the continuous increase of the amount of money transfers to the country from Romanians who work abroad (which reached 5.3 billion EUR in 2006 – according to the National Bank – and are estimated to 7.4 billion EUR in 2007) maintain the consumer demand at a high level, thus favouring the economic development.

- Maintaining the economic development forecast for the following years as well (although recently revised to lower increase rhythms) raises the issue of compensating the labour market deficit in Romania with skilled personnel from other countries (migrant workers) in order to continue supporting economic development; the decrease and ageing of population, combined with the massive emigration of Romanians will favour labour immigration in the future, raising at the same time problems connected to the management of a relatively new phenomenon for Romania. In this respect solutions already adopted by various West-European countries with regard to opening up the labour market to cheap labour force could be considered (for example, the case of the U.K., which applied this measure in the case of Vietnamese immigrants).

The negative impact of migration on the volume and quality of employment in Romania can be noticed in various directions, as follows: the orientation to foreign countries of a significant part of the highly qualified labour force (*brain-drain*), the *brain-loss – brain-win* ratio is disadvantageous for Romania in qualitative terms, considering that the qualification level of the labour immigrants to Romania is lower than of those who leave the country, the *brain circulation* and *brain regain* processes, the ageing of the labour force in some sectors (e.g. research and development) which is partially influenced by migration, etc.

As for the asylum seekers and refugees, the basic, initial requirement for a rational management is the acceptance of the difference between the two categories and their correlated treatment: numerically, asylum seekers are much less numerous than refugees; in fact, the asylum application is a transitory state towards obtaining the statute of refugee or some other form of protection, which imposes the solution of applications within the legal deadlines and according to the legal procedures, finding the most adequate answer for each separate application, followed by the transposition, through policies and a differentiated management, of the measures suitable for the chosen solution: acceptance/ integration – rejection – repatriation.

Although in the past Romania was not one of the top countries assaulted by asylum applications, being considered a transit country on the way to other European countries, after its accession to the EU, it expected to shortly become a target country, with all the deriving implications in terms of strategies, policies and management in the field.

In accordance with the practices applied at international level by the UNHCR, *the possible answers in managing asylum are searched in three directions*: voluntary repatriation into the country of origin, transfer to another country and finding suitable mechanism for permanent integration in the asylum country, after acquiring the statute of refugee.

However, the *integration* into the society of the host country is addressed not only to aliens who have obtained some form of protection, but to *all aliens* legally staying on Romanian territory.

In general terms, for the immigrant *integration* requires proficiency of the language of the host country (reading, writing), access to the education system and to the labour market in that country, possibilities to increase professional mobility by increasing the level of education and professional skills, equality before the law, cultural and religious freedom, respect for the laws and traditions of the country they live in.

At the same time, to integrate the migrants *the host society* must display tolerance and open-mindedness, agreeing to receive immigrants, understanding the benefits and the challenges of multicultural societies, providing unlimited access to information on the benefits of integration, tolerance and intercultural dialogue, respecting and understanding the condition, traditions and culture of immigrants, respecting the immigrant's rights (IOM, World Migration, 2003).

Up to now, the main beneficiaries of the integration programmes run in Romania have been the refugees, as these programmes have focused on aspects such as the access to the labour market, the access to education, the access to the national system of medical assistance, the access to lodging, the access to the social assistance system and to training services. Due to reasons largely discussed in our survey, they have not completely achieved their targets yet.

From a wider perspective, the integration into the society of the host country also requires a *tolerant attitude from the majority population*, an attitude opposed to discrimination, xenophobia and other forms of migrant rejection.

The organizations that are concerned about the rights of refugees often notice a subtle rejection of aliens, not only by usual people, but also by public servants handling the problems of asylum seekers and of refugees. These do not always make a distinction between a refugee, an immigrant or a trafficker, between migrants having economic reasons and migrants who are forced to emigrate because of dramatic events or persecutions in their own country (Lăzăroiu, 2003).

In their turn, the *media* must orientate themselves more to the systematic analysis of migration, in its full complexity, thus contributing to *orienting* migrants in a universe with many risk and uncertainty components, to *preventing and fighting* delinquency, clandestineness, corruption. In many cases, the media have proved to be concerned to a lesser extent about elaborating objective reports on migration, tending rather to adopt articles from the international media and stereotypes from the Romanian society.

Even if some newspapers and, particularly, some TV stations have lately supported the specialization of journalists in the field of migration, the need to organize courses to train them for the investigation and analysis of this phenomenon continues to exist.

Also, there is a need to *support scientific research* in the field of migration and to include in the university curricula certain disciplines specialized in studying this phenomenon (economics, medicine, law, education sciences, etc.), at the same time making suggestions in order to create a migration research national centre (which is to be created by the Romanian Government in partnership with the IOM, UNCHR, and other international organizations) (see, for example, IOM, 2004; Lăzăroiu, 2008). Creating some faculties or cross-disciplinary study sections for migration, so that the necessary expertise may be created in public policies,

social assistance, and migration management, is another point of interest (in this respect, mention should be made of the foundation of a Research Centre on Identity and Migration Issues within the Faculty of Political and Communication Sciences of the University of Oradea).

The *permanent control of legality* as regards the *stay of aliens on Romanian territory* inevitably entails the application of removal measures to aliens who no longer justify their stay in the country. As the case may be, these measures consist in territory leaving orders, forced return decisions, taking in public custody and voluntary repatriation.

Although right now, at international level, the largest reservoir for illegal migration is Asia and the Middle East, as regards Romania the highest pressure is still put by aliens originating from European countries that do not belong to the EU. It is expected that its statute of EU member state will cause the increase of this category, entailing both specific measures on Romanian territory and collaboration with the relevant institutions in the countries of origin.

As for illegal migration, special attention should be paid to *human trafficking*, an increasing alarming phenomenon, with multiple dimensions: it is a serious violation of the human rights, an economic and social phenomenon with negative consequences for the entire society, an aspect of public health and of criminal nature, where criminals are the traffickers (not the victims).

A change whose implications should be treated with all due is the recent *surpassing* of the weight of sexually exploited persons by the weight of persons *exploited for work*. It is accompanied by the decrease, as compared to the previous periods, of the weight of women victims in the total number of victims of human trafficking.

In our opinion, the efforts made at institutional and technical-operational level to fight human trafficking should continue to mix with the efforts to sensitize the Romanian society about this phenomenon. The continuation and extension of information campaigns must contribute to the awareness of the population regarding human trafficking and various anti-social actions, such as prostitution, theft, etc. Also, the inter-institutional capacity should be reinforced, particularly after the return of the persons who were victims of human trafficking, for their reintegration and for treating the consequences of the post-traumatic shock.

In the end, we reiterate the fundamental conclusion expressed in the PAIS 2004 survey according to which **“by careful thinking and proper management, the national migration policy may become a major catalyst, able to enhance a new economic prosperity in Romania”** (IOM, National Migration and Development Policy, 2004).

## BIBLIOGRAPHY

- ANITP (2007), „Raport privind situația traficului de persoane în România, ianuarie-iunie 2007”, Agenția Națională Impotriva Traficului de Persoane, București, septembrie 2007, [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf)
- Appave, G., Cholewinski (2007), „Managing Labour Mobility in the Evolving Global Economy”, in *Migration. Labour on the Move: Opportunities and Challenges*, IOM, December 2007
- Baldwin-Edwards, M. (2006), „Patterns of Migration in the Balkans”, *MMO Working Paper No.9*, January 2006, Mediterranean Migration Observatory
- Baldwin-Edwards, M. (2005), „Migration Policies for Romania within the European Union: Navigating between Scylla and Charybdis”, *MMO Working Paper No.7*, December 2005, Mediterranean Migration Observatory
- Brady, H. (2007), *EU migration policy: An A-Z*, Centre for European Reform (CER), London
- Constantin D.L, Vasile, V., Preda, D., Nicolescu L., (2008), „Current issues regarding Romania’s external migration”, in J. Poot, B. Waldorf, L. van Wissen, L. (Eds.), *Migration and Human Capital: Regional and Global Perspectives*, Edward Elgar, Cheltenham, UK
- Constantin, D.L., Nicolescu, L. (2005), „Romania’s external migration from the perspective of accession to the EU : Institutional and behavioural challenges”, the CD-ROM Collection of *Papers of the 45th Congress of the European Regional Science Association*, Amsterdam, August 2005, [www.ersa.org](http://www.ersa.org)
- Constantin D.L, Vasile, V., Preda, D., Nicolescu L., (2004), *Fenomenul migraționist din perspectiva aderării României la Uniunea Europeană* (ediție bilingvă – română și engleză), Institutul European din România, Studiile de Impact PAIS II
- Cramarencu-Cucuruzan, R.E. (2008), “Migrația și mobilitatea forței de muncă din România în contextul integrării europene”, teză de doctorat (coord.șt. M. Bîrsan), Universitatea Babeș-Bolyai, Cluj-Napoca, Septembrie, 2008
- Delcea, A. (2007), *Remittances and International Migration. Romania in the Context of the EU*, Editura Paralela 45, București
- Delcea M. (2002), *Protecția juridică a refugiaților în dreptul internațional*, Editura Presa Universitară Română, Timișoara
- EUROPA-Rapid Press Releases (2007), “A Comprehensive European Migration Policy”, Memo, Brussels, May 14, 2007
- Kozak, D. (2007), “Romania: labour migration trends and reasons”, Conference on Workers Mobility on European Labour Market, Gdansk, April, 2007
- Lăzăroiu, S., Alexandru, M. (2008), „Romania in E.Hönekopp, H. Mattila (Eds.), *Permanent or Circular Migration? Policy Choices to Address Demographic Decline and Labour Shortages in Europe*, IOM

Lăzăroiu, S. (2003), „Romania: More ‚Out’ than ‚In’ at the Crossroads between Europe and the Balkans”, in *Migration Trends in Selected EU Applicant Countries*, vol. IV, IOM, Vienna

Lăzăroiu, S. (2002) „Migrația circulatorie a forței de muncă din România. Consecințe asupra integrării europene”, [www.osf.ro](http://www.osf.ro)

Mansoor, A., Quillin, B. (Eds.) (2006), „Remittances. Eastern Europe and the Former Soviet Union”, World Bank

Martin, S.F. (2001), „Global migration trends and asylum”, *Working Paper – New Issues in Refugee Research Series*, No.41/2001, Georgetown University, Washington D.C., U.S.

MIRA (2007), “Imigrația și azilul în România - anul 2006”, Ministerul Internelor și Reformei Administrative, București

MIRA (2008), “Imigrația și azilul în România - anul 2007”, Ministerul Internelor și Reformei Administrative, București

MIRA (2007), “Facilitatea Schengen. Plan indicativ 2007-2009”,  
<http://www.mai.gov.ro/Documente/Transparenta%20decizionala/Plan%20indicativ%20Facilitatea%20Schengen.pdf>

Nicolescu, L., Constantin, D.L. (2005), „Romania’s External Migration in the Context of Accession to the EU: Mechanisms, Institutions and Social-Cultural Issues”, in *The Romanian Journal of European Studies*, No. 4/2005

OECD (2007), *International Migration Outlook*, SOPEMI , OECD, Paris

Pop, A. (2008), “European Union initiatives in tackling migration and organized crime at its new Eastern border ”, in *Romanian Journal of European Affairs*, Vol. 8, No.1, April 2008

Sytnyk, T. (coord.) (2006), “Human trafficking survey: Belarus, Bulgaria, Moldova, Romania nad Ukraine”, prepared by GfK Ukraine for IOM, Kiyv, [www.gfk.com](http://www.gfk.com)

Tudorache, D. (2004), „General Considerations on the Psychological Aspects of the Trafficking Phenomenon”, in *Psychological Support to Groups of Victims of Human Trafficking Situations – Psychological Notebook*, vol. 4, IOM, February

UNHCR (2008), *2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless persons*, [http://www.reliefweb.int/rw/lib.nsf/db900sid/PANA-7FPK47/\\$file/UNHCR\\_jun2008.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/PANA-7FPK47/$file/UNHCR_jun2008.pdf?openelement)

UNHCR (2008), *Asylum and Trends in Industrialized Countries, 2007*, March 2008,  
<http://www.unhcr.org/statistics/STATISTICS/47daae862.pdf>

[www.arca.org.ro](http://www.arca.org.ro)

<http://www.e-migration.ro/>

[www.muncainstrinatate.anofm.ro/files/raport%20caritas%202008.doc](http://www.muncainstrinatate.anofm.ro/files/raport%20caritas%202008.doc)

[www.oim.ro](http://www.oim.ro)

<http://anitp.mira.gov.ro>

## **ANNEX 1. The access of Romanian workers on the labour market of the European Union**

The principle of free circulation of workers, instituted in 1957, establishes the right of each EU citizen to work in another member state.

Upon signing the EU accession treaty, Romania accepted transition periods for the circulation of Romanian workers in the European Union. Thus, since the accession of Romania to the European Union (January 2007), the member states had the option of applying a transition period, by enforcing the national legislation regarding the right of Romanian citizens to work on their territory, or of applying the provisions of the *Acquis communautaire* with regard to the free circulation of workers. By the end of the second year after the accession of Romania to the EU, the member states will announce the European Commission if they intend to continue, for another three years, enforcing the national measures or to enforce the *Acquis communautaire*. Should no notification be sent, the *Acquis communautaire* will be enforced. The transition periods cannot exceed the maximum period of 7 years, except for special cases and based on well argued justifications.

Thus, on January 1<sup>st</sup>, 2007, the member states of the EU had the following policy towards Romanian (and Bulgarian) workers:

1. 10 member states opened the access of Romanian workers on the labour market completely: Sweden, Finland, the Czech Republic, Cyprus, Estonia, Latvia, Lithuania, Poland, Slovenia and Slovakia.
2. 3 states opened the access partially: Italy (by flexible set of conditions), France for 62 occupations, and Hungary for 219 occupations.
3. 12 states imposed restrictions (by requiring the issue of labour permits): Great Britain, Ireland, the Netherlands, Greece, Spain, Belgium, Portugal, Luxembourg, Malta, Austria and Germany. Except for Austria and Germany, the other states are expected to lift restrictions at the end of the first two transition years (end of 2008).

## **ANNEX 2. Institutional actors involved in international migration**

At the **super-national** level, among the state institutions involved in assisting and monitoring migration counts the European Union, and among the voluntary ones counts the International Organization for Migration.

*The European Union*, through the laws it enacts and through their enforcement mechanisms, influences the migration phenomenon in Europe, aspects already presented in this chapter.

*International Organization for Migration (IOM)* is one of the main voluntary organizations acting in the field of migration at world level. It was created in 1951 upon the initiative of Belgium and of the United States of America. This organization clings to the principle that humanitarian and orderly migration is beneficial both for migrants and for the society. The IOM wishes to help states and individuals in solving migration-related problems. There are four large fields where the IOM contributes to the implementation of these principles:

- a. Humanitarian Migration, by which it provides help in the migration process to persons found in conflict situations, such as refugees or those who, although they seek asylum, do not obtain it and will return to their countries of origin.
- b. Migration for Development, providing skilled manpower to states, through development programmes, taking into account the national priorities and the needs of the receiving communities. The IOM runs four types of programmes in this field: Skilled Human Resources Transfer Programmes, Selective Migration Programmes, Integrated Programmes of Experts, and Intra-Regional Cooperation Programmes.
- c. Technical Cooperation, by which the IOM provides consulting to governments, inter-government agencies and non-governmental organizations for the development and implementation of migration policies, legislation and migration management.
- d. Databases on Migration, Research and Information, activity consisting of collecting information, on the one hand, and of organizing seminars, conferences and various information dissemination campaigns, on the other hand.

At **national** level, the governments of the EU countries influence the migration phenomenon and the entry flows by various policies and activities, such as inter-governmental bilateral agreements. In Romania, the main governmental institutions involved in assisting migration processes are the Ministry of Interior and Administrative Reform, the Ministry of Labour, Family and Equality of Chances, the Ministry of Foreign Affairs, and the Ministry of Education, Research and Youth, whose contribution has already been presented.

Among **non-governmental institutions** involved in assisting migration or collecting information on migration count:

- private companies acting as agents for employment contracts abroad.
- the local office in Romania of the International Organization for Migration
- the local office of the United Nations Commission for Refugees
- National Romanian Council for Refugees
- Romanian Forum for Refugees and Migrants
- Jesuits Service for Refugees of Romania

The *local office of the International Organization for Migration* has been operational since 1992 when Romania became an observing member of the IOM. In 1998, Romania became a full member of the organization. The two large types of programmes that the IOM currently runs in Romania are connected to the humanitarian migration and to the technical cooperation. For example, among the activities of the local office counted assistance programmes for the return in the country of those who sought asylum in other countries and failed to obtain it (1996-1997, 2000), assistance for the settling down in Australia of a number

of persons who obtained permanent residence, mass information campaigns to prevent illegal emigration (1994-1995). Currently, the IOM in Romania assists the Romanian government in adapting legislation, procedures and institutions in the field of migration, visas and border management.

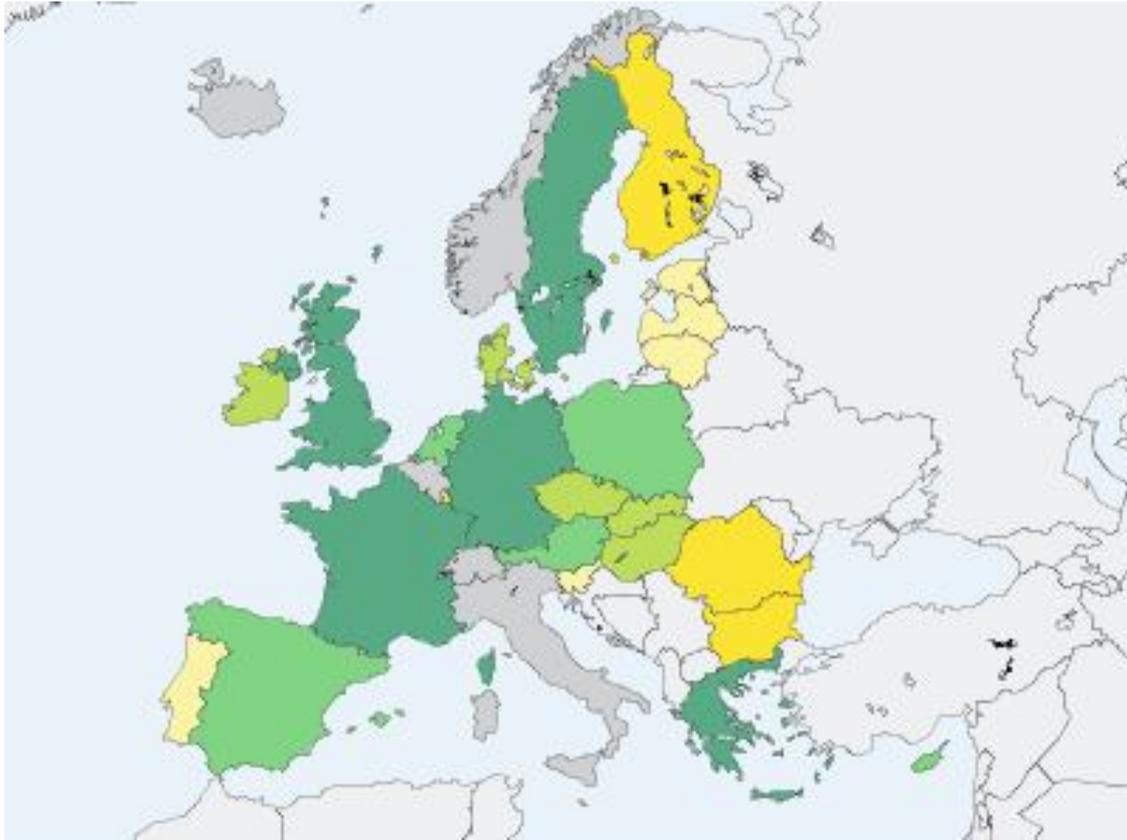
The *National Romanian Council for Refugees* is a Romanian non-governmental organization, founded in 1998 and accredited as social services provider in 2006. ARCA purports to promote and defend the rights of refugees and asylum seekers. Thus, through this organization, asylum seekers were provided with counselling, legal assistance and support, social counselling and cultural guidance, as well as medical care and psychological support.

The *Romanian Forum for Refugees and Migrants (ARCA)* runs programmes for the refugees and migrants of Romania. Its main programmes focus on the cultural and educational integration of immigrants and refugees in the Romanian communities. The organization is mostly financed by the United Nations Commission for Refugees.

The *Jesuits Service for Refugees of Romania* was founded in 1996 as a humanitarian and independent non-governmental organization and purports to support and promote the rights of refugees and of deracinated persons. Among its main activities count: social counselling, cultural programmes, granting of emergency aids, educational projects, information and actions to promote the rights of refugees, finding cheap lodging, etc.

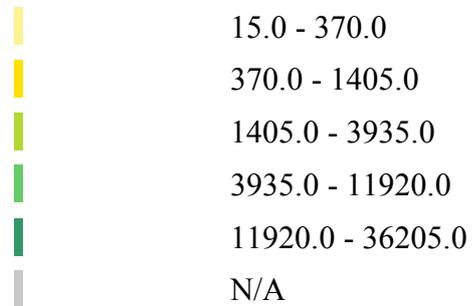
Source: Constantin D.L., Vasile V., Preda D. and Nicolescu L., Fenomenul migraționist din perspectiva aderării României la Uniunea Europeană, European Institute of Romania, Studii de Impact II, 2004, pp. 39-45; [www.arca.org.ro](http://www.arca.org.ro); [www.oim.ro](http://www.oim.ro)

**Annex 3. Asylum applications in the European Union countries, 2007**



Source: © EuroGeographics Association for the administrative boundaries

Legend:



<b>Romania</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Foreign nationality residents	25645	25929	25993	26069

Source: Eurostat

**Annex 4.**

**External migration movement of population, by development regions, counties and gender, 2006**

Development region / County	Immigrants			Emigrants			Balance of international migration		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
<b>Total</b>	<b>7714</b>	<b>4762</b>	<b>2952</b>	<b>14197</b>	<b>5341</b>	<b>8856</b>	<b>-6483</b>	<b>-579</b>	<b>-5904</b>
<b>1. North-East</b>	<b>579</b>	<b>332</b>	<b>247</b>	<b>2556</b>	<b>981</b>	<b>1575</b>	<b>-1977</b>	<b>-649</b>	<b>-1328</b>
Bacău	51	32	19	654	257	397	-603	-225	-378
Botoşani	37	19	18	126	47	79	-89	-28	-61
Iaşi	232	132	100	550	195	355	-318	-63	-255
Neamţ	89	44	45	741	287	454	-652	-243	-409
Suceava	110	72	38	389	155	234	-279	-83	-196
Vaslui	60	33	27	96	40	56	-36	-7	-29
<b>2. South-East</b>	<b>394</b>	<b>263</b>	<b>131</b>	<b>1360</b>	<b>530</b>	<b>830</b>	<b>-966</b>	<b>-267</b>	<b>-699</b>
Brăila	31	16	15	113	37	76	-82	-21	-61
Buzău	43	30	13	94	30	64	-51	-	-51
Constanţa	185	122	63	325	120	205	-140	2	-142
Galaţi	65	47	18	427	157	270	-362	-110	-252
Tulcea	14	9	5	52	24	28	-38	-15	-23
Vrancea	56	39	17	349	162	187	-293	-123	-170
<b>3. South Muntenia</b>	<b>239</b>	<b>141</b>	<b>98</b>	<b>663</b>	<b>239</b>	<b>424</b>	<b>-424</b>	<b>-98</b>	<b>-326</b>
Argeş	60	32	28	117	45	72	-57	-13	-44
Călăraşi	18	13	5	35	10	25	-17	3	-20
Dâmboviţa	31	14	17	116	39	77	-85	-25	-60
Giurgiu	11	8	3	27	10	17	-16	-2	-14
Ialomiţa	28	14	14	32	12	20	-4	2	-6
Prahova	80	54	26	272	99	173	-192	-45	-147
Teleorman	11	6	5	64	24	40	-53	-18	-35
<b>4. South-West Oltenia</b>	<b>193</b>	<b>122</b>	<b>71</b>	<b>617</b>	<b>226</b>	<b>391</b>	<b>-424</b>	<b>-104</b>	<b>-320</b>
Dolj	84	56	28	297	123	174	-213	-67	-146
Gorj	21	15	6	46	19	27	-25	-4	-21
Mehedinţi	29	15	14	84	27	57	-55	-12	-43

*European Institute of Romania – Strategy and Policy Studies (SPOS 2008)*

Olt	15	7	8	77	23	54	-62	-16	-46
Vâlcea	44	29	15	113	34	79	-69	-5	-64
<b>5. West</b>	<b>468</b>	<b>298</b>	<b>170</b>	<b>1946</b>	<b>724</b>	<b>1222</b>	<b>-1478</b>	<b>-426</b>	<b>-1052</b>
Arad	81	57	24	330	124	206	-249	-67	-182
Caraş-Severin	72	44	28	348	113	235	-276	-69	-207
Hunedoara	76	47	29	308	133	175	-232	-86	-146
Timiș	239	150	89	960	354	606	-721	-204	-517
<b>6. North-West</b>	<b>408</b>	<b>267</b>	<b>141</b>	<b>1876</b>	<b>710</b>	<b>1166</b>	<b>-1468</b>	<b>-443</b>	<b>-1025</b>
Bihor	66	42	24	335	126	209	-269	-84	-185
Bistrița-Năsăud	44	30	14	176	62	114	-132	-32	-100
Cluj	165	107	58	557	206	351	-392	-99	-293
Maramureș	69	48	21	330	132	198	-261	-84	-177
Satu Mare	38	26	12	398	153	245	-360	-127	-233
Sălaj	26	14	12	80	31	49	-54	-17	-37
<b>7. Centre</b>	<b>337</b>	<b>208</b>	<b>129</b>	<b>2739</b>	<b>970</b>	<b>1769</b>	<b>-2402</b>	<b>-762</b>	<b>-1640</b>
Alba	19	12	7	239	89	150	-220	-77	-143
Brașov	139	78	61	831	324	507	-692	-246	-446
Covasna	10	6	4	125	49	76	-115	-43	-72
Harghita	32	20	12	290	103	187	-258	-83	-175
Mureș	83	54	29	486	144	342	-403	-90	-313
Sibiu	54	38	16	768	261	507	-714	-223	-491
<b>8. Bucharest - Ilfov</b>	<b>5096</b>	<b>3131</b>	<b>1965</b>	<b>2440</b>	<b>961</b>	<b>1479</b>	<b>2656</b>	<b>2170</b>	<b>486</b>
Ilfov	64	49	15	37	15	22	27	34	-7
Bucharest Municipality	5032	3082	1950	2403	946	1457	2629	2136	493

**Annex 5.**

**Number of emigrants by development regions, counties and gender, 2007**

Development region / County	Emigrants		
	Total	Male	Female
<b>Total</b>	<b>8830</b>	<b>3088</b>	<b>5742</b>
<b>1. North - East</b>	<b>1522</b>	<b>526</b>	<b>996</b>
Bacău	333	99	234
Botoşani	91	29	62
Iaşi	341	135	206
Neamţ	422	147	275
Suceava	235	87	148
Vaslui	100	29	71
<b>2. South – East</b>	<b>863</b>	<b>296</b>	<b>567</b>
Brăila	93	31	62
Buzău	97	35	62
Constanţa	217	79	138
Galaţi	230	85	145
Tulcea	54	17	37
Vrancea	172	49	123
<b>3. South Muntenia</b>	<b>507</b>	<b>167</b>	<b>340</b>
Argeş	97	28	69
Călăraşi	33	13	20
Dâmboviţa	105	35	70
Giurgiu	21	6	15
Ialomiţa	25	8	17
Prahova	190	66	124
Teleorman	36	11	25
<b>4. South - West Oltenia</b>	<b>451</b>	<b>175</b>	<b>276</b>
Dolj	210	89	121
Gorj	45	19	26
Mehedinţi	59	22	37
Olt	59	15	44
Vâlcea	78	30	48
<b>5. West</b>	<b>1229</b>	<b>436</b>	<b>793</b>

Arad	200	70	130
Caraş-Severin	218	69	149
Hunedoara	247	91	156
Timiș	564	206	358
<b>6. North - West</b>	<b>1045</b>	<b>356</b>	<b>689</b>
Bihor	178	66	112
Bistrița-Năsăud	120	33	87
Cluj	325	109	216
Maramureș	195	66	129
Satu Mare	188	65	123
Sălaj	39	17	22
<b>7. Centre</b>	<b>1570</b>	<b>504</b>	<b>1066</b>
Alba	142	46	96
Brașov	557	207	350
Covasna	78	18	60
Harghita	103	30	73
Mureș	277	89	188
Sibiu	413	114	299
<b>8. Bucharest - Ilfov</b>	<b>1643</b>	<b>628</b>	<b>1015</b>
Ilfov	18	3	15
Bucharest Municipality	1625	625	1000

*Source: NSI data*

**Annex 6.**

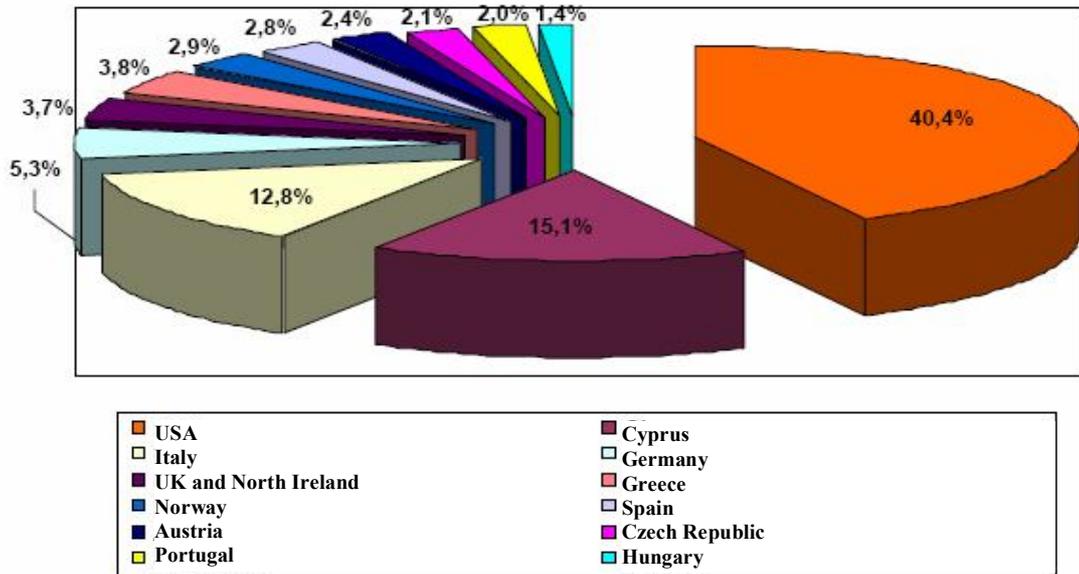
**Estimations of the workforce deficit by branch**

<b>Branch</b>	<b>Number of vacancies</b>	<b>Weight in the workforce deficit (%)</b>
Constructions	27,793	33.20
Manufacture of garments; dressing and dyeing of fur	9,765	11.66
Industry of other transport means	6,200	7.41
Wholesale on a fee or contract basis (except for motor vehicles and motorcycles)	5,436	6.49
Manufacture of textiles	5,017	5.99
Wholesale trade (except for motor vehicles and motorcycles); repair of personal and household goods	3,876	4.63
Food and drinks industry	3,703	4.42
Manufacture of fabricated metal products (except machinery and equipment)	3,370	4.03
Tanning and dressing of leather; manufacture of luggage, handbags, saddlery and harness	3,346	4.00
Hotels and restaurants	2,734	3.27

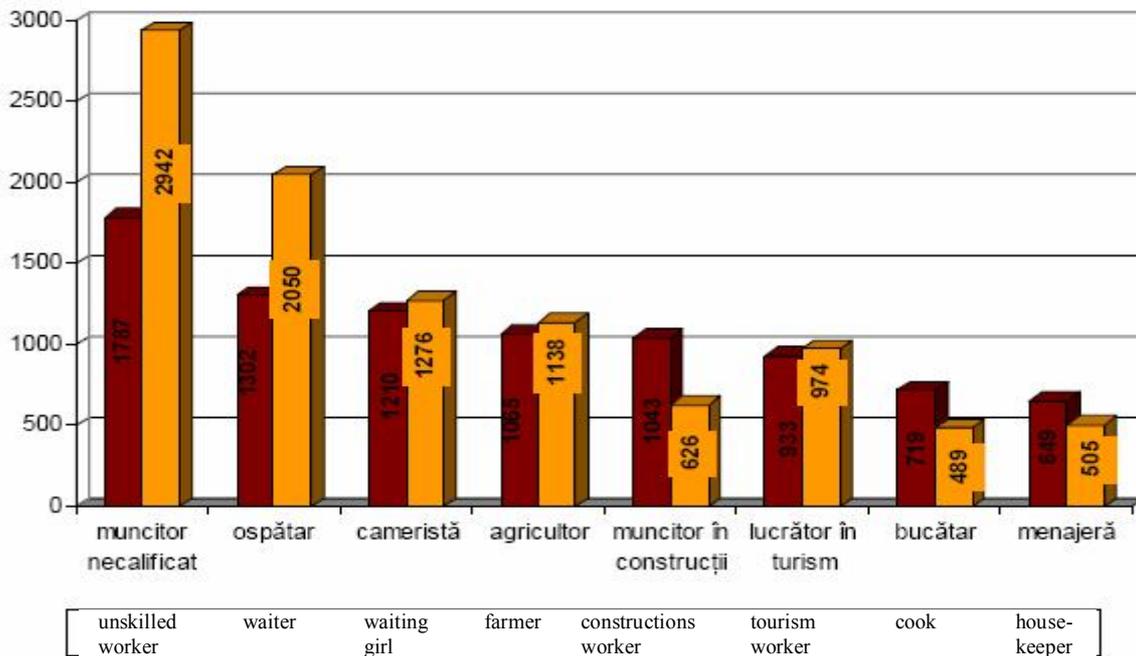
*Source: Immigration and Asylum in Romania – year 2007.*

Annex 7.

Number of employment contracts obtained through private workforce placement agencies, by destination country, 2007



Number of employment contracts abroad, obtained through private workforce placement agencies, by occupation, 2007



Source: "Migrația forței de muncă", ANOFM, 2007

Annex 8.

II.3. NUMĂRUL LUCRĂTORILOR  
PE ȚĂRI DE DESTINAȚIE ȘI ACTIVITĂȚI ECONOMICE<sup>1</sup>, IN ANUL 2007  
*Number of workers by destination countries and economic activities<sup>1</sup>, 2007*

Țara de destinație (Country of destination)	Număr persoane (Number of persons)	Durata contractului - luni - (Duration of the contract - months)	Salariu mediu lunar- - euro/persoană - (Monthly average salary - Euro/person)
<b>Germania (Germany) - total</b>	<b>27.817</b>	<b>3-36 luni (months)</b>	<b>800-1200 €</b>
din care, pe activități ale economiei naționale (of which, by activities of national economy):			
- agricultură (agriculture)	26.767	3 luni	850 €
- hoteluri și restaurante (hotels and restaurants)	690	18 luni	1200 €
- expozant (expoz)	276	9 luni	800 €
- menaj (menaj)	69	36 luni	1200 €
<b>Spania (Spain) - total</b>	<b>9.733</b>	<b>1 luna(month)- 1 an(year)</b>	<b>650-2300 €</b>
din care, pe activități ale economiei naționale (of which, by activity of national economy):			
- industrie (industry)	229	1 an	870-1.300€
- construcții (constructions)	113	1 an	975-1.400€
- hoteluri și restaurante (hotels and restaurants)	81	1 an	1.000-1.200€
- agricultura (agriculture)	9.166	1-9 luni	650-1200 €
- transport (transport)	85	1 an	1.100-2.300 €
- servicii (services)	59	1 an	950 €
<b>Elveția (Switzerland) - total</b>	<b>34</b>	<b>6-18 luni</b>	<b>2.000-3.200 €</b>
din care, pe activități ale economiei naționale (of which, by activities of national economy):			
- agricultură (agriculture)	17	6-18 luni	2.000€
- sănătate (health)	14	18 luni	3.000-3.100€
- hoteluri și restaurante (hotels and restaurants)	1	18 luni	3.000 €
- arhitectura (architecture)	1	18 luni	3.200 €
- resurse umane (resurseuman)	1	18 luni	2.500 €
<b>Franța (France) – total</b>	<b>55</b>	<b>5-24 luni</b>	<b>1.150-2.500 €</b>
- hoteluri și restaurante (hotels and restaurants)	3	9-12 luni	1.200 €
- agricultură (agriculture)	50	5 luni	1.250 €
- construcții (constructions)	1	24 luni	1.150€
-servicii (services)	1	1 an	2.500 €

<sup>1</sup> Conform Clasificării Activităților din Economia Națională - CAEN Rev.1, aprobată prin Ordinul nr. 601/2002)  
(According to the Classification of Activities of National Economy - CANE Rev.1, approved through Order no. 601/2002)  
Sursa: Agenția Națională pentru Ocuparea Forței de Muncă - Direcția aplicare instrumente juridice bilaterale  
(Source: National Agency for Employment - Directorate for Implementation of Bilateral Agreements)

Source: Taken from “Migrația forței de muncă”, ANOFM, 2007