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# **Romania, Part of the European Area of Freedom, Security and Justice (Migration, Asylum, Borders)**

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**WEST UNIVERSITY OF TIMISOARA  
“JEAN MONNET” EUROPEAN CENTRE OF EXCELLENCE  
THE SCHOOL OF HIGH COMPARATIVE EUROPEAN STUDIES  
(SISEC)**

## **DISSERTATION**

Scientific co-ordinator:  
Lecturer Sorin CIUTACU, PhD

Graduate:  
Ovidiu Laurian SIMINA, PhD Student

**TIMISOARA – ROMANIA**

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# 1. INTRODUCTION

‘One of the biggest tests for an enlarged European Union, in the years and decades to come, will be how it manages the challenge of immigration. If European societies rise to this challenge, immigration will enrich and strengthen them. If they fail to do so, the result may be declining live standards and social division’ (part of UN Secretary-General Kofi Annan’s speech, delivered to the European Parliament on 29 January 2004).

At present, cross-border movement is a top priority issue on government agendas and in intergovernmental discussions. ‘Migration is as old as humanity, and it is a vital part of our future. And while migration policy is made at the national level, it has obvious international impact’ (UN, 2003). Over the past 15 years, the number of people crossing borders in search of a better life has been rising steadily. At the start of the 21<sup>st</sup> Century, one in every 35 people is an international migrant. If they all lived in the same place, it would be the world’s fifth-largest country (BBC, 2004). In Europe, as elsewhere, international migration has become a topical issue in public, political and academic debates. Most European countries are experiencing increased flows of immigration. Already millions of immigrants have come to stay, first in North-western Europe but increasingly also in other regions, and the odds are that many more immigrants will follow in the coming decades. The immigration flows have been triggered by several causes, including family reunification, political persecution, ecological disasters, or disparities in economic opportunity, and so forth. These flows show a tremendous variation in size and spatial distribution. Whatever the causes of international migration or the kind of selection at the border, old and new immigrations have obviously produced all sorts of social, cultural, political and economic changes, and impacted on general trends in specific ways.

Immigrants have contributed to population growth, filled labour shortages and contributed to growth and competitiveness. In sectors in which foreign and domestic labour can easily be substituted for each other, employment of immigrants has also increased unemployment among native-born workers. Labour rigidities in almost all European countries mean that, paradoxically, new immigrant flows coexist with low force-force participation rates, labour shortages and unemployment. Migration policies need to take into account not only the commonalities but also the differences among European labour markets. Distinct migration regimes in northern and southern Europe require differentiated policy approaches. More importantly, migration policies cannot substitute for required domestic economic and social policies. The complexities involved and the need for coordination across various policy domains require new institutional mechanisms to design policy with the active participation by all stakeholders. In light of European integration and enlargement, migration-migration policies should become an integral component of the EU policy agenda (Katseli, 2003). It is a known fact that economic policies implemented in order to liberalise the new markets are likely to, as a secondary effect, curb the number of migrants. For example, free trade policies pursued by the West are likely to lead to a greater convergence of consumer prices and eventually of factor prices. Also, direct foreign investment is helping to improve the economic climate in Central and East European countries, providing for a higher standard of living (Radeva, 2004).

The road to establish a genuine Area of Freedom, Security and Justice is still a long one. The right balance between Freedom, Security and Justice needs to be ensured. Security and

law enforcement policies need to be developed with 'freedom' as point of departure (Apap and Carrera, 2003). Freedom of movement is one of the fundamental principles upon which the European Union was once founded. The recent and unprecedented EU enlargement was, however, accompanied by a chain reaction of restrictions introduced by the EU-15 to curb prospective migration from the new member states. The enlargement of the European Union on May 1, 2004, gave nationals of the 10 new EU Member States the right to move relatively freely around the whole EU territory. The potential consequences of this new freedom have fuelled the debate in the 15 previous EU states (the so-called EU-15), where many fear that migrants from the new members will swamp their labour markets and strain their welfare systems. When dealing with other new entrants from which there were fears of mass migration, workers had to wait at least seven years before they could seek jobs in other countries on an equal basis with natives. Under the enlargement treaties, the EU-15 nations restricted the right of accession nationals to their labour markets for up to seven years. During the negotiations with Turkey, there is likely to be a debate over whether there should be a longer-than-seven-year wait for Turks, whether the EU should allow freedom of movement when certain indicators are met, or whether individual EU member countries should have discretion in when to allow freedom of movement.

These restrictions would appear to fit into a general tendency across the EU to limit immigration. Initially, only Austria and Germany announced plans to restrict freedom of movement for nationals of the EU-10, but now all the EU-15 states have announced restrictions. Sweden and Denmark reversed earlier decisions to allow free migration from the Accession 10, prompting the UK to announce that it would tighten access to means-tested benefits such as subsidized housing for foreigners. Under current rules, those in the UK at least six months may request welfare benefits, and the UK will require 18-months' residence to avoid becoming a "welfare magnet." However, the UK required those coming to work to enrol in the Worker Registration Scheme, which 90,950 did between May and September 2004. About 21 percent of the registered migrants were in London and 16 percent were in East Anglia. The leading countries of origin of the registrants were Poland (56 percent), Lithuania (17 percent), Slovakia (10 percent), Latvia and the Czech Republic (seven percent each). In countries such as Germany, nationals of the EU-10 can enter for up to 90 days, but if they find jobs, their employers must show that local workers are not available before EU-10 nationals can receive work permits. The European Parliament in March 2004 approved a law that will allow EU nationals to live anywhere in the EU simply by registering- they will not need a residence permit if they can show local host governments that they can support themselves. EU member states are to reflect this change in national laws by July 1, 2005.

Restrictions take place despite a widespread recognition that Europe needs to import foreign labour in the face of gloomy demographic forecasts, in the face of ageing populations and low birth-rates, and prospects of a collapsing social security system. The EU-25 has 455 residents, compared to 295 million in the US. There can be no doubt that the European societies need migration. Europeans are living longer and are having fewer children. By 2050, if current demographic trends continue, without immigration, the population of EU-25 will drop to under 400 million residents (Annan, 2004), but the US will have 420 million. With low fertility rates, net migration already accounts for a significant proportion of population change in the EU. For example, without migration, Germany, Greece and Italy would have experienced a population loss and Sweden would barely have grown. Italy, for example, has the dubious distinction of having both the oldest

population and the lowest birth-rate in the world. Without immigrants, its population will shrink from 57 million today to 41 million in 2050. In Germany, the EU's largest nation, the number of senior citizens is projected to increase by 50% over the next three decades. A 2000 study by the United Nations concluded that if Germany did not accept 500,000 immigrants a year, it would have to raise its retirement age to 77 in order to have enough workers to finance pensions for the elderly. With age levels rising and birth rates falling, Europe will have to double its intake over the next 50 years just to maintain its population level, the 2004 Human Development Report said, as quoted by The Associated Press<sup>1</sup>. Europe appears caught up in its own dilemma: *Europe needs migrants, Europe fears migration*.

Anti-immigration sentiment has risen in Europe over the past few years, and many governments are under subsequent pressure to curb the growing problem. The EU estimates there were at least a million irregular migrants in the EU-15 member countries in 2004<sup>2</sup>. IOM put the number of irregular foreigners in Western Europe at three million in 2000, and ILO noted that, if 15 percent of the 22 million foreigners were irregular, their number would be 3.3 million<sup>3</sup>. With an average net legal immigration of nearly 1 million persons per year, the inflows in the 1990s were the largest since 1945. This number does not reflect the extent of illegal immigration. The types of migrants and countries of origin have also diversified, with a dramatic increase in the number of immigrant women as well as unprecedented peaks in the number of asylum-seekers. All Member States are concerned. Spain, Italy, the UK and Germany together account for 70 per cent of the net inflow of immigrants. Former countries of emigration, such as the southern Member States and Ireland, also became countries of immigration over the last decade.

Illegal immigration is one of the most sensitive issues in Europe. A growing trend of illegal entry has been observed across the EU over the last decade. Spain intercepted an average of 1,000 migrants a month trying to slip into southern Spain or the Canary Islands in 2004, but the government announced that unauthorized foreigners with work contracts lasting at least six months will be able to legalize their status early in 2005. Between 7<sup>th</sup> of February and 7<sup>th</sup> of May, 2005, the immigrants with irregular situation could prepare the application forms to obtain one year residence permit and work approval. Under the legalization, between 800,000 and 1,200,000 unauthorized foreigners with Spanish employers are expected to be able to legalize their status if they can prove they were in Spain at least six months, contribute to Social Security, have no criminal record, are properly registered with officials in the municipality where they live and meet other requirements. The Labour Ministry estimates that Spain has three million foreigners, 1.7 million having proper work or residency papers. Portugal decided to issue up to 8,500 work permits to foreigners in 2004.

There are currently an estimated 600,000 foreigners in Portugal, a country of 10.2 million, including 200,000 unauthorized.

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<sup>1</sup> U.N. *Appeals for Support for Immigrants*, The Associated Press, July 15, 2004, available at (08.08.2004): <http://www.nytimes.com/aponline/international/AP-UN-Development.html>

<sup>2</sup> COM(2004) 412 final, Brussels, 04/06.2004, available at (12.10.2004): [http://europa.eu.int/eur-lex/en/com/cnc/2004/com2004\\_0412en01.pdf](http://europa.eu.int/eur-lex/en/com/cnc/2004/com2004_0412en01.pdf)

<sup>3</sup> A group that maintains links to such estimates is the Platform for International Cooperation on Undocumented Migrants ([www.picum.org](http://www.picum.org)).

Greece is home to between 900,000 and 1.2 million immigrants, including 400,000 in an irregular status. There have been two relatively unsuccessful efforts to legalize the irregular foreigners; some 200,000 applications for residency permits are pending. About 55 percent of the migrants in Greece are Albanians, followed by migrants from Bulgaria, Georgia, Romania, Russia and Ukraine.

There are currently more than seven million foreigners living in Germany, which has a population of more than 80 million. But with the nation facing a falling birth rate, economists argue that Germany needs immigrants to help finance its extensive welfare state<sup>4</sup>.

A third of the immigrants in France (including those born in France to immigrant parents) have become naturalized French citizens. About 120,000 immigrants naturalized in 2002, double the levels of a decade earlier; 45 percent applied and satisfied five-year residence and other requirements, 40 percent were born in France to immigrant parents and were "automatically" naturalized, and 15 percent married French citizens. In Malmo (Sweden), a city of 265,000, 40 percent of residents are foreign-born or have at least one foreign-born parent. Of Sweden's nine million residents, 12 percent are foreign-born, with over half of the foreign-born from outside Europe. Hungary had 116,000 foreign residents in January 2002, including 45,000 Romanians, 10,000 Ukrainians, and 8,500 Yugoslavs. Some 8,400 foreigners became naturalized Hungarians in 2001, including 5,600 Romanians.

On the other hand, a million Bulgarians have emigrated since the fall of communism in 1989, including 85 percent under age 30. Most of them went to Germany, the US and Spain. Bulgaria's National Statistics Institute estimated that a sixth of Bulgarians between 15 and 60 still hope to move abroad.

According to the data of a survey conducted by the Centre for Regional and Urban Sociology (CURS)<sup>5</sup>, in April 2003 almost one million Romanians were at work abroad, legally or illegally. The poll showed that in 12 percent of Romanian households at least one member of a household had gone abroad to work, legally or otherwise, as of April 2003. Annual capital entries in Romania, as a result of Romanian workers' remittances, were estimated at approximately €2 billion for 2003, while the Romanian National Bank confirmed a similar estimate in 2002 as well. At present, the region of Moldavia (Moldavia is the poorest and most rural region in Eastern Romania, not to be confused with the Republic of Moldova) provides the biggest flow of international migration from Romania to Italy.

On the other hand, 300,000 to 600,000 Moldova citizens are outside the country, including half in Russia (the Moscow region), 20 percent in Italy and the others in a wide range of southern and Western European countries as well as Turkey, Israel and other countries. Turkey is a country of 70 million, plus 3.4 million Turks and their children abroad. By the time it enters the EU, Turkey is likely to be more populous than Germany, now the largest EU country. A November 2004 poll by the Turkish group TNS PIAR found that 23 percent

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<sup>4</sup> *Germany needs more immigrants*, Expatica News 2004, German news, 20 October 2004, available at (23.12.2004): [http://www.expatica.com/source/site\\_article.asp?subchannel\\_id=26&story\\_id=13055](http://www.expatica.com/source/site_article.asp?subchannel_id=26&story_id=13055)

<sup>5</sup> Centre for Regional and Urban Sociology (CURS), Bucharest, <http://www.curs.ro>



of the 2,028 Turks interviewed said they would "very likely" move to the another EU country if Turkey were to join the EU, and an additional 21 percent said they would "likely" move, including a majority of those 18 to 24 agreeing they would likely or very likely move.

However, the experience of previous enlargements of the EU shows that initial scepticism and fear of being "flooded" by migrants from the new members, with resulting attempts to restrict migration, have been unfounded.

## **2. GLOBALISATION, INEQUALITY AND POVERTY. A SHORT ECONOMICAL SURVEY**

Around 1962, we usually divided the world into three regions. The advanced capitalist group was then known as the developed world. The second was the Soviet bloc. Countries “in course of development” were the third world. The China-URSS split occurred in the early 1960s; most of the communist regimes collapses around 1990, and the hostility of the cold war has largely faded away. The income gap between the former communist countries and the advanced capitalist group has become very much wider than it was. For this reason, a tripartite division of the world is no longer appropriate. For rough comparisons, it is now useful to divide the world in two and compare developments in the advanced capitalist group with the aggregate for lower-income countries – designated in OECD Observer as the “West” and the “Rest” (Maddison, 2002). That means the Rich and the Poor. The West is now a relatively homogeneous group in terms of living standards, growth performance, economic institutions and modes of governance. This is not true of the Rest. There are more than 180 countries in this group. They have nearly all increased their income level significantly since 1950, but the degree of success has varied enormously. Most of Asia is experiencing fast per capita income growth. Most African countries are fairly stagnant. Population growth is fastest in Africa, a good deal slower in Latin America, and slower still in Asia.

### **2.1. Eastern Europe after 1990. Economic Issues**

The transition from a command to a market economy was difficult in all of the countries. The easiest part was freeing prices and opening of trade with the West. This ended shortage and queuing, improved the quality of goods and services and increased consumer welfare. However, the labour force needed to acquire new skills and work habits; the legal and administrative systems and tax/social benefit structure had to be transformed; the distribution and banking network to be rebuilt from scratch. The travails of transition led to a fall in average per capita income for the group from 1990 to 1993, but it rose by over 3% a year from then to 2001. Present real income levels are only a third of those in Western Europe. Wages are also much lower, but the disparity in skills is much less. The Eastern economies are therefore capable of mounting a catch-up dynamic similar to that of Asia if the integration takes place.

#### **2.1.1. Globalisation**

There is widespread agreement that globalisation has been on the rise in the half century since the Second World War. ‘Rising globalisation’ is interpreted to mean that the mobility of goods and factors across international borders has reached new and unprecedented heights. However, the international mobility of goods and capital is probably no greater than it was a century ago. In contrast, what used to be ‘free’ world migration has become tightly constrained by tough immigration policies that undoubtedly suppress a vast amount of potential migration that might otherwise have taken place (Hatton and Williamson, 2002).

### **2.1.2. Labour market reform is still high on the addenda of the OECD...**

The lower levels of labour utilisation in Europe compared with the United State are partly due to high levels of unemployment and shorter working hours. They are also due to relatively large numbers not participating at all in the labour market: in the EU about 30 per cent of the working-age population is neither in employment nor seeking work, compared with less 25 per cent in the US.

The weakness of Germany's economic performance is mainly reflected in weak employment generation. Indeed, the total hours worked per inhabitant have actually declined, causing real GDP (Gross Domestic Product) growth per capita to weaken by some three-quarters of a percentage point per year over the past decade. By contrast, employment growth contributed positively to economic expansion in other European countries and the US (Wurzel, 2003).

Here are some indicators provided by December 2002 OECD Observer:

**GDP** - %change from previous year: Austria 0.7; Canada 4.0; Greece 4.1; Korea 6.3; Slovak Republic 4.0; Poland 4.0; Romania 1.6. **Unemployment rate**, for the same period last year: Canada 7.4; Poland 16.9; Denmark 4.3, Hungary 5.7, Slovak Republic 19.2, 10.6 Spain, Romania 8.6; Lithuania 12.7. Please see the Annex no.1, in order to compare the unemployment rate for EU-15.

### **2.1.3. Unemployment and the labour market**

„'Long-term' unemployment often means 'very long-term' unemployment” said a study on the EUROSTAT web page (Eurostat, 2003). The Laeken European Council in December 2001 endorsed a portfolio of 18 statistical indicators – the "Laeken indicators" – to monitor progress in the fight against poverty and social exclusion. EUROSTAT, the Statistical Office of the European Communities in Luxembourg, published a two-part report based on these 18 indicators, giving a multidimensional perspective on poverty and social exclusion<sup>6</sup>. The first part includes the monetary indicators (financial poverty), the second the non-monetary indicators covering the employment, education and health dimensions of social exclusion. These indicators come predominantly from two major EU-wide surveys: the European Community Household Panel and the EU Labour Force Survey. Poverty is analysed in this report from a relative point of view. In each Member State, the income threshold used to define the risk of poverty has been fixed at 60% of the national median income per equivalent adult. It therefore varies from one country to another. Based on this measure, 15% of EU inhabitants in 1999 (around 56 million people) were at risk of poverty, i.e. living in households with a disposable income below the poverty threshold. This share was lowest in Sweden (9%), and Denmark, Germany, Netherlands and Finland (all 11%), and highest in Greece and Portugal (both 21%). Of those at risk of poverty in the EU, more than half, 9% of the population (some 33 million persons), were also at risk of poverty in at least two of the preceding three years and were therefore subject to a persistent risk of poverty. „One in eight people living in a jobless household in the EU” affirms the study. Employment is an important factor in social inclusion, not only for the

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<sup>6</sup> See Annex no.4, figures provided by EUROSTAT

financial aspect but also as means of social participation and personal development. Therefore, long-term unemployment<sup>7</sup> is regarded as a primary indicator of social exclusion. In 2001, 3% of the EU's active population were unemployed for at least 12 months. Again, this percentage conceals differences between Member States: from less than 1% in Luxembourg, Denmark, Netherlands and Austria, to more than 5% in Greece and Italy. The risk of social exclusion increases with the length of unemployment. In 2001, 2% of the EU's active population were unemployed for at least 24 months. Unemployment not only excludes the unemployed person, but also affects their family. In the EU as a whole, 12% of people living in "active age households" in 2001 lived in "jobless households". This average masks strong variations between Member States: from 5% in Portugal and 8% in Spain to 14% in the United Kingdom and 16% in Belgium.

#### **2.1.4. The measurement of inequality and poverty**

Perhaps the greatest of all the problems with measuring economic development is that GNP (Gross National Product) and income per capita say nothing at all about the distribution of the output and income. Including the income inequalities within countries, the richest 20% of the world's people get at least 150 times more income than the poorest 20%. Of course, in market economies full equality of incomes is not a reasonable goal, for that would undercut the incentives of the market system. Yet the implications for welfare of overly great inequalities in income can be great, and income distribution issues have become central in the growth-versus-development debate.

Unequal distribution within a country can affect welfare negatively in several fairly obvious ways. When a small number of rich become more affluent at the expense of a mass of poor who are plunged more deeply into the poverty, then health and nutrition problems are likely to arise, birth rates might rise to make up for the higher infant mortality, and social and political tension would almost inevitably increase.

Economists use the term *absolute poverty* to describe that part of the population, which falls below some minimally acceptable standard of living. This group falls below the level of income that, in the country concerned, will purchase output just adequate for subsistence. The measurement usually involves an estimate of the income needed to achieve some minimum level of sustenance plus some further estimate of the smallest amount of income needed for non-food items, shelter, and clothing. The usual technique is to measure the financial cost of obtaining a minimum necessary level of caloric needs and then to multiply that by a factor to obtain the necessary spending for the non-food items necessary for subsistence.

Defining absolute poverty as income below \$370 in 1985 dollars adjusted for purchasing power, the United Nations estimates that somewhat over 1 billion peoples are in this condition. That is about one-third of the population of the less developed countries LDCs. In the least-development LDCs, 31% of the urban population and 71% of the rural population live in absolute poverty. The absolute poverty is sometimes elevated even in countries with relative high incomes. For example, the figures concerning the percentage of population in absolute poverty between 1980 and 1990 show as follow: Ecuador, 40 in

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<sup>7</sup> See the figures from Appendix no.4

urban area and 65 in rural area; Guatemala, 66 in the urban area and 74 in rural area; Morocco, 28 in urban area and 45 in rural area; Jamaica, 80 in rural area. None of the previous countries is classified among the poorest LDCs.

The part of population living in poverty may be concentrated geographically, with wide differences in income distribution existing among regions within individual LDCs. There are some main causes for greater income inequality in the LDCs than in the developed countries. Most important in some areas, land ownership and access to land are highly unequal for historical and social reasons. Inequalities can be perpetuated by a social structure that exclude people on the basis of caste, race, sex, or religion from jobs, land-holding, and other means to produce income. Population growth means an increase in the percent of young people in the population. Inequality rises even though the distribution of income stays the same within any given age group.

The measurement of inequality is no simple matter. Economists measure the degree of income inequality with the Lorenz curve, a graphical representation of the data named after an American statistician, who developed it. A Lorenz curve of income shows the percentage of income earned by a given percentage of population. The data can be by household or by individuals. Another method of comparison yields of number for each country derived from areas on the Lorenz curve diagram. Recall that the more unequal the distribution, the more bowed the Lorenz curve will be. The calculation is called the Gini coefficient, after the Italian statistician who first formulated it. The more unequal distribution, thus the higher the Gini coefficient.

### **2.3. Migration. Challenges and changes in the 1990s**

The right to migration is one of the innate rights of human being. This right has been articulated both in international law, especially in Common Declaration Of Human Rights, international Pacts of Civil and Political Rights, Geneva Conventions of 28 July 1951 and Official Record of 31 January 1967 concerning the status of refugees, the Card of Basic European Union Regulations (articles 18, 45.2) and the Romanian law. Even the Apostolic See proclaims itself in the widely understood right to migrate. The Vatican is of the opinion that legal protection of the right to migrate should also comprise all forms of voluntary migration. "Personal human rights comprise also the fact that any individual can migrate to this country where he hopes to provide for needs of his and his family is the easiest possible way. And that is why it is a duty of these being in national authority in the state to receive the in-coming foreigners and to comply with the migrants" said the Pope John XXII in his encyclical *Pacem in terris*. Pope John Paul II said in his *Laborem exercens* that any human being has the right to leave the country of his origin in search for opportunities of living in another country, too.

Despite the disproportionate attention that has been given to immigration pressures on the United States and other OECD countries, there have been other major migration streams around the world. These too have been driven by a combination of demographic and economic trends as well as by political upheavals. As Europe entered the 1990s, profound political and economic changes were transforming it. In Eastern Europe, the collapse of the soviet regime and the fall of the Iron Curtain let to large westward flows in the early 1990s from countries like Romania, Bulgaria, Poland and Russia itself. These flows came in addition to a rapidly rising number of asylum seekers.

By 1993 the number of migrants from Central and Eastern Europe in the European Union (excluding the German *ausseidler*) had risen to nearly two million. These pressures abated somewhat by the late 1990s as the backlog cleared and conditions in these countries began to improve. Later in the decade, civil war in the former Yugoslavia led to mass outflows, although many of the refugees ultimately returned (OECD, Trends in International Migration, Paris, 2001). As a result of the rising numbers of Eastern Europeans that entered the country, the number of non-nationals in Austria doubled, from 344000 in 1988 to 690000 in 1993, while the share of foreign workers of all employed people rose from 5.4 percent to 9.1 per cent (Jandl and Kraler, 2003). In response to these developments, the government initiated a series of legislative reforms. These covered all areas related to immigration, including entry, residence, employment, and asylum. The new Naturalization Act, passed in 1998, include the principle of jus sanguinis and a regular waiting period of 10 years for naturalization. Most important, the migrant has to prove that she or he is sufficiently integrated into Austrian society, is economically self-sufficient, that is, not in need of social assistance, and proficient in German. Also, even minor criminal offences now constitute reasons for denial of citizenship. Labour immigration has been restricted mainly to key personnel, with a minimum wage requirement of around 2000 Euros per month for prospective migrants.

All countries, even those where a large proportion of population are themselves descendants of immigrants, manifest tensions between new arrivals and parts of the native population. Such tensions are partly invoked by the perception of unchecked flows of new immigrants as well as anti-immigrant political parties. Opponents of migration fear adverse impacts on the labour market, public finances, on social conditions and on the distribution of income. Proponents of migrations note the positive economic role immigrants can play, for instance in term of addressing specific labour shortages and the problems linked to ageing populations.

French Interior Minister Nicolas Sarkozy provoked the anger of human rights groups when he said applicants for tourist visas to France are to be finger - printed in a bid to clamp down on illegal immigration<sup>8</sup>. "We know that many foreigners who are here illegally arrive on our territory with a three-month tourist visa. Then they get rid of their papers and become impossible to deport because we cannot determine their country of origin", Sarkozy told *Le Parisien* newspaper. "So we are going to propose that everyone receiving a tourist visa shall have their fingerprints taken. That way we will be able to determine their nationality once their presence in France is discovered to be irregular," he said. But Michel Tubiana, president of the Human Rights League (LDH), said the idea was "unworkable and inadmissible" and would severely tarnish France's international image. "The whole world will end up being put on file. France is the most popular tourist destination in the world. The measure is completely over the top. It is pure demagoguery," Tubiana said. Sarkozy gave his interview after visiting the holding zone for illegal immigrants at Paris's Charles de Gaulle airport, from where more than 50 nationals of Ivory Coast and Senegal were deported by charter plane in France's first collective expulsion for several years. Intended for at most 300 people, the area has recently contained 500 because of a big increase in the numbers of would-be immigrants. Sarkozy said he was distressed by the poor conditions there and had ordered the round-the-clock presence of a doctor and nurse. But answering critics who said the group deportation

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<sup>8</sup> Anger after French minister says visa applicants to be finger-printed, Agence France Presse, Paris, March 7, 2003

represented a return to hard-line policies of past right-wing governments, Sarkozy said such flights were "the most balanced and the most humane way of decongesting the holding zone". "France must remain a land of immigration but it cannot welcome all the miserable of the world. I am against zero immigration, which is an aberration, but I am also against the kind of lax attitude that says that anyone who wants them can have their papers," he said. "In a country where 5.5 million voters chose the (ultra-nationalist) National Front, we must do nothing to encourage ... xenophobia," he said, promising that collective expulsions would be continued.

Immigration has already played an important role in influencing overall population growth in the main OECD areas. In fact, for the EU as a whole, net migration has been a more important source of population growth over the past decades than the natural increase. Some recent reports have investigated the level of migration required to achieve population objectives. The studies examined in selected countries as well as for the EU as a region between 1995 and the year 2050 the migration flows required to maintain the size of total population and the working-age population. On average, almost one million net immigrants per year would be required to keep the EU population constant over the period and slightly more than 1½ million to maintain a constant working age population. One United Nations study (UN, 2000)<sup>9</sup> acknowledges that during the first half of the 21<sup>st</sup> century, the population of most developed countries are projected to become smaller and older as a result of below-replacement fertility and increased longevity. In the absence of migration, the declines in population size will be even greater than those projected and population ageing will be more rapid. The numbers of migrants needed to offset declines in the working-age population are significantly larger than those needed to offset total population decline. If retirement ages remain essentially as today, increasing the size of the working-age population through international migration is the only option in the short medium term to reduce declines in the potential support ratio.

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<sup>9</sup> See also Visco, Ignatio - *Immigration, Development and the Labour Market*, presentation at the conference „Migration: Scenarios for the 21st century, Rome, 12-14 July, 2000 and (Capel, Dumont and Visco, 2001

### 3. THE BENEFITS OF MIGRATION

#### The benefits of migration

Immigration impacts not only on the host country, but in the source country economy as well. Remittances from emigrants represent an important source of finance. Overall, workers remittances in the some countries presented in an OECD study totalled some 41 US billion in 1998, which is close to the net level of official foreign aid from OECD countries (Capel, Dumont and Visco, 2001). What remittances do Romanian migrants send back to Romania, and how such money is used, are some interesting problems for study. Romanians are sending money home using the legal ways (the banks or international post services) or by colleagues or friends. More of the money they obtain working abroad is sending to their families. Most of the immigrant workers have a family and they have to take care of it. During 2001, Banc Post (Post Bank) transferred by “Western Union” about 137 million US dollars, third times more, comparative to 2000, from foreign countries to Romania. Banc Post transferred from Israel to Romania about 30 million US dollars, during the first five months of 2002; the money were sent by the Romanian workers from Israel to their families. Since 1998, Banc Post transferred from Israel about 212 millions US dollars. During May 2002 the value of the transaction was ten percent greater than in May 2001. Banc Post signed an agreement with The Postal Authority of Israel to facilitate the sending home the money by the Romanian workers in Israel. Banc Post signed another agreement with Banco Portugues de Investimento (BPI), Portugal<sup>10</sup>. Many Romanians families depend on remittances from migrant workers in Europe. Stefan Wagstyl, journalist at Financial Times, found that Marginea, a city of 10,000 in eastern Romania, has about 2,500 migrants in France, Germany and Italy; the men work in construction, and the women as cleaners. The major says that the migrants return after five to 15 years abroad saving of DM 60,000 to build new houses (Wagstyl, 2002). The men who work abroad come back with the money and they start a new life. In some regions, generally in rural areas, the women have no work places and stay home taking care of children, only the husband get money and pay the bills, for food, clothes and everything. They come back and buy new cars; they improve their life standards, they have now money to pay the debts and fiscal duties. They send the children to school again, because the pupil has now new clothes and money for books. It is real that some foreigner reporters noticed, concerning the Romanian Gypsies who begged in Europe with the children in their arms. Most of the Gypsies built big palaces with the money obtained abroad, but this is the way of life of Gypsies communities: if most of French Gypsies are living in the luxurious caravans and have very big and expensive automobiles, Romanian reach Gypsies like to have big flamboyant building (even they live in small and ugly houses behind the marble and stone palaces).

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<sup>10</sup> *Banc Post Press Releases*, Banc Post, Romania, Bucharest, January 29, and June 29, 2002. [www.bancpost.ro](http://www.bancpost.ro)



## **The benefits of illegal immigration**

Substantial numbers of illegal immigrants are present in many countries. A lot of studies of the illegal immigrations have investigated the economic benefits of the immigration. Being illegal is seldom the migrant's deliberate choice. The advantages of illegal migration tend mostly to be on the side of the employer, an employer will benefit from the illegal status of a migrant who is desperate for work and therefore prepared to accept poor pay, usually below local norms. Hiring an illegal worker also brings the employer the advantage of paying less in the way of welfare contribution and other non-wage costs. The interest in the illegal migration is much stronger for the employer than for the worker, whose precarious situation and low bargaining power makes him highly vulnerable to discriminatory practices in the form of longer hours and non-payment of various bonuses, or even of wages (Tapinos 2000). In most cases the immigrant has to accept worse terms of employment and frequently he is forced to infringe the law being offered the "work in black". They are poor or not rich enough to start their own business in the given country. In such circumstances they accept everything that can improve their living standards, even prostitution or begging in order not to return to their previous condition of living. The main benefit for the immigrant is earning some money to send home to family. The model of Hillman and Weiss shows that, illegal immigration is forbidden but is accepted, even if unofficial (Hillman and Weiss, 1999). The enforcement of immigration control is a common subject in media and the Governments improve all the time the measure of control of the phenomena. But locally, in certain counties, in the small agricultural villages or in the industrialised main towns you will find ever immigrants who work hard in the warm field or in construction and road works. It is very well known that France called for immigrants to work in the mine industry in the northern region and now you can meet a lot of Polish, Italian and Arabic origin in Nord-Pas de Calais. Yes, this was an official immigration policies, but nowadays you can find East-European immigrants in Spain and Portugal and they will tell you that nobody ask them if they are illegal or legal, and they work and live without big problems. I have met some police officers in Barcelona one year ago and they told me that until this year nobody took measures to expel immigrants. Only if they were known as criminal police arrested them and obliged them to leave the country. After Barcelona and Sevilla European Councils the policies were changed a little, but not very much.

## **Legal immigration could benefit Europe**

Most European governments tried to slam the door shut on immigrants rather than convince their citizens that some legal migration may be a way to boost the economy and maintain high welfare standards and pensions as birth rates dwindle. The International Organisation for Migration (IOM) and the European Commission say that managed migration is essential, but many European Union governments remain fearful of public opinion, which polls suggest is hostile to more immigrants. "Without some legal immigrants, Europeans will be forced to work longer hours, retire later and probably have to give up some state pension and health care, because fewer workers will pay less taxes and contribute to the systems. Immigration is an advantage... If immigration is perceived as useful and making a contribution to the host economy, they are more accepted" IOM spokesman Jean-Philippe Chauzy told Reuters. After years of "zero immigration" policies, France, Italy, Greece, Portugal and Spain all granted amnesties to illegal immigrants during the 1990s and offered to more than 1.2 million people legal residency. According to

Chauzy, the scale of the amnesties proves that zero immigration policies don't work. They only force economic migrants into the hands of criminal networks, which make billions of dollars smuggling people in Europe<sup>11</sup>. Chauzy said that given the choice, illegal migrants would rather have legal employment, where they would have the chance of improving and acquiring new skills. "Once they have acquired skills, they return home to better opportunities," he said. "They only come because they believe their economic prospects will be better. If people believe that they have the same kind of perspectives in their home country, they stay".

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<sup>11</sup> Want to work until you are 70? If not, immigration may be just the solution. Reuters, Brussels, April 29, 2002

## **4. ROMANIA IN THE AGE OF INTERNATIONAL MIGRATION**

Romania is a source country for international migration because many Romanians have chosen to leave Romania (both legally and illegally) for living or working in another country (Simina, 2002). Most of them left for Western Europe and Canada. Starting with 1990, many Romanians left Romania, most of them definitively.

### **4.1. Romania as Source Country for International Migration**

#### **4.1.1. Reasons for Romanian migration – poverty, social, politic**

##### **Work and money**

The main cause is economic. Unemployment rate was 10,5% for December 2000, 8.8% for December 2001 and 8.8% for December 2002. It was 10.2% for May 2002, 11.1% for April 2002, but 8.3% for March 2003<sup>12</sup>. The occidental statistics show that about 2/3 of the Romanians are poor. Another statistics said that population below poverty line was 44.5%<sup>13</sup>. At the same time a lot of money was lost due to corruption in the bank system and fraud. In 1999 Romania had 9.9 million labour forces (estimative). Labour force by occupation was: agriculture 40%, industry 25% and services 35% (1998). The real wages are low and prices, continuously rising as influenced by US dollar and Euro increases (but the wages are in local currency). Between the beginning of the year 2002 and August 2002, the prices increased by 9.8%. Average growth of the prices during July was 0.5%, according to NIS, quoted by “Adevarul” Newspaper no. 3775/13.08.2002. It was the second month in 2002 when the average inflation rate was under 1%. Gross average wage was in 2002: 5452097 lei (a few more than 160 Euro), net average wage was: 3881178 lei (approx. 120 Euro). Romanian workers are underpaid when compared to similar workers in Western Europe. I have a very good example: my cousin, Marius, graduated a strong computer engineer school in Timisoara, west of Romania. He has found a good job. It was a German-Romanian Company that paid for his work the equivalent of 300 DM. That means a lot of money for Romania, six years ago. His German fellow workers obtained at the same time, for the same work, about 3000 DM, but in Germany... Now, my cousin is living in Toronto, Canada, with his wife. He has his own house and he changed his second car, because he is very well paid. He worked hard but he obtained all he wished in a very short time. With the money obtained by working hard abroad, everyone could live very well in Romania. Many Romanians are working abroad legally for a short period (for example three months in Germany, as seasonal worker) and with the money obtained they live with their whole families for the rest of the year. And they will go to work again in Germany the following year, if possible, but only legally (because they need a safe way to earn money abroad).

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<sup>12</sup> The figures show the unemployment rate proportional to total active population at 01.01.2002, according to National Institute for Statistics (NIS), [www.insee.ro](http://www.insee.ro)

<sup>13</sup> Year 2000 estimative, according to <http://cia.gov/cia/publications>

## **Education and Study**

One of the major concerns is that the source country will lose its most qualified workers – the “brain drain” – and as a result its economy will suffer. An important reason for migration is for study. Professor Borjas said<sup>14</sup> that, for example, in 1971, the US State Department issued only 65,000 student visas, but by 2000, 315,000 such visas were issued, and there may now be as many as 1 million foreign students in the U.S. Between 1971 and 1991, just over 3 million persons received student visas, and 393,000 of them were able to eventually adjust their immigration status and obtain a “green card”, or permanent-residence visa. Foreign students receive in U.S.A. 35% of the doctorates awarded in the physical sciences, and 49% of those in engineering. Studying abroad is a present issue: who needs more foreign students? Romania is involved in student migration too. A lot of Romanian students are trying to find a scholarship to go to study abroad, because foreign degree is very important nowadays. Romania has a strong educational system, but Romanian degrees are not everywhere accepted. More foreigners come in Romania to study pharmaceuticals and medicine, but if a Romanian doctor would like to practice in Germany, for example, he must pass some exams and obtain equivalence of his medicine degree by the high medical authority. With a foreign degree is possible to obtain a better salary, even in Romania. More of them are applying for an enrolment in an educational institution by themselves, trying to find financial support after that. If the students are not able to support themselves, they are searching for a job. Most of the students who succeeded in finishing a University or a College abroad will try to remain there to earn some money<sup>15</sup>. With the degree it is possible to obtain more money than without it here, in Romania, but it is not obligatory! At the last edition of Geneva Invention Fair, Romanian inventors won 15 Gold Medals, 31 Silver Medals and 21 Bronze Medals. But nobody has money for invents. The authorities succeeded in organizing some fairs only. After years of intellectual work, nobody is interested in the results of the inventor. And to go abroad with the invention to earn money with it remains the future solution for inventor.

## **Resettlement. Refugees and asylum seekers**

More Romanians chose to move to another country, to live there definitively. They chose resettlement for economic reasons: they found a job and the opportunity to obtain a permanent resident permit or the county’s citizenship. Germany was the most important destination for resettlement purposes. Some Romanians are working permanently or temporary at major firms or international institution abroad, and the residence in another country was obligatory. Another group of Romanians who chose to live abroad was the group of ethnic origin Romanians. The most of German ethnic Romanians living in Romania before 1990 are living in Germany now. Germany offered them the right to move there legally, likewise to other German ethnics originated from the former URSS, Hungary or Poland. Some Hungarian ethnics moved to Hungary, because this country had better living conditions and with a Hungarian passport everyone could travel free all over the world. Israel is a developed country and the authorities’ efforts to increase the number of population made them attract all the Jewish origin citizens from all over the world, to move

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<sup>14</sup> George J. Borjas, Rethinking Foreign Students. A question of the national interest, National Review, Vol. LIV, No. 11, page 38, New York, June 17, 2002

<sup>15</sup> Olimpicii olteni aleg “drumul străinătății”, Evenimentul Zilei, Bucharest, no. 3116/26.08.2002

to Israel. Jewish ethnics Romanians were not an exception. Other categories of citizens who moved to another country were the Romanians married with foreigners and the persons accepted for family reunification.

Since 1990 there are no reasons for Romanians for asking asylum for the political, ethnical or religious reasons. But many citizens obtained the asylum recognition in Western Europe (some occidental statistics show 1996 as final year of repression in Romania). In 1990 in Italy, Romanians were the second great ethnical group of asylum seekers. Between 3376 asylum seekers, 1344 were Albanians and 903 Romanians (about 200 persons arrived in Italy with occasion of Italy Football World Championship; after the last match they remember they were prosecuted as minorities during the events in Bucharest in June 1990 and demanded recognition of the political asylum status). In 1991 Romania was second source country for asylum seekers with 2089 applicants (Albanians were 17.758 persons!). Italian asylum authorities recorded another 930 Romanians in 1992, 546 in 1993 (the main ethnic group!), 677 in 1994 and only 409 in 1995. Of course, not all the asylum seekers obtained the recognition of the status: 100% of the requests were denied in 1994 and only one person from 409 obtained the asylum status in Italy in 1995 (Ferrari, 2002). Relating to the applications of the refugee status lodged by the Romania citizens in Poland in the years 1995 – 2001, the figures<sup>16</sup> present as follows (see Table no.1):

**Table no.1 Number of asylum seeker applications in Poland  
Country of origin: Romania**

1995	1996	1997	1998	1999	2000	2001	Until June 2002
11	13	26	12	211	903	266	25
<b>Trend</b>	↗	↗	↘	↗	↗	↘	↘

The refugee status was granted in the years 1995 – 2001 to 9 persons from Romania. Until June 2002, 25 new applications for refugee status have been already lodged in Warsaw. Nowadays, Romania is no more a source country for the asylum status. Between 1900 and 2000, many Romanians requested the recognition of asylum status in Germany, but the percent of Romanians in the total number of asylum seekers decreased continuously. If in 1900, 35,545 Romanian application were lodged, 18.5% of total applications, in 2000 only 174 Romanians applied, that means 0.2% (MAABA, 2002a). The general statistics show that for 2001 and 2002 Romania was only a receiving country for asylum seekers (but Romania experienced a relatively significant decrease in the number of monthly applications lodged, - 48% in November 2001) (UNHCR, 2001). Our conclusion: there are no real reasons for Romanians to demand recognition of the refugee status; the main reason is the economic one, again.

### **a) Legal migration**

Starting with 1990, Romanians travelled abroad free. Romanian's authorities point of view, if the Romanian citizens comply the conditions to have a passport, they could travel legally

<sup>16</sup> Statistical data provided by UNHCR Poland, Warsaw, August 2002. Mr. Piotr Klosowski, the intern in UNHCR, prepared the data included in the material obtained courtesy of Mr. Wojciech Trojan, UNHCR Hungary

abroad. Even when the Western countries requested to hold a visa to visit them, Romanians could exit free (only when the Romanians travelled by plane and the destination of the plane was in a country requiring visa, the traveller was not allowed to take the plane). Until 1<sup>st</sup> January 2002, if the travellers declare tourism in a country non-requiring visa, as travel purpose, and he comply the border formalities, the border police must let him go. If the travel purpose was to visit Schengen states, for example, or another purpose, the travellers must comply the formalities: to hold requested visa, insurance, invitation from a foreign citizen, return ticket, and so on. After 1<sup>st</sup> January 2002 for tourism purposes visas were not requested by Schengen states any more. The states require one condition only: do not travel more than 180 days each semester.

## **Work seekers**

The Romanian employed of foreign companies abroad and international clerks were the luckiest persons: they could work abroad without any problem, either temporary or with permanent status. To find a legal work place abroad, a Romanian worker has to choose between three ways: to look for an employer by himself, to search the Internet database with labour demands or to try to be selected by the national authority who signed some inter-governmental agreements for labour exchange. To look for an offer by oneself is very hard, but is possible, especially if you know someone working abroad. The conditions of working could be not safe. The employer knows that you're looking for all kind of jobs and he will hire you, even with a legal contract, but nobody could guarantee you that he keeps his promise, if you don't like the condition, you are free to go. Using the Internet, the labour recruitment firms will charge you a commission for helping to find a job. The contracts will be legal, but the condition of labour could be less advantageous than which are for national workers. The main advantage of inter-governmental agreements is the fact that the worker will have a safe work place and the conditions are the same for the national or alien worker, guaranteed by the state.

The salaries offered by the German employers vary between 1,000 and 3,000 Euro. The seasonal workers and well-prepared informatics engineers are approved to enter Germany periodically. An important reason to work in Germany is the powerful Romanian community. Approximately, there live legally in Germany about 650,000 "Sași" (Saxons minorities living in Transylvania) and "Șfabi" (German ethnics from Western Romania), and another 130,000 Romanian ethnics. The Romanian communities are concentrated close to Munich (Bavaria) and in Eastern former RFG lands. Approximately 70,000 Romanians are working illegally in Germany<sup>17</sup>. The work "in black" is a solution for desperate and irresponsible people only. The risks are very high, either for worker and employer. The safest way is the legal one. In order to avoid illegal employment, there were signed bilateral agreements between Romanian and German Governments, concerning the exchange of the labour between the countries. The first agreement is concerning the seasonal workers, who are allowed to work for three months. The second agreement is concerning "the guest workers"; the contracts could be signed for 18 months. The members of Labour Intermediation Centrum of German Labour Ministry come in Romania to select the candidates, depending on the labour demand on German labour market. The knowledge of German language is very well evaluated because all the future workers must speak German

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<sup>17</sup> Morovan, Onică, *Porțile Germaniei sunt deschise pentru români*, Capital, Bucharest, no. 8, February 21, 2002

well. The figures concerning the bilateral conventions show that, during 2001, more than 16,500 seasonal workers and 500 “guest workers” have worked in Germany, and over 22,000 were expected to go there for the year 2002. The professions requested are waiter, cooker, medical social worker, constructor and economist. Germany needs 450,000 information technology specialists too. The project of the authorities is to hire up to 250,000 foreign IT specialists until 2005 (the expected wage for each specialist was 100,000 DM by year). The Government granted 10,000 “green cards” in 2001, 800 work permits for Romanians among them. Between 1<sup>st</sup> of August 2000 and 8<sup>th</sup> of June 2001, 681 IT specialists arrived legally to Germany, 96 women among them (Source: Bundesanstalt für Arbeit, Germany, 2001). Another agreement was for the Romanian firms that signed contracts with German firms to send workers, especially in construction field. It’s about 4,000 workers and another 1,000 German ethnics workers. The gross wage for this kind of workers is around 9.8 Euro for one hour.

There are bilateral agreements for labour exchange with Hungary, Swiss, Luxembourg, Portugal and Spain, too. Japan, Italy, Greece and England were not interested in signing the agreements.

## **The students**

Romanian students hold visa when they enter in the destination country with study purposes. They like to study legally. Legal status helps them to enrol for the universities. They have very much to gain if they are legally. For example, in France, the students holding “Carte de Séjour” (if they are enrolled for more than three months, they have insurance and could prove the financial support) would get some money back from the authorities: the CAF (Caisse de Allocation Familiales) would refund part of the rent of the house, even if the students live in the university campus.

## **Asylum seekers and ethnic migrants. The resettlement**

Saying that discrimination and intolerance let them seek asylum abroad, Romanian Gypsies migrated continuously before the enforcement of the border control. In 2000, Romanian Roma flocked in record numbers to Ireland, which registered 2,384 Romanian asylum seekers (they constituted the second largest group of asylum seekers in Ireland during the year. Soon after that, Romania and Ireland signed a deal to facilitate the return of rejected asylum seekers to Romania (UNHCR Statistics). I have read in the international newspaper that here, many people suffer because of the discrimination or minority intolerance. It’s not true! That helps some Romanian illegal migrants to ask for protection, even if their real reason of migration is economic. The fact that many German and Hungarian ethnics Romanians left the country to move to Germany or Hungary says nothing about the minority intolerance: they chose to live in better conditions and that’s all; the economic reason was the most important too. The most of Romanian ethnics left Romania on the first years after 1990. Nowadays only a few applied for naturalization comparative to 1991-1992; they prefer to have permanent settlement permit and they come back to Romania. With the money earned in Germany they have a very good life here. They buy or build new houses and they enjoy their status: to earn money in Germany and to live in Romania. Out of a total of 101 569 discretionary naturalizations and naturalizations by right under the Aliens Act (excluding Hamburg) in 1998, Romanians

accounted for 1 335 or 1.31% only (MAABA, 2002b). For Italy, figures show as follow: out of total of 1,340,655 residence permits issued, by country of origin and sex as at 1<sup>st</sup> of January 2000, Romania has only 4.6% (among all the women, Romanians were 4.9%, (Zincone, 2002)).

## **b) Illegal migration**

Most of immigrants who enter Europe illegally have chosen this way because they had no possibilities to enter legal. Before 1<sup>st</sup> January 2002, Romanians needed visa to enter Schengen states. In spite of this many Romanians have lived for many years (most of them illegally) in Europe. Many Romanians succeeded in obtaining legal visas to travel legally to Schengen states. Border Police Authorities couldn't stop the travel of the citizens who comply the formalities for legally crossing border. And most of them complied it. How did persons who could never obtain a visa legally, enter countries like Italy or Spain? Most of them declared tourism as reason of travel, and proved the purposes declared (voucher, hotel reservation, insurance, return ticket, etc.). Nobody could prove that the real purpose of the travel was working abroad. After the arrival in Hungary, Slovenia, Slovak Republic or Czech Republic, they tried to cross illegally the border. The countries became destination or transit countries, depending on the goal of each Romanian: to work there or to wait there for an opportunity to cross the border to a Western country. The human being smuggling networks were involved in Romanians' illegal migration. The smugglers knew that it was quite impossible for the most part of Romanians to obtain a visa for Schengen, and the people were desperate. They offered their help to cross illegally the Schengen border. For around 1000-2000 DM for each person, the smugglers took the would-be immigrants and showed them the way. Such cases could be met at the borders between Hungary and Austria, Czech Republic and Germany or Slovenia and Italy, too. Sometime Romanians were involved in traffic of human being themselves. After 1<sup>st</sup> of January 2002 there were no reasons for Romanians to be considered illegal. Only the Romanians who overstay the 180's days would become illegal.

## **c) The reasons of migration**

### **The main reason of the illegal migration is for work abroad**

The reason is economic again. They accept to work everything and everywhere, even if the work could be illicit. What means illicit work in Western Europe? Illicit work has no standard legal definition<sup>18</sup>. As a rule, the term describes work that is carried out by employed or self-employed people in self-compliance with legal provisions. Such work may range from small jobs carried out in one's spare time to full-time illicit gainful employment in non-compliance with fiscal law, social insurance law, competition law, and the law applicable to foreigners. Most forms of illicit work circumvent public levies to a sometimes-considerable extent.

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<sup>18</sup> In accordance with Swiss Embassy in Paris Internet-site: [http://www.eda.admin.ch/paris\\_emb/f/home.html](http://www.eda.admin.ch/paris_emb/f/home.html), May 2002



## 4.1.2. Romanian migration before and after 1<sup>st</sup> January 2002

At the beginning of 2001, the Romanian Border Police Head took the first important measures to strengthen the border control and to secure the border. Until 2001, the border guards were young men who executed obligatory military service. They must learn to be professional guards in one year only, and after the finish of the obligatory military service they went home. The main part of the Border Guards was occupied with the training of the young guards. There was the same problem each year. Starting with 2001, professional guards were enrolled in Border Police, and the service was specialised. The result: the rate of immigrants succeeding in crossing the border illegally decreased continuously. Romanian authorities had taken other police measures before the EU Authorities voted travelling without visa inside Schengen area, too. After the announce of possibility to enter Schengen area without a visa for tourism purpose, the Govern issued an emergency regulation, OUG no.144/2001, which establish the conditions and the formalities for crossing the border by Romanian citizens: insurance for the whole journey, return ticket, to prove the purpose of travel, to show the way to finance the journey, not to work during the travel, not to travel more than 180 day for each semester, not to be returned by European countries etc. Ministry of Interior Order no.177/2001 established the minimum sum of money that must be proved to be in each pocket of the travellers, in order to cross the border. They must prove the way to finance the journey, showing at the border control point 100 Euro for each day of travel (but not less than 500), or 50 Euro if the destination country was Turkey or one of the former socialist country not requiring visa. The figures concerning the Romanian travellers abroad are as follows: the traffic value recorder in the border control points decreased during the year 2002 with 15.8%, comparative to previous year. Between 1<sup>st</sup> January and 30<sup>th</sup> June, 8,417,944 persons transited the borders, 4,864,881 Romanians and 3,553,063 foreigners<sup>19</sup>. The number of aliens' coming from Western Europe increased by 6.5%. Out of total of 2,616,716 Romanians, 838,624 persons declared that they intend to travel to EU countries. Only for 664,804 was allowed the exit, because the rest of them couldn't comply all the formalities and conditions. For the first four months of this year, the figures show as follow: 231229 Romanians were not allowed to exit (2.2 times more comparative to 2002 period). The reasons were: among them, 13659 were without return tickets, 2173 without car insurance, 128 with false travel documents, 42 for prostitution abroad, 246 known as beggars, and so on. During the investigations, some 55265 of total declared the intention to work illegally abroad, the so-called "work in black".

Some of Romanians didn't comply the conditions to enter some states, being forced to come back to Romania. If during the first semester of the year 2002, some 5409 persons were not allowed to enter Schengen States (Austria -2983, Greece -1201, Italy -784, Germany -82, Holland -65, Spain -74, etc.), since the begin of 2003, some 3157 Romanians were not allowed to enter Schengen states: (Austria -1594, Greece -381, Italy -227, Spain -74, Netherlands -44, Germany -30, Belgium -24, France -1, Switzerland -5, etc). The statistics said about 37% Romanians less, comparative to the same period of 2002. The Act no.119/2002 entered into force, concerning the suspending of the right to travel abroad and to use of the national passport, for a period between 1 and 5 years, in the case of Romanians returned according the readmission agreements. During the year 2002, the number of passports that were taken back from the Romanians at the border, and the

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<sup>19</sup> The figures concerning the traffic at the Romanian borders were provided by General Inspectorate of Border Police GIBP, May 2003

right to travel abroad was suspended, decreased by 30%, comparative to the year 2001. That means the Romanians who didn't comply the European rules, most of them returned from the Western Europe for illegal situation status in the Schengen Area. Since 1<sup>st</sup> January 2003, 6328 Romanians were returned from Western Europe, 47% more than last year. That's why because the European authorities returned more Romanians with a very long journey in their country, for example persons founded with six – seven years of illegally living. 6328 means only 0.36% of the total of Romanians who travelled abroad, which means Romania is not a real danger for Europe.

At the border, a decreasing trend of border offences is noted, 15.7% less, comparative to the same period of 2002. That means the Romanians chose the legally way to travel abroad, even if the traffic values at the border increased, 10% more, compared to last year. For examples, the statistics quoted by the Romanian General Inspectorate of Border Police show the decrease by 20.5% of Romanian illegal migration to Germany, and the number of those not allowed entering Germany was 61.6% less. The number of Romanians who violated the Hungarian border legislation has failed by 55% of total (for comparative reasons: due to the changes of the migration routes, the illegal migration phenomenon arose by 182% at the border between Serbia and Hungary). As consequence of poverty, the developing of human being traffic can be noted. For example, the figures provided by Romanian border authority, General Inspectorate of Border Police GIBP, show the difficulties of the fight against the smugglers: since the beginning of 2003, 12 illegal smuggler channel were discovered, 41 smugglers being involved (9 Romanians and 32 foreigners), with 27 victims, 7 child among them, who were trafficked in order to oblige them to beg on the Western Europe streets.

### Introduction to Romanian emigration

King Stephen the Great ruled Moldavia (Eastern part of Romania and today's Republic of Moldova) between 1457–1504 and won European renown for his long resistance to the Ottoman Empire. Romania celebrated in August 2004 the 500<sup>th</sup> anniversary of his death. A remarkable army commander and politician, he sought to strengthen princely authority, to organize and bring about prosperity for the ancient Romanian province and to fight for its independence against foreign invasions (the well known Medieval “migratory people”, among others), he ruled for 47 years, led 47 battles, mainly against the ottomans; he built, rebuilt or patronized about the same number of fortresses, churches and monasteries, which won him the acclaim of Pope Sixtus IV as the “Athlete of Christ”.

Five hundreds years ago, the Ottoman Empire was the main threat for a Christian Europe with its Eastern “gates” guarded by the Moldavian king Stephen. Nowadays, Europe fears of immigrants. But Europe experience threat of migrants, or of Muslims (see the case of Turkey efforts to join Europe's exclusive club and the widespread debate on the issue)? Under the EU's new constitution voting rights are closely tied to population size, opening up the possibility of Turkey altering Europe's balance of power in an unprecedented way. Berlin with 82m citizens is the EU heavy hitter in decision-making EU councils of ministers, and France is in second place with a population of 60.4m. Turkey, if it joined the EU now, would immediately become a major player pushing France into third and the UK into fourth ranking. According to public opinion surveys, most Europeans oppose EU membership for Turkey, seen as ‘an out-of-Europe nation, with different history and different cultural traditions, which will not fit into Europe’. Opponents to Turkish EU membership – with strong voices in Germany and France – are concerned that Turkey's large population and Islamic culture could

transform the face of Europe; they are opposed to Turkey's membership on 'cultural' grounds – arguing that the entry into the EU of almost 70 million Muslims will change Europe forever. 'Europe could meet the same fate as the Austro-Hungarian Empire if Turkey joins the EU, a senior European commissioner has warned. "After the entry of Turkey the EU cannot continue its previous agrarian and regional policy simply as it had. Europe would implode". [...] "The American Islam expert Bernard Lewis has said that Europe will be Islamic at the end of this century", he said. "I do not know if this is right, or whether it will be at that speed, but if he is right, the liberation of Vienna in 1683 would have been in vain"<sup>20</sup>. The problem of religious and ethnic integration into European society is probably the EU's biggest challenge. Europe must set goals of inclusion, diversity, integration, respect and tolerance. Those necessary realities of living in this new world order<sup>21</sup>.

In this European framework, Romania has to manage an unstable equilibrium: to secure the borders against the illegal migration (Muslim origin immigrants, among others), and to assure the protection of the peoples in need of the international protection (refugees and asylum seekers).

Starting with the 90', in the former communist European countries, it could be record a new era of migration, with fundamental economical implications. The most important reason for migrating are related to the economic situation of the people deciding to leave (labour migrants). Other reasons are family reunification, studies, and permanent change of residence. 'Before 1989, in Romania there used to be two migration mechanisms: permanent migration, whose motivations were mainly political and ethnic; temporary migration, for studying or working abroad, based only on Romania's inter-governmental agreements with other countries. After 1989, the main reasons behind migration shifted from the ethnic and political reason to economic ones. One consequence is the fact that temporary migration has increased both in absolute terms and as percentage in total number of migrations' (Constantin et al, 2004). Labour migration is the main form of out-migration of Romanians now. Migration for labour was almost unknown in the early 90s. Romanian labour migration abroad began in 1990 with the so-called "trade by suitcase" to Turkey, Poland, Hungary, Yugoslavia and even the Republic of Moldova, and continued with workers travelling to Israel and Germany. In such cases, nationals of one country, people from different categories, purchase goods cheaply in one country or trading small things for other merchandise that could be re-sold, and transporting them in small quantities across the border to sell at a higher price in the Romanian market. In 1997-1998, Italy gradually became the favourite destination (Constantin, Florentina (2004); Diminescu and Lazaroiu (2002), as quoted in Sufaru (2004)). The first destination countries for labour migration were Germany, France and Israel. Germany was the destination for Romanians living in the former communities with German minorities (Saxons). The migration was based on the relationship with Germans emigrated from Romania (before or after 1990). In the 90s, Germany issued some 180000 tourist visas for Romanians, annually. France became a destination for the people from North-Western Romania, and Israel was a destination for Romanians all over the country (especially east and south parts), due to the repatriated Jews from Romania, who established labour-mediating companies in Romania.

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<sup>20</sup> EUROSOURCE article: *Bolkestein: EU Faces 'Implosion' Risk Over Turkey*, available at (07.09.2004): <http://www.eupolitix.com/EN/News/200409/0c501627-c886-4fc1-95c2-e49c1945898a.htm>

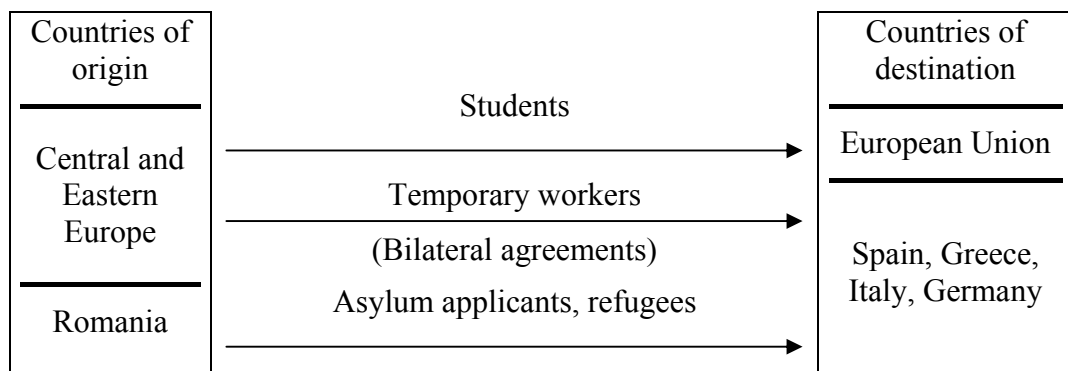
<sup>21</sup> A Borderless Europe, May 11, 2004, available at (15.05.2004): <http://www.contracostatimes.com>

Turkey became a destination country for persons working in agriculture and construction sectors. After Germany increased the control over migrants and the Israel market became less attractive, because of the restrictions imposed by the government, Romanians changed the direction of travel for migration. Italy and Spain are the new destination countries for labour migration now. Professors Nicolescu and Constantin found some mechanisms at the European level, namely those used by persons migrating from Romania to the European Union (Nicolescu and Constantin, 2005). The most important are the following:

Legal permanent migration represent migratory flows leaving Romania to third party countries in order to settle there through the following methods: based on emigration visas within special programs stimulating emigration of persons holding qualifications that are scarce in the receiving country or other types of programs, such as the USA visa lottery; by marrying a citizen from an EU member state and changing the place or residence to the country of their spouse; possibly as refugees or political or war asylum applicants. In the past years this has not been the case of Romania, but of the former Yugoslavia states (Constantin et al (2004), page 22). Between 1992 and 2002, 150,000 legal emigrants left Romania (Ghetau, 2003). The net legal emigration balance as per 2003 was negative: the number of emigrants was 3.3 times higher, comparative to the immigrant figures. The most immigrants were men (53.4), but most emigrants were women (58.7%). 64% of the emigrant women were married. The legal Romanian emigrants chose the following countries of destination in 2003: USA (2012 persons), Italy (1993), Germany (1938) or Canada (1444). They were high qualified persons (25.8% university graduated and 46.3% general or vocational studies graduated) (National Institute of Statistics (2004a), pages 58-59).

Legal temporary migration refers to those relocating on the territory of an EU country for a limited period of time (from several months to years). They are Romanian students studying in the European Union countries and which later on return (at least some of them) to the countries of origin; Romanian personnel leaving to work on labour contracts signed based on bilateral agreements between states; or refugees obtaining the right to temporarily settle in a host EU country or persons applying for asylum due to political reasons or who are hiding behind such motivations (see Figure no.1). In 2002, through the Office for Labour Force Migration of Romania there have migrated temporarily a number of 35,000 Romanians to work in the EU (Constantin et al (2004), page 24).

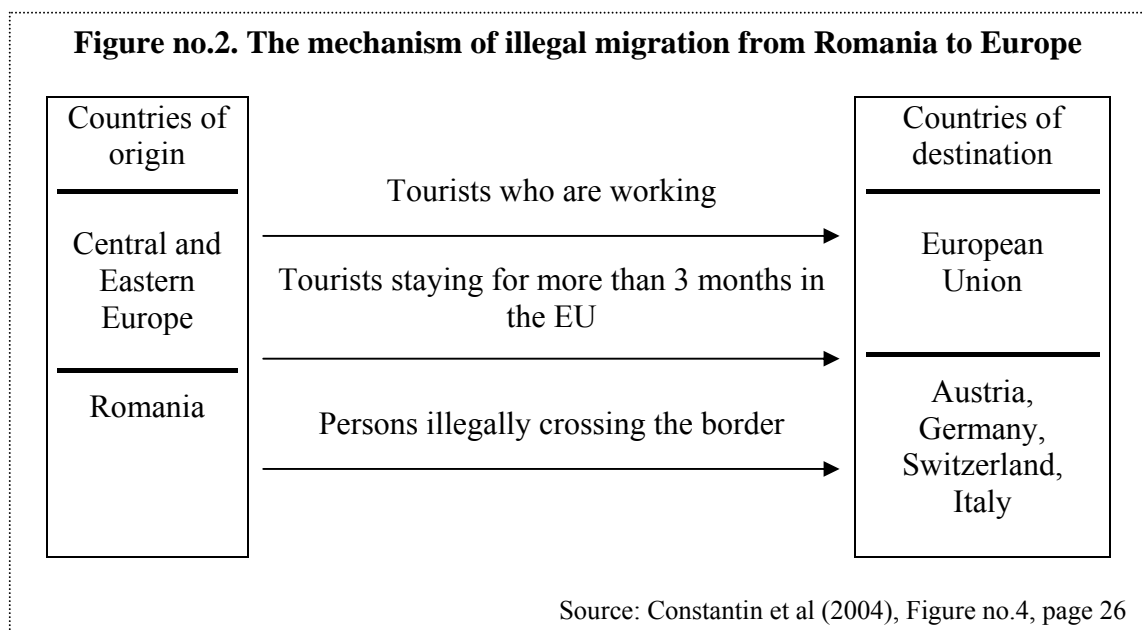
**Figure no.1. The mechanism of legal temporary migration in Europe**



Source: Constantin et al (2004), Figure no.2, page 25

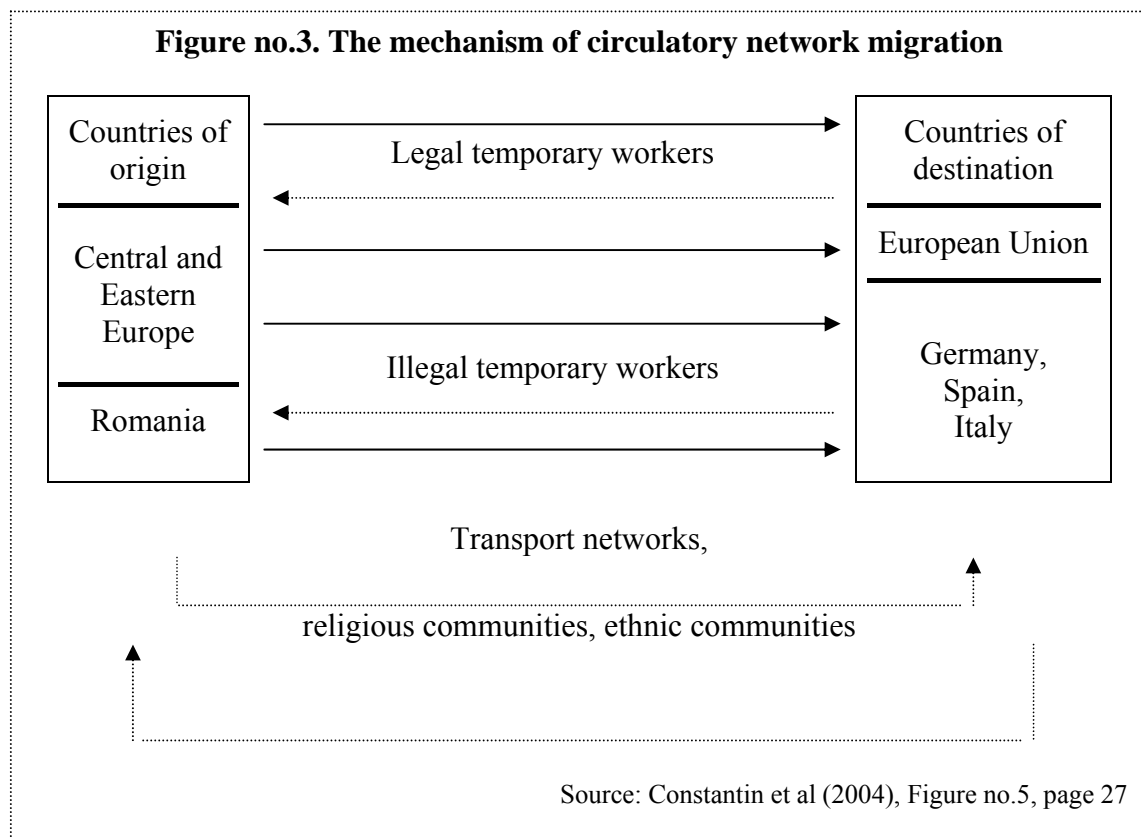
Illegal transit migration is the mechanism through which persons from third party countries, outside Central and Eastern Europe, immigrate to such countries, including Romania, so that they could further emigrate to the European Union. Transit migration through Central and Eastern Europe (and thus through Romania as well) consists in a growing number of illegal emigrants, some of them meeting the criteria for which they apply for asylum, but who prefer not to do so in Central and Eastern Europe for different reasons, so that they could transit to the European Union. This is a relatively new phenomena and it has been found that its main characteristics are illegality and the involvement of criminal organizations in human traffic (Constantin et al, 2004).

Illegal migration of Romanians represent persons with Romanian nationality leaving legally Romania and staying illegally in an EU country – after the legal stay period expires (3 months within the following 6 month after the first departure in a certain period of time), or they leave as tourists or students but, reaching the country of destination, perform lucrative activities on the black market, or persons entering and illegally staying on the territory of an EU country (generally after illegally crossing the Romanian border) (Constantin et al (2004), pages 25-26; Simina (2002)). The mechanism is shown in the Figure no.2.



The national trend is circulatory migration (Lazaroiu, 2004). Circulatory migration by means of migratory networks (legal or illegal) refers to the alternative movement between the country of origin and one or more of the countries of destination (see Figure no.3). Migrants leaving and working abroad for a period of time (sometimes, not for overstay the visa-free period of three months), return in Romania and stay for a period of time (generally no more than three months), then leave again for work abroad. During the period of his staying back to Romania, another emigrant will replace him. That means that one migrant worker works for three-month, and then come back to Romania. A friend or a

relative replace him/her for the next 3 months and so on. Through the migratory networks, those who want to temporarily migrate abroad receive help and support from previous migrants. The intent to migrate abroad seeking a job is more likely among people living within communities with a high circulatory migration rate. In areas where others have left before, more will leave, in places where other migrants have succeeded and where the signs of success are apparent, migration will be higher (Constantin et al, 2004). It is very difficult to produce an estimation of the documented and undocumented migrants. But it is very known that most of Romanian migrant workers leave Romania and enter an EU state as tourist. They already have arrangements for work in the black market. As legal measures against irregular migrants were taken by the Romanians authorities, starting from the interdiction to leave Romania up to 6 years, overstaying the visa period (three months as tourist) becomes problematic. So a new way to secure long-term job was invented by Romanians: there are two or three persons “sharing” the same job position each three-month period of time as to avoid overstaying (Lazaroiu (2004), page 27). Concerning the integration of immigrants in the host societies, the studies show that both the authorities from the states of origin and those from the states of destination should co-operate. ‘The migration flows between candidate countries and European Union countries, especially those of circular type, will be able to play an important role in the acceleration of the integration process [...] only if the origin states will know how to use institutionally these movements of the working force’ (Lazaroiu (2002), as quoted in Constantin, Florentina (2004)).



### 4.1.3. THE ROMANIAN EMIGRANTS

The beginning and the end of August were very busy periods for border police officers at the Hungarian border. Romanians were coming back to Romania for vacation. They were workers or students. Such heavy traffic remembered to the experienced officers the crowd summer of 1996, but with other actors: on that time, thousands of “German” Turks used to pass through Romania in their way to a homeland vacation and back to Germany.

The official report shows for 2004, comparative to the year 2003, an increased by 12.5 percent of the overall border traffic for all Romanian borders (MAI, 2004). The figures provided by the Romanian Border Police show that a lot of Romanians live abroad for long periods, and they are coming to Romania for the summer or winter vacation only. Analyzing the figures provided by the Border Police for the year 2004, it could be easily noted that the number of Romanians entering Romania during the summer vacation increased. And the number of Romanians coming home for vacation is continuously higher, year by year. All the persons coming to Romania had spent their vacation abroad? It is hardly to imagine lots of Romanians having one month vacation abroad in July – August, for example... My opinion is that we met a special situation: the Romanian emigration will become mature in the following decade. The short period circulatory migration (as studied by most of Romanian specialists on Romanian emigration – see Sandu; Lazaroiu; Diminescu; Constantin D.; Constantin F.; Sufaru etc.) turns into a medium-to-long-period emigration, from one-two years up to five-seven years, in the way to the permanent resettlement and integration. The Romanian emigrants found safe (and sure) jobs (even in the work-in black labour market), they settled abroad (even not definitively), and they start to come back home only on occasional basis, to spent the holidays among the relatives, at home. There are many couples and families abroad, most of the parents have the children (born in Romania) with them, they included the children into the European educational system; they integrated into the host society. And most important, more and more Romanians become legal, they regulate their situation abroad. Most of them are certainly in a regular situation, because they can afford a vacation: no illegal migrants could take a short vacation crossing more borders guarded by vigilant border policemen!

I will analyse only two parts of the migration stream to the Europe: the students and the labour migrants. Immigrants form an important part of the labour force in many of the world’s most industrialised countries. According to the Organisation for Economic Co-operation and Development (OECD) there is a renewed interest in the recruitment of new immigrant workers in these countries, partly explained by their ageing population. Many industrialised countries are seeking to attract highly-skilled foreign workers (BBC, 2004)

Emigration for study is a tradition for Romanian best prepared students. Sometimes the temporary migration for study changes to definitive resettlement. Due to the higher qualification, more and more Romanian students could be found in the famous European universities. If before the Second World War there were a proud to study in universities from Paris, Vienna or Heidelberg, even during the communist ages the well prepared (and well situated on the social scale) student managed to study abroad. One of the most famous leader of the post 1990 period in Romania (former Prime-Minister in the first 90’s) was re-known as a graduate of some Western universities, and the former president Ilescu (and more others) studied in Moscow for some years. After the collapse of communist and the falling of the Iron Curtain, the students “conquered” the Europe. All the important prizes in

the major European and World contest in Informatics, Math and some other sciences in the past fifteen years were “contracted” by the clever and well prepared Romanian students. Starting with October 2005 Romania will implement the Bologna Process. At the present, Romanian universities are part of the European educational framework, taking advantages from the mobility and exchange programmes (namely Tempus, Leonardo, Erasmus/Socrates or Erasmus Mundus). The Romanian students experience the opportunities offered by the ECTS system, migrating on temporary basis to study in the European universities.

The OECD estimates that foreign students contribute about \$30 billion a year to host countries, including tuition as well as travel and living costs, making foreign students three percent of global service exports. The European Commission in July 2002 launched the 200 million Euros “Erasmus World Program”, similar to the US “Fulbright Program”, to attract foreign students to universities in the EU. The program is expected to support 4,200 foreign students and 1,000 visiting scholars. EU countries spend 1.1 percent of GDP on higher education, compared to 2.3 percent in the US. English-speaking countries hosted a million foreign students in 2003, and are expected to host 2.6 million by 2020. Germany and Sweden do not charge tuition for residents and foreigners enrolled in universities, and Sweden advertises this fact. Sweden had 13,000 foreign students among its 318,000 students in graduate or undergraduate studies in 2002, and says that their presence helps to prepare Swedish students for an increasingly international economic environment. Swedish institutions have increased the number of master's degree programs taught entirely in English from 60 in 1998 to 150 in 2002 ([www.studyin.sweden.se](http://www.studyin.sweden.se)). The number of foreign students in German universities rose from 37,000 in 1998/99 to 56,000 in 2002/03; the number studying engineering rose from 5,900 to 11,200 over this period. A German law enacted in 2002 forbids public universities from charging tuition. About 30,000 foreign students a year arrive to study in France, usually in Paris, and 195,000 were enrolled in the French higher education system in the academic year of 2001-02, including 159,000 among the 1.4 million university students. About half were from Africa; about 26,000 from the European Union; 15,500 from elsewhere in Europe; nearly 24,000 from Asia; and 11,000 from the Americas ([www.edufrance.fr](http://www.edufrance.fr)). Students pay 280 to 350 euros a year. The British government wants to raise fees for students at 122 universities in 2006; fees are currently £3,000 a year (\$5,300).

Labour migration is still new for Romania. Migration for labour has a temporary character (from few months to some years) and does not imply the permanent change of the residence. Migrants on temporary basis are those who are part of legal and/or contingent migration movement: high qualified labour force with competences in high domains of services, sciences and technologies; medium level of qualification: constructors, nurses, and in the hotel and restaurant industry; unqualified labour forces: for agricultural activities, construction, and sanitation.

There are some rural regions in Romania where only young children and seniors live: almost all the working-aged population left the villages and work abroad. Starting with 2002, the Romanians travel visa-free within Schengen zone. Most of them chose to settle in Spain and Italy, looking for better jobs, even into the black labour market. The size of the demographic loss caused by migration will depend on how fast, substantial and sustainable the general progress of the Romanian society will be in the coming years. If the



gap between the living standards in Romania and those in developed countries continues to be wide, the propensity for emigration will not decrease (Ghetau, 2004).

Spain's municipal registers (showing illegal as well legal migrants) reveal that by 2003 the dominant migrant group was no longer Moroccan but Ecuadorian, with high numbers of Colombians, Romanians, and Argentines. As to immigrants' place of origin, almost half of the total number of residents is from the European continent. A great growth has been noted in people from non European Union countries in Europe, mainly from Eastern Europe, namely Romania, Bulgaria and Russia (MIR, 2004). In Southern part of Spain, Romanian is widespread spoken by the large communities of Romanians: more and more workers are looking for better situations (the influx of Romanians to Spain started in the first term of 2002, when, for example, the Barcelona police authorities unofficially counted more than 500 coaches delivering Romanians, in search of the "Horn of Plenty"). Some years ago, the first strike in the history of Spain strawberry industry was provoked by some angry Romanians, who requested more rights, a better salary and some respect! The farmer preferred to close the strawberry plantation, in order not to fulfil the strikers' requests. According to the officials of the Romanian Government, in Spain are working about 400,000 citizens, half of them with regular situation.

More than half of 1.4 million Romanians working in Spain and Italy are undocumented migrants, according to the officials of the Office for Labour Force Migration (OMFM) and Ministry of Foreign Affairs (MAE) from Romanian Government. Italy and Spain have regularised the migrants in the last periods. According to the MAE officials, there are between 240,000 and 300.000 Romanian workers in Italy, but the real figures should be around 1 million. Italy's migrant legalization program of 2003 had a surprising 705,000 applicants (the second-largest legalization ever in the world), of which 20 per cent were Romanians. Romanians are everywhere. Concerning of a study presented by Caritas – Migrantes (Italy, November 2004), after the last regularisation in Italy, Romanians are the first minority between immigrants; more than 240,000 Romanians have residence papers (Jurnalul National, 2004). Unofficial data show that more than more than 800,000 Romanians are widespread over the Italian territory, both legally and illegally. In the same time, another figures delivered by the Italian authorities speak about 1.5 up to 2.5 millions of Romanians (250,000 of them being documented immigrants) (Evenimentul Zilei, 2004). Most of the Romanian emigrants target Italy for working, both legally and illegally, due to the permissive legislation, closes cultural relationship between the two countries, and for the facile language (Romanian is very close to Italian). Now, it's quite easy to hear someone speaking Romanian in major cities of Italy, for example. There are even shops, pubs and discos run by Romanians, places where the progeny of ancient Romans meet and share experiences about living in a second homeland. Migration flows are male dominated, composed of average educate people, young persons, skilled workers from the big cities, but also from the rural area. But the specific of "Romanian labour market" in Italy is the high share of women (almost 50%) and couples within the number of Romanian workers, due to the fact that, besides the family reintegration, there is a large demand on the informal market of domestic jobs (Constantin et al (2004), page 51; Sufaru (2004), page 76).

The recent studies show that Romanians which live in Ireland (around 20,000, according to unofficial data), who had immigrated in the five to seven past years, following the economic development of this country, form the second immigrant minority after the

Nigerians<sup>22</sup>. Most of the Romanians work in construction industry and only a few works in IT industry.

Money sent back by migrants to their countries of origin is an increasingly important source of outside funding for many developing countries. The emigrants send money back to Romania, where their families live. Romanians from Italy had sent back home some 45 million Euros by 2003, according to the official statistics<sup>23</sup>. Remittances are a major source of foreign currency input for the economy. Remittance flows are the second-largest source, behind foreign investment by private companies, of external funding for developing countries. In 2001, remittance receipts of developing countries stood at \$72.3bn (BBC, 2004). “Poor countries can’t earn decent revenues by exporting coffee and cocoa, so they export people instead”, said Ann Pettifor, New Economics Foundation, as quoted by BBC News (Scott-Joynt, 2004). Overall, workers remittances in the some countries presented in an OECD study totalled some 41 US billion in 1998, which is close to the net level of official foreign aid from OECD countries (Capel, Dumont and Visco, 2001). ‘An increasingly important slice of the money heading for the developing world does not come from boardrooms and stock exchanges, let alone from government departments. Instead it is coming from the cleaner who vacuum your office late in the evening, the undocumented worker who picks the fruit you eat, or clean the dishes at the restaurant you dined last night. More and more often, sesizable slice of whatever they earn will be heading through official means or otherwise back to their home country – sometimes to put food on their families’ tables and sometimes to underwrite investments in housing or a small business’ (Scott-Joynt, 2004).

The money sent back every year by the Romanians exceeds twice or more the total foreign direct investments (FDI) in Romania. The official figures show that about 1.2 billion entered the country from migrant workers in 2002. A representative survey carried out in April 2003 evidences that the workers abroad might had sent a constant flow of remittance up to 2.0 billion a year, almost double the volume of foreign direct investments in all Romania. The huge amount of money transactions led the Western Union local branches to introduce a new offer for Romania: the money sent could be delivered in Euros, upon demand. Such Romanians had no time to wait until the authorities concluded the negotiations and to obtain the agreement of European leaders to join the EU. Such Romanians are Europeans, they live in Europe, study in European universities, build families abroad, work there, even pay taxes – they are part of the European society.

The families back home built new houses and pay for everyday expenses. The money are spent on long-term goods (cars, houses) and consumption (food, clothes), but are less invested in business or in community. The transformation of rural communities involved in migration is noted: multilevel houses, balconies, even elevators; new brand cars on the streets, motorbikes for children (but in most of the situation they do not have running water for the modern toilets or, let say, other “urban facilities”).

The studies on the benefits and consequences of Romanian migration present the following benefits of international migration (Sufaru (2004), page 80):

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<sup>22</sup> *Romanii si nigerienii sunt cei mai numerosi imigranti (The Romanians and the Nigerians are the Most Numerous Immigrants)*, in *Ora Romaniei* (2004b), pages 37-37

<sup>23</sup> Idem

1. The decreasing of the pressure on the labour market, where the unemployment is close or not visible.
2. The circulation of labour could solve the unemployment problem for a short period. And the international labour market attracts the exceeding of labour market from the developing economies (Diminescu and Lazaroiu, 2002).
3. In-flows of financial capital, coming from the developed countries to the developing countries (the remittances from Romanian workers living abroad) are estimated around 3 – 5 % of GDP. The remittances cover both the upkeeps of the workers and fund the cost living of their families back home.
4. Romanian workers learn new practices, they import know-how and labour ethic. It is well known that Romanian are well evaluated abroad for their good (qualitative) results (but they are working bad back home, without respect for the job)
5. Creation of trans-national communities, creation of bridges of communication to the developed countries and to international institutions.

## **5. THE MAJOR INSTITUTIONS WHO DEAL WITH MIGRATION AND ASYLUM MANAGEMENT IN ROMANIA**

There are several governmental institutions and bodies who deal with migration of Romanians. The main governmental institutions involved in the migratory processes are the Ministry of Administration and Interior, the Ministry of Labour, Social Solidarity and Family, the Ministry of Foreign Affairs and the Ministry of Education and Research. The main migratory policies in Romania are implemented through many agencies and body within or independent of the ministries.

### **5.1. The Governmental Institutions**

#### **5.1.1. Ministry of Administration and Interior**

The Ministry of Administration and Interior (MAI) through its specialized structures ensures the upholding of the Romanian state border regime, the regime for foreign persons in Romania, manages the records of the foreign persons awarded the right of stay in Romania (the National System of Foreign Persons' Registration), implements Romania's policies intended for refugees, organizes and coordinates the issuance and the general registration of identity and travel documents. Within the Ministry of Administration and Interior, the institutions having attributes in the field of migration are: the Romanian Border Police, the Authority for Aliens, the Department for Passports and the National Office for Refugees. The main institution, with competences in securing the borders and fighting against the illegal international immigration targeting Romania as transit country, and on the other hand with controlling the border (the present and the future border of the European Union), is General Inspectorate of Border Police (Inspectoratul General al Politiei de Frontiera – IGPF), within the Ministry of Administration and Interior. Together with the Authority for Aliens (Autoritatea pentru Straini) and the National Refuges Office (Oficiul National pentru Refugiati – ONR), IGPF was one of the major institution that hardly activated to finalize the negotiation process on the 24 Chapter – Justice and Home Affairs (the last Chapter concluded just before the December 2004 European Council, who agreed on concluding the process and to invite for signing the Treaty on 25<sup>th</sup> of April 2005).

##### **5.1.1.1. Border Police. The New Romanian Border Police**

The negotiations on the 24<sup>th</sup> Chapter (Justice and Home Affairs) were concluded at the end of 2004. Romania is ready to be part of Schengen system from the first day of accession: there are not transition period accepted for JAI. The creation of an Area of Freedom, Security and Justice, through the implementation of EU acquis in Romanian legislation, leads the Romanian Government to reform the police and border guard system. In July

1999, the former immigration and border police and the former border guards were put together: the new border police controls passports at the border, guards the border, looks for immigrants, and has enlarged competences at the border. After its internal transformation, at the beginning of 2001, the new Romanian Border Police took the first important measures to strengthen the border control and to secure the border. The new Romanian Border Police was born, and in 2001 it got the new legislation on border regime and on border policing. There are no more conscripts at the border – all the officers are professionals. Before 2001, the most of the border guards were young conscripts executing the one year compulsory military service. They were obliged to learn to be professional guards in one year, and after that they were sent home. The main part of the Border Guards officers was busy with the training of the young guards. There had been the same problem each year. Starting with 2001, professional guards were enrolled in Border Police, and the service was specialised. And since 2002 all border police forces (like the whole police system in Romania) are demilitarised. The result of the institutional transformation: the rate of immigrants succeeding in crossing illegally the border decreased continuously (Simina (2002), page 14). Romanian authorities had taken some police measures before the EU member states to vote for travelling without visa inside Schengen area. After the announce of possibility to enter Schengen zone without a visa for tourism purpose, the Romanian Government adopted the Emergency Regulation no.144/2001, which establish the conditions and the formalities for crossing the border by Romanian citizens: life insurance for the whole journey, return ticket, proving the purpose of travel, showing the way to finance the journey, interdiction to work during the travel, not to be returned by European countries etc. Romanian citizens are only allowed to stay in Schengen zone countries for a maximum of 90 days upon entry, for which they are not required to have a visa. Ministry of Interior Order no.177/2001 establishes the minimum sum of money that must be proved to be in the travellers' pocket, in order to be allowed to cross the border. They must prove the way to finance the journey, showing at the border check point some 100 Euros for each day of travel (but at least 500), or 50 Euro if the destination country was Turkey or one of the non-EU member Romanian neighbour country. The Government Ordinance no.84 per 2004 modifies the regime of passport in Romanian and introduces the possibility to retain the passports and to suspend up to five years the right to use the passport by the Romanians who do not comply with the European standards, or are found as criminal offender abroad. In the same time, the Border Police has the right to interrupt the journey of the Romanians who do not fulfil all the conditions requested by the law in order to travel abroad: having in mind the month analysed in the case presented in Figure no.4 (July 2004), IGPF announced that more than 129,000 Romanians were not allowed to leave the country<sup>24</sup>. According to the evaluation of the IGPF's activities for 2004, IGPF stopped some 1,591,346 Romanians to leaving the country, for not fulfilling the conditions imposed by the law in charge<sup>25</sup>.

Securing the European Union's new eastern borders against a potential tide of illegal immigrants is a big worry for Brussels. Of all the new members, Hungary has the longest borders with (still) non-EU neighbours – some 1,100 kilometres shared with four countries (Ukraine, Romania, Serbia-Montenegro and Croatia). Accession countries won't assume full EU border responsibilities until they join the Schengen Accord that governs free movement in 13 countries of the so-called EU-15. This should not happen before 2007

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<sup>24</sup> Dimineata (2004), Ultima ora (2004)

<sup>25</sup> Cronica Romana (2004b), quoting the IGPF's Annual Press Release

(and it is not the case of Romania, who only aims to accede to “the Club” by then, trying to prove after that it deserves the full trust of all Member States for controlling of the borders and the free movement of persons in the region.)

Even the reform of the Border Police is not finish yet, the results speak for themselves: the flux of immigrants decreased, the Eastern border (with Moldova) was secured and the migration route was obliged to change, from India-Afghanistan/Iraq-Russia-Ukraine-Moldova-Hungary, via Romania, to India-Afghanistan/Iraq-Russia-Ukraine directly to Hungary or Slovak and Czech Republic, and/or to India-Afghanistan/Iraq-Turkey-Bulgaria-(Romania)-Serbia-Italy. Even the number of Romanians who tried to cross illegally the border decreased (MAI, 2004). The Romanian Border Police was helped in its efforts by some European partners, by running together European (twinning) programmes in order to improve the capacity of management of the borders, to better prepare the border police officers and to offer better conditions for work: new materials, new technologies, technical equipment, means of transport (auto, naval), etc. PHARE was the first European Union’s programme of technical and financial co-operation with Central and East European countries, initially launched in 1989. The programme is a pre-accession instrument aimed at supporting candidate states’ preparation with a view to EU accession. Romania could receive about 250 million Euros annually through the PHARE programme, being the second candidate state, after Poland, as to the amount of allocated funds<sup>26</sup>. The integrated solutions for border surveillance and security will enable Romania to meet the requirements of the new EU members in terms of state security and border surveillance, considering the Romanian authorities hope to join the EU in 2007.

### **5.1.1.2. National Refugees Office**

The National Refugees Office (ONR) is the central authority responsible with the implementation of Romania’s policies intended for refugees, as well as the provisions of new regulations regarding the status and regime of the refugees on the Romanian territory. It co-operates with the United Nations Commissioner for Human Rights and other NGO’s activating in the sector of refugees.

The refugees’ regime in Romania is regulated according to resolutions 90/627/CEE and 95/1110/CE, for this purpose having been adopted some series of normative acts that in time have been amended and updated. The Governmental Emergency Ordinance 102/2000 regarding the statute and regime of refugees in Romania is the main normative act that regulates the refugees’ domain. This stipulates the main forms of protection that can be granted by the Romanian state, the granting procedures of the refugees’ statute, the rights and obligations of the refugees and of the persons who have got a form of protection and the methods of ending, withdrawing or annulling a certain form of protection. Foreigners can be granted three forms of protection on the territory of Romania: the statute of refugee, conditioned humanitarian protection and temporary humanitarian protection. The recognized refugees have the right to receive financial help from the state for a period of nine months and those who are in a more difficult situation (old people, single mothers, families with many children) will also benefit of supplementary financial help. They are

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<sup>26</sup> Delegation of the European Commission in Romania, Press Release, Bucharest, 12 September, 2002; available at (15.09.2004): <http://www.infoeuropa.ro>

the beneficiaries of the same rights as Romanian citizens, including the right to work, but excluding the political rights and those related to the military service. The foreigners' children who have earned the refugee quality in Romania can attend the preschool and the compulsory educational system without paying tuition fees. The Government Ordinance 44/2004 regarding the social integration of the foreigners that acquired a protection form in Romania establishes the granting of rights and obligations in conditions equal to those applicable in the case of the Romanian citizens, to the foreign citizens who benefit of a form of protection in Romania. The main improvements brought to the existing legislation by GO 44/2004 are (ONR, 2004):

- The access to the labour market, accommodation, medical assistance, to the social insurance system, to all education forms and integration programmes;
- National Refugees Office is responsible with the coordination of the activity of integration of refugees in Romania.

The results of the ONR's activity for 2004 are shown as follows (Figure no.4 and Figure no.5). For more detailed information regarding the status of all the applications lodged to the ONR and of the decision taken by the authorities in charge, on the situation of the asylum seekers, please see the Appendixes no.1.a – 1.f and Appendix no.2, courteously offered by the ONR during the documentation.

**Figure no.4. The place of Enter Romania of persons applied for asylum status at ONR**

<b>MODALITIES OF ENTER</b>	<b>2002</b>	<b>2003</b>
LEGALY – SOUTH	284	432
ILLEGALY – SOUTH	373	135
LEGALY – EAST	8	2
ILLEGALY – EAST	255	196
LEGALY – WEST	0	1
ILLEGALY – WEST	24	24
According to Art.3 of GO no.102/2000	0	2
He/She Doesn't Know	56	93
<b>TOTAL</b>	<b>1000</b>	<b>885</b>

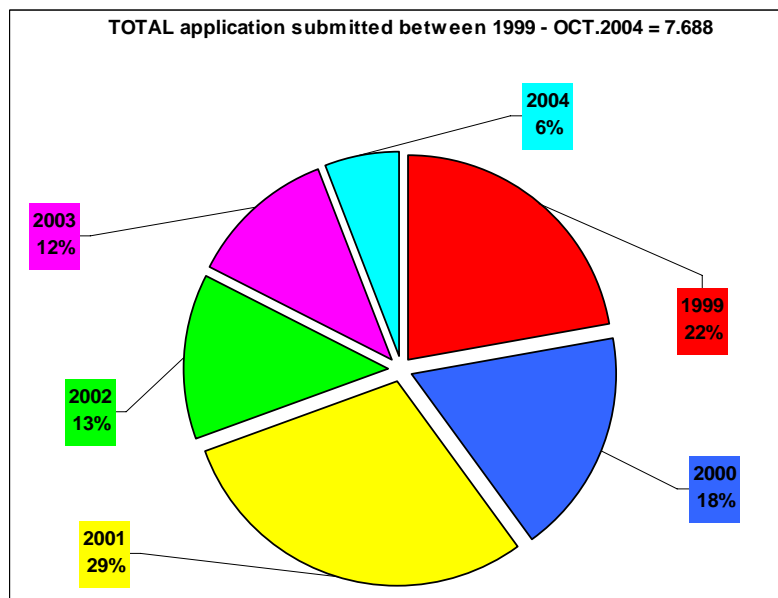
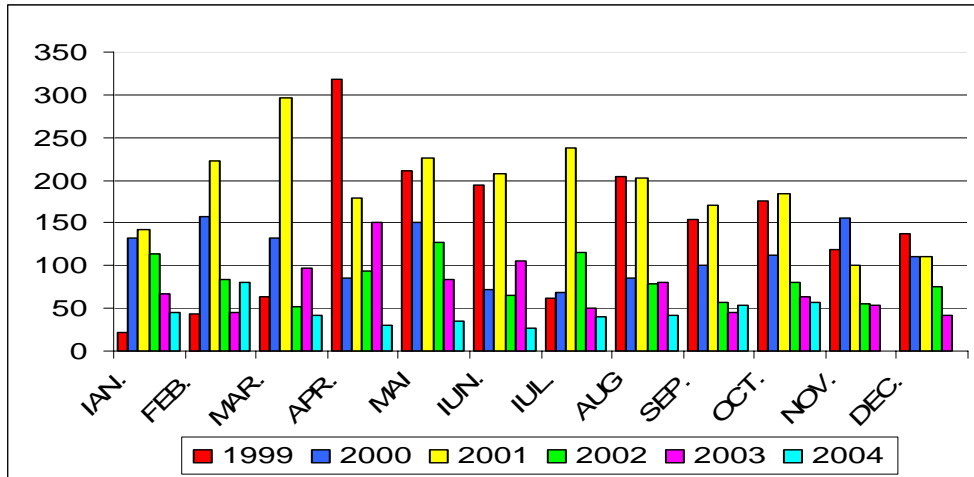
Source: National Refugees Office (ONR), Bucharest, 2004

**Figure no.5.a. Asylum application submitted between 1999 – 2004**

	<b>IAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAI</b>	<b>IUN</b>	<b>IUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>TOTAL</b>
<b>1999</b>	21	43	64	318	211	194	62	204	154	176	119	137	<b>1703</b>
<b>2000</b>	132	158	133	86	150	72	69	85	100	113	155	111	<b>1364</b>
<b>2001</b>	143	223	297	180	226	207	238	202	170	184	100	110	<b>2280</b>
<b>2002</b>	114	83	52	94	127	66	116	79	57	81	56	75	<b>1000</b>
<b>2003</b>	67	45	97	151	83	105	51	81	45	64	54	42	<b>885</b>
<b>2004</b>	46	81	42	30	36	27	41	42	54	57			<b>456</b>
<b>TOTAL</b>													<b>7688</b>

Source: National Refugees Office (ONR), Bucharest, 2004

Figure no.5.b. Asylum application between 1999 and 2004 (graphic representations)



Source: National Refugees Office (ONR), Romania, 2004

### 5.1.1.3. Authority for Aliens

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



#### **5.1.1.4. The Passports Directorate**

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

#### **5.1.2. Other Ministries, Bodies**

Within the Ministry of Ministry of Labour, Social Solidarity and Family, there are some bodies who deal with management of Romanian flows of legal migration to the European Union.

The Office for Labour Force Migration (OMFM) organizes actions of taking over the forms of the individuals who wish to work abroad. The actions are addressed to person who fulfils the conditions. The conditions are imposed by the foreign employers by the job offers sent to OMFM, as well as by the provisions of the Agreements concerning the labour force exchange, signed by Romania and other states. The registers of the persons who wish to be included in the data base of OMFM within the action, must contain the following documents provided by the would-be migrants: copy of the ID card (with a validity of min. 6 months); copy of the passport (with a validity of min. 6 months); criminal record in original - with no criminal history (valid for 3 months); authenticated copy of the acts of study and/ or qualification; authenticated copy of the labour card (all the written pages) or statement on one's own responsibility, authenticated by the notary public, from which it should result that the applicant does not own a labour card and a certificate which states that the person in question is experienced; medical certificate from the family doctor, which confirms that the applicant does not benefit of a pension of invalidity; curriculum vitae; personal record; 3 passport type photos. The handing in of the register is the first step in the process of recruitment and placing of the labour force abroad. The applicants who hands in forged documents, either by willingly erasing or adding certain data in the file, or by counterfeiting the entire text, while registering the personal record in the data base of the Office, in order to benefit of a labour contract abroad, will be immediately reported to the competent authorities for legal inquiry and sentencing of the committed deeds (OMFM, 2004). According to the official data for the year 2004, comparative with the previous years, more than 50,000 labour contracts were intermediated by OMFM for the countries which signed bilateral agreements for labour migration, until the end of October (the figures show 40,197 labour contracts intermediated by 2003, respectively 22,305 contracts by 2002). Since the creation of OMFM (2002), some 112,520 labour contracts were intermediate for Romanians requested to work abroad legally. The main countries of destinations were Germany (67,142 workers), Spain (44,949), Switzerland (235), Hungary (38) and Luxembourg (1 person). The foreign employers request workers for agriculture (71 percent of total, as per 2004), industry, construction (10 percent), gastronomy and tourism, and for the health system. The duration of the labour contracts differs from country to country (short time contracts, up to nine months) or one year contract with possibilities of prolongation. Concerning the area of origin of Romanians who temporary emigrated through OMFM, there were 28 percent from Central Romania, 17 percent from North-Eastern Romania, 13 percent from North-West, 16 percent from Western Romania, 12 percent from the South (Muntenia) and 5

percent from South-Western Romania (Oltenia). The emigrants were merely younger: 49 percent (as per total, 20% of 18-25 years group)<sup>27</sup>.

The Department for Working Abroad (Departamentul pentru Munca in Strainatate – DMS) is a new body of the labour ministry, so they are still under organisation and setting of the strategy for action. DMS aims to promote the measures to assure and protect the rights of Romanian workers abroad, and to prevent the abuse from the foreign employers. The Department offers support for solving the labour originated problems of Romanians abroad, and inform the emigrants on the risk of illegal labour and of lack of Social Security. DMS maintain the permanent link with the home country, as the emigrants should express their Constitutional right. By the documentation period (November 2004), DMS appointed *the diplomatic attaché for labour and social issues*, with mission in Spain, Italy, Germany and Hungary.

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<sup>27</sup> The figures concerning OMFM statistics courteously offered by the Office, during the documentation

## **6. THE ACQUISE COMMUNAUTAIRE REGARDING MIGRATION AND ASYLUM**

Romania is not only a country who makes effort to join the European family, by introducing the necessary legal provisions in the national legislation, but it is already part of one, whole Europe, ruled by law. To have a competitive economy and an equitable welfare system means to have good laws and to implement those laws. Regarding migration and asylum, we have now the European legislation as national legislation. The Appendix no.4 shows the concordance between EU legislation and Romanian legislation regarding the free movement of persons (chapter 2 of negotiation) and regarding cooperation in the justice and home affairs field (chapter 24 of negotiations), with consequences on the migration phenomenon.

In the past years, Romania implemented the European Acquis regarding to migration and asylum. Ministry of Administration and Interior is the main Governmental body who deals with the migration phenomena. There are some departments involved in this matter in closer co-operation: Border Police; Authority for Aliens; National Office for Refugees; Romanian (National) Police, and some other institutions. The new legislation regarding Justice and Home Affairs covers several fields linked as the followings: border law, border police law, border policeman status, aliens' law, rules governing the travel of Romanian citizens abroad, National Strategy concerning Migration, the integration of aliens granted with the protection status, refugee's law, Dublin Convention, citizenship law, Penal Code and more.

Romania is not only a country who makes effort to join the European family, by introducing the necessary legal provisions in the national legislation, but it is already part of one, whole Europe, ruled by law. To have a competitive economy and an equitable welfare system means to have good laws and to implement those laws. Regarding migration and asylum, we have now the European legislation as national legislation. In the Annex no.1 could be found the concordance between EU legislation and Romanian legislation regarding the free movement of persons (chapter 2 of negotiation) and regarding cooperation in the justice and home affairs field (chapter 24 of negotiations), with consequences on the migration phenomenon.

### **6.1. The European Legislation Implemented in Romanian Legislation**

The Romanian Constitution (republished in 2003) guaranties the right of free movement, each Romanian citizen benefiting by the right to emigrate and to return to the country. The main normative acts that regulate migration in Romania are the following:

- The Government Ordinance no.65/1997 regarding the passports' regime in Romania, approved by Law no.216/1998, completed and amended by the Government Decision

no.84/2003. These normative acts regulate the means of issuing and possessing passports in order to exercise the Romanian citizens' right to free circulation, as well as the measures for preventing illegal migration. At this time, the Government had passed through the Parliament a new law regarding the passports regime, entitled the law concerning the free movement abroad.

- Law regarding the aliens' regime in Romania (Government Emergency Ordinance no.194/2002 regarding the foreigners' regime in Romania, approved with amendments by Law no.357/2003) is a basic law that regulates circulation of foreign persons in Romania. This law regulates the entering, the stay and the leaving of foreigners from Romania. It was amended this year. According to this law, the entering of foreigners on the territory of Romania is permitted once certain conditions are met and on the basis of a visa. The entrance on the Romanian territory can be permitted to the foreigners that meet the following conditions: - they possess a valid document for crossing the state border, which is accepted by the Romanian state; - they own a Romanian visa or a valid stay permit; - they show documents that justify the purpose and the conditions of their stay and prove the existence of some; adequate means of living during the period of stay, as well as means for returning in the country of origin; - foreigners in transit must show warranties that their entrance on the territory of the destination country will be; allowed or that they will leave the Romanian territory; - they are not included in the category of the citizens against whom a ban to enter Romania was established or who were declared undesirable; - they are not a threat to the national defence and security, order, health or public ethics. Regarding the stay of foreigners who temporarily and legally are in Romania, they can stay on the territory of the Romanian state until the residence right established by visa or residence permit expire, and those for whom visas are no longer necessary (EU citizens, USA, Japan, etc) can stay 90 days within six months starting with the day of the first entrance.

- The Emergency Ordinance regarding the statute and the regime of refugees in Romania (Government Emergency Ordinance no.102/2000). The refugees' regime in Romania is regulated according to resolutions 90/627/CEE and 95/1110/CE, for this purpose having been adopted some series of normative acts that in time have been amended and updated. GEO 102/2000 stipulates the main forms of protection that can be granted by the Romanian state, the granting procedures of the refugees' statute, the rights and obligations of the refugees and of the persons who have got a form of protection and the methods of ending, withdrawing or annulling a certain form of protection: the statute of refugee, conditioned humanitarian protection and temporary humanitarian protection. Measures of expulsion or forced return from the frontier or from the territory of Romania can not be taken against asylum applicants, as long as an enforceable decision of rejecting their application or the granting of the refugee statute has not been stated.

The recognized refugees are the beneficiaries of the same rights as Romanian citizens, including the right to work, but excluding the political rights and those related to the military service. They have the right to receive financial help from the state for a period of nine months and those who are in a difficult situation (old people, single mothers, families with many children) will also benefit of supplementary financial help. The children can attend the compulsory educational system without paying tuition fees.

- Government Ordinance no.44/2004 regarding the social integration of the foreigners that acquired a protection form in Romania establishes the granting of rights and obligations in conditions equal to those applicable in the case of the Romanian citizens, to the foreign

citizens who benefit of a form of protection in Romania. The main improvements brought by the new ordinance are: - the access to the labour market, accommodation, medical assistance, to the social insurance system, to all education forms and integration programmes. The ordinance promotes the active role of local public administrations in facilitating the refugees' integration. National Office for Refugees is the national institution responsible with the coordination activity. Other agencies involved are: the Ministry of Education and Research, the National Agency for Labour Force Occupation, the National Authority for Child Protection, the National House of Health Insurance and the nongovernmental organizations involved in the foreigners' integration programmes.

- The traffic in human beings is an infringement of the persons' rights and it damages their dignity and integrity. The Law no.678/2001 on combating the trafficking in human beings regulates the prevention and the fighting against the traffic in human beings as well as the protection and the assistance granted to the victims of such traffic. The recruitment, the transport, the transfer, the accommodation or the receiving of a person by threat, violence, or by other forms of constraint, by kidnapping, fraud or hoax, authority abuse or by taking advantage of those persons' impossibility to defend themselves or to express their will, or by offering, giving, accepting or receiving money or other advantages for obtaining the consent of a person who has authority over another person, for the purpose of exploiting them, are labelled as crime of traffic in human beings.

- The Government Decision no.616/2004 approved the Romanian National Strategy on Migration. According to this decision, the Ministry of Administration and Interior ensures the co-ordination of all activities related to the implementation of the Romanian National Migration Strategy. The Romanian National Strategy on Migration has as main purpose the elaboration of unitary policies in the fields of migration, asylum and social integration of aliens, which shall ensure: harmonizing the internal legal framework in accordance with international law and the European Union Acquis; developing and modernizing the institutional framework, necessary for the implementation of the policies in the field; adopting a modern management in the field of human, material, financial resources and unitary co-ordination of the institutions with competence in the field, in order to eliminate situations of parallel competences and ensure efficient use of resources. The Romanian National Strategy on Migration does not include policies in the area of emigration of Romanian citizens. The Romanian National Migration Strategy expresses the overall principles and policy guidelines for the establishment of the Romanian state policy regarding the admission, stay, leave of the territory by aliens, labour force immigration, granting of forms of international protection as well as combating illegal immigration.

The policy on regular immigration has the following objectives: - promoting legal admission and stay of aliens on the Romanian territory, by appropriate implementation of legal provisions aligned to European Union and international standards, without affecting the right to free movement of persons; - attracting foreign investors capable to contribute to Romania's economic development, through creating new jobs and introducing modern technologies; - developing programmes regarding the access of certain categories of foreign professionals on the labour market, depending on the needs of the market, in accordance with the European Union standards, as well as with those provided for in the treaties, conventions and agreements to which Romania is a party; - promoting the interests and the image of the Romanian education system, by attracting certain groups of foreign students; - creating efficient procedures for the purpose of family reunification, in

accordance with European standards and the provisions of international legal instruments in the field.

Romania adopts an active and flexible policy in the area of controlled immigration, adapted to the national, regional and international conditions, including by closely monitoring the admission and stay of aliens. A special status is granted to citizens of the European Union Member States and of the European Economical Area. For aliens coming from countries with a high migratory potential are elaborated specific procedures, which includes conclusion of international agreements and conventions. With a view upon a durable economic development, in accordance with Romania's national interest, the policy in the field of controlled immigration also pursues the attraction and access of foreign investors. Consequently, the policy with the purpose of carrying out commercial activities is addressed with priority to investors with a high economic potential and implemented by the competent governmental institutions in co-operation with organisations relevant in the field. The policy on admission for working purposes offers the possibility of access of aliens on the Romanian labour market, taking into consideration both the need to protect the internal labour market as well as Romania's economic interests, i.e. using a utilitarian approach. Depending on the demands of the market, special programmes are developed periodically, aiming to facilitate the access of certain categories of foreign professionals for specific periods. The participation of aliens on the labour is supported by a set of appropriate social protection measures, in accordance with the Romanian legislation aligned to the standards of the European Union, as well as those provided for in the treaties, conventions and agreements to which Romania is a party.

The Romanian education system promotes Romania's interests and image abroad by attracting foreign students able to cover the education costs or by granting scholarships in the fields of interests, both for foreign students and those of Romanian origin. The policy regarding regular immigration also includes the field of family reunification, ensuring the right of aliens to enter and remain on the Romanian territory for this purpose and, in the same time, establishes the necessary legal instruments to prevent immigration disguised in the form of marriage of convenience.

The policy on preventing and combating illegal immigration has the main objectives : - promoting solutions, that are sustainable for preventing large scale immigration of persons from disadvantaged regions of the world - areas affected by internal and international conflicts, humanitarian crisis etc. - towards the European continent; - improving the existing legal and institutional framework as well as inter-institutional co-operation mechanisms in order to increase the efficiency of control activities aiming to prevent and combat the illegal stay of aliens; - monitoring the illegal migratory flows affecting the Romanian territory by intensifying the efforts of the competent authorities, in order to identify and remove the aliens with illegal stay from the Romanian territory; - unitary co-ordination of the institutions with attributions in the field in order to prevent and limit illegal immigration, including by increasing the security of the state border.

Specific measures are taken in order to intensify the efforts of the competent authorities to monitor illegal migratory movements affecting the Romanian territory. The policy in the field of preventing illegal immigration includes taking firm measures to improve the capacity of all relevant authorities to reduce informal economy, characterized by illegal activities, employment by breaching the law, the possibility of obtaining health and education services through illegal means and the possibility of using false and forged

documents. Taking into account the technical progress in the field of improving the security of identification and travel documents, Romania permanently aims at ensuring a level compatible with the European standards, inclusively by introducing bio-metric features in the travel documents issued to aliens.

Special attention shall be given to find adequate solutions to the situation of aliens, who, after an earlier stay in Romania, are returned from other European countries. In order to discourage illegal immigration, both with regard to individual cases and through organized crime networks, the policy in the field aims at the development of information channels for the potential migrants, on the legal conditions of admission and stay in Romania and on the risks they expose themselves to by choosing illegal immigration channels.

For the purpose of combating illegal immigration and facilitating the readmission of persons with illegal status and in order to ensure a better application of the legal provisions regarding the movement of persons, respect of human rights and of the guarantees provided for by national and international legislations, Romania supports the need to conclude bilateral agreements on the readmission of own and third country nationals. Romania has concluded readmission agreements with all the Member States of the European Union, with neighbouring countries, as well as with other countries, establishing simplified procedures for the readmission of own and third country nationals, thus substantially contributing to preventing and diminishing illegal migration to and from Romania.

Based on the recorded results and taking into account the fact that readmission agreements represent an important tool to increase the efficiency of combating illegal migration, Romania develops this system of agreements, focusing especially on the countries with high migratory potential and transit countries. Apart from solving practical issues regarding the combat of illegal migration through concluding readmission agreements, Romania develops good co-operation relations at regional, European and international level.

## **7. CONCLUSION (as drawn by the international experts)**

A “frontier-free” Europe cannot be attained by mere ‘deregulation’, but presupposes a network of other controls. Typically, of course, frontiers controls simply moves to another place, perhaps in the form of more regular and random internal checks of forms of identity, or requirements to register a domicile (Shaw (2000), pag.380). Fears and scepticism in the West and hopefulness and optimism in the East are some of the factors which have prompted research done on the potential outcomes of liberalised migration. Two of the most relevant indicators for determining the quantity of migrants are implementation of the Schengen Acquis and economic support for higher growth. The new EU legislation would inevitably cause conflicts with previous bilateral agreements between accession and non-accession countries. Moreover, the differences between GDPs of old and of new EU member states establish a strong argument in favour of migration. A report by the WTO secretariat said temporary labour liberalisation could generate annual gains of 150 billion to 200 billion dollars. 'Gains are estimated to accrue to both developed and developing countries, and would come mainly from the movement of low-skilled workers rather than high skilled workers,' it added (WTO's 2004 World Trade Report, as quoted in AFP (2004)).

The increased labour migration has economic effects. Labour movements were now ungovernable because of the interdependence of markets and economies. What was needed was an open labour movement. National policies were still designed for an autonomous, closed system. Countries were no longer self-sufficient in capital, trade and labour and while this had never fully been the case, the level of interdependence reached required countries to address migratory flows with greater urgency.

Migrant remittances are a vital factor in development. The sums transferred to developing countries are large – and they are growing fast. And in developed countries, migrant labour is increasingly important, particularly in view of current demographic trends (UN, 2003).

The migratory flows Europe would largely be transitory and circulatory. Immigration implied settlement, but as people became more aware of the potential for short-term labour migration, they would no longer aim at full settlement. Compensation for demographic factors, reduction in life-long work time through extended education and greater overall wealth, leading to an early withdrawal from the workforce through retirement could increasingly come from migratory flows. Many people were retiring earlier, but living longer lives. Nurses and care staff from third countries, which had, to some extent been purposely recruited outside the EU, were currently providing care for many of Europe’s elderly and sick. This sporadic recruitment of workers, despite the high percentage of unemployment in most European countries, was emblematic of current trends in the underutilisation of the labour force. While Member States were building their policies around recruiting the ‘best and brightest’ from third countries, what was really necessary to ease the apparent gap were low- to mid-skilled workers. The European public would have to learn to understand the co-dependence of low-skilled and high-skilled labour (Nigel Harris, Professor of Developmental Economics – University College London, as quoted by the un-official record of the proceedings of “The Economic and Social Implications of Migration” panel discussion, The European Policy Centre and the King Baudouin Foundation, Brussels, 17 June, 2003)



Europe should not become a continent of reinforced borders and police persecution of immigrants. “We have to be a Europe of integration. We must ask ourselves: does Europe have to be a fortress? Yes, it does. It has to be a fortress of values”, argues Anna Diamantopoulou, European Commissioner for Employment and Social Affairs, as quoted by the un-official record of the proceedings, “The Economic and Social Implications of Migration” panel discussion, The European Policy Centre and the King Baudouin Foundation, Brussels, June 17, 2003.

The ability of the Union to succeed in managing substantially larger migratory inflows in the future will influence its overall capacity to master economic transformation and social change.

‘All countries have the right to decide whether to admit voluntary migrants (as opposed to bona fide refugees, who have a right under international law). But Europeans would be unwise to close their doors. That would not only harm their long-term economic and social prospects. It would also drive more and more people to try and come in through the back door – by asking for political asylum (thus overloading a system designed to protect refugees who have fled in fear persecution), or by seeking the help of smugglers, often risking death or injury in clandestine acts of desperation on boats, trucks, trains and planes. Illegal immigration is a real problem, and States need to cooperate in their efforts to stop it – especially in cracking down on smugglers and traffickers whose organized crime networks exploit the vulnerability and subvert the rule of law. But combating illegal immigration should be part of a much broader strategy. Countries should provide real channels for legal immigration, and seek to harness its benefits, while safeguarding the basic human rights of migrants’ (Annan, 2004).

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# APPENDICES

Appendix no.1.a

Source: National Refugees Office (ONR), Romania, 2004

MINISTERUL ADMINISTRATIEI SI INTERNELOR													OFICIUL NATIONAL PENTRU REFUGIATI			Anexa nr.1		
Cererile de azil <b>DEPUSE</b>													Asylum applications <b>SUBMITTED</b>			01.01-31.10.2004		
Tara	Ian.	Feb	Mart.	Apr.	Mai	Iun.	Iulie	August	Sept	Oct.	Nov.	Dec.	Tot.an	*	Total			
Country	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.yr	*	Total			
Afghanistan	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1			
Albania	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1			
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Angola	0	0	0	0	0	0	0	1	0	0	0	0	1	0	1			
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Bangladesh	0	1	2	0	0	0	3	3	3	5	0	0	17	4	21			
Bosnia	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1			
Bolivia	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1			
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Burkina Faso	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1			
Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Cameroon	0	0	1	1	2	0	0	0	2	1	0	0	7	0	7			
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1			
China	12	11	17	5	0	7	4	11	8	5	0	0	80	6	86			
Congo	0	2	1	1	0	1	1	1	0	1	0	0	8	0	8			
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Cote d'Ivoire	0	0	0	0	0	0	0	0	0	4	0	0	4	0	4			
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Djibouti	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1			
Egypt	0	0	0	0	0	0	0	0	1	0	0	0	1	1	2			
Eritrea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Ethiopia	0	1	0	0	0	0	2	0	0	0	0	0	3	0	3			
Georgia	0	0	0	0	3	0	0	5	0	4	0	0	12	1	13			
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
India	8	32	5	3	1	0	0	0	7	9	0	0	65	0	65			
Iran	1	2	2	1	3	2	2	4	0	1	0	0	18	11	29			
Iraq	7	16	4	6	12	2	7	1	3	3	0	0	61	44	105			
Israel	0	0	0	0	0	0	1	0	0	0	0	0	1	1	2			
Italy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Jordan	1	1	0	0	0	1	1	0	1	0	0	0	5	1	6			
Kazakhstan	0	0	0	0	0	1	0	0	0	0	0	0	1	0	1			
Kenya	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Kuwait	0	0	0	0	1	0	0	0	0	0	0	0	1	1	2			
Lebanon	1	0	1	0	0	0	0	0	0	0	0	0	2	4	6			
Liberia	0	0	0	0	0	0	0	0	0	1	0	0	1	0	1			
Libya	0	0	0	0	0	0	1	0	1	0	0	0	2	1	3			
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Morocco	0	0	0	0	1	0	0	0	0	0	0	0	1	1	2			
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Nigeria	1	0	0	0	0	0	0	0	1	0	0	0	2	0	2			
Pakistan	2	6	0	2	0	3	0	0	4	0	0	0	17	6	23			
Palestine	0	0	0	2	1	0	0	1	2	0	0	0	6	6	12			
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
R. Moldova	0	0	1	0	1	0	3	1	0	4	0	0	10	0	10			
Russia	0	0	1	0	0	2	3	2	0	0	0	0	8	0	8			



Rwanda	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1
Senegal	0	1	0	1	0	0	0	0	0	0	0	0	2	0	2
Sierra Leone	0	0	0	0	0	0	0	2	0	0	0	0	2	0	2
Syria	7	5	1	0	0	2	0	0	2	1	0	0	18	8	26
Somalia	4	0	1	4	0	0	3	0	8	11	0	0	31	3	34
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Stateless	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Sudan	0	0	1	0	0	0	1	1	1	1	0	0	5	0	5
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	2	0	0	0	0	0	2	0	2
Turkey	1	1	3	4	5	3	7	7	3	6	0	0	40	3	43
Ukraine	0	1	0	0	0	1	0	0	0	0	0	0	2	0	2
Uzbekistan	0	0	0	0	0	0	0	2	0	0	0	0	2	0	2
Vietnam	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	1	0	1	0	0	0	0	0	4	0	0	0	6	0	6
Zaire (R. D. Congo)	0	1	0	0	2	2	0	0	0	0	0	0	5	0	5
Zimbabwe	0	0	0	0	0	0	0	0	2	0	0	0	2	0	2
<b>TOTAL</b>	<b>46</b>	<b>81</b>	<b>42</b>	<b>30</b>	<b>36</b>	<b>27</b>	<b>41</b>	<b>42</b>	<b>54</b>	<b>57</b>	<b>0</b>	<b>0</b>	<b>456</b>	<b>109</b>	<b>565</b>

\* Total cereri multiple, Total of multiple applications

Appendix no.1.c

Source: National Refugees Office (ONR), Romania, 2004

MINISTERUL ADMINISTRATIEI SI INTERNELOR		OFICUL NATIONAL PENTRU REFUGIATI											Anexa nr.3	
Cereri de azil <b>RESPINSE</b>		<b>REJECTED</b> asylum applications											01.01-31.10.2004	
Tara	Ian.	Feb	Mart.	Apr.	Mai	Iun.	Iulie	August	Sept	Oct.	Nov.	Dec.	Total	
Country	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.	
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0	
Albania	0	0	0	0	0	1	0	0	0	0	0	0	1	
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0	
Angola	0	0	0	0	0	0	0	0	2	0	0	0	2	
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bangladesh	0	0	0	0	0	0	2	4	0	5	0	0	11	
Bosnia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bolivia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burkina Faso	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cameroon	0	0	0	0	1	0	2	0	0	1	0	0	4	
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	
China	9	15	14	4	5	3	10	8	7	6	0	0	81	
Congo	0	1	0	0	1	0	1	0	0	0	0	0	3	
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cote d'Ivoire	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0	
Djibouti	0	0	0	0	0	0	0	0	0	0	0	0	0	
Egypt	0	0	0	0	0	0	0	0	0	0	0	0	0	
Eritrea	0	0	0	0	0	0	0	2	0	0	0	0	2	
Ethiopia	0	0	2	4	0	0	0	0	0	0	0	0	6	
Georgia	0	0	0	0	0	2	0	0	5	0	0	0	7	

Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0
Guinea	1	0	1	0	0	0	0	0	0	0	0	0	2
India	5	12	29	1	2	0	0	0	7	1	0	0	57
Iran	1	3	0	2	1	1	1	3	2	0	0	0	14
Iraq	3	7	7	1	1	12	0	3	0	3	0	0	37
Israel	0	0	0	0	0	0	0	0	0	0	0	0	0
Italy	0	0	0	0	0	0	0	0	0	0	0	0	0
Jordan	0	1	1	0	0	1	0	1	0	1	0	0	5
Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	0	0	0	0	0
Kuwait	0	0	0	0	0	0	0	0	0	0	0	0	0
Lebanon	0	1	0	1	0	0	0	0	1	0	0	0	3
Liberia	1	0	0	0	0	0	0	0	0	0	0	0	1
Libya	0	0	0	0	0	0	0	1	0	0	0	0	1
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0
Morocco	0	0	0	0	0	1	0	0	0	0	0	0	1
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0
Nigeria	0	1	0	0	0	0	0	0	2	0	0	0	3
Pakistan	1	2	6	0	0	2	1	0	0	3	0	0	15
Palestine	0	0	0	0	2	0	0	1	0	1	0	0	4
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0
R. Moldova	0	0	0	1	0	0	0	3	1	0	0	0	5
Russia	0	0	0	0	0	1	0	1	1	0	0	0	3
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0
Senegal	0	0	1	0	0	0	0	0	0	0	0	0	1
Sierra Leone	1	0	0	0	0	0	0	0	0	0	0	0	1
Syria	0	6	1	1	0	1	0	0	4	1	0	0	14
Somalia	1	0	0	0	0	0	3	0	0	0	0	0	4
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	1	0	0	0	1
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	3	0	0	0	0	0	0	1	0	1	0	0	5
South Africa	1	0	0	0	0	0	0	0	0	0	0	0	1
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	1	1	3	0	2	1	3	4	7	4	0	0	26
Ukraine	0	0	0	0	0	1	0	0	0	0	0	0	1
Uzbekistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Vietnam	1	0	0	0	0	0	0	0	0	0	0	0	1
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	1	0	0	0	0	0	0	0	0	0	0	0	1
Zaire (R. D. Congo)	0	0	0	0	0	2	2	0	1	0	0	0	5
Zimbabwe	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>30</b>	<b>50</b>	<b>65</b>	<b>15</b>	<b>15</b>	<b>29</b>	<b>25</b>	<b>32</b>	<b>41</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>329</b>

Source: National Refugees Office (ONR), Romania, 2004

<b>ROMANIA</b>		MINISTERUL ADMINISTRATIEI SI INTERNELOR						OFICIUL NATIONAL PENTRU REFUGIATI						
Cereri de azil <b>RETRASE</b>		<b>WITHDRAWN</b> applications						01.01-31.10.2004						<b>Anexa nr.4</b>
Tara	Ian.	Feb	Mart.	Apr.	Mai	Iun.	Iulie	August	Sept	Oct.	Nov.	Dec.	Total	
Country	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.	
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0	
Albania	0	0	0	0	0	0	0	0	0	0	0	0	0	
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0	
Angola	0	0	0	0	0	0	0	0	0	0	0	0	0	
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bangladesh	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bosnia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bolivia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burkina Faso	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cameroon	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	
China	1	7	1	1	4	1	2	1	2	1	0	0	21	
Congo	0	0	0	0	0	0	0	0	0	0	0	0	0	
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cote d'Ivoire	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0	
Djibouti	0	0	0	0	0	0	0	0	0	0	0	0	0	
Egypt	0	0	0	0	0	0	0	0	0	0	0	0	0	
Eritrea	0	0	0	0	0	0	0	0	0	0	0	0	0	
Ethiopia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Georgia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0	
Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0	
India	0	0	0	0	0	0	0	0	0	0	0	0	0	
Iran	2	0	0	0	0	0	0	0	0	0	0	0	2	
Iraq	4	2	2	2	2	0	0	1	0	0	0	0	13	
Israel	0	0	0	0	0	0	0	0	0	0	0	0	0	
Italy	0	0	0	0	0	0	0	0	0	0	0	0	0	
Jordan	0	0	0	0	0	0	0	0	0	1	0	0	1	
Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0	
Kenya	0	0	0	0	0	0	0	0	0	0	0	0	0	
Kuwait	0	0	0	0	0	0	0	0	0	0	0	0	0	
Lebanon	0	0	0	0	0	0	0	0	1	0	0	0	1	
Liberia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0	
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0	
Morocco	0	0	0	0	0	1	0	0	0	0	0	0	1	
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0	
Nigeria	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pakistan	0	0	0	0	0	0	0	0	0	0	0	0	0	
Palestine	0	0	0	0	0	0	0	0	0	0	0	0	0	
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0	
R. Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0	
Russia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0	
Senegal	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sierra Leone	0	0	0	0	0	0	0	0	0	0	0	0	0	

Syria	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	2	0	1	0	0	0	0	0	0	0	0	3
Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Uzbekistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vietnam	0	0	0	0	0	0	0	0	0	0	0	0	0	0
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	3	6	0	0	1	0	0	0	0	0	0	0	0	10
Zaire (R. D. Congo)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Zimbabwe	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>10</b>	<b>15</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>52</b>







Russia	0	0	0	0	0	0	0	0	0	0	0	0	0
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0
Senegal	0	0	0	0	0	0	0	0	0	0	0	0	0
Sierra Leone	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	3	1	0	1	2	0	1	0	0	0	0	0	8
Somalia	0	0	0	1	1	0	0	1	0	0	0	0	3
Sri Lanka	0	0	1	0	0	0	0	0	0	0	0	0	1
Stateless	0	0	0	0	0	0	0	0	0	0	0	0	0
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	0	0	2	1	0	0	0	0	0	0	3
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	1	1	0	1	0	0	0	0	3
Vietnam	0	0	0	0	0	0	0	0	0	0	0	0	0
Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	0	0	0	0	0	0	0	0	0	0	0	0	0
Zaire (R. D. Congo)	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>14</b>	<b>12</b>	<b>21</b>	<b>11</b>	<b>7</b>	<b>9</b>	<b>8</b>	<b>2</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>109</b>

\* Total cereri multiple, Total of multiple applications

Appendix no.1.f

Source: National Refugees Office (ONR), Romania, 2004

MINISTERUL ADMINISTRATIEI SI  
INTERNELOR

OFICIUL NATIONAL PENTRU REFUGIATI

Minori neinsotiti

Anexa nr.6

UNACOMPANIED MINORS

01.01-31.10.2004

Tara	Jan.	Feb	Mart.	Apr.	Mai	Iun.	Iulie	Aug	Sept	Oct.	Nov.	Dec.	Total
Country	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Albania	0	0	0	0	0	0	0	0	0	0	0	0	0
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0
Angola	0	0	0	0	0	0	0	0	0	0	0	0	0
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bangladesh	0	0	0	0	0	0	0	0	0	0	0	0	0
Bosnia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bolivia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0
Burkina Faso	0	0	0	0	0	0	0	0	0	0	0	0	0
Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0
Cameroon	0	0	0	0	0	0	0	0	0	0	0	0	0
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
China	0	0	0	0	0	0	0	0	0	0	0	0	0
Congo	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0
Djibouti	0	0	0	0	0	0	0	0	0	0	0	0	0
Egypt	0	0	0	0	0	0	0	0	0	0	0	0	0



Eritrea	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethiopia	0	0	0	0	0	0	0	0	0	0	0	0	0
Georgia	0	0	0	0	0	0	0	0	0	0	0	0	0
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0
Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0
India	0	0	0	0	0	0	0	0	0	0	0	0	0
Iran	0	0	0	0	0	0	0	0	0	0	0	0	0
Iraq	0	0	0	0	0	0	0	0	0	0	0	0	0
Italy	0	0	0	0	0	0	0	0	0	0	0	0	0
Israel	0	0	0	0	0	0	0	0	0	0	0	0	0
Jordan	0	0	0	0	0	0	0	0	0	0	0	0	0
Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	0	0	0	0	0
Kuwait	0	0	0	0	0	0	0	0	0	0	0	0	0
Lebanon	0	0	0	0	0	0	0	0	0	0	0	0	0
Liberia	0	0	0	0	0	0	0	0	0	0	0	0	0
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0
Morocco	0	0	0	0	0	0	0	0	0	0	0	0	0
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0
Nigeria	0	0	0	0	0	0	0	0	0	0	0	0	0
Pakistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Palestine	0	0	0	0	0	0	0	0	0	0	0	0	0
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0
R. Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0
Russia	0	0	0	0	0	0	0	0	0	0	0	0	0
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0
Senegal	0	0	0	0	0	0	0	0	0	0	0	0	0
Sierra Leone	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	3	0	0	0	0	0	0	0	0	0	0	0	3
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0	0	0	0	0
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0
Vietnam	0	0	0	0	0	0	0	0	0	0	0	0	0
Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	0	0	0	0	0	0	0	0	0	0	0	0	0
Zaire (R. D. Congo)	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

## **THE NATIONAL REFUGEES OFFICE PROGRAMMES**

- The 1996 Justice and Home Affairs – PHARE Horizontal Programme on the drafting of national action plans for asylum mainly focused on harmonisation of legislation and familiarisation with EU best practices. The project was implemented in co-operation with UNHCR, Germany and the Netherlands. The horizontal project was more or less at the same time implemented and completed as the 1998 Twinning Project.
- A second Justice and Home Affairs – PHARE Horizontal Programme covered the areas of visa, migration and border management. The fight against illegal immigration, smuggling and trafficking of human beings via the European Union's future external borders was supported through the *High Impact Operation (HIO)*.
- A programme supported by IOM aims at reintegration of female victims of human trafficking and of Romanians who have been returned is being implemented since June 2002. A memorandum between the Romanian Government and IOM governs the co-operation.
- *Odysseus* was a Title IV Community programme concerning training, information, study and exchange of activities in order to improve effective co-operation between Member State administrations in the area of asylum, external border crossings and immigration policy. Romania as a candidate country could also benefit from co-operation with EU Member States and International Organisations in the context of *Odysseus* projects. Two projects have been implemented, one with Germany and the Netherlands, and one with Sweden and Denmark. Both projects had also incorporated co-operation and support from UNHCR.

## **PHARE PROJECTS**

PHARE 2000  
STRENGTHENING BORDER MANAGEMENT AND ASYLUM  
RO 0006.16

### **TWINNING OBJECTIVES**

1. Continuing legal approximation with the *acquis communautaire* in the field of asylum and to implement the objectives of the National Action Plan 2000, agreed in the JHA PHARE Horizontal Programme on asylum;
2. Implementing in an efficient way the provisions of the new Law;
3. Strengthening and developing the institution required in the process of implementing legal provisions of the new refugee law, that are in accordance with the *acquis*;
4. Expanding the infrastructure with a view to developing compatibility with relevant EU-structures;
5. Improving the actual and future reception, accommodation and case processing centres;
6. Setting up a research and documentation centre concerning CoI and to prepare the future connection to CIREA EU system;

7. Establishing a coherent and efficient cooperation system between all institutions involved in the asylum procedure;
8. Drafting a Government Decision for integration of refugees and provide adequate assistance and support to asylum seekers and refugees, in cooperation with UNHCR and NGO's;
9. Improving the education and training system/scheme for in-house staff;
10. Exploring the possibilities for effectuating at the National Refugee Office the main principles of the process of demilitarization.

### **INVESTMENT COMPONENT**

1. Resources for the finalization of the second reception/accommodation centre in Bucharest (Vasile Stolnicul building) for asylum seekers and vulnerable refugees;
2. Resources for rehabilitation of one accommodation centre in the Eastern border (Galati);
3. Resources for rehabilitation of one accommodation centre in Western border (Timisoara);
4. Establishment of a Resource Centre in Bucharest within the National Refugees Office, including supply of appropriate equipment;
5. Supply for the PIU's

#### PHARE 2001

- The PHARE 2001 Twinning Project on *Migration Management* includes a component on integration of refugees and other categories of aliens. The project aims to present a future structural framework of all institutions dealing with migration issues. The project started 23 August 2002, end 2004

#### PHARE 2002

Project RO/02/IB/JH02

#### TWINNING OBJECTIVES

##### ▶ Component 1: National Legislation

- To further harmonise the Romanian legal framework on asylum with the acquire communautaire and EU standards.

##### ▶ Component 2: Dublin Convention

- To further enhance the capacity of the National Refugees Office's (NRO) in dealing with Safe Third Country-related procedures in view of future accession to the Dublin II Convention.

##### ▶ Component 3: Unaccompanied minors

- To further enhance ONR's capacity in dealing with unaccompanied minors.

##### ▶ Component 4: EURODAC

- To develop a Master Plan for the introduction of the EURODAC-system in Romania.

Source: National Refugees Office (ONR), 2004

**The concordance between EU legislation and Romanian legislation regarding the free movement of persons (chapter 2 of negotiation) and regarding cooperation in the justice and home affairs field (chapter 24 of negotiations), with consequences on the migration phenomenon**

March 2004<sup>28</sup> (excerpt)

<b>Chapter 2: Free movement of persons</b>	
EUROPEAN UNION	ROMANIA
<b>2.20.10 The right of residence</b>	
1. Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health	Governmental Emergency Ordinance (GEU) 94/2002 regarding the aliens regime in Romania  Law 227/2001
2. Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision services	
3. Council Directive 90/364/EEC of 28 June 1990 on the right of residence	
4. Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity	GEU 194/2002 Law 203/1999 regarding the work permits GEU 105/2001 regarding the state frontier GEU 6/1997 regarding the passports' regime in Romania
<b>Chapter 24: Cooperation in the justice and home affairs field</b>	
<b>24.01 Asylum</b>	
Convention determining the States responsible for examining applications for asylum lodged in one of the Member States of the European Communities – Dublin Convention	Law 357/2003 on the approval of GEO 194/2002 regarding aliens regime
Council Regulation (EC) no.2725/2000 on 11 December 2000 concerning the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of the Dublin Convention	Law 357/2003 Law 46/1991 on Romania's accession to the Convention on the status of refugees (Geneva, 28.07.1951) and to the Protocol on the regime of refugees Law 677/21.11.2001 on the individuals protection against processing personal data and free movement of these data
<b>24.02 External border</b>	
Council Decision 2000/751/EC of 0 November 2000 on declassifying certain parts of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 Council Regulation (EC) No 790/2001 of 24	GEO no. 105/2001 regarding the state border of Romania  Order no.S/505 of the Minister of Interior and Administration on approving the Border Policeman Manual

<sup>28</sup> Source: TAIEX, February 2004, quoted in Constantin et al (2004), Appendix no.2a. Only the principal regulations both from EU and from Romania were taken into consideration.

April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance	
<b>24.03 Visa</b>	
Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas	Governmental Decision (GD) 942/2002 on putting into circulation of the new visa stickers
Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement	Agreement with Turkey for the introduction of visa regime was initialised on 12.11.2003  Agreement between the Romanian Government and the Cabinet of Ministers of Ukraine, signed at Kiev on 19.12.2003
<b>24.04 Migration</b>	
24.04.01 Admission of the migration (different regulations)	Different governmental decisions regarding the form and the contents of the residence permits and of the travelling documents for foreigners (Ex: GD 1016/2003 regarding the establishment of the form and content of the stay permits and of the travelling documents that are issued for foreigners)
24.04.02 The fight against the illegal migration (different regulations)	Law 357/2003 + OU 194/2002 HG 1137/2003 regarding the approval of establishing certain accommodation centres for the foreigners who are in the custody of the Romanian state Law 374/2003 for the ratification of the Memorandum of Agreement between the Romanian Government and the International Organization for Migration regarding the cooperation in the assisted humanitarian voluntary repatriation
24.04.03 Migration – returns and re-admissions	
Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals	
<b>24.05 Organized crime, fraud and corruption</b>	
Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests	Law 161/2003 on certain measures to ensure the transparency in the exercises of public dignity and in the business environment to prevent and sanction corruption Law no. 756/2002 on the transfer of the convicted persons abroad Law no. 296/2001 on extradition Law 656/2002 regarding the prevention of money laundering Law 682/2002 regarding the witnesses' protection Law 39/2002 on combat organised crime Law 236/1998 regarding the ratification of the European Convention regarding the Mutual Help in criminality problems
Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Trans-national Organized Crime	Law 678/2001 on combating the trafficking in human beings
<b>24.08 Cooperation of the police</b>	
97/339/JHA: Joint Action of 26 May 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union with regard to cooperation on law and order and security	Agreement concluded with EUROPOL, signed on 25 November 2003 - the Romanian EUROPOL Office was already open during the Autumn of 2004

### A selection of poverty and social exclusion indicators (in %)

	Monetary indicators, 1999			Non-monetary indicators, 2001		
	At-risk-of-poverty rate		Persistent risk of poverty rate	Long-term unemployment rate <sup>4</sup>	Very long-term unemployment rate <sup>4</sup>	Proportion of people living in jobless households <sup>5</sup>
	After social transfers	Before social transfers (income including pensions)				
<b>EU15</b>	<b>15</b>	<b>24</b>	<b>9</b>	<b>3.1</b>	<b>2.0</b>	<b>12.2</b>
Belgium	13	25	8	3.2	2.2	16.5
Denmark	11	24	5	0.9	0.3	:
Germany	11	21	6	4.0*	2.6*	13.8
Greece	21	22	13	5.4	3.1	10.5
Spain	19	23	11	3.9	2.3	8.1
France	15	24	9	3.1	1.7	13.0
Ireland	18	30	12	1.3	0.8	10.0
Italy	18	21	11	5.8	4.3	11.9
Luxembourg	13	24	8	0.5*	0.2*	8.9
Netherlands	11	21	5	0.9	:	9.7
Austria	12	23	7	0.8	0.4	9.9
Portugal	21	27	14	1.5	0.8	5.0
Finland	11	21	5	2.4	1.3	:
Sweden	9	28	:	1.0	:	:
United Kingdom	19	30	11	1.3	0.7	14.2

: Data not available

\* 2000 data

1. Eurostat, Statistics in focus, Population and social conditions, No 8/2003 "Poverty and social exclusion in the EU after Laeken – part 1" and No 9/2003 "Poverty and social exclusion in the EU after Laeken – part 2".
2. Household's **total disposable income** is taken to be total net monetary income received by the household and its members, namely all income from work (employee wages and self-employment earnings), private income from investment and property, plus all social transfers received directly including old-age pensions, net of any taxes and social contributions paid. However, no account is taken of indirect social transfers, loan interest payments, transfers paid to other households, receipts in kind and imputed rent for owner-occupied accommodation. The income **per equivalent adult** is calculated by dividing the total household income by its size determined after applying the following weights: 1.0 to the first adult, 0.5 to other household members aged 14 or over and 0.3 to each child. The resulting figure is attributed to each member of the households, whether adult or children. The **median income per equivalent adult** separates the total population into two equal parts: 50% with an income above the median and 50% below.
3. **Social transfers excluding pensions:** unemployment benefits, invalidity payments, family allowances, etc...
4. **Long-term unemployment rate** is the total number of long-term unemployed (at least 12 months) as a percentage of the total active population aged 15-64. **Very long-term** refers to a period of at least 24 months of unemployment.
5. The proportion of people living in **jobless households** is calculated by dividing the number of persons aged 0-65 living in households where no one is working by the number of persons living in active age households (all households except those where everybody falls in one of the following categories: aged less than 18 years old, aged 18-24 in education and inactive, aged 65 and over and not working).

**SOURCE: EUROSTAT** (downloaded June 2003)

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