

# Migration Trends

in Selected Applicant Countries

## Volume IV – Romania

### More ‘Out’ than ‘In’ at the Crossroads between Europe and the Balkans



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European Commission Project:

***“Sharing Experience: Migration Trends in Selected Applicant Countries and Lessons Learned from the ‘New Countries of Immigration’ in the EU and Austria”***

**VOLUME IV – Romania**

**More ‘Out’ than ‘In’ at the Crossroads between Europe and the Balkans**

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## PREFACE

### Migration to the EU

Migration to the European Union continues to be a disputed issue throughout Europe. Starting in the 1960s it began with the recruitment of migrant workers by some Western European countries and through family reunification in the 1970s, the process then continued with most Western European countries successively becoming countries of immigration. This has not necessarily been an intended process, but has become a fact in the better-off countries of the EU.

New EU members in the north and in the south have seen their immigration figures rise after accession, partly as a result of related increased economic growth. Countries like Ireland, Portugal, Spain, Italy or Greece – all situated on the EU periphery, where emigration had previously prevailed – had to adapt quickly to the new situation in the course of the 1990s. In terms of policy, the process suffered from a lack of experience, so the management of the flows was often not ideal and local societies were taken by surprise to a certain degree.

The surge in immigration has mainly been fed by people seeking protection from the armed conflicts in the former Yugoslavia and by the fall of the iron curtain, which has allowed citizens of Central and Eastern European countries (CEECs) to move. They made use of this possibility in direction of the prospering EU. Policy developments, notably linked to freedom of movement and to irregular migration, have carefully been described and analysed in two previous publications jointly produced by IOM and ICMPD: *“Migration in Central and Eastern Europe. 1999 Review”* and *“New Challenges for Migration Policy in Central and Eastern Europe”*.

With the accession of 10 new member states to the EU in May 2004 (and two more in 2007), these countries are likely to follow the path of the previous EU accession countries and, in turn, become countries of immigration. With increased global mobility and a growing number of severe conflicts and wars, people seeking shelter from Africa and Asia have become a growing source of migrants in recent years. Their paths of migration are directed to the EU and often lead through the accession countries. In this process, in spite of fortified border protection and the “safe third countries” rule, which has become a standard in the states of the EU, accession countries are increasingly becoming target countries of migration. For their societies, this means a rapid change from countries almost without migration via strong emigration to more immigration in the future. This scenario requires preparation and careful planning. On the other hand and on the background of demographic trends, this may be a rather desirable change. According to projections of the EC, the population of all accession countries in Central and Eastern Europe has a tendency to decrease, a fact likely to pose significant problems to economy and society in the future. Compared to Western European countries, where the established migration chains will soften the population losses for a longer period, the future eastern border countries of the EU will increasingly face this problem no later than 2010.

In relation to this, one very important characteristic of globalisation, that is especially relevant when talking about migration, is that causes and effects can happen in completely different parts of the world. This simple fact is even more significant if one comes to think that the interdependency of migration to social economic or political

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factors is extremely high. The globalisation of economy and politics, the continuous merging of cultural factors and the shortening of distances by the availability of quick and cheap transportation, makes regular migration always hard to isolate as a regional phenomenon or to control by national means. We have come to understand that Migration has its own internal dynamics. These particular dynamics – sensitive of course to external factors – can be maybe best compared with what liberals would describe as a marketplace. A place, where reality is the clash product of a demand and an offer, and where intervention can only be done with observance to these mechanisms. Arbitrary intervention can and does usually lead to unwanted results.

Before we attempt to develop this concept, let us enumerate briefly three more assumptions that are relevant for these internal dynamics, when discussing the marketplace approach: 1. First of all, the quantitative (as opposed to qualitative) degree of migratory movements always depends on the extent to which restrictive actions have hindered the migration process previously. Recent history of the continent has illustrated significantly enough this statement and comparing 1980 and 1990 statistics gives you a clear picture. 2. Very much related to the above assumption, one could safely talk about fluctuating cycles in migration, with ascending lines, peaks and regressions. In Europe, most of the Candidate Countries have passed their peaks in producing migration in the mid-90s. 3. Migration, especially the one motivated economically, is more sensitive to pull than to push factors. This assumption is very much relevant in Europe today, and it radically contradicts whoever states that the European Union has little to offer to migrants. The fact is that there are jobs available in the Union today, particularly in certain areas of the labour market. Migrants will satisfy this demand within or outside a regulated framework. Further it might very well be that legislators and policy maker who want to intervene in a certain manner on this marketplace would only be able to succeed by working precisely at these pull-factors. The way some countries do it – maybe the most relevant are the US and Canada – proving that they have understood this reality by attracting qualified migrants from all over the world, becoming preferred destinations even for people who are not that dependent on push factors in their own countries. And the moment is not far when competition between European and non-European destinations for qualified migrants may have a much more decisive impact on trends than the aforementioned demographic changes. Having taken into account these assumptions and coming back to the migration marketplace, maybe the first corollary of this analogy is the fact that as long as migration happens – with no regard to the policy of the state – it is proof enough that migrants are actually needed. As long as the movements are driven by labour related issues, the interior dynamics of migration, as said earlier, will always take precedence, no matter if the destination state will restrict it or not. The difference is only in the degree of legality within which the economic activities of the migrants (usually labour) will happen. In Europe this is both true in the member states of the EU and will be progressively more and more true in the Candidate Countries as they approach accession.

As we shift towards the particular European dimension of the marketplace analogy, one would say that state intervention has to be always in agreement with the intrinsic state of the determinant factors at the moment of intervention, and should ideally be justified by an unusual imbalance of the migratory “market”. That means that when a state designs its policy on migration or other way to control migratory movements such

intervention has to be in line with current migration realities and deal with them from within. But let us develop this. It is far from our intention to say that because of such a marketplace approach the best way to go around migration is an absolute laissez-faire, and it is also far from our intention to say that the Candidate Countries or the European Union should open their borders to whatever waves of migrants might want to enter. Like on every marketplace in our complex times, intervention might not only be legitimate and necessary but it usually is to the overall benefit. The only care to be taken when designing state intervention is that it should be in tune with the dynamics of the phenomenon, observing migration also in the context of supply and demand. And in this sense, keeping always with the market concept, let us not un-wantingly increase illegal employment nor unnecessarily expand the market share for traffickers and smugglers. Because to forget that most markets, have a black-market, may hinder the overall result that we were aiming for in the first place. The new European common policy proposal on immigration seems to have incorporated such interventions particularly by refining its employment strategy, but also by reviewing the impact of an ageing population on security and pensions and by making training more responsive to the market needs. A communication on illegal immigration has also been released, and the Candidate Countries will have to align themselves to this common policy probably before accession.

However if one looks at the entire accession negotiations in the field of Migration, the two most striking common features in all these countries seem to be: 1. Sometimes technical negotiations for accession were underestimated in favour of the political negotiations and 2. Migration realities were too rarely regarded in perspective. First, on the technical question. Beyond the status of a formal condition for enlargement (as defined in 1993 at the European Council in Copenhagen), technical criteria are of the utmost importance for the union, but especially for the country in question. No doubt that political negotiations are important and more than that, commitment to democratic values backed up by political commitment to the enlargement process are crucial factors. But it would be a mistake to underestimate the role of technical capacity. On the long term, political-only driven efforts will prove to be counterproductive, while technical efforts, resulting in a better infrastructure tailored to cope with European challenges will prove its benefits in facing very close future situations. Higher flexibility in implementing European legislation, higher efficiency in providing security to individuals, higher response of the administrative structures to fast changes, managing migration and other challenges and not least a better understanding – at all government levels – of the way the different states in the European Union work for a common interest are just some few arguments for the technical side of negotiations for enlargement. But in the end we face political and technical interdependency anyway: Accession may be a priority political objective, but migration management should not be too far behind, not least because it is the one topic in today's Europe that the electorate does not seem to be ignoring. In what regards the second common feature, the lack of perspective in approaching migration, the most common illustration of it is a state that would not diligently try to cope with the *Acquis* in the area of migration for the apparent (and obvious) reason that there were not too many migration challenges in that particular state. In a time magnified frame, that statement is true. Most of the candidate countries are not (yet) particular destinations for migrants (especially economic migrants), and when such phenomenon occurs it is typically insignificant and anyway just a "pit-stop", a transit period in the migrant's route towards the final destination (with the exception of the Czech Republic, where the percentage of

foreigners has already reached 2%). But upon accession this state of fact will change radically: as part of the Union the candidate countries will find themselves becoming very attractive for migrants over night, and not by accident: the membership in the Union's political processes will make these countries safer, the flow of capital and the development of the economic markets will increase the demand for labour and finally, the social welfare system will probably become more friendly.

All these changes will drive migration flows towards these countries, and this is the perspective that legislators and administrations have to keep in mind when designing their migration policy and when aligning themselves to the Migration Acquis. Moreover, adopting the Acquis alone, by a simple legislative process will never be enough, without the building of administrative capacity to enforce the EU framework legislation and to react in symphony to the challenges of the Union the process will be far from effective. What we all have to understand is that membership in the Union brings along a lot of advantages, in terms of strengthening the economy, consolidating democratic processes and providing for safety and security. But these advantages come along with huge responsibilities, because the way one single state deals with certain challenges – such as migration – is not only relevant for that state alone but for the whole union. And if the capacity of that state to face such challenges is lacking then there are high chances that completed enlargement may turn into weighty political embarrassment when the same state finds itself in the impossibility to strive for the values of the Union in undeniably visible situations.

Migration in the Candidate Countries is on its way to change in quantitative and qualitative presence, and these changes – in the good practice of globalisation trends – are both causes and effects of so many and complex other processes, of which the enlargement of the European Union is certainly the most revolutionary. In this context migration policies have to be carefully designed to lead eventually to migrants' economic and cultural integration in an extended area of freedom security and justice. An area which must consistently strive to balance rights and responsibilities of migrants. A balance that can only function when legal transposition is matched with both administrative and enforcement capacity. It is therefore high time to prepare the process, which must go beyond legislation and technical co-operation. Alongside emigration and established temporary migration to the west, the societies in the accession states have to be prepared for a new challenge to their cohesion: foreigners in their cities, often right in their neighbourhood, maybe competing for their jobs. Let us avoid emergency management and rather, in a timely fashion, strive for long term orderly migration supported by functional integration measures in tune with the host societies.

### **Research Methodology**

What began as a classical multiple country case study, later developed in a comparative study with the aim of creating a certain typology distinguishing between those countries where there is immigration and those countries where there is emigration. What also emerged was the need to distinguish between countries where permanent emigration is prevailed upon by circulatory emigration. Additionally a great deal of attention needed to be paid to the phenomena of transit immigration, temporary immigration and permanent settlement immigration. Some countries used to regard their emigrants to the EU only as a source of remittances. In the 90s this pattern changed and now the same emigrants are looked at as the ones who can potentially build transnational

connectivity. The question of whether this trend is also spilling over to the accession countries was a further element which needed to be assessed. What also needed appropriate attention is the issue of nationality and naturalization. Where usually nationality has been closely related to ethnic background, the new realities may create revised views and policies on this matter. With more and more people wanting to be naturalized, it is clear that the relevant laws and policies, when less than adequate, will bear the strain. This point has also been analyzed.

In fact this booklet is part of a product of comprehensive research and analysis of migration trends in each of six participating EU accession countries: Poland, the Czech Republic, Slovakia, Slovenia, Romania and Bulgaria. The research project has been supported by the European Commission, DG Employment and Social Affairs, under the European Social Fund budget line *“Analysis of and research on the social situation, demography and the family”* and was managed by IOM Vienna.

Under the title **“Migration Trends in Selected EU Applicant Countries”**, the following volumes are available:

**Volume I – Bulgaria.** The Social Impact of Seasonal Migration.

**Volume II – The Czech Republic.** The Times They Are A-Changin.

**Volume III – Poland.** Dilemmas of a Sending and Receiving Country.

**Volume IV – Romania.** More ‘Out’ than ‘In’ at the Crossroads between Europe and the Balkans.

**Volume V – Slovakia.** An Acceleration of Challenges for Society.

**Volume VI – Slovenia.** The perspective of a Country on the ‘Schengen Periphery’.

Within the project, applied research enhancing the EU knowledge basis on migration in candidate countries to the Union has been sought. Although building on the acquired knowledge, it is no continuation of the previous IOM / ICMPD research, but is inscribed in a different logic. The particular interest here was to find out more about the effects of migration on the countries’ societies. For this purpose, a mixed methodology was conceived, taking into account the different levels of migration research in the participating countries. It has been applied and can be found in each of the six country reports as well as in the overview.

The research was developed with an attempt to align the research process as far as possible. This field of research being new for the participating countries, two major disadvantages had to be faced: little research and a low number of researchers to draw upon as well as scarce data availability. However statistics and literature was found to be better in those countries which have already experienced in-migration to a certain degree (the Czech Republic, Poland, Slovenia, to a lesser degree also Slovakia), whereas Bulgaria and Romania were still greatly lacking both research and statistical apprehension of the phenomenon.

As a consequence, the methodology has been elaborated in three steps, which accompanied the entire research process: Literature analysis, interviews and recommendations. In fact data has systematically been completed by interviews with officials, experts, and migrants themselves or their associations, depending on the gaps



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in literature and statistics. Collaboration of the researchers with the respective IOM country missions has facilitated this process. For each of the countries, the interviews form the added value of the reports. Hitherto undocumented aspects of migration phenomena in the accession countries become perceivable for the first time, and besides, analysed in a systematic manner.

The research is made pertinent by analysis weighing the information against credibility and by the elaboration of conclusions to each chapter of the research. Recommendations to different stakeholders are formulated at the end of the text for optimal usability.

Through its form and result, the project *“Sharing Experience: Migration Trends in Selected Applicant Countries and Lessons Learned from the ‘New Countries of Immigration’ in the EU and Austria”* hopes to contribute to EU migration research and policy at the time of the expansion in May 2004 and beyond.

The reader may expect comprehensive information on the situation of migrants both, in and out of the countries, and the countries’ migration management approaches, with the main purpose to illustrate the impact of migration trends on the local society and the social situation in the country.

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## Executive Summary

Migration is a rather new phenomenon in Romania after 1990. The difference between in-flows and out-flows is significantly in favour of out-migrants in terms of volumes and experiences. The explanation is quite straightforward, when one thinks of the economic potential of Romania. The labour market is not very attractive and the business environment is under continuous change. That is why there is a common perception, supported by data and information coming from authorities, that Romania has been mostly a transit country and not a destination country. However, there is a risk to ignore future trends and not to be prepared for the expected moment when more immigrants from Middle East, Africa and Former Soviet Union republics will decide to settle on the Romanian territory and not just heading to more developed economies. This moment is likely to happen close to 2007, the Romanian accession year to the EU.

In terms of out-flows probably labour migration is the most important form of Romanians moving to a foreign country. Student mobility represents less than one-fifth of the total volume of migrant workers after 1990 and emigration for good has been constantly declining since 1995. The push economic factors are the most important in generating migration flows, but relative deprivation at the level of small communities is the engine to perpetuate migration flows. 2001 is a crucial year for labour migration, after EU lifting visa requirements for Romanian citizens. Although this decision was followed by drastic control measures and sanctions from the Romanian authorities, the 3 months period for travelling in any EU country either created opportunities for migrants to find a legal job or stimulated an inventive mechanism of 3 months job replacement (one job - several workers).

There are also significant pull factors that account for labour migration and it is enough to mention here the case of Moldavians<sup>1</sup> migrating to Italy. There is a bulk of data to prove that, due to the economic characteristics of the region, there were first the Italian companies that penetrated the area and facilitated the information and contact between the eastern Romanian region and Italy as potential destination for work. Nowadays, Italy is by far the most favoured destination for Moldavian migrants.

As regarding in-flows, business immigrants are the first who settled on the Romanian territory (during early 1990s), a large proportion coming from China, Turkey and some other Arab countries (Syria, Lebanon). Encouraged by an attractive legislation for foreign investors and an ex-communist economy of scarcity, many foreign entrepreneurs invaded the new market. After 2002, the legislation became less friendly especially regarding the conditions to start a business, which brought about withdrawal of many small investors. The number of refugees is rather low compared with other European countries (a couple of thousand a year), and the main countries of origin are basically war-affected areas (Afghanistan and Iraq).

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<sup>1</sup> The northeastern part of Romania is referred to, here, not the Republic of Moldavia.

In terms of in-flows one should observe a large number of citizens of the Republic of Moldavia. Most of them are coming for studies, but there is a growing number seeking work, very likely (as some fragmented data suggest) in agriculture. There is a special situation regarding this category as Moldavian nationals actually speak the Romanian language and are considered as some kind of poor eastern relatives. Due to the high economic difference between Romania and the Republic of Moldavia, it is likely that in the next 3-4 years immigrants from the eastern neighbour become a replacement unskilled workforce in some economic sectors of Romania (like agriculture).

The impact of migrant workers in Romania has become highly significant especially during the last 3-4 years. The volume of remittances is estimated at US \$1.5 to 2 bill. a year, which is equal or even more than the foreign investment volume. Also, there is a growing tendency of returnees to establish new businesses and import new technologies. However, the general trend now is to spend money for consumption and long-term goods, which might create structural inflation in some specific communities, where migration is very selective.

The impact of immigrants is less significant, because the number is small and they are less visible. There is already a soft rejection of business immigrants, but mostly because of economic reasons and some media reports about their relation to organised crime. In fact, business immigrants continue to provide cheap merchandise and services for the poorer segments of the Romanian society. As mentioned above, citizens of the Republic of Moldavia are not perceived as actual immigrants, and the fact that they speak Romanian language makes their integration easier. Refugees and asylum seekers represent a small amount of the total immigrant population, and usually they live in special accommodation centres where visibility is very low. Immigrants are concentrated in urban areas and mostly in the capital city, Bucharest.

It is likely that in 3-4 years Romania will become a destination country for immigrants. Citizens of the Republic of Moldavia will account for the large proportion and they will be far better integrated than other immigrants. Unless native Romanians will be prepared, this is expected to produce a strong rejection of foreigners as they invade the labour market, mostly for competition reasons. In addition, extreme right politicians, short of ethnic rhetoric as the relations with minorities have evolved, will use the moment to accumulate electoral capital.

The future trends of out-flow migration refer to a dramatic change of destinations from Central Europe to Mediterranean countries (Italy, Spain, Greece). As migration policies will become more restrictive in new destination countries, it is likely that Romanians will seek work in the new candidate countries (Hungary, Czech Republic and Poland) until the year of accession.

## 1. Brief historical overview on migration issues in the country

A history of migration of Romania is a rather simple task to accomplish. It is the particular space and time frame in which this country was placed during the last 50 years. First, one should note the communist regime, which was in itself a fortress preventing people moving beyond the “iron curtain” which has separated the communist block from the western capitalist countries. As the gap between state controlled and free market economies have continued to enlarge during the last decade before 1989 breakdown, the totalitarian regime in Romania has become more and more concerned about ordinary people defection, hence increasing control on Romanians’ mobility. It is noticeable that, unlike other communist countries, Romanian people were not officially entitled to bear a permanent travelling document, like passport. It might be also significant to add the fact that even in the case of individual defection (persons having illegally left the country for good), a whole set of sanctions extended to their families and relatives still living in the home country. Romanian mobility could be easily reduced to few forms of migration before 1989:

- 1. Dissidents defection:** In a few cases the communist regime and the secret police were accomplices to this kind of migration as some critical voices have deliberately been exiled to a western country. There were also cases of persons illegally crossing the border, escaping to countries like Austria or former Yugoslavia then heading to other Western European countries or even other continents (America or Australia).
- 2. Labour exchange:** Under strict scrutiny of state and secret police, groups of workers were sent to Western European countries (like Germany, under the guest worker programme during the 1970s), African or Middle East countries for limited periods of time, under intergovernmental agreements.
- 3. Short distance border traffic:** This kind of mobility was allowed for Romanian citizens living next to Romanian borders (all along other communist countries) for commerce, visiting relatives or other economic reasons.
- 4. Organised tourism to other communist countries:** This was the only type of tourism officially recognised by the regime, in order to prevent transgression of the iron curtain.
- 5. Ethnic migration:** During the 1980s, the communist regime, under intergovernmental agreements on limited numbers, allowed German and Jewish ethnic Romanian citizens to leave Romania for good for Germany and Israel.
- 6. Student mobility:** a very limited and selected group of people, usually descendants of communist party elite, was allowed to study abroad in western universities.

As for the immigration side, this was a rather concealed phenomenon, but strictly controlled by the regime. Western foreigners were under continuous surveillance even when they travelled for a couple of days in Romania, as the communist party obsession of infiltrating agents undermining communist legitimacy in Romania grew. Young people from African countries or Middle East were allowed to Romania only for study, since this was a significant source of hard currency for the state universities. Tourism flourishes during 1970s and probably at that time more Western people visited Romania

as compared with the next decade (for some traditional sites like Moldavian Monasteries or some tourist sites on Black Sea and mountain areas). There might be another period of special kind of immigration during the 1980s – suitcase trade of Polish “disguised” tourists in the context of high scarcity of basic goods, which was specific for the Romanian economy of that period. On a smaller scale, this also happened with Russian and Moldavian short-term migrants.

After the communist regime was torn down in 1990, free movement of people was guaranteed by the new Constitution. Every Romanian citizen is now entitled to bear a passport and cross the border of the country. Massive ethnic (German, Jewish and Hungarian) migration continued at the dawn of the 90s, but now as free-willing migration, not under bilateral agreements. Family members in Romania were allowed to join their relatives in Canada, USA and Australia. As the transition to market economy proved to be a painful long-term process, more and more Romanians wanted to leave the country, mostly for economic reasons. Meanwhile, western countries became more and more concerned of a labour exodus from Eastern Europe and they increased control of irregular migration. Visa requirements (basically to prove that the traveler is going to spend a determined number of months abroad and not for seeking a job) and rejection of political asylum succeeded to discourage massive flows of migration from Romania as well as other Eastern European countries.

On the other hand, students’ mobility increased through international donors and programmes (Soros Foundation, Fulbright, IREX, individual application to U.S. universities) and brain drain to Western Europe and North America especially for high-skilled young graduates in the IT sector was strongly encouraged by foreign countries. Organised tourism with prohibitive prices to the western world and exotic countries has flourished since 1990, although a very small proportion afforded to travel as tourists. Iron curtain seemed to be maintained by Western countries after anti-communist revolution and this created frustration and shame among typical Romanians. It was the humiliation of staying in a long line for visa applications at foreign embassies that made most of the Romanians, who could afford traveling abroad, forget about excursions and trips. Then it was media reports about Romanian citizens illegally staying in western countries, committing crimes and felonies (usually associated with Roma ethnic migrants) or forced to return to their home country. By and large, migration to foreign countries widely diversified after 1990. New forms of migration increasingly became institutionalised:

- 1. emigration for good (especially joining families abroad)**
- 2. ethnic migration**
- 3. student mobility**
- 4. labour migration (back and forth, regular or irregular, sometimes covered under asylum seeking procedures)**
- 5. business migration (including short distance border traffic)**
- 6. brain drain**
- 7. transit migration (to other former communist countries with no visa restriction boarding a Western country)**



Romania is at the dawn of its migration history and this has consequences on the impact of migration, management and control of migration, institutional context related to migration, etc. Labour migration is not going to contribute substantially to the community development, as long as first cycle migrants are only consume oriented or at best investing into their own households. Investing money in local business is to create an entrepreneurial environment that sooner or later will make the community more prosperous.

But from an institutional point of view, there need to be incentives to encourage the first steps for “returned home money” to produce value and competition. Romanian institutions related to migration matters are only concerned to maintain control over irregular flows, and less focus on positive initiatives that might transform the general trend of migration from short-term job seeking to trans-national communities. In view of European integration, migration should be treated more like a step toward common markets rather than just a matter of embarrassment for the general public, which generates more sanctions and restrictions.

The immigration chapter of the Romanians is rather a cynical historical scenario where former Romanian citizens (before World War II) became immigrants to Romania. This looks more like ethnic migration, although management of Moldavian citizens' flows is difficult because of political considerations. On the one hand, visa should be maintained in order to secure European borders and avoid transit of third country nationals, on the other hand common history and language of Moldavians and Romanians seem to delay the process of building barriers. There are signs in statistical records that Moldavian immigrants have already become a replacement labour force in some economic sectors, such as agriculture.

More consistent arrangements have been settled down during the last decade in respect with business immigrants (especially Turkish and Chinese). There are already foreign business communities that play an important role in the economic sector of Romania and they cannot be ignored. They cannot be ignored also because they originated in the extra-European space and need special attention from the point of view of securing Eastern borders. That is why settling for business purposes is regulated by more restrictive provisions, in order to discourage transit migration.

The last challenge for Romanian authorities will be the economic growth (along with close perspectives of EU membership), which is likely to attract more immigrants from former Soviet Union (FSU) countries, Middle East and Africa. Romania is now just a stop on the route to the western developed world, but it will soon become a destination for migrants from under-developed countries. Not surprisingly, there will be a tension between the demand for cheaper labour from the private sector and the political speculation of inter-cultural encounters. Moreover, political pressure to secure eastern borders will be maintained. Due to lack of experience in dealing with significant immigration flows, difficulties in integration can be expected. The only positive anchor for dealing with foreign citizens comes from the Romanian multi-cultural environment, where different ethnic and religious groups have learned to accommodate to diversity. Still, regional concentration of diversity and large areas of homogeneous population

(like Moldova) are not going to favour integration and acceptance by the autochthonous. There is still one more hope for homogeneous and traditional regions like Moldova: emigration flows. The fact of an increasingly high number of migrants from Moldova abroad has probably already changed the cultural pattern of tolerance.

## 2. Overall migration scales

### 2.1 Some methodological aspects of research on migration in Romania

Researching international migration in Romania might face significant gaps in statistical data on both sides of the phenomenon. It is probably that migration was less visible for the general public and sometimes occurred underground, silent without any notice from public and authorities. Even though official numbers regarding returnees and migrant workers could have been more visible, there has been a general attitude of obscuring facts, as they could be easily linked to negative media release on Romanians abroad.

Nowadays there are few scholars in Romania studying different aspects of international migration and, paradoxically, more researches conducted by Romanian students abroad on Romanians migration. IOM Bucharest has already funded some important pieces of research on trafficking in women and circulatory migration. There were also IOM Brussels- and IOM Geneva-funded studies on assisted voluntary return (2002) and a few old studies (1993) on immigrants in Bucharest funded also by IOM mission in Bucharest. International migration could not be found among academic curricula of any universities, which might prove low interest toward this important phenomenon.

However, there is an increasing attraction in the last 3 years in studying migration abroad, especially that side which refers to the impact of remittances on local communities, migration and development nexus and regional causes of labour migration. Some other disparate qualitative research was conducted in Spain and some local communities from Romania, based on in-depth interviews with migrants. Other interviews were conducted with representatives of local and central authorities.

In this respect, a particular note should be marked down. Interviewing migrants is always difficult, as different categories are included here: regular and irregular. Irregular migrants are especially reluctant to talk about their experiences in a foreign country or travelling to a foreign country. The same difficulties are encountered in interacting with authorities on migration issue, as they seem to infer several “unspeakable” facts about mobile citizens. There is a general view of authorities, feeding fear and aversion, that international media reports somehow overemphasised the amplitude of irregular Romanian migrants and associated negative phenomena. There are also domestic media reports on corruption of public officials related to labour migration. That is why sometime researchers may find difficult to approach migration issues with representatives of various institutions. Or even if they had got the interview, there would be several questions with no answer.

A large set of data regarding circulatory migration in rural areas and small towns was collected at the end of 2001 with support from the Ministry of Public Information, Ministry of Interior and IOM Bucharest. Although this survey wanted to be a sort of census at the level of 15,000 villages and some 100 small towns, the accuracy of data could be debatable, as information was collected through local authorities and local key

informants over the last 12 years. Post-fieldwork evaluation showed that data might have been affected by gaps in memories, tendency of local authorities to obscure illegal migration or merely lack of detailed information on households with migrants. However, even though in terms of volumes and numbers data was biased, the structures proved to be consistent with other fieldwork findings (like destination countries and origin regions in Romania, social and demographic categories of people who are more likely to migrate).

The National Institute for Statistics has no dedicated study or module of questions in its periodical surveys referring to international migration. Only data about emigration for good are officially released in the annual statistical yearbook. The last census in 2002 did not include any question about labour migration abroad, circulatory migration or any other aspects that proved to be important for the Romanian economy. For instance, Romanian National Bank acknowledged that about US 1.2 billion was transferred into Romania from migrant workers only through official channels (like Western Union and other specialized banking institutions). Also economists admit that the amount of money entering the country each year is even higher. Given this important money flow from migration, one might expect more efforts and money spent by authorities to monitor and collect official data on labour migration.

There are other alternative sources of estimation for emigration abroad provided by some private research agencies or major donors funded surveys. An example is the Public Opinion Barometer conducted twice a year on a large sample, funded by Open Society Foundation. A group of researchers have included since the end of 2001 a module dedicated to Romanians international mobility. This periodical survey already produced some data trends that could be analysed in a dynamic perspective. Centre for Urban and Regional Sociology (CURS) is a private research agency and it has included periodically (especially in the 2003 year) in several surveys variables referring to international migration. Although a client has not specifically requested these questions, the results have been released in certain circumstances to the media (for instance in April 2003).

It is also true that some form of migration is hard to be captured in classical methodological frameworks. For instance, measuring circulatory migration should take into account different cycles, short periods of staying abroad, changing patterns and destinations and also complex itineraries across several country borders. Other difficulties come off the selectivity of migration process, absence of migrants themselves, different level of analysis (individual, community and households). Single-method researches can bring about even more difficulties as we are dealing with a sensitive issue and under-reporting is the main problem of interviewing various actors involved in this process.

Immigration in Romania has also been under-researched during the last 12 years. Immigration was rather regarded as a volatile occurrence as long as Romania became a major route for transit less than a destination country. Some illegal aspects of immigration along with self-contained groups of foreigners made studying migrants in Romania difficult. These groups might have stirred interest among anthropologists and

stimulated cultural studies, very few, still, but exotic groups were not merely considered as a mobile population.

All in all, we may summarize the list of hardship in conducting migration research, which also can explain the absence of systematic and integrated studies on migration in Romania:

1. Scarce and fragmented official statistics on migration,
2. Low interest from authorities and other potential stakeholders,
3. Lack of a critical mass of researchers to push forward migration issues on academic agenda,
4. Lack of adequate means to approach studies of a complex phenomenon,
5. Political meanings associated to migration, which interferes with availability or honesty of public officials in interviews, irregular migrants unwilling to report on their experiences abroad.

## **2.2 Outflow migration / cross border movement**

After 1990, labour migration is the main form of out-migration of Romanians. At the beginning of 1990, suitcase trade was the dominant migration stream. People from different social categories travelled in countries like Turkey, Poland, Hungary, Yugoslavia and even the Republic of Moldova trading small things for other merchandise or merely buying things that they re-sold in the Romanian market. Migration for labour was almost unknown in the early 90s (Diminescu / Lazaroiu 2002).

The first destination countries for labour migration were Germany, France and Israel. Germany was the destination for Romanians living in former Saxon communities (Sibiu, Brasov, Timis counties) and the flows have been based on friendship networks of Germans repatriated from Romania. France was a specific destination for northwestern Romanians (Maramures county) and Israel soon became a destination for Romanians all over the country (especially east and southeast parts) due to repatriated Jews who established labour-mediating companies in Romania. Turkey also becomes a destination country for some Romanians, especially in agriculture and construction sector.

But the first destinations outdated soon and new countries replaced them in the following years. As Germany increased control over migrants, only people with strong connections abroad were able to find a job in this country. Migrants in Israel reached the highest figure when the relationship between Israel and Palestinians started to deteriorate (labour replacement was then sought in former communist countries and Asia). By the late 90s, the Israeli market became less attractive, especially because of the restrictions imposed by the government and the large number of workers discovered in the black market (Diminescu / Lazaroiu 2002).

Italy and Spain are the new destination countries for labour migration. The case of Italy is probably the most meaningful as it has attracted mostly Romanians from the eastern part of the country (Moldova). The selective character of the destination country for

labour migration according to this origin region is quite remarkable for Romania. Spain also became a major destination for Romanians, especially for some Southern counties of Romania and some central and northwestern regions (IOM Bucharest 2001).

**Table 1. Circulatory migration of Romanians between 1990-2001 (rural area and small towns)**

Destination country	% of people having been abroad between and living in 1990-2001,		% of people abroad at the moment of survey 2001		Total (rural and small towns)	
	Rural area	Small towns	Rural area	Small towns	Returned	Still abroad
Hungary	22.8	23.3	12.7	21.4	22.9	14.2
Germany	9.7	19.7	8.9	22.0	11.1	11.1
Turkey	9.6	12.8	2.6	1.3	10.0	2.3
Italy	9.4	8.7	24.2	11.1	9.3	21.9
Spain	2.3	5.9	7.8	10.9	2.9	8.4
Yugoslavia	4.6	3.1	1.1	1.7	4.3	1.2
Israel	3.9	3.7	4.4	1.9	3.9	4.0
Greece	3.0	2.2	3.6	1.5	2.9	3.2
France	2.0	2.4	2.5	1.7	2.1	2.4
Austria	1.0	1.2	1.6	1.4	1.1	1.5
Total number 1990-2001	116,167	19,468	194,113	40,635	135,635	234,748

Source: IOM Bucharest 2001

In the midst of the 1990s, Yugoslavia has attracted not only workers in agriculture, but also small traders who tried to benefit from the economic crisis as a consequence of the war. Traffic networks have started to establish in that very period. First, people traded oil and other small merchandise, but then trafficking in women became quite widespread. As soon as the Hungarian economy recovered, it became an attractive place for Romanians from the Western part of the country (especially Hungarian ethnic population concentrated in few counties in central and western part of Transsylvania). Other countries from the eastern communist block were only used for transit: Czech Republic and Poland for instance. This might have explained the large number of Romanian citizens seeking asylum in Prague.

#### Country of origin of migrants

Fragmentary statistics are available on immigration. That is why we will use different indicators; some of them are more by proxy, like the number of tourists<sup>2</sup>. Also the number of returned immigrants might shed a light on their origin country and volumes in the Romanian territory (see table 2). We assume that the more returned migrants to a certain country, the larger the volume of those immigrants in Romania. The assumption is carefully double-checked with other available data. Chinese, Turkish and

<sup>2</sup> Romania is not an attractive destination for tourism, which means that most tourists are actually disguised immigrants. It is easier to get a sort-term tourist visa and that is why most immigrants in Romania are likely counted in official statistics as tourists. Moreover, comparative data on refugees and tourists shows similarities in terms of origin countries

Arab countries' nationals are the most numerous immigrants in Romania. The Republic of Moldova and Ukraine are also two countries of origin for many migrants, but Moldavian citizens' situation is different from that of the Ukrainians due to the language similarities. Refugees mostly come from Iraq, Bangladesh, Afghanistan, Pakistan and Somalia. The top figures somehow differ from one year to another, depending on periods of crisis (Afghanistan and Iraq basically changing the first place from 1997 to 2002). It is worth noting that there were not so many refugees from the former Yugoslavia during the years of war.

**Table 2. Data on returned immigrants<sup>3</sup>**

<b>Origin country</b>	<b>2001</b>	<b>2002</b>
Turkey	183	204
China	111	104
Moldova	45	81
Syria	41	29
Iraq	14	27
Iran	38	25
India	15	17
Jordan	16	17
Ukraine	21	17
Lebanon	15	14
Pakistan	12	14
Yugoslavia	9	14
Russia	7	12
Egypt	8	11
Sudan	8	10
Italy	10	6
Palestine	8	5
Hungary	4	5
Israel	7	4

*Source: National Office for Foreigners*

The most numerous foreigners on the Romanian territory (Turkish, Chinese, some Arab countries like Syria) are mostly business immigrants. They are running their own business and hardly seek for labour. The immigrants coming from the Republic of Moldova and Ukraine, also in large numbers, are staying in Romania for studies or business, but sometimes they have an employee status. It should be said that in some parts of Ukraine there is a compact Romanian speakers minority, which is likely to be among Ukrainian immigrants in Romania.

<sup>3</sup> National Office for Foreigners provided data on returned immigrants started from 2001. They started systematically counting immigrants since that year. This also might show that officials did not consider Romania a destination country until beginning of 2000's

**Table 3. Number of tourists entered the country 1990 - 2000<sup>4</sup> (in thousand)**

	1990	1991	1992	1993		1995	1996	1997	1998	1999	2000
China	8.4	14.2	12.1	8.5							
India	3.6	4.1	2.9	1							
Iran	10.9	13.8	13.2	4.5							
Syria	13	16.3	19	14.9							
<b>Total Asia</b>	<b>35.9</b>	<b>48.4</b>	<b>47.2</b>	<b>28.9</b>	<b>Asia</b> (excluding Israel)	<b>76</b>	<b>80</b>	<b>78</b>	<b>73</b>	<b>73</b>	<b>75</b>
Congo		1.1	0.8	0.8							
Niger		1.6	0.8	0.4							
Somalia				0.1							
Sudan	2.1	1.4	1	0.8							
Tanzania		0.3	0.2	0.3							
Zaire				0.2							
<b>Total Africa</b>				<b>2.6</b>	<b>Africa</b> (excluding Egypt)	<b>7</b>	<b>5</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>5</b>
Turkey	131	179.7	222	278.5		489	427	302	263	281	253
Russia				529.8		255	147	136	124	78	83
Moldova				432		1,054	1,142	1,080	1,192	1,455	1,636
Ukraine				385.6		683	587	622	424	319	330

Source: National Institute for Statistics

Statistics on tourists coming from the notorious immigration countries might be an indicator of irregular migrants. Table 4 shows that the volume of immigration almost doubled for Asia and African countries, but has slightly decreased for Turkey, Russia and Ukraine since 1996.

**Table 4. Data on asylum seekers between 1997-2002**

Country/year	1997	1998	1999	2000	2001	2002	total
Iraq	349	259	149	250	626	350	2,590
Bangladesh	241	584	459	226	22	65	2,440
Afghanistan	13	33	292	282	777	33	1,505
Pakistan	67	89	101	225	84	31	905
Somalia	17	4	2	39	171	34	710
Iran	92	52	38	34	101	41	676
India	14	24	55	40	157	127	551
Sri Lanka	109	27	11	13	7	3	457
Albania	19	1	0	2	0	0	351
Turkey	74	43	19	28	33	38	317
Sudan	15	14	16	71	43	45	259
Congo	160	5	18	2	19	14	224
Palestine	14	16	14	33	42	23	186
China	0	0	1	0	43	89	139
Syria	11	7	25	16	13	25	117
Zaire	76	1	9	3	4	1	108
Yugoslavia	5	13	23	8	22	1	100

Source: UNHCR

<sup>4</sup> Due to gaps in statistics the table presents figures in a way that make them comparable. National Institute for Statistics restructured the categories starting with 1995



### 2.3 Transit migration

Romania seems to be a major transit country, located at the “last” eastern EU border, on the crossroad between North-South migration axis (African countries as main reservoir) and East-West route (Far East, Middle East and former Soviet Union states as main sources). As the Romanian economy is less attractive to foreign immigrants, most of these groups just adjourn on their way toward more developed west side of Europe.

**Table 5: Data on foreign citizens on the Romanian territory in 2002**

Origin / duration of stay	Total	Total %	under 3 months	3-12 months	12 months+
<b>All origins</b>	<b>27,910</b>		<b>4,406</b>	<b>2,766</b>	<b>20,738</b>
<b>Row%</b>			<b>16%</b>	<b>10%</b>	<b>74%</b>
China	1,943	7%	21	47	1,875
<b>Row%</b>			<b>1%</b>	<b>2%</b>	<b>97%</b>
Germany	1,767	6%	960	125	682
<b>Row%</b>			<b>54%</b>	<b>7%</b>	<b>39%</b>
Greece	1,681	6%	69	54	1,558
<b>Row%</b>			<b>4%</b>	<b>3%</b>	<b>93%</b>
Italy	2,378	9%	538	145	1,695
<b>Row%</b>			<b>23%</b>	<b>6%</b>	<b>71%</b>
Republic of Moldova	3,576	13%	359	1092	2125
<b>Row%</b>			<b>10%</b>	<b>31%</b>	<b>59%</b>
Syria	1,180	4%	10	30	1,140
<b>Row%</b>			<b>1%</b>	<b>3%</b>	<b>97%</b>
USA	,1129	4%	283	103	743
<b>Row%</b>			<b>25%</b>	<b>9%</b>	<b>66%</b>
Turkey	2,344	8%	142	79	2,123
<b>Row%</b>			<b>6%</b>	<b>3%</b>	<b>91%</b>
Other continents	3,054	11%	314	277	2,463
<b>Row%</b>			<b>10%</b>	<b>9%</b>	<b>81%</b>

Source: National Institute for Statistics 2002 Census

Although it is hard to support the pre-dominant character of transit migration using statistical data, figures in table 5 indicate that there is a significant proportion of nationals spending less than one year in the country (26%).

*There is a back and forth migration, because governments imposed a protective policy. If there were a slight legal way to escape everyone would like to use it. People want to go where is the best for them to live. Many refugees apply for asylum just to enter Europe. They make the application, wait for a shorter or longer period, but most of them do not want to stay in Romania for good (interview No. 12).*

*Romanian will become slowly but surely a country of destination instead of transit country, but only when the economic situation is going to improve. Now they (immigrants) prefer to risk and leave Romania instead of not having food and decent. They didn't leave their own countries to get hunger in Romania. It is not easy to live here, especially when you*

*don't have parents or relatives... They leave Romania whenever they have a chance to. From discussions we found out that they have friends and relatives in EU countries. They have information about all these countries. The economic factor accounts for 90% of migration. They leave for EU countries and there are some who have tried for several times until they succeeded to get there (interview No. 13).*

*They leave the country because of poverty. Most of applicants have never got to interviews. Migrants from Iraq and Pakistan leave Romania for Western Europe (Greece and then Germany). But it is quite the same route for asylum seekers from other countries as well. We are just abiding the law and follow the procedure to settle them down here. As long as they stay they get money, they have rights and obligations (interview No. 8).*

## **2.4 Motivation of migrants**

Inflow: Romanian labour market is not quite seducing, with 10% official unemployment rate<sup>5</sup> and less than 150 EUR average salary. Most of the immigrants in Romania have a business here. Foreign students coming for studies has continued to be one of the reasons of the arrival of the immigrants, the most part of them from the Republic of Moldova. Asylum seekers generally resort to Romania as a step on their way to arriving to more developed countries only few of them intending to ask the Romanian state protection for well-grounded reasons. They leave their origin countries basically for economic reasons and it happens sometimes that they have in Romania a lower salary and status than they used to have.

*The total number of refugees is very low in comparison with other countries. I don't think there are more than 1,000. So they are not considered a priority as they come and go. Most of the migrants come here to go further. Only some of them feel like they can do something here and decide to stay. But if after 3-4 years you have a job and 150 EUR salaries and see that you do not have a future then you will decide to leave for a more developed country where you have a relative or friend. There is a lack of stability [...] There is a refugee who used to be a professional football player. Then he came here and sold vegetables in the market. Now he cannot afford to pay the rent and stays home with his family. He is tired and discouraged. If he's got money and opportunity to leave then he will leave now when he is young. Better than when he will get older (interview No. 14).*

As for the business migrants (especially coming from Turkey and China, as there are two business associations established by nationals of these countries), the law regarding starting a business in Romania for foreign investors was very generous at the beginning of 1990's. A small amount of money was enough to be considered a foreign investor (US\$100). Since the Romanian economy right before 1989 was characterised by scarcity of goods, most of the foreign migrants invaded the market with different kinds of merchandise. Even after the economic revival, there has been poverty that split the market. Low quality, low price merchandise was sought by poor segment of the Romanian population.

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<sup>5</sup> but still high rate of underemployment or disguised unemployment

Foreign students from Africa and Middle East were traditionally received even during the communist regime. Students from the Republic of Moldova have been admitted in Romanian universities after 1990 as part of a cultural programme to preserve Romanian language and customs in the neighbour country.

*Outflow:* The national trend is circulatory migration. As most migrants are labour migrants one could say that the most important reasons for migrating are related to the economic situation of those deciding to leave. Other reasons are relative deprivation, family reunification, studies, and permanent change of residence. Duration of stay has however registered a significant drop as the permanent staying abroad has switched to the short-term stay for work. As short-term jobs are not very widespread there is a job-replacement strategy used by Romanian migrants, in order to avoid being punished for overstaying: two or more migrants share the same job for 3 months cycle of work each.

Seventeen percent of all Romanian households reported at least one member having worked abroad between 1990-2001, which means about 1.2 million households. As regarding potential of migration there are 17 percent planning to find work abroad in the future, 8 per cent planning to leave the country for studies and 5 percent intending to leave the country for good (CURS survey April 2003). In fact emigration for good constantly dropped from about 21,000 in 1996 to 9,900 in 2001 (National Institute for Statistics, Statistical Yearbook 2002). Another sample from 2003 (35,600 cases) (CURS survey June 2004] estimated 4% labour migration after 1990 and only 1% study migration. The same source reported 18% wishing to find work abroad and only 4% planning to leave the country for good. After 2001 lifting visa restrictions in EU countries there is an increase of number of Romanians who found a job abroad. The percentage is fluctuating according to seasons: in April 2003, 13% households reported at least one member working abroad at that particular moment, while in August 2003, only 7% households reported the same fact (CURS survey April 2003 and CURS survey, August 2003). Overall it seems that about 10% of the households have at least one member working abroad during a calendar year. (CURS survey June 2003)

**Table 6: Estimates based on representative samples regarding labour migration (percentage of adult population)**

	Nov-01	May-02	Oct-02
Have you ever travelled abroad	25	26	31
<b>Have you ever worked abroad</b>	<b>5</b>	<b>5</b>	<b>6</b>
<b>Member of household ever worked abroad</b>	<b>12</b>	<b>13</b>	<b>17</b>
2002 plan to go abroad for work	16	11	17
2002 plan to go abroad for studies	6	4	8
2002 plan to leave the country for good	6	3	5

Source: Public Opinion Barometer

Academic mobility is another form of circulatory migration. After 1990, most of the Romanian universities have connected to the international research networks through partnerships with Western European and U.S. universities. Different programmes funded by the EU or World Bank have allowed movement of students, teachers and

researchers all over the world for conferences, summer schools, training and academic programmes. The exact volume of student mobility is hard to estimate, mostly because besides classical university programmes or government scholarships, there was much individual mobility based on personal initiatives or contacts with foreign universities.

University of Bucharest is by far the largest academic unit in Romania and consequently it benefited from most part of the national and international funds allocated for academic mobility. That is why University of Bucharest can be considered a representative case study from the point of view of students' migration. Academic mobility accounts for a very small share of the total circulatory migration volume. There are some peculiarities that make this type of mobility worth to reflect on. Unlike labour movement student mobility was strongly supported and financed by the destination countries. Hence, academic mobility is more related to brain-drain phenomenon from peripheral countries to more developed countries. Another difference between labour mobility and academic movement is that the first one results in a financial capital movement in the opposite direction, while the second one transfer in the origin country knowledge and human capital.

Right after 1990 it might be said that there was not a strict control of investments in academic circulation. Some professional people left the country for good. In other cases universities compelled beneficiaries of government grants to commit themselves to return after completion of studies. One substantial programme from the point of view of circulated volumes of students was the TEMPUS programme financed by the EU. It started in 1991 and ended in 2000. According to officials from the university this programme covered most of the academic mobility after 1990. Other small programmes (ERASMUS, SOCRATES, with some components for other education levels) circulated smaller volumes of students.

Soros Foundation (Open Society Foundation) has played a significant role in academic mobility after 1990. This donor financed academic mobility especially for students in social sciences. Among the main attractions of the Soros Foundation we can mention graduate programmes at the CEU (Budapest, Prague and Warsaw) that served as starting points for continuing studies in other major universities from Western Europe and the U.S. Along with academic mobility it seems that high-skilled graduates especially in the IT sector massively migrate short after graduation to countries like Canada and the U.S. Official figures evidences that the percentage of university graduates having left Romania for good rose from 6% in 1990 to 23% in 2000 (National Institute for Statistics), which is as much as double the percentage of university graduates in total adult population (almost 10% university graduates according to polls' estimation).

## **2.5 Legal status of migrants**

*Inflow:* The refugee community mainly represents the regular migrants in Romania. Some of the immigrants having a business have a permanent residence in Romania others are very mobile as those belonging to the Chinese business community whose circulation is quite similar to that of the Romanian labour migrant regarding the duration of stay. Another category is represented by the foreigners studying in Romania, whose

duration of stay is closely related to the reason of their presence here, meaning that it varies with the type of scholarship.

The Romanian state offers protection varying from the refugee status to conditioned humanitarian protection and to temporary humanitarian protection, decided in conformity with the reasons of the application and the conditions in the origin country of the applicant.

The irregular migrants are either in transit or they have come with a tourist visa and overstayed here being generally involved in one of the trade sectors. Those in transit might be forced by the lack of financial means to illegally stay in the country or to resort to the asylum system just to gain some time before being forced to leave the country.

*Outflow:* As regarding labour migrants in EU countries, it is hard to produce an estimation of the documented and undocumented migrants. The reports of family members from national representative surveys are not reliable due to perceived risks in exposing relatives illegally working in a foreign state (only 25% admitted in 2003 that their relatives do not have proper documents to work abroad (Mercury August 2003)). What is already known is that most of the migrant workers leave Romania and enter an EU country as tourists, but they already have arrangements for work in the black market. As legal measures against irregular migrant workers become tougher and tougher in Romania (starting from interdiction to leave Romania for determined number of years to other more serious penalties) after lifting visa restrictions, overstaying 3 months period as tourist becomes problematic.

But a new way to secure long-term jobs was invented by Romanian migrant workers. Usually there are two or three persons “sharing” the same job each three-month period of time as to avoid overstaying. That means that one migrant worker work for 3 months and then come back to Romania. A friend or relative replaces him/her for the next 3 months and so forth.

Seeking asylum in a transit country is another method to head to the final destination. This happened in Czech Republic 3-4 years ago, when Romanians applied for asylum on their way to Germany or in France for Romanians planning to cross the channel to UK. Now the risk is even higher as a Romanian caught illegally crossing the border between other two states is subject to punishment in Romania. Due to high risks associated with illegal migration, most of the Romanians are now seeking a legal contract in a foreign country. However, the number of jobs offered is still lower than the number of demanders.

*Legal emigration has decreased. People cannot stay for longer period if they do not have contract. Emigrating is very difficult especially when the destinations are economically developed countries. In these countries, irregular migration is still the best alternative for the intending migrants. Nowadays, people stay for as long as they can avoid the police control; people cannot legally emigrate or ask for protection as an asylum seeker (interview No. 10).*

## 2.6 Migrants profile

*Inflow:* Considering asylum seekers data between 1991-2001 it seems that most of the immigrants are male within 21-30-age category.

**Table 7: Asylum seekers by gender and age**

Age group /country	21-30		31-40		41-50		51-60		61-70		71-80		TOTAL	TOTAL FEMALE
Gender	M	F	M	F	M	F	M	F	M	F	M	F		
TOTAL	2,140	179	1,356	132	363	63	72	12	18	13	7	8	4,363	407

Source: UNHCR

Data on gender regarding foreign citizens on the Romanian territory confirm male dominated in-migration flows in Romania. It seems that especially for long-distance migration or for more traditional cultures (like the Arab world) males are moving more often than females.

*It's hard to say how many women and how many males. But generally speaking males are running business here, but also few females. It usually happens that families come and start a business here. It happens that the husband is coming first here and after a while his family join him here in Romania (interview No. 20).*

*It seems that about 60% of all Chinese in Romania are males and about 40% females. It might happen that the man comes first, but it could be the woman as well (the one who first arrives home starts cooking). If women are more entrepreneurial then she leaves China first and then her husband follows her. We have many examples of this kind (Chinese Business Community, interview No. 22).*

**Table 8: Female foreign citizens on the Romanian territory in 2003**

Origin / duration of stay	under 3 months	3-12 months	12 months+
All origins	29%	40%	32%
China	14%	38%	42%
Germany	37%	31%	32%
Greece	26%	20%	32%
Italy	13%	21%	15%
Republic of Moldova	17%	49%	65%
Syria	10%	17%	22%
USA	32%	49%	46%
Turkey	6%	15%	15%
Other continents	25%	27%	28%

Source: 2002 Census

It could be said that taking into account all immigrants in Romania, the distribution by gender is rather balanced, although males dominate the flows. The balanced character of the immigrant category is due to the large percentage of business immigrants. It is likely that refugees or immigrant workers are mostly males, but in the case of business immigrants (Turkish and Chinese), family reunion happens as soon as the business is

getting stable, which adds more women to the general category of immigrants. Also the case of the Moldavians immigrants (which account for a large share of the immigrants in Romania) shows a more balanced gender distribution, because more women come for working in the agriculture sector in Romania.

*Outflow:* Official statistics provided by the new Office for Labour Migration refers only to the 2002.

**Table 9: Seasonal contracts for Romanian workers in 2002**

	Germany	Spain	Switzerland
Total number	19,350	2,716	133
<b>Gender</b>			
Male	49%	75%	74%
Female	51%	25%	26%
<b>Age</b>			
18-25	20%	65%	14%
26-45	72%	28%	44%
45 over	8%	7%	42%
<b>Previous status</b>			
Employed	39%	*	*
Unemployed	55%	*	*
Retired	3%	*	*
Student	3%	*	*

*Source: Office for Labour Migration*

The data presented above is only a fragment from the labour migration flow. Considering that only 3 destinations were provided and only for year 2002, this table might not reflect the real image of migrants' profile. Moreover, any interpretations of these figures should refer only to the category of migrants that chose legal channels to migrate (which accounts for a small share of total out-migration flow). More reliable estimates on out-migrants profile could be depicted from surveys and representative samples.

**Table 10: Demographic composition of circulatory migration flow (rural area and small towns)**

	Rural		Small towns	
	% returned	% adult	% returned	% adult
Males	71	48	61	47
Under 30 years old	48	25	42	29
Protestants <sup>6</sup>	6	2	3	2
Neo-Protestants <sup>7</sup>	7	3	7	3
Catholics	18	7	21	7
Romanians	57	92	50	90
Roma	9	3	19	3
Hungarians	18	7	20	6
Germans	0.4	0.5	3	0.5

*Source: IOM Bucharest 2001*

<sup>6</sup> Protestants in Romania: Calvinist, Lutherans, Evangelical And Reformed Church

<sup>7</sup> Neo-protestant in Romania: Pentecostal, Adventist, Baptist, Evangelical Movement and Jehovah's Witnesses

Migration flows are male dominated, composed of average educated people, young persons, skilled workers from big cities and Bucharest. Also migration from rural settlements cannot be neglected. Different characteristics of migration (volume, destination country) vary across different regions of the country (see maps in the Appendix for rural area migration).

**Table 11: Demographics for those reported working abroad 1990-2003**

	% Migrant workers	% All adults
Males	71	48
18-35 years old	45	27
Vocational and high school	57	47
Skilled worker before 1989	35	31
Unemployed present	14	6
Skilled worker present	22	16
Hungarian ethnic	14	6
Big cities and Bucharest	52	37
Neo-Protestants	4	2
Catholics	9	5

Source: CURS survey June 2003 (35,600 sample size)

Different studies tried to explain or formulate hypothesis regarding the selective flow of migration. It seems that minority groups either religious or ethnic are more mobile than the majority of the Romanian-Orthodox. It seems that ethnic and religious networks played an important role in the first stages of circulatory migration. The number of Roma people returned is significantly higher in small towns than in rural area. Different studies showed that social networks were crucial for the pioneers of circulatory migration (Sandu 2000; Diminescu / Lazaroiu 2001). Neighbours and friends of German ethnic persons repatriated after 1990 have an advantage in finding a job in Germany. It was the same for those seeking a job in Hungary.

As for other religious groups like Catholics, Protestants and Neo-Protestant, with large numbers reported abroad, there might be different explanations. In some cases, for Catholic and Protestants, the religious and ethnic categories are overlapping (most Hungarians or Germans belong to these categories). In the case of Neo-Protestants the explanation might be different. On the one hand it is well known that Neo-Protestant churches have traditional support from foreign countries, which could account for strong international networks. On the other hand, neo-Protestant families are more numerous than other families, which might account for more pressure, due to scarce resources, to send at least one member of the household abroad (Massey et al 1993).

### Conclusions and recommendations

- It is absolutely necessary for all institutions involved in the migration processes and also for the National Institute for Statistics to collect as many detailed data as possible on in-migration and out-migration. This data file should be organised and public in order to support any decision related to migration issues (a special annual publication on migration issued by the NIS is recommended).



- The trend for the following years will maintain. Seeking work in EU countries is going to be the major migration goal of Romanians and the volumes will exceed by far any other forms of migration. Migration networks already established and they are now capable of transporting more labour force.
- EU countries will have a hard mission to reconcile the ageing of population, integration process and the need to prevent irregular migration. Placing more responsibility on origin countries for controlling irregular flows could be proved not very effective.
- A more balanced gender composition of migration flows will certainly have consequences on the distribution of roles within the family, changing cultural / traditional patterns, etc.
- Legal status of Romanian migrants is not going to change, as informal practices of migration work better and faster than formal institutions established. Labour supply is still plenty and not because of the unemployment (which is under 10%), but rather due to under-employment and low salary levels. More sanctions imposed by Romanian authorities for irregular migrants (most of them related to travelling restrictions) are to discourage irregular migrants, but not to a high degree. New strategies to overcome sanctions will be innovated.
- The number of asylum seekers will probably stay low as long as there are several transit routes to EU countries. Also irregular migrants would be easy to control. Still, in the next 3-4 years Romania is likely to transform in a destination country, more attractive from an economic point of view for people seeking work.
- Business immigrants have already consolidated their position in Romania. However, small businesses are now discouraged and more incentives for business people to stay are in place (by raising the investment threshold).

### 3. Factors contributing to migration movements

#### 3.1 Pull factors

##### *Outflow*

Regional characteristics of circulatory migration can offer explanations for destination countries. Sometimes the routes are more complicated than appears. If there is a consistency between Transylvania (western part of Romania) and Hungary or Germany as main destinations, the link is not so straightforward in the case of Moldova (eastern part) and Italy. There were different hypothesis to explain why Moldavians chose in such a high proportion this south destination of the EU and not other countries. The first hypothesis is related to the Catholic background of Moldavia, which might account for some religious affinities or even networks (Sandu 2000). But this statement cannot prove the uniqueness of the case, as other parts of the country have far more Catholic population. The second hypothesis refers to the low social capital and international connection that Moldavians have with other western countries and flexible or less restrictive policies on immigration in Italy that might have favoured flows of migration from the eastern part of Romania. Although it is true that low social connections abroad have driven Moldavians to more open markets as Israel or Turkey and not Germany or France, this hypothesis cannot fully account of migration to Italy.

The third hypothesis, which might explain in our opinion more of the favoured destination of Moldavians, is related to the world system theory (Massey et al 1993). Scholars have long ago noticed that in some cases movement of people follows the same route, but in the opposite direction, as the movement of capital. Moldavia was that part of the country where the communist regime and its planned economy favoured the textile and shoes industry. After 1990, most of this industry collapsed, but Italian companies have chosen to massively invest in this area as they already have skilled and cheap labour. This does not mean that Moldavians who afterwards headed to Italy are working in the same sector of textile industry. The hypothesis remains at the level of cultural contacts and information. The presence of Italian companies in Moldavia after 1990 has encouraged contacts and information about the destination country for migration. The table in Appendix 3 is trying to statistically prove that the number of Italian companies in a county highly correlates (0.25) with the level of migration in Italy and this is especially true for Moldavian counties. The correlation would be higher if the migration were considered for both urban and rural settlements.

In other cases, the high percentage of migration to Italy cannot be explained based on the same figures. For instance, the high migration rate to Italy from Timis and Tulcea should have the rationale in the Italian minority having populated those specific regions. Sometimes researchers wrongly figure out routes of migration based on simple facts. It is the case of northwestern Moldavia, especially Suceava county. Because western Suceava was part of the Austro-Hungarian Empire and because of the presence of a small German ethnic population in this area, it was assumed that social network theory might prevail in justifying Germany as main destination. But, in fact, some qualitative studies proved that the link could be more complicated. In reality, social

networks favoured migration to Germany in regions where the presence of Saxons was massive (Sibiu, Timis, Arad). On the other hand, Suceava had a large flow of internal migration to Timis and Arad before 1989. After 1990, relatives from these two counties have been the missing link between Suceava and Germany.

### *Inflows*

Most immigrants from Far and Middle East have established their own business in Romania since early 1990s. Romanian labour market was not as attractive as the services and trade market were after 1990.

An IOM research conducted in 1993 indicates that tourist visa was a legal mean to enter the country, even for Middle East, Africa and Far East citizens, although Romania was not having a high potential for tourism (IOM 1993). After entering the territory, the short term stay granted by this visa was abused. Migrants were attracted by flexible conditions stipulated by law for foreign investors. The threshold for investment was imposed at USD 10,000 during that time, but it could be lower if the company assumed the responsibility of paying a tax on its profit. The law of foreign investment provided a 50% tax exemption for companies creating at least 50 new jobs, not specifying the citizenship of employees.

Taking into consideration the three main forms of immigrants that one can see now in Romania: business immigrants (which account for the largest part of immigration), refugees and migrant workers (employees), the latter are probably the least less visible and less numerous now. Still, they can be found hidden in statistics, as interpretation of table 12 will show.

One can easily observe in the table below that most of the foreign citizens, no matter duration of stay and purpose of stay on the Romanian territory are highly concentrated in urban sites, with some exceptions that it is worth discussing further. As for Turkish and Chinese residents it is obvious that they settled business activities mostly in the cities (especially Bucharest) as they found attractive markets for merchandise and services. As table 12 suggests, more than 90% of these two countries immigrants are here to stay for one year and more, which to a large part proves their business purposes.

**Table 12: Foreign citizens by origin, duration of stay and temporary residence**

	Total		under 3 months		3-11 months		12 months+	
	urban	rural	urban	rural	urban	rural	urban	rural
<b>All origins</b>	<b>25,626</b>	2,284	4,140	266	2,434	332	19,052	1,686
<b>Row %</b>	92%	8%	94%	6%	<b>88%</b>	<b>12%</b>	92%	8%
China	1,932	11	20	1	46	1	1866	9
<b>Row %</b>	99%	1%	95%	5%	98%	2%	100%	0%
Germany	1,511	256	885	75	83	42	543	139
<b>Row %</b>	<b>86%</b>	<b>14%</b>	92%	8%	<b>66%</b>	<b>34%</b>	80%	20%
Greece	1,656	25	68	1	52	2	1,536	22
<b>Row %</b>	99%	1%	99%	1%	96%	4%	99%	1%
Italy	2,176	202	525	13	127	18	1,524	171
<b>Row %</b>	92%	8%	98%	2%	88%	12%	90%	10%
Republic of Moldova	2,872	704	321	38	992	100	1,559	566
<b>Row %</b>	<b>80%</b>	<b>20%</b>	<b>89%</b>	<b>11%</b>	91%	9%	<b>73%</b>	<b>27%</b>
Syria	1,137	43	9	1	30	0	1,098	42
<b>Row %</b>	96%	4%	90%	10%	100%	0%	96%	4%
USA	997	132	274	9	90	13	633	110
<b>Row %</b>	<b>88%</b>	<b>12%</b>	97%	3%	87%	13%	<b>85%</b>	<b>15%</b>
Turkey	2,185	159	135	7	70	9	1,980	143
<b>Row %</b>	93%	7%	95%	5%	89%	11%	93%	7%
Other continents	2,970	84	300	14	272	5	2,398	65
<b>Row %</b>	97%	3%	96%	4%	98%	2%	97%	3%

Source: National Institute for Statistics, 2002 Census

Some differences appear in the case of German residents and citizens of the Republic of Moldova. German citizens who stay less than 3 months are 59%, which is much above the average, while Moldavians who stay between 3-11 months are also above the average of this category (31%). It is quite the same case with the Italians (23% within 3 months staying in Romania). It is very likely that Germans within the less than 3 months category are German ethnics who left Romania right before or after 1990. They usually come back to see their friends, relatives and neighbours. Moreover, they have their own houses in Romania. Most of the German ethnics left Romania from rural residence and they come back during holidays spending between 3-11 months in Romania (it is likely to have within this category retired German ethnics owning a holiday residence in Romanian rural area).

As for Italians, it seems that some of them established their own business, which they run staying here and there for short periods of time. The most important case is the one related to citizens of the Republic of Moldova. One can see in the table 12 that there are more Moldavians in rural area staying under 3 months and more than one year (11% and 27%) compared with the average figures (6% and 8%). In table 2.8 one can observe that the percentages of females from the Republic of Moldova staying less than 3 months and more than one year are 49% and 65%, as compared to the average for the two category of staying: 40% and 32%. In order to explain these differences one should link several specificities: seasonal work, rural residence and females. It is very likely that a

hidden phenomenon will be disclosed in few years: Moldavians females working in agriculture in Romania. Due to the deficit of young workforce in farming (because of the ageing rural population of Romania and a general tendency of young people from the villages to work abroad), it is likely that poorer female from Moldova will replace unskilled workers in agriculture not only in specific seasons, but also on a long term residence.

We found a case in the mountain area of Harghita-Corbu, but close to Moldova (eastern Romania). A schoolteacher talked about Romanian owners running a business in wood processing:

*I don't like their business. They bring workers from the Republic of Moldova – they come here and work in wood processing and they are paid little money. I saw a young guy with his daughter living in a wagon here. I guess there are more, but we don't know how many. They don't have money there [in the Republic of Moldova], they have farms and can feed families, but they don't have money. They are hired here seasonally, with no contract, in the black market (interview No. 31).*

*The poor people do not have anything else to do. Here they cannot find jobs and money is not enough. Many people working in the wood industry are brought from somewhere else. They come from the Republic of Moldavia. People are not satisfied with the money they earn here. The ones that go abroad to work are better off. One may inherit the house of his parents, but he wants more (interview No. 29).*

Although no statistical data is available about the number of citizens from the Republic of Moldova working in Romania in agriculture, the data from the 2002 census evidences that it might be a trend for the Romanian labour market. However, one should not forget the special case of Moldavians citizens. They actually speak the Romanian language and they will be probably easier assimilated in the market where there is a growing deficit. Otherwise it is less likely that any immigrant will be sought for seasonal work in farming, due to language and culture barriers and the traditional environment of Romanian villages.

### **3.2 Push factors**

It is always hard to evaluate push factors behind immigrants in Romania. On the one hand, they come from underdeveloped or developing countries and economic reasons could be considered the first motive for their leaving the country. But the same countries have been affected by war crisis or experience authoritarian regimes. As most of the non-business immigrants in Romania are asylum seekers, finding political persecution can be expected to be the main reason for requesting protection in Romania. Nineteen interviews conducted in 1993 with immigrants from Romania support this finding. All interviewees declared their decision to migrate was dictated by political reasons in their home country. Looking into the personal histories of the same interviewees we can notice events related to political persecution (people sentenced to prison for their political opinions or expressing support for an opposition movement).

Still, most of the immigrant interviewees reported strong intention to leave Romania for a western more developed destination (*"If I had USD 5,000-10,000, I would stay here and start a business ... Romania is a good country for business. But as an unskilled worker with a salary of only \$25, I can't even pay for my medicine. I get my asthma medication free from the Red Cross"* - IOM 1993). Economic reasons as push factors cannot be ignored, but one should rather consider the combination of the political and economic push motives. It could be that immigrants are pushed to go from their origin countries by political reasons and pushed to transit Romania because of scarce economic opportunities.

### *Outflow*

The scarcity of the revenues is one of the main push factors in most cases generating labour migration. For the neo-protestant migrants the large families might accentuate the financial stress pushing the members toward finding strategies of gaining more money abroad. Relative deprivation is also stressing the tendency to leave. More migrants workers leave the country and invest money in visible goods (houses and cars) after coming back, more neighbours are likely to find ways to work abroad. As migration networks have already established after 1990, with specific destinations across different regions of the country, several paths to working abroad are available for the new migrants.

It is sometimes not the scarcity of revenues pushing migrant workers, but rather a degrading social status in a specific community. As other studies conducted after 1990 evidenced, in rural areas it is mostly former commuters who found a job in a foreign market. Former commuters from rural to urban were not necessarily people from the lower social strata, as before 1989 they were a kind of middle class. They had a job in an urban industrial plant next to their rural residence and they also had a small farm plot that allowed them to produce basic food for the household. After 1990 industrial declining, commuters were the first laid off from the state-owned industrial companies, since they were supposed to be able to make a living from their farm assets. Commuters actually found themselves in a situation of degrading social status and they converted a short-distance mobility into a long-distance migration (Diminescu / Lazaroiu 2002).

### **3.3 Asylum systems and other forms of protection.**

Although 7 out of 10 immigrants are more easily granted refugee status in developing countries, they still prefer western developed countries as final destination, attempting to illegally cross the border of the first host country.

As mentioned above, Romania is rather considered a country of transit for immigrants. The sending countries with the highest volume of asylum applications between 1997-2002 were the following: Iraq, Bangladesh, Afghanistan, Pakistan, Somalia, Iran, India, Sri Lanka, Albania, Turkey, Sudan, Congo, Palestine, China, Syria, Zaire and Yugoslavia (source: UNHCR).

The total number of asylum applications reached a peak in 2001 and then decreased in 2002. The increase in 2001 is mainly due to Afghan and Iraqi nationals, which is of

course related to the war after September 11. The structure of asylum seekers between 1991-2002 shows that the majority of applicants is composed of males, aged 30-41 (UNHCR).

**Table 13: Total number of asylum seekers between 1999-2002**

Year/Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
1999	21	43	64	318	211	194	62	204	154	176	119	137	1,703
2000	132	158	133	86	150	72	69	85	100	113	155	111	1,364
2001	143	223	297	180	226	207	238	202	170	184	100	110	2,280
2002	114	83	52	94	127	66	116	79	57	81	56	75	1,000

Source: National Office for Refugees

Officials notice changing of routes after 2000:

*Romania is a transit country for other final destinations: Germany and Greece. The main routes are Middle East-Turkey-Bulgaria-Romania, Central and South East Asia-Russia-Ukraine-Moldova-Romania. Immigrants from Bangladesh changed the route since 2000: Ukraine-Poland-Hungary. Now routes are still changing the main avenues to Western Europe being: Afghanistan-Iran-Iraq-Turkey-Bulgaria-Romania and Afghanistan-Iran-Iraq-Turkey-Bulgaria-Serbia-Croatia. Asylum seekers in Romania were still caught at the border with Hungary and Serbia, attempting to illegally cross the frontier (interview No. 2).*

Officials estimate an increasing pressure on transit countries to accept higher numbers of refugees. Last reports from Border Police evidence that most immigrants applying for asylum enter from Bulgaria (49.5%), the Republic of Moldova (40.3%) and Ukraine (10.2%). Large numbers of refugees come from Turkey, Moldova, India, Iraq, China, Somalia and Afghanistan. The number of asylum seekers is almost half of the precedent years. Also Border Police apprehended on the western Border of the country other nationals that legally stayed on the Romanian territory, but wishing to illegally head to EU countries.

*In the last couple of years, we have caught a lot of Chinese and Turkish citizens. We have tracked them down at the border with Hungary, because they need visa to pass. A few years ago they were using disguised legal ways. They took an airplane from Timișoara to Vienna and Beijing with a stopover in Vienna. Chinese citizen „forgot” to return to the airplane (interview No. 7).*

As the chart 3 (see Appendix) evidences, the number of asylum applications constantly rose since 1997 to 2001 and then significantly declined in 2002. The number of granted refugees status is well under the number of applications and it reached the peak in 1999. The number of rejected applications has two peaks, the last one coinciding with the year of the highest number of applications. This dynamics is explainable if we consider legislation changes regarding refugees after 2000. The procedure became quicker and the conditions more restrictive.

### 3.4 Future trends

In the long term it is likely that strict control of frontiers will make most of these people staying here. Because of the precarious economic situation in Romania most asylum seekers and refugees prefer to take the risk of illegally crossing the border to flee to a more developed EU country. It seems that in 3-4 years, while the economy is going to recover, Romania will become a destination country, and people will have to accommodate these foreigners no matter the origin country or the reason they come here.

*We cannot make any predictions about the refugee movement because it depends on the geopolitical changes. I think there will be a decrease in the number of refugees all over Europe. Some of the European countries have a quota system. Asking for asylum will no longer be of importance. Nowadays, refugees can choose their destination, but, in the near future, they will have to accept the protection of the country that is willing to receive them. The family reunification principle will be important in the process of deciding the destination (interview No. 8).*

*The general economic situation of the country is extremely bad. If the economic and the social tendencies of Romania will change, the refugee number will increase; those who received the refugee status will remain here (interview No. 11).*

Also, as discussed in chapter 3.2, there will be a tendency of replacing labour force in economic sectors that suffer now from shortage of labour with migrant workers (like agriculture). It is likely that the Republic of Moldova will first provide replacement labour, because RoM is expected to lag behind Romania in terms of salaries and employment. Common language is to be an advantage for Moldavians citizens (also from the point of view of rural employers who will accept easier “Romanian language” foreigners).

### 3.5 Labour market (including seasonal labour and cross-border migration) and social benefits

In order to explain labour migration it might be useful to study the routes, the regions of origin and the composition of the flows. A rough estimation only for rural area and small towns based on a settlement-by-settlement inquiry in 2001 (IOM Bucharest 2001) evidenced 370,000 migrants since 1990, which accounts for about 2% of the adult population. Other estimations based on representative samples constantly showed reported 5% of adult population having worked abroad at least once after 1990 and about 20% of the total households having had at least one member abroad for work.

Another recent estimate from April 2003 shows that in that very period about 13% of the total number of households (950 thousand) had at least one member working abroad (CURS April 2003). One can see in the table above that the number of households having sent one member working abroad after 2001 slightly increased from about 17% to 23%. At the beginning of 2002, EU lifted visa restrictions for Romanian tourists, which had an impact on people travelling abroad after that date. One can see that there is a growing number of people planning to find a job abroad (17% in October 2002, according Public Opinion Barometer October 2002).



Even though local authorities have no official responsibilities in migration issues, they are already face problems related to labour migration and it is envisaged that in the future immigrants will be a concern. In respect to labour migration, there are several villages where more than 30% of the population is working in a foreign country (IOM Bucharest 2001). Therefore, local authorities find themselves in a strange situation of diminishing the base for taxes. In the long term a large volume of remittances in these villages might create incentive programmes for migrants to invest in local infrastructure or start a business.

One of the most interesting facts in the last 2 years in Romania is that some major trade unions involved themselves in mediating labour. An example could be BNS (National Union Block) and ALFA, which signed agreements with their counterparts in Italy for sending Romanian nurses to work abroad. The advantage of bilateral trade unions' agreements for labour mediating is the assurance of protection and equal conditions as for other native union members. Usually, trade unions in western countries are opposing foreign labour, and besides, unions in Romania are supposed to be more concerned of preserving their constituency than of sending members abroad.

### **3.6 Family and other informal links**

The main links facilitating migration are represented by the ethnic or religious minorities. The migration networks that have generated specific flows of migration are those of the Saxon and Hungarian ethnics or the neo-protestant links.

A particular link, important as a source of information concerning the migration opportunities, legislation in the destination countries, labour market, etc. is created by the Diaspora websites. A Romanian that is presently in Ireland may chat with Romanians currently in Germany and even find a job there without even leaving Ireland. There are sites in countries where the number of Romanians is estimated to be around 300.000 – like in Italy, but also sites in countries like Finland where the number of Romanian citizens there revolves around 500. These sites include short briefings on the legislation, reflections on the practice and procedures and comments made by important politicians or Romanian citizens.

### **3.7 Ethnic migration**

The German ethnics have been some of the pioneers of migration. At the beginning of the migration flows, those leaving Romania were mostly the Saxons living in regions such as Sibiu, Timis, Arad,; the networks have slowly included more Romanian migrants. The Hungarian networks have generated similar trends. Data shows that the favourite destination for migrants living in concentrated ethnic Hungarian areas of Romania (Harghita, Covasna, Mures) is Hungary (IOM Bucharest 2001, also see maps in the Appendix).

The Roma people is however a different case, which can be viewed especially as a very mobile population, but not as a group returning to a traditional origin country.

### 3.8 By-products of labour migration: trafficking in human beings and organised crime

Trafficking in human beings cannot be separated from labour migration. A study on vulnerability to traffic of young Romanian women conducted in 2001 called trafficking in women an “interrupted circulatory migration” (Lăzăroiu 2001). As interviews with victims of trafficking witnessed, most of the women having become victims just wished to find a decent job in a foreign country. Most of time it happened that these women are deceived and forced to prostitute in another country than the promised destination. It is often the case of Romanian women who have been promised a job in Italy or Greece, but then organised networks of traffickers just sold the victims to a pimp or whorehouse owner in a country within the Balkan region (Albania, Macedonia, Kosovo, Serbia, etc.).

As international reports evidence, Romania is a source and transit country primarily for women and girls trafficked from Moldova and Ukraine to Bosnia, Serbia, Macedonia, Kosovo, Albania, Greece, Italy and Turkey for the purpose of sexual exploitation. Romania is considered in tier 2<sup>8</sup> by the U.S. State department, which means that the authorities did not meet the minimum standards but are making significant efforts to do so. Statistical data shows dramatic changes from year to year. In 2001, IOM offices in the Balkans have assisted a total of 697 victims of trafficking, mostly from Moldova (47%), Romania (25%), Ukraine (11%), Lithuania (3%), Russia (3%), Bulgaria (2%), Latvia (2%) and Albania (1%).

**Table 14: Distribution by age categories of assisted victims of trafficking**

Age categories	Number of cases
14-15	4
16-17	31
18-19	27
20-21	30
22-23	17
24-25	11
26-27	13
28-29	3
30-31	4
32-33	2

Source: IOM Bucharest

Although the figures above cannot account for the whole trafficking phenomenon, as they refer only to assisted victims, it seems that vulnerability is higher for women between 15-25 years old. This fact is confirmed by studies on vulnerability conducted in Romania. Data on a representative sample of young women extracted in 2001 shows that between 3-4% of the 15-25 are exposed to average risk of trafficking, while 4-9% of the same category are exposed to a high risk.

<sup>8</sup> In its annual reports U.S. State Department classifies countries according to how domestic efforts meet the legislation's minimum standards for the elimination of trafficking. Tier 3 countries are deemed to be not in compliance with the minimum standards and not making significant efforts; Tier 2 countries are not in compliance, but making significant efforts; and Tier 1 countries are in compliance

Analyses proved that vulnerable girls come from urban areas, poor regions, experienced abuse in the family and have a low human capital<sup>9</sup>. Other preliminary qualitative studies evidenced that it is less likely that victims of trafficking come from communities with large flows of circulatory migration, especially when it happens in small villages as migration flows are carefully under the scrutiny of the community. Although it seemed strange to external observers that more vulnerable girls come from urban areas, it must be said that the common case is when the girls leave their rural native place for high school in a city. Urban environment is experienced as a shock by some of these inexperienced girls and then they easily become victims of recruiters.

IOM is actively coordinating a Counter Trafficking-Steering Committee where all relevant ministries participate. Together with IOM, the government developed and distributed course materials on trafficking to schools, taught an anti-trafficking course for teachers of various subjects and levels, and conducted mass media prevention campaigns targeting the public at large. A related preventive effort involves a two-year ILO programme, supported through international assistance, to alleviate child labour and to keep children in school. The government continues to improve its ability to monitor its borders and keeps statistics on illegal migration and movements of persons.

Border Police reported in June 2003 that it has discovered and annihilated 158 smuggling networks and trafficking in human beings during the last two years (Border Police report, June 2003). The Romanian authorities have passed significant legislation related to prevention and prosecution of traffickers and protection of victims. In practice, there are still shortcomings especially regarding financial support, shelter and repatriation. However, significant efforts have been made in the last 2 years to pass and enforce anti-trafficking laws.

*Talking about migrant women... We had a recent case of a German citizen who came to Romania and he said he's got a matrimonial agency and he wants to bring some girls to Germany to find some to marry to. Then he found the girls and signed contracts, and one the provisions were that they are compelled not to leave the house except with certain persons and they have to clean the house and small domestic things. Incredible as it might be the girls signed the contract. They were lucky we stopped him when he wanted to cross the border. There is another case of EU citizen, who wanted to hire girls in his own bar. We checked the bar and we found that it was whorehouse (interview No. 2).*

### **3.9 Vulnerable groups: Unaccompanied minors**

There is no law primary referring to unaccompanied minors. Provisions relating to this category are however included by the Refugee Law, the Aliens Law or by other laws regulating the minors' status. Special attention is granted to these cases, as they are one of the most vulnerable categories to traffic or to smuggling. Close co-operation between NGOs and state authorities is imperious in this area.

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<sup>9</sup> Human capital refers mostly to education, but it may include not only one's formal years of school, but also one's parents years of school

**Table 15: Statistical data for UAM 2000-2002 (number of cases)**

	2002	2001	2000
Afghanistan	7	18	18
Bangladesh	4	0	15
India	5	0	0
Iraq	1	1	0
Somalie	4	2	0
Soudan	0	0	0
Iran	0	2	0
Syria	0	0	1

Source: UNHCR

Authorities have become aware of the presence of unaccompanied minors in 1999, which reveals the fact that there is much to be done regarding the finding and implementation of efficient policies and practices. It is recommended that when dealing with unaccompanied minors the relevant actors should consider the provisions stipulated by the Child Protection Convention and the experience provided by the international jurisprudence. As the data above shows, the main countries of origin are Afghanistan (56%), Bangladesh (14%) India (7%) Iraq (7%) and Somalia (7%). Data above include all refugees or asylum seekers who were considered minors after the age assessment, or their own declaration registered after the border crossing.

Interviewing procedures should also be reconsidered. A specific provision should state require adequate training of the interviewers. Malpractice is likely to have traumatic effects for the unaccompanied minors due to their high vulnerability. The financial support provided by the Romanian government is insufficient for meeting the basic needs of the child (\$0.5 per person per day). Under these circumstances, the UAM are dependent on the assistance provided by NGOs and UNHCR. The Aliens Act (article 121) states the necessity of family reunification as one of the appropriate solutions for the UAMs. We should not ignore, however, that this is a rather difficult task due to the countries of origin of these children. The National Romanian Council for Refugees has also indicated the necessity for the Aliens Act to clearly specify the prevalence of the child interest when deciding on repatriation.

The National Office for Refugees is the only governmental actor involved in dealing with UAMs. However, its actions have mainly a juridical or administrative purpose and do not respond to other needs such as education or reintegration programmes. Therefore, it is advisable that other state institutions, such as the Ministry of Education and the Ministry of Labour and Social Solidarity, get involved in dealing with separated minors (Antonescu et al 2003).

### Conclusions and recommendations

- No change in the push factors that presently determine migration flows can be expected. Romanian economy is slowly recovering but income differentials between this country and EU states are not going to decrease. Moreover, positive experience of migration will drive more people to seek short-time work abroad, no matter that they belong to low or middle social strata.

- However, economic growth might create income differentials between Romania and other underdeveloped / developing countries, which will attract more immigrants to stay. The transitory movements will be more controlled, but they will also become obsolete as soon as the labour market demands cheaper labour force.
- Asylum seekers will probably not look for a stop on their way to western countries, but more for a shelter geographically closer to their origin countries. Granting refugee status or other forms of protection have already simplified and aims at discouraging transit and economic migration. The two tendencies will probably create barriers to people who really need protection.
- Migration of Roma ethnics is going to create problems in the future. Most of them are related to difficult integration into the Romanian society. Frequent associations between illegal activities abroad and Roma ethnics are going to feed hatred feelings and discrimination. Most of Romanians already believe that Roma ethnics are making a bad reputation to Romania. There are fears that because of the reports on illegal activities of Roma, Romanians might lose the right to travel without visa in European countries. Blaming Roma for such consequences is extremely dangerous for the future relations between the Romanian majority and Roma communities.
- Trafficking in women is a phenomenon related to migration. In fact, most of the victims of trafficking are ordinary migrants cheated by members of organised criminal networks. The same push factors are operating in the case of trafficked women as in the case of migrant workers. The number of Romanian victims of trafficking is likely to drop as soon as more legal opportunities to work abroad will be available.
- Unaccompanied minors represent a vulnerable group of migrants that regulations should specially deal with. As not many cases of UAM are reported on the Romanian territory there is more ignorance of authorities that can hardly understand the difference between an adult and minor immigrant. Sometimes both age categories are treated alike. UAMs can easily become victims of trafficking and exploitation, which means that more attention should be paid to this special category .

## **4. Impact of migration movements on the subject society**

### **4.1. Impact of labour and economic migration**

As the Romanian labour market has not proved very attractive after 1990, many foreigners prefer to make money from business. Legislation changed dramatically since the beginning of the 1990s, especially regarding the amount of money business immigrants are supposed to invest, starting from USD 100 and increasing to EUR 50,000 in the new law passed in 2003.

In 1993, the Labour Office mentioned the following favoured economic sectors for foreigners: drivers and traders from Pakistan, salesmen from India, Chinese cooks. The office stated that only 10% of the foreign workers in Romania are legally registered. Only 2000 Chinese have applied for a work permit while about 20,000 lived in Bucharest only.

We start with findings of this report because it seems that it was in the early 90s that immigration networks established in Romania. The most numerous communities of business migrants were Chinese, Turkish and Arab nationals. They still dominate the landscape of foreign business in 2003, although the figures might have dropped since 1990.

Representatives of Chinese Business Association estimated that the number of Chinese people in Romania peaked at 20,000 in 1996, but now dropped to about 10,000. More than 90% are involved in business activities, while the rest are working in association with these businesses. Most of the business people are very mobile, they fly back and forth to China and Romania about 4 times a year. This pattern might explain the constant number of Asian tourists that enter the country each year. In 1994 and 1995, two associations have been established: a federation of business people from China (covering different Chinese regions' associations) and an association of Chinese businesswomen. Although concentrated in Bucharest, the Chinese community has progressively extended to other major cities from Romania: Suceava, Galati, Timișoara.

The new law on foreign investors actually affected the community, because most of them could not afford the amount of EUR 50,000 that they are supposed to invest in their business. Representatives of the association envisaged that more Chinese would have to leave the country as a consequence of this high threshold.

The Turkish business community is probably even older than the Chinese groups. Turks do not need a visa to enter Romania, which has actually facilitated large groups coming back and forth with business during the last decade. Unlike Turk migrants heading to Germany, the U.S. and Canada, which might be considered economically poor, Turkish immigrants in Romania are more than 90% involved in businesses. They have a higher living status and some of them just wanted to extend their business from the home country.

The new law regarding foreign investment threshold has affected Turkish people with small businesses. Representatives of the community forecast a major drop of the

number of Turkish companies in Romania. They complain about the new law not only because of the high investment threshold, but also because of the compulsory profit. However some of the Romanian authorities consider that the new conditions for starting a business imposed to foreigners are not very restrictive if the business is to be something serious.

*That is not fair because nobody knew about this until the law was issued and firms did not have time. The law obliged them to have profit and when you do business you sometimes lose money. You do not always gain money. It is not fair because some of them have been living in Romania for a long period of time - they have apartments here - there lives are here and now they have to go (interview No. 20).*

*Recently, a new law regarding the foreigners in Romania has been adopted. It will not be changed until 2007 because there is no reason for this change. Some people are unhappy with the law - especially the investors that are here - but 50.000 euro is not that much. If they include the value of the apartment that they live in and their car, they almost have this money. If you really want to do business, this is not a large amount. Foreign experts think that it is good - so at least for now there are no legislative gaps. Maybe in 2007, the two institutions, one dealing with the refugees and one dealing with foreigners, will merge (interview No. 3).*

Data on returned immigrants show that Turks, Chinese and Moldavians account for the largest volumes, which is quite consistent with high numbers of tourist from these countries having entered the territory after 1990. Unlike Chinese and Turks, Moldavians are hardly considered immigrants, but mostly “poor relatives” that need help. The Romanian government developed special cultural and political relations with the Republic of Moldova. Most of the people from Moldova came to Romania for studies as many scholarships have been granted ever since 1990.

**Table 16: Number of exit visas in 2002 by purpose of visiting Romania**

Number of exit visa in 2002	
Business	1,039
Tourism	878
Visit	581
Studies	133
Investors	61
Joining family	54
Employees	31
Teachers	16
Sports	14
Independent activities	11
Religious activities	6
Medical treatment	6
Transport activities	5
Cultural activities	2
Media activities	1
<b>Total</b>	<b>2,838</b>

Source: Ministry of Interior

*In Romania, less than 200 refugees arrive every year. This number does not have a negative impact on our country as it happens in other European countries. There are some cases when officials have to introduce quotas on refugees arriving each year. The state could benefit from regular migration, as migrants and refugees working legally will have to pay taxes (interview No. 12).*

The impact of refugees on the domestic labour market is rather not significant. Due to low number of migrants from this category in the Romanian territory and also due to the transitory project that most of the refugees entering Romania have, one cannot think of an important impact of immigrant workers.

#### **4.2 Economic effects of migration**

Labour migration has become more and more important for the Romanian economy. There are several studies focusing on migration and development nexus. The level of remittances is usually stressed in this scientific debate and the way return migrants are spending their money. As regarding Romania, there is more than one estimate of the financial transfers from migration. 2002 official figures show that about USD 1.2 billion entered the country from migrant workers. The volume has increased since 2000 (source: Romanian National Bank). But this figure accounts only for official transfers through official channels (commercial banks transfers). Banking experts acknowledge that taking into account the diversity of informal channels to remit money to families and the savings that migrants themselves carry on the way back, the volume might be much higher.

A representative survey carried out in April 2003 evidenced that the 930,000 households having at least one worker abroad might benefit from a constant flow of remittances up to EUR 2.0 billion a year, which is almost double the volume of foreign investment (CURS April 2003). All these amounts of money from migration are meant to show how important remittances can be for Romanian households. Discussion on migration and development link is usually focused on financial transfers, but one must admit human capital and social capital transfers as important as remittances.

Some qualitative studies evidenced that most of money from migration are spent on long-term goods (cars, houses) and consumption (food, clothes) and are less invested in business or community. This can be seen as depending on the number of migration cycles. Labour migration is still new for Romanians. Some analysis proved that the more cycles of migration, the more willingness of migrants to invest in business (Diminescu / Lazaroiu 2002).

*Many Romanians that worked abroad wanted to start a business, when they returned. If the government does not create incentives for the Romanians who wish to invest, they will never succeed. The Romanian Government should offer some facilities for Romanian investors, following the model given by the Polish Government. Romanian investors return home and face the fact that they cannot compete with foreign investors. People ultimately give up their ideas and migrate again (interview No. 5).*



In order to assess the impact of migration on origin community and origin labour market, it is necessary to understand who are those who have chosen to work abroad. It is quite clear that the first economic effect of migration is releasing pressure from the origin **labour market**. Data show that the number of migrants from rural and urban is quite the same, although the number of migrants from villages is slightly above the average. Most of the male migrants are working in the construction sector or agriculture, but it is not necessary that they have skills for these jobs. Most of the female migrants are working as nurses, baby-sitters or housekeepers in the country of destination. In terms of age it seems that most of the migrants are from 18-30 years of age category and in terms of gender migration is highly masculine.

Even though local authorities have no official responsibilities in migration issues, they already face problems related to labour migration and it is envisaged that in the future immigrants will be a concern. In respect to labour migration, there are several villages where more than 30% of the population is working in a foreign country. Therefore, local authorities find themselves in a strange situation of diminishing the base for taxes. In the long term a large volume of remittances in these villages might create incentive programmes for migrants to invest in local infrastructure or start a business. On the other hand, money from migration is in most of the cases invisible. It might happen in some communities that women with children apply for social aid to local authorities, as money remitted by her husband is not registered anywhere.

There is a high risk in a medium term to create structural inflation in some specific locations. Scholars drew attention that in certain confined areas with large labour migration flows, when remittances and savings are spent in consumption, there is a risk of raising prices especially in the housing market (Massey et al 1993). This already happens in some Romanian areas (eastern part). As most of the population remains poor and migrants do not contribute to economic growth and development, there are seasonal fluctuations of the housing market. It happens that during the summer, when most of the migrants come home for vacation, prices for houses become prohibitive for the rest of the population. In a medium and long term, housing market might stabilise at a level that is not going to be affordable for non-migrants.

#### **4.3 Non-economic effects of migration**

The migrant profile can shed some light on the impact of labour migration to local communities. In rural area there is a constant trend of population aging, which already have a dramatic consequence for developing efficient agriculture. Due to scarcity of young workforce to accumulate land and establish high profit farms, there is widespread subsistence agriculture in Romanian villages. In this context young people leaving for working abroad has a negative impact unless they return and they are eager to invest money in agriculture. However, it seems that migration cannot solve the problem of poverty in rural area. Data strongly supports the hypothesis that most of the former commuters from rural to urban area are those who chose to migrate (Sandu 2000).

Any visitor can observe the transformation of rural communities involved in migration. Multilevel houses and new brand foreign cars populate most of these villages. The contrast in the picture is bad roads, lack of water and sewage system and other

improved community infrastructure. Authorities spent little efforts to create incentive schemes that might determine migrants to put money in developing local infrastructure.

*Houses have begun to change. They have more levels and balconies. Those legally working in Israel send money home and the wife and his kids start building the house. It takes two or three years to raise the money but they save and come home with the necessary money for building the house (interview No. 32).*

Along with money people returning in the origin country can bring with them new skills, access to new technologies, new mentalities and a new ethic of labour. On the side of social capital one might agree that migrant workers are able to connect different worlds and communities in business or cultural matters.

Labour migration can also change social relations within a community and also can increase economic inequalities. On the one hand, relative deprivation is not uncommon among villagers and it might be the engine of continuing migration. On the other hand, poor families or elder families cannot afford or are just not able to move to another country for a job. They are at risk of being marginal or socially isolated. Long separation of husband and wife can also dramatically affect traditional roles and relations in a rural community. A research on voluntary return of Romanian migrants evidenced that missing family is the most important reason of people working abroad to return.

The Romanian Orthodox Church has got parishes in several Western Europe countries and North America, basically where numerous and strong Romanian migrants communities established ever since 1950. In the last 2-3 years it could happen that new Romanian migrants communities established in Italy to request ROC a parishioner. Also the premises of the ROC abroad are the most important meeting places for irregular migrants or Diaspora (Diminescu / Lazaroiu 2002). Also the ROC has taken strong position against trafficking in human beings as part of a prevention campaign.

#### **4.4 Discrimination, xenophobia and other forms of violence against migrants**

Advocates for refugees' rights already perceive a subtle rejection of foreigners among common people and officials dealing with asylum seekers and refugees. They observe people could not make the difference between economic migrants and people forced to move because of some dramatic events or persecutions in their own country. There is a general attitude of the public officials when granting the rights and benefits refugees are entitled to: "We already have our own poor people, why do we need those foreigners?"

*Romanians have no idea about refugees in this country. They have the same old stereotypes: that we have rich foreign students living a whole lot of leisure here in Romania. It is hard for them to understand what international protection means. Media is also responsible for releasing reports about illegal cases, crimes and felonies related to immigrants. Common people usually say about immigrants: "either they have money or they make money here". They cannot distinguish between a refugee, immigrant or human smuggler (interview No. 13).*

Attitude of the Romanian majority toward Chinese people has been positive by 1995, but then media reports presented cases of revenges between Chinese groups, bloody crimes and violence that started to change the public perception. Also Chinese merchandise has been always considered cheap but low quality, good only for poor people. Although tolerated by the majority, there were reported cases of violence between Chinese groups and Romanian gangs and robbery cases against Chinese business people. Generally speaking, the common public has accepted Turks, although there were media reports about under cover illegal businesses and drug dealing.

#### **4.5 Illegal employment and exploitation**

A large number of private companies for mediating labour abroad showed up in Romania after 1990. There was majority having placed labour in Israel, but soon after other Western Europe countries become final destination for labour export. Although no official figures, it seems that the Romanian workers abroad through mediating contracts account for less than 10% of the total migrant workers. Due to frauds and cheating honest Romanian who wanted a job abroad, but also to lack of guarantees for working conditions, these companies are under strict scrutiny of state bodies. They need authorization and are under permanent monitoring for each mediating contract. Still more tricky issues like pretending material guarantees from workers are unsolved. Material guarantees are usually requested when employers abroad want to protect themselves from workers leaving legal jobs for black market.

*A German officer has admitted that no German will ever work on farms; however, Romanians would spend the entire day in the sun for little money. If Germans are not content with Romanians' work, they will call the police to arrest them (interview No. 4).*

As there are many Romanians working in the black market in EU states, sometimes they become dependent on employers. The employers hire them with no contract, and it could happen that if they are not satisfied of their work just fire them without notice, sometimes not paying the salaries. Irregular migrant workers cannot actually complain, because they try to avoid as much as possible contact with authorities, as they might be punished for overstaying visa or not abiding the labour legislation in that country.

#### **4.6 Public opinion and perception of migrants and migration**

Romanian media reports on emigration and immigration have been either absent or just passively taking over articles from international media and stereotypes from the Romanian public imagery. Eager to get the sensational stories, Romanian journalists hardly specialized in systematically treating migration issues. There is only one newspaper printed in Romania targeting Romanian migrants and diaspora.

The relation between media and migration in Romania has always been under the sign of negative reports. Romanian politicians often accused international media for reporting on visible and sensational side of Romanian immigrants abroad. Sometimes one has launched the scenario of a plot against Romania, by presenting criminals, felons and forced return immigrants. Public opinion has been shaped by this current debate on how Romanians abroad are presented.

A research conducted in October 2002 showed that 93 per cent of Romanians considered that most of the Romanian citizens leave the country for making money (POB October 2002). This is illustrative for how widespread is the image of labour migration among common people. Out of those who answered that Romanian migrants leave the country to earn some money, 86 percent believe that most of them earn money from a paid job, 7 per cent think that migrants make money from stealing and 5 percent perceived that most of them make money from begging. No matter how much media reports have been dedicated to Romanian migrant image stealing or begging in a Western country a large majority believes that most of the Romanians abroad are making money in an honest way.

Consistent with the answers above, 51 per cent of the adult population considered in the same poll that only some of these Romanian migrants make a bad reputation to their home country. Only 11 per cent believed that most of the Romanian migrants are a shame for their origin country. When asked about specific categories making bad reputation to Romania almost 68 per cent of the adult respondents referred to an ethnic group: Roma. Other 20 per cent named groups by their activities abroad (thieves, beggars and prostitutes).

It is interesting how media and public debates have created stereotypes around some particular happenings. It is probably true that a significant number of irregular migrants forced return or convicted for crimes abroad come from Roma category. Some spectacular events (Roma people from Romania hunting swans in Vienna is an anecdote that easily come to people mind when talking about Romanian migrants above) attracted media and public attention in early 90s. Some other recent media reports of disabled people attempting to cross the border and heading to EU countries presumably for begging horrified the Romanian public. Also issues on trafficking in women and prostitution are usually mixed up in common people's mind.

That might explain the prevalence of these stereotypes, although a large majority considers that Romanian migrants make a living from a decent job. Other fears related to migration and travelling abroad arise from the attitude of EU countries towards Romania as perceived by common people. For many Romanians who wanted to travel abroad before 2001, it is hard to forget the long humiliating queues in front of Western consular offices in Bucharest, the documents needed to prove that they do not intent to seek job or commit crimes on a certain country territory. In October 2002, 55 per cent of the Romanian adults believed that negative media reports on Romanian migrants might cause EU authorities to change mind about lifting visa restrictions.

In the same line, 64 per cent of the Romanians considered that there are certain categories of people to be stooped to leave the country and 54 per cent that there are certain categories that should not have the right to bear a passport. Easy to imagine that high occurrence of Gypsies among banned categories mentioned.

**Table 17: Would you mind to have ... as neighbours (yes %)?**

Roma	48
Neo-protestants	28
Muslims	18
Hungarians	18
Arabs	18
Jews	8
Greek-Catholics	7
Catholics	5

Source: *Public Opinion Barometer, Oct.2002*

As for the immigrants there is no specific public opinion data to illustrate how people feel about migrant foreigners on the Romanian territory, but a proxy variable can be used, referring to tolerance towards religious and ethnic minorities. The question mainly focuses on proximity of “exotic” groups and it seems that the figures are not very optimistic about the future of Romania as destination country for immigrants. Of course, there are significant differences between categories. More educated, urban respondents are more tolerant. People who already experience contact with minority groups are more tolerant than people living in homogeneous cultural environments. It is likely that immigrants will be better integrated in urban area, especially the capital city and Western region of the country than rural settlements and eastern / southern area. It is likely that the flows of immigrants will favour these specific tolerance zones.

**Table 18: Foreign citizens on the territory of Romania by region**

Region	Number of foreigners	Percentage out of the total number	Percentage within the region
North East	14,783	13%	0.4%
South East / Black Sea	24,887	<b>21%</b>	0.9%
South	10,175	9%	0.3%
South West	4,982	4%	0.2%
West / Transsylvania	13,066	<b>11%</b>	0.7%
North West	9,129	8%	0.3%
Centre	9,989	8%	0.4%
Bucharest / capital city	30,711	<b>26%</b>	1.4%

Source: *National Institute for Statistics, 2002 census*

As the table above evidences, foreign citizens no matter their origin country already established in regions with models of historical inter-ethnic tolerance or the more cosmopolitan capital city. Large number of foreign citizens resides in West region, Bucharest and South East. However, it is not a conscious tendency to move to those specific regions, but it is also the peculiarities of a region. German nationals are coming back to their origin places (Western), some other nationals come established business in Bucharest, because of the economic opportunities and also in the South Eastern area, which is open to Black Sea. As data presented above we have seen that about 90 per cent of foreigners are already established in urban settlements.

A monitoring report on media headlines regarding migration (March 2001-March 2002, the main four newspapers under scrutiny) evidenced some interesting facts: 1. About 59.000 sq. cm allocated to migration issues, 2. Media reports are rarely placed on the front page, unless something sensational comes up, 3. Major headlines concentrated on negative aspects of migration, 4. There is a seasonal trend of media reports on migration (illustrated in the graph 4 in Appendix) (Lazaroiu 2002a). The last finding deserves more to comment upon. The most realistic hypothesis about the seasonal trend of media reports on migration, with peaks during holidays, is that this is a secondary issue for most of the printed publications, but good to fill in editorial space when political debates ceased.

Media played a passive and active role related to migration. On the one hand, most printed media typed announcements of jobs abroad (some of them dangerously hiding trafficking intentions), on the other hand media have been active in reporting on corruption of public officials recruiting migrant workers, or consular officials during the time Romanians needed visa for EU countries. Media presented cases of mediating labour companies, which turned out to be total frauds. However, there are no journalists specialized in migration issues and that is why the topic is under-covered or covered in a wrong way.

#### Conclusions and recommendations

- For some specific issues, but crucial for understanding migration processes in Romania, such as remittances or circulatory migration, small pieces of research both qualitative and quantitative are badly needed. As academic research in Romania is rarely focused on migration issues, a national research centre of migration should be established under the authority of the Romanian government, in partnership with IOM, UNHCR and other international organisations.
- In a long-term, it is likely that large flows of labour emigration associated with low returns in productive investment will lead to structural inflation. As in some areas labour migration is still very selective, large categories of people are going to have restricted access to different markets (like housing market). Local level policies or governmental programmes should create incentives to returned migrant workers for investing money in productive businesses.
- Business immigrant communities should not be discouraged by differential treatment from foreign investors or native entrepreneurs. Of course, the Romanian economy naturally heads to more competition and quality. That is why cheap merchandise or services will have a narrower segment of the market. It is likely that productive business and services (less likely trade) are going to survive in the market. Natural selection of the market should decide who stays and who goes, especially in the case of immigrants.
- Considering the general attitude toward minority groups in Romania, the foreseeable cultural encounter as a result of more immigration cannot provide reasons for optimism. Of course, urban locations (large cities) and regions with multi-ethnic / multi-religious composition will absorb easier any new diversity. But still, the access to several environments of migrants is going to be restricted by intolerance.

- Still, Romania has come to positive relations with the most numerous ethnic minority (Hungarians) and also made progresses in integrating Roma ethnics. These are positive developments for sure and they can facilitate future programmes for integration of refugees and immigrants. The dark side of the story is that right-wing politicians in their “suffrages rush” have used the two ethnic minorities. The absence of old scapegoats is making the new “exotic” groups eligible for targets of the new xenophobic discourse.

## **5. Migration policy, legislation and procedures – present situation and planned migration management strategy**

Due to its projects of acceding to the EU, Romania's first initiatives for creating an adequate legal framework for migration flows were carried out in the early 1990. The changing of its status implied both by actions directed to the adoption of the EU acquis and, more recently, NATO membership have generated constant changes in the legislation.

The Aliens Act issued in 1969 had become obsolete. The Refugee Act adopted in 2000 had proved to have some gaps allowing the would-be migrants to abuse the procedure that was to be followed for the granting of the refugee status. Due to the relatively long procedure, transit migrants would resort to it as a means of reaching further West destinations while benefiting of the Romanian state protection and facilities offered to asylum seekers. Due to the lack of adequate financial means, some of these migrants found themselves entrapped on the Romanian territory. The geographic location of Romania places it on an important position regarding the routes to Western countries, which led to the necessity of creating better regulation for the migration management. Phare and twinning projects have had a significant role in this regard. Major turning points in the legislation have been the result of the collaboration between the Phare Horizontal Programme Migration (PHP) experts and Romanian representatives starting with late June 2001.

A general assessment of the Romanian legislative context regarding migration should start with the fact that in the last three years, due to high political ambitions of the Romanian government to continue reforms needed to join EU in 2007, several legislative acts have been issued. On the level of implementation, one could notice that some realities are far from the moment of testing the laws. It is the case of immigrants and refugees, which do not account for a large number and are mainly in transit on the Romanian territory. The domestic labour market is not yet under the pressure of foreign migrants, nor it is in high demand of workforce for certain sectors.

Migration is not and it should not be a phenomenon involving unilateral actions, but it is rather an issue requiring interaction between states and international organisations. It is probably this tension between Romanian officials understanding migration as a local issue and the global philosophy behind international policies on migration.

*We have no problems with legislation. The problem is within the host countries. For instance, France does not return minors even though they were involved in illegal activities. French authorities just put the minors in special centres and consider them victims. In Romania, it is different. Even if you are 8 years old and commit a crime or felony, you are considered a criminal or felon. Minors are most of the times dangerous than adults. Gypsies teach them what to do. They use fake names and alias. Sometimes this makes identification procedure long and difficult. They sometimes send us fingerprints but it is useless because those minors have no criminal record here in Romania. French*



*authorities would like to return these kids; they want to get rid of them but not as criminals or felons. Therefore, they try to proceed by what they call voluntary return. It is only that minors caught abroad do not want to return. They prefer to stay abroad than coming back to their own families (interview No. 4).*

In order to understand the migration process after 1990 and the trends for the following years and to identify the main legal provisions regulating it, it might be useful to make an inventory and short description of Romanian institutions dealing with migration. It should be noticed from the very beginning that immigration and emigration are in most of cases treated differently by different institutions. There are rare cases of the same institutions dealing with both sides of the phenomenon and, even in that particular case there are different specialized departments.

## **5.1 Admission**

### *Emigration*

#### Acceptable/unacceptable travel documents

In order to obtain lifting visa restrictions of the Romanian citizens travelling in the Schengen countries, the Romanian Government regulated a set of conditions to be met by travellers when they exit Romania. This set of obligations were to make sure that the traveller is going to come back to Romania and he or she will not recourse to public funds or seeking job while abroad. A round trip is to be proved by the transportation documents within 3 months period after leaving Romania. Also an amount of EUR 100 a day might be a guarantee that the traveller has enough resources to support by oneself and do not recourse to seeking a job or other public funds. Of course, these rules will not totally guarantee tourist purposes, but there are other sanctions enforcing regular migration.

Irregular migrants (like those who overstay the legal period of 3 months in a EU country or those who commit crimes or break the laws abroad) could be sanctioned by the Romanian law from suspending rights of free-circulation to the annulment of the right to bear a passport. In the same way in order to prevent illegally crossing a border between a Schengen and non-Schengen state, the Romanian laws might punish a Romanian citizen when they are proved to cross such a border . A recent study evidenced that most of irregular or potential irregular migrants in EU countries mostly fear the consequences of being caught illegal on the territory of a EU state. 60% of the respondents in national sample declared that if they were caught working in the black market in EU state, they would most fear sanctions from the destination state authorities and 39% would fear sanctions from Romanian authorities (Lazaroiu 2003).

*We have problems with the transport and tourism agencies, whose number gets higher every year. Many travel agencies are making money while transporting Romanians across the border. Last year, we imposed sanctions against 5268 transport agencies. The state should revise the transportation laws, because this is the most important problem we are facing. Romanians are creative and it is very likely that they will find some other ways to cross the border (interview No. 7).*

One of the problems mentioned by Romanian authorities related to irregular migration of Romanians is the transportation. Many transporters become very active after EU lifted visa restrictions in moving people across the border, sometimes beyond legal regulations. For instance drivers borrow EUR 500 to passengers just to show the needed amount to the border police. Then migrants return the money back and they are on their own in a EU country. There is much to be done in issuing authorization to international transporters. Some pre-requisites to those who apply for the licenses are needed, but also less flexibility (associated with corruption) on behalf of public servants.

#### Admission for employment

Important progresses in legislation and institutions have been made regarding Romanian citizens working abroad. Only in the last few years the Romanian government has signed several bilateral agreements with countries that turned out to be important destinations for Romanian workers (like Spain, Portugal and Italy). This kind of agreements usually try to guarantee equal working conditions for Romanian citizens and natives, but also to create a legal frame within which labour mobility can develop.

Until 2001, a small market for sending labour abroad intermediaries started to grow. Private companies were entitled to deal jobs in different countries based on contracts between economic agents and individual workers. Proliferation of intermediaries was quickly followed by public reports on migrant workers cheated by mediating companies (paid money never get the job) or migrant workers cheated by employers abroad (not complying with conditions stipulated in the contract).

Therefore, the Romanian authorities issued a set of criteria that labour-mediating companies are to meet in order to obtain full-license of operating in the market. These criteria refer to firm agreements between intermediaries and foreign employers, transparent procedures for selecting candidates and interdiction on requesting material guarantees from applicants while not abiding by the contract.

*The legislation enables the firm to impose a tax for its services that is however insignificant. The legal frame has considerable gaps. The legislation is favorable towards the cashing of a certain commission for the firm's services which raises in our case to the approximate sum of 3.5 millions lei. However, it offers us no protection in case we make a mistake; if a worker has problems in the destination country we are the only ones blamed by the media (interview No. 17).*

The Romanian Government created a Labour Migration Office, under the Ministry of Labour and Social Protection, which actually operates in the same market of mediating labour as other private companies mentioned above. Of course, there were fears from private intermediaries that a state-agency cannot monitor the rules of the game and meanwhile playing the game. There were claims that the state office will try to eliminate competitors using the assessment of criteria to operate in the market. Others thought that the office would improve standards in the market, especially those related to working conditions abroad, and lower the mediating fees. Also representatives of labour

mediating companies complain about lack of protection if something goes wrong with the migrant worker in the destination country.

*Labour Migration Office is an unfair competitor, negotiating contracts for Romanian workers. We pay taxes to a state that is definitely not helping us. This Office has monopolized the signing of contracts for workers going in several countries; it has branches all over the country and can always resort to mass media. It is unacceptable that the ministry itself should create this unfair competition. We could represent the country's interests as well as they do or maybe even better (interview No. 17).*

Ministry of Labour and Social Protection has three departments relevant to migration phenomenon:

*Department for bilateral agreements and foreign affairs* is responsible with negotiating and signing conventions with other countries in the matters of labour exchange. The Minister of Foreign Affairs usually countersigns these agreements and they become applicable once ratified by the Parliament. The bilateral agreements take into consideration when negotiated the estimated number of migrant workers in the country of destination, occupation and skills of migrant workers, supply and demand sides of labour market in the origin and destination country. The main concern of the Romanian authorities in negotiating bilateral agreements is to assure as much as possible equal working conditions for Romanian migrants as for natives.

*National Office for Labour Recruitment and Placement Abroad* (Ministry of Labour and Social Protection), which is the only state agency mediating labour with countries either under bilateral agreements or not. This is a new governmental agency created basically to diminish fees for mediating labour on the market and to increase concern for the rights of the Romanian migrant workers. The agency is rather controversial since it might be a conflict of interest within the Ministry of Labour to control the market through the National Agency for Labour Force and compete in the same market. This department is also in charge with issuing working permits for foreigners within the Romanian territory.

*National Agency for Labour Force* (Ministry of Labour and Social Protection; *with county branches*), which is responsible with authorization and permanent monitoring of private companies involved in mediating Romanian workers abroad. Due to a number of cases of frauds, (companies which pretended mediating labour and received fees without returning services) this department strictly follows the criteria for authorization and monitoring.

Department for International Relations (under the Ministry of Labour) reported difficulties in co-operating with some states on the matters of Romanian migration. And some of these states are important destination countries for Romanians (Israel and Spain).

*Several states did not want to cooperate, as they do not deem it profitable. Israel did not agree because it was not their ordinary policy; this was not desirable neither for the entrepreneurs nor for the state; anyway the entrepreneurs are more powerful than the state.” We had some problems with Spain because the employees had not been paid for the extra-hours or because some workers had to return home because of some natural calamities. We also faced problems in Germany. Citizens are very aware of these problems and they appeal to the state to provide them a job someplace else (interview No. 4).*

### Admission for self-employment

Self-employment is not common at all among Romanian migrants. There is no specific regulation for self-employed Romanian migrants. It is most likely that destination country laws are dealing with cases of self-employment. In UK for instance some Romanians can prolong their staying by obtaining a visa for self-employment<sup>11</sup>. There might be cases of prosperous migrants who might associate with a native and open a business in the destination country.<sup>12</sup>

A vague estimation of migration for business purposes (without differentiating between self-employed and suitcase trade for instance) shows that only 1% of the Romanian migrants from rural area and small towns belong to this category (IOM 2001). The same IOM research across Romanian small communities evidenced that there is a high correlation between Roma and Hungarian migrants abroad and migration for business purposes. Other more qualitative studies (Diminescu / Lazaroiu 2002) proved that Roma is a very mobile and entrepreneurial category of migrants. However, it is likely that most of the Roma migrants are not legally registered as self-employed, but they rather do business in the black market.

Romanian migrant communities are from this point of view very different from Chinese migrant communities, which of course have a long history of developing “China towns” in almost every important capital of the world. Romania is on the dawns of its migration history and somehow naturally more migrants are looking for jobs and salaries that might have been low in the destination countries but much higher than in Romania. Therefore self-employment is very rare among Romanian migrants and no specific Romanian legislation deals with this category.

### Admission for study purpose

Universities, higher education programmes for student exchange

Romania is opened to receiving students at all levels and not only at the level of higher education. After 1990 a large number of scholarships and joint programmes between Romanian and foreign universities invaded the academic world. There are not only

<sup>11</sup> There is a case of a Romanian woman who has worked as housekeeper for a certain period, but as the visa had expired, she decided to register as self-employed. Practically, she had to prove that she was able to hire some two or three persons that will do housekeeping in London, which she could actually do by recruiting new migrant women

<sup>12</sup> There is such a case of a Romanian who used to work in Spain then come back in his origin community and open a business related to the activity abroad. After a while, because of corruption and unfriendly business environment he decided to move his business in Madrid, were he was actually an associate of other Spanish people

scholarships or research grants funded by the Romanian government, but also funded by private organisations, NGOs and universities (the most important on the list is probably Soros Foundation).

Romanian students and teachers have plenty of opportunities to study abroad. Insofar as beneficiaries returned and find a job in Romania, studying abroad was considered for the whole society benefit. In other cases, students have chosen to stay in the graduation country, which is mostly part of a large brain-drain phenomenon affecting former communist countries.

### Immigration

#### Acceptable/unacceptable travel documents

Foreigners may enter the Romanian territory on the basis of the State border crossing documents stipulated by the Romanian regulations and of the Romanian visa. However, the visa requirement can be ignored in the case of international agreements or if this has been an issue of the national decisions of visa waving for certain countries. At this point, we should consider the specific situation of the Republic of Moldavia. 64,5% of the Moldavian population consists of Romanian language speakers (International Studies Centre 2002). We have previously showed that Moldavians account for a significant percentage of the immigrants flow. Many of them visit their relatives in Romania or come for studies, business, and work. At present, they may travel to Romania on the basis of their passport.

*The biggest problem is at the borders with Ukraine and the Republic of Moldavia. Here is where many people go pass the border – legally and illegally. In the case of Ukraine, it will not be such a big problem with visas because there are not so many persons wanting to cross that border. In the case of Moldavia the situation is more delicate because of the close relationship between the two countries. Probably the visas are not going to be used until 2007 and the cost of the visa will be small so that the visa will not be an impediment on their way to Romania. The visas are just a manner to create an image of the movement of people. This way, the authorities can control the process. Our relationship with Russia is delicate, also, because there is a project of a friendship treaty. We are imposing them the visa necessity. Many problems will relate to the procedure of issuing visas because only two consulates exist now in Russia. They will not be able to handle all the things that need to be resolved. This will be a problem in Yugoslavia also (interview No. 3).*

It should be noted that The Romanian Government has facilitated the issuing of these passports by allocating US\$ 1 million for the poor families who would travel abroad. Moldavian representatives have expressed their worries related to this procedure. First, Moldavian migrants who are very often crossing the border for diversifying risks related to their income are poor. The 'come and go' strategy would rapidly lead to the necessity of changing their passport and some of them do not have enough money for this procedure. Second most fears concern the status of the changes involved by the expected 2007 EU accession of Romania.

This will lead to the imposing of the visa requirement. More, as a consequence of the

amount of money necessary as a guarantee for entering the Schengen space, it is expected that this procedure should generate a growth of the number of illegal migrants due to their scarce material resources. It has been suggested by the Moldavian authorities that the RoM be treated differentiated in accordance to its specific situation. Another problem related to Moldavian migrants is generated by the possibility of obtaining a double citizenship cumulated with the necessity of a visa if wanting to travel to a Western country. Even though restrictive conditions have been imposed for the granting of the double citizenship status, facts reveal the use of forged Romanian passports by the Moldavian citizens crossing Romania to reach a further destination.

Turkish migrants would also resort to abusing the migration agreement between the two countries; the fluidisation of the business relations was one of the reasons for not imposing a visa for Turkish citizens. However, some Turkish migrants would resort to the visa free entrance right only to use Romania as a transit route. These consequences reveal a paradox of the migration regularisation: on the one hand, imposing restrictive policies would lead to illegal migration; on the other hand, lax procedures may have the same consequences.

*Moldavian citizens were using Romanian fake passports for crossing the border, while Turks resorted to the use of fake Bulgarian passports. At the beginning these fakes were awkwardly made, but now they are professionally made using colour printers, which makes the identification of the forged passport less probable (interview No. 2).*

#### Admission for employment

Mostly based on international conventions, Romanian laws regarding granting refugee status and procedures for asylum applications were issued and modified in 2000 and 2001. Under the pressure of EU integration as well as acknowledging the perspective of becoming a future destination country for migration, Romanian authorities have passed regulations regarding immigrants. Due to current transit specificity of the country, most of the provisions are redundant. Nevertheless, they might be proved practical once more foreign citizens will seek political and economic asylum from the Romanian state.

Romanian legislation has special provisions regarding issuing work permits to foreign citizens. Foreigners coming from countries with which Romania has an agreement of lifting visa regime, foreign graduates of Romanian schools and business people are entitled to work permits in local labour market. Also family members of those who have already obtained a work permit and relatives of those who are residents in Romania are entitled to receive a work permit.

*Refugees, residents in Romania and foreigners hired by multi-national companies have the right to work in Romania without applying for a work permit. All other conditions related to taxes and obligations to the Romanian state are equal as for Romanian citizens. It seems that Romanian law is quite generous with issuing work permits and the labour market is quite open to foreigners. Again, the practical relevance of this law is downgraded by the fact that the labour market in itself is not attractive to immigrants.*

At present, Moldavian immigrants seem to be the only significant category meeting the demands of a certain labour sector. Due to the leaving of the young people that led to the constant aging of the rural area and to the scarcity of the labour force, the use of the Moldavian workers represents an attractive solution. These kinds of activities are usually the issue of mutual agreements at the individual level (employer/immigrant) and their regulation by the authorities is very unlikely. Moldavian rural migrants are usually women who stay for more than 12 months. This might be a consequence of their getting married in Romania.

For some refugees there is no possibility to be legally employed in spite of the fact of their being exempted from necessity of having a labour permit A contract cannot be signed due to the lack of the identification document.

#### Admission for self-employment

The law can have relevance to business people and multi-national companies which are actually encouraged to invest in Romania as well as to students (probably most of them from the Republic of Moldova) and graduates of Romanian schools. For instance, the new law concerning foreigners raised the threshold for investing in business in Romania to EUR 50.000 from \$10.000 in 1993 and only \$100 in 1990. Also in 2003 the business is required to have EUR 500 a month in order to provide for a living to the owner and family. The new law discourage small businesses of immigrants from Asia (especially China) and Middle East (Turkey and other Arab countries) and it is expected a significant drop of immigrants from these countries.

*Recently a new law has been passed regarding the aliens in Romania and it will probably not be changed until 2007. It would be useless to change it before this date. Surely, there are people unsatisfied with the new provisions- especially the investors here - but euro 50.000 is not that much -if they include the value of their apartment and of their car [...] they almost manage to raise the entire sum. If you really want to do business, this is not a large amount. Foreign experts also saw the law and they said that it is good- so at least for now there are no legislative gaps (interview No. 5).*

The threshold for starting a business has been reticently received by the Turkish and Chinese associations in Romania. However, the new legal period of stay is deemed to be more adequate for business purposes. (6 months with the possibility of prolongation with another 6 months).

*It was unfair that those here had to increase their capital to euro 50.000 as this is impossible in such a short term. They had to leave the country - it was also difficult for them to sell the shops and their apartment here on such short notice [...]. It is better now that you can get a visa for one year; before you had one for only 6 months and sometimes for only 3 or 4 - and you constantly lived with the fear of losing your visa and having to leave the country (interview No. 22).*

### Admission for study purpose

On the other side of migration, Romanian government offered a large number of grants and scholarship to students from the Republic of Moldova as part of a wider cultural programme between the two same language countries.

Students are allowed to perform a job during their study period here. No specific limitation concerning the duration of performing a job is stated. Undeclared work is very likely, as students are not required to have a work permit.

The regulations and procedures of this chapter are satisfying, the EU *acquis* being adopted once the 2002 law regarding the alien status has been passed. Resorting to this channel so as to enter Romania is hardly unlikely, as in the absence of a scholarship offered by the Romanian state, the would-be migrant needs the amount of money necessary to pay in advance for a one-year school as well as a financial guarantee which is to be deposited in a bank.

*It is very difficult for a Chinese to come to Romania as a student as he/she has to have about 5000 euros before coming here. He has to make a deposit of 2000 euros. He also has to pay the entire school year in advance. Therefore, if a Chinese wants to get to Romania probably he or she will not use studies as an excuse - because it would be very expensive (Socrates Agency, interview No. 17).*

## **5.2 Stay**

### Family reunification

Family reunification procedures are generally used by asylum seekers as procedures of crossing the border faster and entering a route leading to a Western country or of staying in Romania. Recently a twinning project between Romania, Denmark and Sweden has been designed for the purpose of finding the best practices and legal provisions to protect the right to family reunification but to avoid its use as a channel for irregular migration. Lowering of this trend is expected once the quota system for the refugee receiving countries will be imposed. The 2002 law regarding the aliens' status on the Romanian territory has included more elaborated procedures referring to the evaluation of such cases. Due to the importance of this issue for the Human Rights experience and to the to the negative consequence it could have for the migration management if abused, Phare Horizontal Programme experts recommended that civil servant and policemen should attend special courses in order to raise the efficiency of dealing with the family reunification procedures (PHP, Migration Module, 2002).

*The women in the centre do not know anything about their husbands; at least they say so. Refugees know the procedures, if they would ask for the family reunification; their applications would not be so thoroughly analysed (Interview No. 8).*

From the emigration perspective the family reunification procedure is usually resorted to in the case specific for the migrant who has succeeded to obtain a permanent



residence abroad so to be a part of a legal permanent migration pattern. However, for refugees family reunification may complicate the procedure for granting the status. That is why officials from the Ministry of Interior suspect that women living in centres for refugees do not want to declare the presence of other members of the family on the Romanian territory.

Romania is currently negotiating the transition period for labour force requested by the EU members to new candidates. By this time some concessions have obtained by Romanian negotiators as for example the right of the Romanian worker who is legally working for more than 12 months in a EU member state to skip the transition period. This right is immediately granted to any members of his/her family.

### Illegal employment of third country nationals

Illegal employment situations are related to hiring or maintaining in labour by a natural or legal person in Romania of a foreigner who does not have a valid work permit. It is recommended that severe sanctions be directed to those resorting to such a procedure. Eluding taxes and social security payments as well as lower salaries than the average make such strategies attractive for various employers. However, the provisions related to this aspect are still redundant, as the economic conditions of Romania cannot yet absorb native workers and therefore cannot create vacancies for foreigners.

We have previously showed that most cases of immigrants' employment are those of the Moldavian workers in the rural area. (see Admission for employment). Due to the nature of some of the agreements between the employer and the employee, both natural persons, it is difficult to monitor and find appropriate solutions for this issue. There is an incipient trend of a different kind of illegal employment, that of the Romanian workers by some immigrant business owners (mostly Syrians). This sector of the black market has not yet been thoroughly analysed but it might constitute an important domain for policy makers due to its paradoxical aspect: absorbing a part of the unemployed labour force while at the same time eluding the legal procedures.

### Marriages of convenience

The criteria defining a marriage of convenience are similar to those in the EU acquis. The General Department for Computerized Population Records will carry on the investigations if the elements stated in the law indicated the necessity of such a procedure. It is advisable that the authorities involved in dealing with the suspected persons should participate at training seminars for acquiring the appropriate interviewing techniques taking into account the cultural and historical differences between the persons subject to such investigations (PHP, Migration Module 2002).

These provisions are quite redundant due to the country particular traits that do not yet place Romania among the favoured destination countries. Such an alternative would be useless as most migrants only intend to transit Romania on their way to a further

destination. Generally, migrants intending to stay for a longer or not limited period in a certain previously chosen immigration country would resort to this procedure. On the other hand, after 1990 some Romanian citizens were more inclined to make a convenience marriage with a foreign person, either for leaving the country for good or for economic purposes. There are known cases of business immigrants (especially from Arab world) who married Romanian citizens and settled a family in Romania, but it is hard to suspect that those immigrants acted like this in order to obtain residence or citizenship in Romania.

#### Residence permits and other regularization procedures

*Department for foreigners and migration issues* (under Ministry of Interior) is responsible with monitoring irregular migrants as well as regular migrants (refugees, business, workers, students, etc.) on the Romanian territory. The department is in charge with issuing visas of different kinds and monitoring expiration of visas or legal period of staying. This department is also taking care of forced or voluntary return and repatriation of migrants from Romania. It is working in close cooperation with the other departments of the same ministry: national office for refugees and border police.

*Department for consular relations* (Ministry of Foreign Affairs) is responsible with assistance and protection of Romanian citizens and companies abroad. As most of the Romanian workers abroad are irregular migrants, contact between this category and consular offices are rather scarce. Also there were reports on corruption of the officials working in Romanian embassies abroad while dealing with Romanian citizens in trouble. As sanctions for irregular migrants were reinforced in the last years it is likely that migrant workers will continue to avoid contact with representatives of the Romanian government abroad. Consular offices are also a primary contact for foreign investors, labour mediating companies or firms seeking labour in Romania.

*Department for Passports* (Ministry of Interior) is responsible with issuing passports to Romanian citizens, monitoring forced or voluntary returned Romanians and sanctions applied to those citizens who committed crimes or felonies on a foreign state territory. This department is working in close cooperation with the Border Police.

#### Citizenship issues

The legislative framework related to citizenship stipulates the possibility to become a Romanian citizen by birth, by adoption or at request. After a seven-year period of stay on the Romanian territory or after a five-year time in case of marriage between a native citizen and a foreigner, a person can apply for the Romanian citizenship. It seems that most immigrants wishing to obtain this status are those who came here for study purposes.

It is easier for them to be granted citizenship as the ordinary examination refers to language proficiency and to several basic notions about Romania's cultural historical background and geographic particularities. By the time they graduate they would have already stayed on the Romanian territory for a few years. However, the last Aliens Act have stipulated some harsher conditions for these wishing to overstay their study

period permitting under ordinary conditions, a prolongation of the stay with no more than 60 days. Moldavian students are mainly affected by this procedure, as most of them do not intend to return in their origin country. It seems that most immigrants wishing to obtain this status are those who came here for study purposes.

### **5.3 Return, detention and expulsion**

#### Expulsion

The two institutions dealing with the expulsion procedures are the Police and the General Directorate of Person's Computerized Record. Information regarding the persons wanted for extradition or expulsion is introduced in a database of the National Information System on the Border Traffic of Persons and Goods. At this level co-operation between the relevant actors is imperious in order to obtain the necessary information regarding the identity of the illegal migrant subject to expulsion (PHP Migration Module 2002).

#### Pre-expulsion detention and other forms of detention of migrants

There are certain standards that have to be met by the accommodation centres housing the aliens until the expulsion procedure. They have to provide appropriate living conditions, food medical assistance, and personal hygiene facilities to aliens. Although the last assessment stated the bettering of the receiving conditions in the closed centre located at Otopeni Romania does not have the appropriate financial means to respond to all the necessities involved by such a procedure.

An important problem of the accommodation centres is related to those intended to offer shelter to the asylum seekers or refugees. Although these are not closed centres, some measures are similar to those specific for the housing of the migrants who are subject to an expulsion or return procedure. NGOs complained that refugees are not content with some of the regulations imposed by the authorities in these centres.

*They have to be back at 10 o'clock. They often have the impression that they live in a jail, the door is locked; they came here to live in freedom; living in the centres is not a durable solution. Many would rather live in the most awful conditions than to stay there (interview No. 14).*

#### Readmission

The readmission procedures are highly important in combating illegal migration. Bilateral agreements between a Member State and a third country provide a common framework for both Romanian citizens and aliens. Implementation of the transit and readmission agreements has been initiated even before the Schengen agreement. By the end of 2001, Romania had already signed readmission agreements with EU Members with the exception of United Kingdom and Portugal. Romania also intends to conclude readmission agreements with all third countries considered by the EU to be a part of the negative list designated in the EU Common Action of on 4 March 1996 (PHP Migration Module 2002).

### Voluntary return

The Romanian legislative framework includes a clear distinction between voluntary return and expulsion. The former is an administrative measure ordered by the Ministry of Interior while the later is ordered by a court of law for committing a crime. Expulsion is a safety measure while return is an administrative measure ordered against the aliens to whom the right of stay on the Romanian territory was limited, interrupted or revoked as a consequence of falsely declaring the travelling purpose, illegally crossing the border or overstaying their visa period (PHP Migration Module 2002). An impediment for this procedure lays in the lack of financial means. A better cooperation between the Romanian state and the International Organization Missions or the competent authorities and diplomatic missions abroad could be an appropriate solution for this constraint (PHP Migration Module 2002).

### **5.4 Other area matters**

*Border Police:* under the authority of Ministry of Interior, this state body is in charge with securing Romanian frontiers. It is also monitoring conditions for Romanian citizens travelling in a foreign country, fighting, and preventing human smuggling and trafficking in human beings. Border police is also in charge with issuing authorization for border traffic and commerce (Romanian citizens living next to the country border and wishing to travel for short periods in a neighbour country).

Romania is recognised as both origin and transit country for trafficking in human beings. That is why important efforts were made by the authorities to discover and prosecute persons involved, but also to increase inter-state cooperation, to target categories at risk, to protect victims of traffic. Few progresses have been made as compared to the previous years regarding the border control initiatives. Harsh police measures and more intensive border controls have been carried out so that the entrance of traffickers or illegal migrants should be reduced. The entrance and stay of aliens coming from countries with migration potential have been more thoroughly checked after Romania's becoming a part of the Southeast European Cooperative initiative (SECI) in January 2001. The number of exit visas as well as that of the foreigners who have been subject to expulsion or voluntary return procedures have increased. At the beginning of 2002, the authorities in charge with securing the border frontier have taken the initiative of creating a general database including references about the illegal passing of the border. At the same time Department of Aliens and Migration issues has concluded an agreement with The General Inspectorate of Police-The National Institute of Forensic. The later was only dealing with re-entry situation its present co-operation with the Ministry of Interior Department allowing it the access and use of databases regarding returned aliens (PHP Migration Module 2002).

However, international reports were not favourable in the last year assessing Romanian authority efforts. It is the gap between issuing laws or regulations and implementing them in practice. On this aspect, the US Department of State considers Romania lagging behind other countries in the region.

### Vulnerable groups: Unaccompanied minors

One of the most important problems related to UAMs is their lack of access to the state childcare benefit due to absence of a personal numeric code on their identity documents. Organisations working with refugees stated that this identification numeric code is only given to Romanian citizens. Other problems are related to the UAMs' access to education. The asylum seekers have no access to the formal education system before the approval of their asylum solicitation. They are requested to present documents attesting their prior education and most of them do not have such documents.

The age assessment procedure needs to be revised. Forensic Institute in Bucharest is responsible for determining the children age based on an X-ray measurement procedure. UNHCR has identified the necessity that this procedure be changed in order to evaluate the UAMs age based on a psychological examination. Unreliable evaluation would have strongly negative consequences for these children if the possibility of doubt will not be taken into consideration. Denial of the status of separated children would prevent them from benefiting of the assistance of a guardian; they will not have access to the ordinary asylum seeking procedure and will therefore be sent in a closed centre until a further examination of their case (Antonescu et al 2003).

### Asylum and other forms of humanitarian protection

*National Office for Refugees* (Ministry of Interior) responsible with managing asylum application and the situation of refugees in Romania. NOR is working in strong cooperation with the UNHCR and NGOs active in refugee's sector. It is responsible with collecting relevant statistics on refugees and asylum seekers and managing special centres for refugees in collaboration with local authorities.

### Refugees

The most important law provisions refer to integration of refugees, although the integration is not only a matter of law. According to the law, persons with refugee status are entitled to social benefits, shelter and could be part of dedicated cultural and educational programmes. In addition, refugees have free access to labour market and the law guarantees equal treatment. Access to training programmes to improve skills and adapt to local market is specified in the law as well.

*The laws are satisfying, but a single law is not enough. The legislation as a whole should reflect the answers given to the refugees' problem. The bureaucrats are inefficient; they do not work out of the legal frame (interview No. 13).*

Regarding these issues there is a huge gap between the attitude of the Romanian state authorities and the refugees' and NGOs' opinion. The later consider that in spite of all the legal provisions, the Romanian state pays too little attention to the problems of the refugee population and offers them unsatisfying conditions, assistance or rights.

*The system is good, but laws are not respected (...) Few legislation changes are needed but*

*the actual provisions should be respected without bureaucratic and administrative infringements (...)(interview No. 12).*

Even after searching the dates of issuing laws and other normative acts related to migration one can see that it was only in the last 4-5 years that most of these official regulations were approved or modified. It is also worth noting that most of these normative acts are emergency ordinances issued by the Romanian government, which is a pure symptom of making efforts to comply in a very short period of time of international laws and requirements.

### Social rights and health issues

Although officials consider that aids granted to refugees are at an acceptable level, the financial aid that refugees are legally entitled to receive is insufficient. A re-evaluation of the necessary amount of money for a decent living of those having obtained the refugee status is necessary.

*Refugees have access to counselling services, they benefit of social assistance, medical insurance, social allowances; they have the same rights as the Romanian citizens. For nine months, they receive social allowance equal to the medium net salary. They have to pay for their medical insurance unless they receive the social allowance aid (interview No. 11).*

The Aliens Act specifies the necessity of co-operation between NGOs public authorities and international organisations for creating the appropriate environment for the immigrants' integration. The foreigners legally staying in Romania have the same rights as the native citizens. At present, the most significant category needing the state's support for enjoying these rights is represented by the refugees.

*We try to achieve equality of rights for the refugees. A refugee should learn Romanian and should look for a job. Financial help from the Government for the refugees is not the answer to their problems. They should start learning, living on their own; otherwise, they could get used to somebody else solving their problems. Refugees should have the same rights as we do. They should be helped to find their place in our society, without being addicted to the governmental financial help. Refugees can become members of our society only if they have jobs, if they know their rights and obligations. The Romanian budget is limited and the only way to help them is to give them the same chances (interview No. 3).*

However, it seems that representatives of refugees are aware of the fact that immigrants cannot rely on the host state budget, as Romania is on its way to development. They focus more on the rights and obligations as well as equal opportunities to apply for a job or start a business. Of course, they should be entitled to social and medical benefits as long as they become part of the host society.

*Unemployment is another problem. Hundred and fifty dollars are not enough for a five-member family, and UNHCR cannot support all these expenses forever. The Government should do something about this situation. The lack of money is not the problem; the real*

*problem is the fact that refugees do not have the means to earn their money. They are not well informed; there has not been a successful refugee yet (interview No. 14).*

### Conclusions and recommendations

- Although the lack of information in different public institutions is obvious and fragmented data could only be collected, there should be also more transparency regarding migration reports and data. Despite of the fact that this is a sensitive issue for the position of Romania in process of integration with EU structures, concealing or distorting information might be harmful for the future of integration.
- Regarding labour migration more cooperation among institutions responsible with controlling and monitoring migration flows is needed. A coordinating body or Task Force should be immediately established in order to effectively monitor process and issuing coherent policies in the field of migration.
- In respect of labour mediating actors, the creation of a state body (National Office for Labour Migration) is not going to regularize the market. The effort of stabilizing the demand and supply of labour abroad is still very dispersed between state bodies (NOLM), private actors (labour mediating companies) and non-governmental agencies (trade unions). Each actor has advantages and disadvantages in the market, which means that coordination among various actors instead of market competition would be in the interest of migrant.
- There is always a gap between issuing legislation and implementation/enforcing. It is rather strange that Romania quickly adopted EU standard procedures and regulations to prevent abuses of asylum seekers procedure and irregular immigration/transit migration, although the reality lagged far behind the laws. The laws are really tested when Romanian institutions will have to deal with high numbers related to immigration and asylum seekers.
- In respect with domestic regulations regarding Romanian migrants and travellers, significant efforts have been made to avoid a would-be labour exodus to EU countries. However all sanctions associated with controlling irregular migration to EU countries proved to be hard to implement. New strategies and innovative ways of crossing the barriers required periodic changes in legislation. Still, the flows of migration have not dramatically increased after lifting visa restrictions for Romanians in EU countries. This might suggest that informal channels of migration had established long before the new legislation was in place. All set of regulations has not considered long experience of Romanian migration since 1990, so they could not prove effective in curbing irregular migration.
- There is more focus on sanctions than on incentives as regarding emigration. The dark side of emigration is always on top, whereas the bright sides (remittances, potential of community development) are mostly ignored by Romanian legislators. Still, the positive side of migration deserves control like the negative side does. Both of them can produce unintended negative effects or at best they remain under-effective.

## 6. Integration policies and practices

### 6.1 Particular geographic / administrative concentration of migrants

Refugee and immigrants are mostly concentrated in the capital city. The more diverse is a social environment, the more tolerant it is. More, the presence of refugees In Bucharest is also related to the location of the refugee centres. Immigrants are also concentrated in the capital city as for the moment it is the most welcoming landscape for a foreigner due to the economic possibilities and to the diversity of the society, that rises the degree of acceptance of these groups by the Romanian population.

It is likely that immigrants will be better integrated in urban area, especially the capital city and western region of the country than rural settlements and eastern/southern area. Flows of immigrants might favour these specific tolerance zones.

As the table 18 evidences, foreign citizens no matter their origin country already established in regions with models of historical inter-ethnic tolerance or the more cosmopolitan capital city. Large number of foreign citizens resides in West region, Bucharest and South East. However, it is not a conscious tendency to move to those specific regions, but it is also the peculiarities of a region. German nationals are coming back to their origin places (Western), some other nationals come established business in Bucharest, because of the economic opportunities and also in the South Eastern area, which is open to Black Sea. As data presented above we have seen that about 90 per cent of foreigners are already established in urban settlements.

*Romanian economy does not offer many possibilities, wages are low, and therefore illegal jobs are seen as a solution. Life in the rural area is easier; the rural integration programme is one of the most successful (interview No. 13).*

Although some organisations (CNRR) described their programmes of integration of refugees in rural area as a success, a careful evaluation should be done, as rural Romanians are more traditional and sometimes affected by stereotypes and other foreigner phobias. Given the degree of closure of the social environment in small village communities, it is unlikely that integration will be successful here in the short and medium term. Not even the need for labour replacement in Romanian rural area (due to ageing process and demand for young farmers) could overcome the difficulties related to public perception and attitudes toward foreigners.

### 6.2 Romanians abroad

Romanian migrants abroad concentrate generally in homogenous communities. A specific trait of these communities is the use of the new communication technologies for finding about the opportunities there or for identifying and meeting the co-nationals (chat rooms, sites, and mobile phones). It could be stated however that this homogeneity has two apposite sides: one is the keeping of the cultural traits, and the diversifying of the social and cultural environment in the host country; the second one



the possibility of generating a few obstacles regarding the integration of the migrants in the destination country.

*Department for Romanians abroad* (Ministry of Foreign Affairs): responsible with maintaining and strengthening relations with Romanians outside the borders of the country. From a political point of view Diaspora is divided in two categories: Romanians who have chosen to leave the country and Romanian language speakers who were forced by historical circumstances to live outside the borders. The relationship with the first category is rather strained as most of the Romanians living abroad left the country during the communist regime. On the one-hand suspicions about Romanian State infiltrating and manipulating Diaspora for political purposes have not completely disappeared. On the other hand some Diaspora voices have turned out to be very critical with the regime even after 1990. The department is more focused on the second category, as those Romanian language speakers need to preserve cultural identity and sometimes to have their minority rights recognized by the host country. The large Romanian language group outside the borders is living in the Republic of Moldova. Minority groups of Romanian language speakers live in neighbour countries as: Yugoslavia, Bulgaria, Hungary and Ukraine.

### **6.3 Available reception assistance programmes for migrants**

**UNHCR (United Nations High Commissioner for Refugees), IOM (International Organization for Migration), l'OMI (l'Organisation pour les Migrations Internationales) , ILO (International Labour Organization).**

UNHCR and IOM have permanent missions on the Romanian territory. ILO does not have a permanent mission in Romania, but only a corresponding office with two employees. The regional ILO mission is based in Budapest. L'OMI is not quite an international organisation, but rather a branch of the French Ministry of Interior and Ministry of Foreign Affairs aiming at managing integration or re-integration programmes for migrants returned from France in Romania.

#### **CNRR - The Romanian National Council for Refugees**

Non-governmental organisation assisting asylum seekers basically in legal procedures concerning getting refugee status or temporary protection from the Romanian state. It is mostly funded by UNHCR.

#### **ARCA - Romanian Forum for Refugees and Migrants**

This NGO is managing programmes for refugees and migrants in Romania. The main programmes focus on cultural and educational integration of immigrants and refugees with the Romanian communities. It is mostly funded by UNHCR

NGOs listed above, are the most relevant actors for the migrants and refugees integration. The state authorities involved in dealing with these categories seem to resort to solutions that are rather unsatisfying for the refugee population. NGO provide a large variety of services and programmes ranging from psychological and medical assistance to trips and meetings initiated with the participation of both the refugees and the Romanian citizens, which could raise the awareness of the later and generate a more

positive attitude at the country level. There are programmes initiated by the state authorities for counselling the migrants regarding their job opportunities, and for providing them the proper training courses. It might be difficult however for the refugee population to integrate in the Romanian economic sector as the differences between the conditions in the receiving and the sending country are quite stringent.

*We are dealing with people that return voluntary. We tell them that we are aware of their illegal condition and we ask them to return home. This organisation is supervising the return process. They receive financial help for their basic needs on the way home. When they are home, back in Romania, they can attend training sessions and they receive money (3350 Euro) if they want to start a family business. Projects, such as breeding animals or growing vegetables are very successful (Interview No. 9).*

L'OMI (France organisation managing migration) mission in Romania have started programmes dedicated to re-integration of migrants in their origin societies. Most of these programmes are trying to assist migrants in finding a job or starting a new business. However, there is a general tendency of EU countries to focus more on sustainable re-integration of the migrants instead of offering small money aids (which could actually create discrimination in some origin communities or even can perpetuate migration as incentives). Programmes to improve skills and education might pay off better for the long-term integration of the returned migrants.

IOM Bucharest has been involved in programmes for assisting voluntary returnees (from Ireland) to travel back home. They procured the tickets for migrants who wanted to get back in Romania and also assistance for those who lost travel documents.

A study conducted in 2002 in Romania on a small panel of returnees (both voluntary and forced) revealed that short after their arrival returnees experience severe problems of social and psychological re-integration in their origin communities depending on various factors: skills, education, family status, duration of staying abroad, etc. That is why most of them do not have other choice except for re-migration. (Lăzăroiu 2002b)

#### **6.4 Specific (re)integration programmes (cultural, on the labour markets, etc.)**

The integration initiatives are mainly addressed to the refugee population. However, one should note, that in spite of the low number of refugees, about 200 a year (in Romania there are about 1000 refugees at present), there is still an obvious lack of funds, most activities being financed by UNHCR. State funds are poor and the services and assistance provided by this sector unsatisfying.

*Refugees are offered only low-skilled jobs and scarcely remunerative. High-skilled refugees have the same problems, as the Romanian law frame does not validate their original diplomas. The cultural shock is overwhelming, due to the differences between the labour market in the Middle East and the one in Romania. The relations between the employer and the employees are different. Wages are low and many of them find jobs only on the black market. The Ministry of Education should have been in charge of the problems*

*concerning the validation of their diplomas. This aspect is now under the jurisdiction of several NGOs (Interview No.12).*

More should be done for the integration of immigrants in the labour market. This should start with official recognizing of skills that the migrant worker has acquired in the origin country (formal education, diplomas and certificates). It is hard to expect in the next years that highly-skilled migrants will be able to occupy positions in accordance with their skills, since the society cannot take advantage of the native high-skilled people and foreign workers entering the labour market will remain a political sensitive issue. Moreover, as the general trend is low-skilled jobs for migrant workers, it is unlikely that the Romanian economy will oppose the general tendency.

UNHCR and two other NGOs (ARCA, CNRR) have been actively involved in the last 2-3 years in changing legislation and more than that in the implementing phase of actual laws. NGO representatives noticed that people in Romania have to learn about refugees that they are not rich foreigners who came to spend money here, but rather they are people in difficulties that need assistance and protection as well as equal access to public services.

Asylum seekers are now accommodated in two special centres in Bucharest, but soon other two shelters will be open in Timișoara and Galați. The shelters are managed by **National Office for Refugees** and the two NGOs mentioned above.

The most significant hardship for refugees is to integrate in the labour market. It is usually difficult for them to meet the skills and demands of the host country. and usually they need training and advice that the state is supposed to provide. NGOs financed by UNHCR are the main provider of this kind of services: juridical advice, integration, and education programmes, training, and learning programmes, etc. The case of the refugee category involves an imperfect transfer of human capital between the sending and receiving country. This might stand as a sufficient reason for initiating affirmative action programmes. They have the same economic and social rights but they do not have the same opportunities of benefiting from them.

*Affirmative action is recommended so that these people be integrated in society. Agreements such as that existent with Migration Labour Office which states the enlistment of refugees among those to be contacted for work and the offering of some training courses are not enough; better solutions such as the finding of some employers is one of the actual projects (interview No. 12).*

There are reported problems of adaptation and integration of **Romanian graduates at foreign universities** starting from recognising certificates and school grades to difficulties related to access to academic circles. The salaries and working conditions are not so attractive in Romania except for some multi-national private companies. Programmes of re-integration and incentives to return have been initiated in Romania by the U.S. embassy and Soros Foundation.

*Due to the difficulties of validating their studies, there have been students who had to repeat the study period back in Romania. The teacher simply denied recognising the validity of his studies. [...] Therefore, the main problem student have faced is the reintegration. Firstly, the academic medium is different there. Other principles are essential. Secondly, it often happens that students be overqualified. Finally, it is a cultural shock, as values are different there (interview No. 16).*

### **6.5 Education and other cultural programmes**

There seems to be a significant gap between the NGOs and the governmental authorities regarding the access of refugees to education. Although the Ministry of Interior representatives stated that services are satisfying, the non-governmental actors indicated that the Ministry of Education has not acted yet in conformity with its promises. Refugees cannot enjoy the right to education due to the language particularities, which requires a preliminary Romanian language course before entering the education system. At present refugees are mostly assisted by NGOs during this process.

*The Ministry of Education should have managed the educational level, which is now primary under the jurisdiction of several non-governmental organisations. The government has only theoretically assumed this responsibility (interview No. 12).*

The Chinese community was quite dynamic after 1991. They established schools and services for their own nationals, newspapers in Chinese and initiated other cultural activities to strengthen the sense of identity. Initiatives originating in the migrants' associations or communities' seem to facilitate their integration in the society as it raises both their visibility and the public's and the authorities' awareness regarding these groups. Another example of active involvement of the immigrants' or of the refugees' in the integration procedures is the Organisation for Refugee. Women It organises meetings and seminars for finding the best solutions for the refugees daily problems where key persons or authorities participate among the refugees.

### **6.6 Social rights and health issues**

#### **Inflow**

The refugee community has the same rights as the Romanians. The only difference at the legislation level, lays in the political rights that are only granted to the Romanian citizens. There are huge gaps however, regarding these issues and NGOs consider that affirmative action is needed so as to help to the integration of the refugee population. Although money is an issue due to the scarcity of the funds that are to be used in migration management, a more stringent aspect is the balancing of the practice with the legislation provisions.

An example of the miss-practice in this area is the access of the refugee population to the social benefit; although they are entitled to it, in certain cases they cannot enjoy this right due to the lack of identification documents.

*Refugees have the same rights as the Romanian citizens except the political rights. [...] One legislation problem is revealed by the new labour code, which creates the impossibility for a refugee to be legally contracted by an employer, as he/she does not have identification documents. The ID lack creates other problems too, the access to the social aid funds (interview No. 12).*

CNRR has a primary care assistance programme financed by UNHCR. The main goal is providing refugees/ asylum applicants with primary care medical assistance (especially for the cases that cannot be solved by ONR's medical assistance). The main activities follow: 1. Primary care medical assistance; 2. Health education (AIDS, reproductive health, hygiene, etc) – three sessions per month, plus individual discussions when the respective person visits the doctor; 3. First aid medicines.

#### Participation of migrants in civic and political life

Romania has not yet reached the turning point of migration, the immigration flows being much lower than the outflows. However, future trends related to the EU accession might generate significant changes in the migration patterns. Up to this moment, the political participation of the immigrants has not been paid much attention. Their status is clearly assessed in the Governmental Ordinance 194/2002, which specifies their being prohibited to be a part of any political organisation or association or to financially support such a group. They are also exempted from the electoral process. Only Romanian citizens can enjoy this right. Civic participation forms might be more appropriate than political participation for the finding of solutions to their problems and for supporting their rights. Chinese immigrants already have two business associations: The Federation of Business Men founded in 1994 and the Association of Businesswomen founded in 1996. An association created in 1993 represents the Turkish business immigrants' minority. In spite of the low number of refugees on the Romanian territory the organisation of the Refugee Women has an important role in enhancing the awareness of both the Romanian citizens and the governmental authorities regarding the refugees' situation and the efficiency of the policies and practices in solving their problems.

#### **6.7 Integration initiatives / best practice**

It is difficult to summarise which are the best practices for the (re) integration of migrants. Such programmes have either been recently initiated and have therefore not been properly evaluated (with the exception of several OIM programmes for trafficked women or returned migrants), or they have failed. Nevertheless, we could enumerate some of the assistance programmes, which have been deemed to be efficient by the NGOs and the state authorities.

##### In-migrants

In the refugee case, assistance programmes should firstly concentrate on affirmative action procedures. This shall not however be resorted to for a long time period as it might reduce the incentives to finally integrate and to act in conformity with the rights and obligations similar to those of the majority population. A solution for integrating the refugee on the labour market could be (apart from their enlisting in the Ministry of

Labour statistics as available labour force, which would practically offer them some close to zero chances of getting hired) the offering of some conveniences to the possible employers. Raising the awareness of the Romanian population concerning the reasons of the presence of the refugee group on the territory should also be taken into account. This could be realised through various means such as the publishing of more objective data related to refugees or the organisation of public meetings or debates with the participation of a diverse public.

#### **Implemented project: Psycho-social support, Subsistence Assistance and Educational Support**

- Organization that carried out the program: JRS Romania\*
- Main founding sources: JRS International, A Catholic Organization from Germany, An Educational Foundation from Japan and private donors from Belgium and Romania.
- Main goals: Facilitate the integration into the Romanian society. Generally, JRS's policy is to provide assistance especially to those persons that do not benefit from other assistance programs (such as asylum seekers that have not received the status of refugee; asylum applicants who claimed to be UAM, but the assessed age was over 18 years old; or former UAMs who reached adulthood, etc.)

#### • Main activities:

Psycho-social support - communicating with the assisted persons, providing them with moral/ emotional support; cultural guidance;

Material assistance - social shelter and social apartments, food, clothing, etc. for those who are not entitled to live in the two accommodation centres of ONR.

Educational - Basic Romanian and English languages courses, computer skills, non-formal education (basic knowledge / skills such as how to use a fork).

These activities are conducted primarily in JRS's Pedro Arrupe Center in Bucharest; some of them are also conducted in the Stolnicu and Gociu accommodations.

*\* Jesuit Refugees Services, Romanian branch (NGO which promotes and sustain the fundamental rights of refugees' and uprooted people)*

#### Out-migrants

Reintegrating the students who returned after studying abroad might be a difficult task. They will firstly have to be offered a satisfying job and a remuneration meeting their demands. This might however not be sufficient as the other push factor for such migrants lays in the different cultural patterns in Romania and their study country. Should efficient solutions be found for these migrants they might offer the key alternatives for balancing the two environments from both the financial and the cultural point of view. If their case shall not be treated appropriately, the brain drain phenomenon will become a serious pull factor for the highly skilled migrant.

*If we do not do anything about this phenomenon, we will be just a brain nursery for other nations to use (...) The Ministry of Education has thought of several solutions for this problem. [...]. Young people will only stay if their skills and knowledge are valued here. This aspect is not actually taken into consideration by the Romanian Universities. Second, they should have some financial incentives to stay here. Financial reasons are rank highest among their reasons of leaving (interview No. 15).*

The Roma returned migrants might be the most difficult reintegration case. The overlapping of two different negative factors generates serious impediments regarding the trials of implementing effective assistance programmes. First is their situation in Romania; they are considered to be an underclass. It is neither assimilated by the society nor can it act as a single cohesive actor. They are prone to exclusion. Second, the Roma migrants are usually engaged in illegal activities, which created reasons of embarrassment for the Romanian population willing to support their being banned from leaving abroad. Due to their life strategies abroad that are either illegal or at the limit of legality (begging) most of them are repatriated. However, the origin country does not have the adequate structure or procedures for integrating these returned migrants. The usual training activities or financial incentives for opening a business are likely to be in vain due to an already reticent environment towards this category or to their preference to use the money for more immediate goals.

### **6.8 Public perception/opinion**

We have proved earlier that migrants and minorities' perception is dependent on several specific factors. First, attitudes are shaped by the probability of direct contact/interaction assuming that 'the higher the probability of interacting with a migrant (minority) the higher the degree of ethnic tolerance. Second this assumption would primary be valid where there is not a harsh competition on the labour market. Immigrants in Romania are mainly businesspersons active in the very sectors of the market that are not sufficiently explored by the Romanians, either because of the nature of the business (mainly Arabic and Turkish immigrants) or for the relatively lower prices of their products addressing to a specific category of buyers (Chinese case). Another significant group of migrants, the Moldavians, are responding to a stringent labour deficit situation generated by the aging tendency of the rural population. Under these circumstances, there is no severe pressure from the Romanians to exclude the immigrants from the labour market. Media mainly shapes negative attitudes towards the immigrants' presence on the Romanian territory in the ethnic homogeneous communities where the possibility of actually interacting with foreigners is quite low. Therefore, while trying to formulate adequate policies for integrating immigrants in the host society the training of newspaper reporters should by no means be ignored.

Due to the immigrants' religious background, the cultural particularities are rather stringent. It seems that Romanians are more intolerant towards religious differences than towards the race or ethnic groups. (PPI, Gallup Romania, September 2003). The changing of this attitude is likely to be a difficult task due to the orthodox affiliation of most Romanians.

IOM Bucharest has conducted several campaigns either for preventing irregular migration to EU states or to prevent trafficking in human beings. Regarding the campaign

on irregular migration, IOM basically got the support from media and other state authorities and institutions. The campaign was not meant to discourage migration, but only to inform people about the risk they exposed to, when breaking some national or international regulations related to migration. Also, the media and institutional campaigns (through schools and church) for preventing trafficking in women at least succeeded to draw public attention to an almost unknown or affected by stereotypes phenomenon. The fact that since 2001 three information/prevention campaigns regarding migration has been conducted in Romania (two on trafficking in women, 2001, 2003 and one on irregular migration to EU, 2003) as well as the involvement of several national institutions and authorities prove that the public has become more and more exposed to information, facts and figures related to people rights and obligations when deciding to cross country borders.

It is also a fact that after lifting visa restrictions for Romanians within Schengen space, there have been international media reports and even official positions of EU countries authorities on the irregular Romanian migrants. Fears that visa might be re-imposed determined Romanian authorities to consider further enforcement of the regulations and overseeing migration flows. For instance rising the period for suspending the right to a travel to a foreign country to 5 years, in the case of irregular migrants was considered strong enough to discourage illegalities. Enforcing control of public servants dealing with issuing passport and border police were meant to prevent corruption and consequently strict observation of the rules. But of course all these measures are taken under the close scrutiny of public opinion, which become very sensitive to any restrictions in the matters of free circulation.

Still, there are few NGOs dealing with migration issues and also there is a lack of training for journalists from various media on how to approach migration phenomenon. Civil society has not coalesced around migration issues and much of the responsibility bears on the government and state institutions.

### Conclusions and recommendations

- A Migration Information Centre should be established (under IOM authority) in order to prevent consequences of irregular migration in the EU countries. Different studies might support the view that people are not aware of these consequences and are rather ignorant in matters of regulations and control of migration.
- As regarding in-migration it is foreseeable that in few years (before Romania accession to EU), Romania will turn from a transit country to a destination for migrants from Africa, Middle East and Former Soviet Union countries. The transitional character of in-migration flows might lead to ignoring this phenomenon up to the critical point. A preparation phase would be beneficial for both authorities and population that will have to deal with large groups of immigrants.
- Special programmes for training journalists in migration issues are badly needed. Usually media base their migration accounts on questionable figures or sensational stories.
- More programmes related to education and skills will help refugees and other



categories of immigrants to adapt to local conditions. Although financial aid remains important for a transitional period, government assistance cannot solve the integration problems in the long run.

- In the whole picture of migration NGOs are basically the missing link. Passiveness of civil society could be a more general characteristic of the Romania after a long period of communist party control of people existence. Grassroots creation of NGOs turned out to be an illusion. The existing NGOs dealing with immigrants are basically fund-driven. UNHCR stays behind the most important of these NGOs. Their contribution is however remarkable, but self-funding and sustainability of programmes are questionable. State authorities mostly ignore these NGOs as refugees and immigration is not top priority on the agenda (given the low figures).
- Existing NGOs can play an important role of putting in place programmes of integration and generate experiences that latter will be used in various policies. They can also put pressure on governmental agencies and legislators for adopting and implementing laws that will prove relevant in few years. More programmes should be funded to positively campaign for immigrant rights and make public opinion sensitive to foreigners in need on the Romanian territory. Alternative funding (other than international organisations) from private sector and local governments might guarantee sustainability of reintegration programmes and spread of best practices.
- In matters of reintegration of Romanian migrants, especially those related to voluntary return, more effective incentives schemes and sustainable programmes should be operating in order to avoid one-alternative (re-migration) setting. As most of the returned migrants encounter difficulties of adaptation to the social and economic environment, it could be more effective to invest money in human capital, than finance small initiatives or social aids.
- The negative side of migration (brain-drain) is not going to stop until integration programmes and incentives schemes will function in the case of Romanian students abroad. The high degree of closure of academic circles and also the lack of flexibility of the education system to recognise skills acquired abroad will remain important barriers against returning of high-skilled migrants.
- Orthodox Church might play an important role in promoting tolerance towards different races and ethnic groups. As it is likely that most of the immigrants coming to Romania will have a different religious background from the Romanian majority, social exclusion on religious grounds could happen unless high representatives of the ROC will not be more active in promoting Christian values of peace and tolerance. The ROC could be also active in examples, like opening shelters and accommodation for refugees.
- School is also important in the education process related to acceptance and integration of foreigners. As present young generation is likely to face the real challenge of cultural diversity generated by immigration, it is crucial that more information about different nationals and religions is provided in school, in order to accommodate children with cultural differences and traditions.

## 7. Conclusions and recommendations

Romania is at the dawn of its migration history and this has consequences on the management and control of migration, impacts of migration, institutional context related to migration, etc. Labour migration is not going to contribute substantially to the community development, as long as first cycle migrants are only consume oriented or at best investing in their own households. Investing money in local business is to create an entrepreneurial environment that sooner or later will make the community more prosperous.

But from an institutional point of view, there need to be incentives to encourage the first steps for “returned home money” to produce value and competition. Romanian institutions related to migration matters are only concerned to maintain control over irregular flows, and less focus on positive initiatives that might transform the general trend of migration from short-term job seeking to trans-national communities. In view of European integration, migration should be treated more like a step toward common markets than just a matter of embarrassment for the general public, which generates more sanctions and restrictions.

Immigration chapter of the Romanians is rather a cynical historical scenario where former Romanian citizens (before World War II) become immigrants to Romania. This looks more like ethnic migration, although management of Moldavian citizens' flows is difficult because of political considerations. On the one hand, visa should be maintained in order to secure European borders and avoid transit of third country nationals, on the other hand, common history and language of the two countries seem to delay the process of building barriers. There are signs in statistical records that Moldavian immigrants have already become a replacement labour force in some economic sectors, like agriculture.

More consistent arrangements have been settled down during the last decade in respect with business immigrants (especially Turkish and Chinese). There are already foreign business communities that play an important role in the economic sector of Romania and they cannot be ignored. They cannot be ignored also because they originated in the extra-European space and need special attention from the point of view of securing eastern borders. That is why more restrictive provisions regulate migration for business in order to discourage transit movements.

The last challenge for Romanian authorities will be the economic growth (along with close perspectives of EU membership), which is likely to attract more immigrants from FSU countries, Middle East and Africa. Romania is now just a stop on the route to western developed world, but it will soon become a destination for migrants from under-developed countries. Not surprisingly, there will be a tension between the demand for cheaper labour from the private sector and the political aim of inter-cultural contacts. Moreover, EU political pressure to secure eastern borders will be maintained.

Due to lack of experience in dealing with significant immigration flows, difficulties in integration are expected. The only positive anchor for dealing with foreign citizens comes from the Romanian multi-cultural environment, where different ethnic and religious groups have learned to accommodate to diversity. Still, regional concentration of diversity and large areas of homogeneous population (like Moldova) are not going to favour integration and natives' acceptance. There is still one more hope for homogeneous and traditional regions like Moldova: emigration flows. More migrants from Moldova abroad would have probably already changed the cultural pattern of tolerance.

### Main trends of migration

- The emigration trend for the following years will maintain. Seeking work in EU countries is going to be the major migration goal of Romanians and the volumes will exceed by far any other forms of migration. Migration networks already set up and they are now capable of conveying more labour force.
- EU countries will have a hard mission to reconcile the ageing of population, integration process and the need to prevent irregular migration. Placing more responsibility on origin countries for controlling irregular flows could be proved not very effective, as various factors and actors stay behind movement of flows.
- A more balanced gender composition of migration flows will certainly have consequences on the distribution of roles within the Romanian families, and also changing cultural/traditional patterns of rural communities.
- Legal status of Romanian migrants is not going to change, as informal practices of migration work better and faster than formal institutions established. Labour supply is still plenty and not because of the unemployment rate (which is under 10%), but rather due to under-employment and low salary levels. More sanctions imposed by Romanian authorities for irregular migrants (most of them related to travelling restrictions) are to discourage irregular migrants, but not to a high degree. New strategies to overcome sanctions will be innovated.
- The number of asylum seekers will probably stay low as long as there are several transit routes to EU countries. Also irregular migrants would be easy to control. Still, in the next 3-4 years Romania is likely to transform in a destination country, more attractive from an economic point of view for people seeking work.
- Business immigrants have already consolidated their position in Romania. However, small businesses are now discouraged and more incentives for business people to stay are in place (by raising the investment threshold).

### Factors affecting migration

- There is expected no change in the push factors that presently determine migration flows. Romanian economy is slowly recovering but income differentials between this country and EU states are not going to decrease. Moreover, positive experience of migration will drive more people to seek short-time work abroad, no matter that they belong to low or middle social strata.
- However, economic growth might create income differentials between Romania and other underdeveloped/developing countries, which will attract more immigrants to stay. The transitory movements will be more controlled, but they will also become obsolete as soon as the labour market demands cheaper labour force.

- Asylum seekers will probably not look for a halt on their way to Western countries, but more for a shelter geographically closer to their origin countries. Granting refugee status or other forms of protection have already simplified and they aim at discouraging transit and economic migration. The two tendencies will probably create barriers to people who really need protection.
- Migration of Roma ethnics is going to create problems in the future. Most of them are related to difficult integration into the Romanian society. Frequent associations between illegal activities abroad and Roma ethnics are going to feed hatred feelings and discrimination. Most of the Romanians already believe that Roma ethnics are making a bad reputation to Romania. There are fears that because of the reports on illegal activities of Roma, Romanian citizens might lose the right to travel without visa in European countries. Blaming Roma for such consequences is extremely dangerous for the future relations between the Romanian majority and Roma communities.
- Trafficking in women is a phenomenon related to migration. In fact most of the victims of traffic are ordinary migrants cheated by members of organised networks of crime. The same push factors are operating in the case of trafficked women as in the case of migrant workers. The number of Romanian victims of trafficking is likely to drop as soon as more legal opportunities to work abroad will be available.
- Unaccompanied minors represent a vulnerable group of migrants that regulations should specially deal with. As not many cases of UAM are reported on the Romanian territory there is more ignorance of authorities that can hardly understand the difference between an adult and minor immigrant. Sometimes both age categories are treated alike. UAMs can easily become victims of traffic and exploitation, which means that this special category should be paid more attention.

### Impacts of migration

- For some specific issues, but crucial for understanding migration processes in Romania, like remittances or circulatory migration, small pieces of research both qualitative and quantitative are badly needed. As academic research in Romania is rarely focused on migration issues a national research centre of migration should be established under the authority of the Romanian government, in partnership with IOM, UNHCR and other international organisation.
- In a long-term, it is likely that large flows of labour migration associated with low returns in productive investment will lead to structural inflation. As in some area labour migration is still very selective, large categories of people are going to have restricted access to different markets (like housing market). Local level policies or governmental programmes should create incentives to returned migrant workers for investing money in productive businesses.
- Business immigrant communities should not be discouraged by differential treatment from foreign investors or native entrepreneurs. Of course, the Romanian economy naturally heads to more competition and quality. That is why cheap merchandise or services will have a narrower segment of the market. It is likely that productive business and services (less likely trade) are going to survive in the market. Natural selection of the market should decide who stays and who goes, especially in the case of immigrants.
- Considering the general attitude toward minority groups in Romania, the foreseeable cultural encounter as a result of more immigration cannot provide reasons for

optimism. Of course, urban locations (large cities) and regions with multi-ethnic/religious composition will absorb easier any new diversity. But still, the access of migrants to several milieus (like rural area) is going to be restricted by intolerance.

- Still, Romania has come to positive relations with the prevalent ethnic minority (Hungarians) and has also made steps forward in integrating Roma ethnics. These are positive developments for sure and they can facilitate future programmes for integration of refugees and immigrants. The dark side of the story is that right-wing politicians in their “ballots rush” have exploited the presence of the two ethnic minorities in Romania. The absence of old scapegoats is making the new “exotic” groups eligible for targets of the new xenophobic discourse.

#### Regulations related to migration

- Although the lack of information in different public institutions is obvious and only fragmented data could be collected, there should be also more transparency regarding migration reports and records. Despite of the fact that this is a sensitive issue for the position of Romania in process of integration with EU structures, concealing or distorting information might be harmful for the future of integration.
- Regarding labour migration more co-operation among institutions responsible with controlling and monitoring migration flows is needed. A coordinating body or Task Force should be immediately established in order to effectively monitor process and issuing coherent policies in the field of migration.
- In respect of labour mediating actors, the creation of a state body (National Office for Labour Migration) is not going to regularize the market. The effort of stabilising the demand and supply of labour abroad is still very dispersed between state bodies (NOLM), private actors (labour mediating companies) and non-governmental agencies (trade unions). Each actor has advantages and disadvantages in the market, which means that coordination among various actors instead of market competition would be in the interest of migrant.
- There is always a gap between issuing legislation and implementation/enforcing. It is rather strange that Romania quickly adopted EU standard procedures and regulations to prevent abuses of asylum seekers procedure and irregular immigration/transit migration, although the reality lagged far behind the laws. The laws are really tested when Romanian institutions will have to deal with high numbers related to immigration and asylum seekers.
- In respect with domestic regulations regarding Romanian migrants and travellers, significant efforts have been made to avoid a would-be labour exodus to EU countries. However all sanctions associated with controlling irregular migration to EU countries proved to be hard to implement. New strategies and innovative ways of crossing the barriers required periodic changes in legislation. Still, the flows of migration have not dramatically increased after lifting visa restrictions for Romanians in EU countries. This might suggest that informal channels of migration had established long before the new legislation was in place. All set of regulations has not considered long experience of Romanian migration since 1990, so they could not prove effective in curbing irregular migration.
- There is more focus on sanctions than on incentives as regarding emigration. The dark side of emigration is always on top, whereas Romanian legislators mostly ignored the bright side (remittances or potential of community development). Still, the positive

side of migration deserves control like the negative side does. Both of them can produce unintended negative effects or at best they remain under-effective.

### Integration / reintegration

- A Migration Information Centre should be established (under IOM authority) in order to prevent consequences of irregular migration in the EU countries. Different studies might support the view that people are not aware of these consequences and are rather ignorant in matters of regulations and control of migration.
- As regarding in-migration it is foreseeable that in few years (before Romania accession to EU), Romania will turn from a transit country to a destination for migrants from Africa, Middle East and Former Soviet Union countries. The transitional character of in-migration flows might lead to ignoring this phenomenon up to the critical point. A preparation phase would be beneficial for both authorities and population that will have to deal with large groups of immigrants.
- Special programmes for training journalists in migration issues are badly needed. Usually, media base their migration accounts on questionable figures or sensational stories. This is rather harmful to accurate perceptions of the phenomenon.
- More programmes related to education and skills will help refugees and other categories of immigrants to adapt to local conditions. Although financial aid remains important for a transitional period, government assistance cannot solve the integration problems in the long run.
- In the whole picture of migration NGOs are basically the missing link. Passiveness of civil society could be a more general characteristic of Romania after a long period of communist party controlling people existence. Grassroots creation of NGOs turned out to be an illusion. The existing NGOs dealing with immigrants are basically fund-driven. UNHCR stays behind the most important of these NGOs. Their contribution to improving immigrants' condition is however remarkable, but self-funding and sustainability of programmes are questionable. State authorities mostly ignore these NGOs since refugees and immigration is not top priority on the agenda (given the low figures).
- Existing NGOs can play an important role in setting up programmes of integration and generating experiences that latter will be built-in various policies. They can also put pressure on governmental agencies and legislators for adopting and implementing laws that will prove relevant in few years. More programmes should be funded to positively campaign for immigrant rights and make public opinion sensitive to foreigners needing protection on the Romanian territory. Alternative funding (other than international organisations) from private sector and local governments might guarantee sustainability of reintegration programmes and spread of best practices.
- In matters of reintegration of Romanian migrants, especially those related to voluntary return, more effective incentives schemes and sustainable programmes should be operating in order to avoid one-choice (re-migration) setting. As most of the returned migrants encounter difficulties of adaptation to the social and economic environment, it could be more effective to invest money in human capital, than finance small initiatives or compensations.
- The negative side of migration (brain-drain) is not going to stop until integration programmes and incentives schemes will function in the case of Romanian students

abroad. The high degree of closure of academic circles and also the lack of flexibility of the education system to recognise skills acquired abroad will remain important barriers against returning of high-skilled migrants.

- The Romanian Orthodox Church might play an important role in promoting tolerance towards different races and ethnic groups. As it is likely that most of the immigrants coming to Romania will have a different religious background from the Romanian majority, social exclusion on religious grounds could happen unless high representatives of the ROC will be more active in promoting christian values of peace and tolerance. The ROC could be also active in examples, like opening shelters and accommodation centres for refugees.
- School is also important in the education process related to acceptance and integration of foreigners. As the present young generation is likely to face the real challenge of cultural diversity generated by immigration, it is crucial that more information about different nationals and religions is provided in school, in order to accommodate children with cultural differences and traditions.

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## Appendix 1: List of interviewees

Category	Institution / Organisation	No. of the interview		
a) Officials		1		
		2		
	1.Ministries	Ministry of External Affairs	3	
		Ministry of Labour and Social Solidarity	4	
		Ministry of Public Relations	5	
		Ministry of Education and Research	6	
		2.Border Control	Border Police Headquarter	7
	3.Migration Offices	Office for Refugees and Migrants (ORM, Ministry of Internal Affairs)	8	
	4.International Organisations	L'Organisation Internationale pour la Migration	9	
		International Labour Organization	10	
	5.Other	Stolnicu Accommodation Centre for asylum seekers and refugees (ORM)	11	
b) Experts	6.NGOs for refugees	Romanian Forum for refugees and Migrants	12	
		Romanian National Council for Refugees	13	
		Organization of Refugee Women	14	
	7.Other NGOs	Open Society Foundation	15	
		Socrates Agency	16	
8.Labour mediating firms	SC NBS Accept-SRL	17		
	SC Quanta Human Resource SRL	18		
	NBS-The National Union Block	19		
9.Immigrants associations	Turkish men Business Association	20		
	Federation of Chinese Businessmen	21		
10.Religious organisations	The Adventist Conference	22		
11.Migrants themselves	Migrant to Germany (Moldavia)	23		
	Family of migrants to Israel (Moldavia)	24		
	Migrant to Israel 2(Moldavia)	25		
	Family of migrants to Hungary (Moldavia)	26		
	Migrant To Spain	27		
	d) Other representative of institutions	12.Local authorities (communities with migration potential)	Orthodox Church Official Vicovu	28
			Orthodox Church Official Corbu	29
School Official Vicovu			30	
School Official Corbu			31	
Municipality Official Vicovu			32	
		City council official Corbu	33	

## **Appendix 2: Excerpts from most important pieces of legislation related to migration in Romania**

### **LABOUR**

Government's Decision no. 1.320/2001 regarding the founding and the organization of the National Office for Labour Recruitment and Labour Placement Abroad

"Art. 2. – The Bureau for The Migration of Labour has the following main competences:

- a) implementation of the international treaties signed by Romania in the area of labour mobility as well as of the mutual agreements between the Romanian Government and other state governments
- b) recruitment and placement of the labour in foreign countries within the states with whom Romania has not signed bilateral agreements regarding labour
- c) Providing work permits to the foreigners who work in Romania
- d) Cooperation with the institutions which have competences in the area of labour in Romania , the member states from the European Union, as well as from other states

"Art. 31. – Within The Bureau for Labour Migration there is the Information and Documentation Centre for Migrant Workers, organized as a service with the following competences:

- a) elaborating and providing materials containing information for migrant workers about the labour and living conditions in Romania and abroad.
- b) Disseminating information about the legislative provisions concerning labour acquis and national provisions, as well as bilateral agreements, and administrative procedures for implementing these provisions
- c) carrying out studies concerning the mobility of migrant workers

### **Law nr. 156/2000 regarding the protection of Romanians working abroad**

Art. 1. The Romanian state insures (..) protection for Romanian citizens residing in Romania that work in another country.

Art. 2. the Romanian citizens that are working abroad and that this law does not apply to, benefit from special protection (..) if :

- a) they are working for foreign public institutions that are organized and realize their activity outside Romania;
- b) are part of diplomatic missions , consular offices and commerce Romanian firms representatives
- c) are working for international organizations with the headquarters outside the Romanian territory ;
- d) are working for firms with the main object of activity of international transportation;

**Government's Emergency Injunction nr.144/2001 regarding the fulfilling by the Romanian citizens of the conditions of entering EU countries and other countries**

Art.1.(1) Romanian citizens that travel abroad in EU countries or other countries for which they do not need a visa must present when leavening the country the following:

- a) medical insurance ;
- b) two-way travelling ticket or the green card of the vehicle;
- c) a minimum sum of money (...).

"Art. 21. the stipulations of art.1.(1) do not apply to the citizens that travel in countries that Romania has signed agreements, conventions or protocols regarding assuring medical assistance (..)

**Order nr. 177 / 2001 for establishing the minimum quantum of money that Romanian citizens must poses when leaving the country for EU countries or other countries**

Art. 1. (2) The minimum quantum of foreign currency for a person, for each day of staying that has been declared , but not less than 5 days is :

- a) 50 euro or the equivalent for Turkey and other former socialist countries for which a visa is not required;
- b) 100 euro or the equivalent for EU countries and other states for which a visa is not required;

Art. 2. Exceptions form the stipulations in art.1 are:

- a) Romanian citizens that go abroad for medical treatment, to participate to symposiums, conferences studies, cultural – sport events, or in the situation of having an ill relative there, in the case of the decease of a relative or in other situations well justified;
- b) the minor under the age of 14 , who is mentioned in his parents passport;
- c) the minor under the age of 18, that is going to one of his parents that lives or works in the country of destination or to relatives there;
- d) Romanian citizens that go abroad to work – that already have a contract , having a work permit for the country in question ;
- e) Romanian citizens that travel to neighbouring countries that have a permit for small traffic or simplified crossing of the border, given by the border authorities.

**Government's Ruling nr. 802/2001 regarding the approval of the Agreement between the Romanian Government and the Government of the Republic of Moldavia concerning the circulation of the citizens of the two countries, signed on June the 29<sup>th</sup>**

Art. 1 As of July the 1st 2001 the citizens of the countries signing this agreement may enter, leave, transit or remain on the territory of the other country based on a passport-diplomatic, service, simple, individual or collective.

**LEGISLATION CONCERNING REFUGEES**

**Government ruling nr. 102/2000 concerning the status and the regime of refugees in Romania**

Art. 1. As conditioned by this ruling foreigners may obtain one of the following forms of protection:

- a) The status of refugee

- b) Conditioned humanitarian protection
- c) Temporary humanitarian protection

Art.2. (1) The status of refugee can be granted on request to the foreigner that proves that, due to a well grounded fear of persecution on bases of race, religion, nationality, belonging to a certain social group or because of a certain political opinion, he or she is now outside the country of origin and can not receive or, because of this fear, does not want to receive protection from this country.

Art.3. - (1) The status of refugee can be granted on request to the spouse, too, as well as to minor children excepting the case that these persons are in one of the situations from Art.4.

(2) The stipulations from (1) are only applied to a marriage of the person that was granted the status of refugee based on Art.2. that took place before the person entered Romanian territory.

Art.4. The status of refugee is not granted to foreigners that:

- a) Committed an offence against peace and man kind or an offence concerning the international conventions that Romania takes part;
- b) Committed a major offence of common law outside Romania before he or she entered Romanian territory as a refugee;
- c) Committed acts that are in contradiction with the purposes and principles from the United Nations Chart or from international treaties and conventions concerning refugees, that Romania takes part .

d) Art.5. Conditioned humanitarian protection can be given to the foreigner that does not fulfil the conditions stipulated by Art.2. (1) and proves that in the country of origin:

- a) Committed crimes for which he risks a death sentence, with the condition that the country does have the death penalty and that penalty may apply to him;
- b) Risks being tortured or subjected to inhumane or degrading treatment;
- c) Due to his belonging to an underprivileged category he can be exposed to danger regarding his life, liberty or integrity.

d) Art.6. (1) During armed conflicts, to which Romania is not a part of, temporary humanitarian protection can be given to persons coming from conflict areas.

Art.7. (1) In order to receive the refugee status the foreigner personally addresses a written request to the National Office for Refugees, part of the Ministry of the Interior or to the departments in the territory of the Ministry of the Interior.

Art.10. (1) If the foreigner passed through a third country , considered safe, and was offered protection or he had the opportunity to ask for protection, at the border or on its territory, from the authorities , in that country the National Office for Refugees may decide to send him back to that country without analyzing his request.

Art.12. (1) The interviewing , the analysis of motives and the decision regarding the demand are of the National Office for Refugees competence.

(6) The National Office for Refugees consults the Ministry of Foreign Affairs regarding information about the countries where there is not a serious risk of persecution and safe countries.

Art.14. (1) After analyzing the request, in 30 days time from receiving it the public servant may decide:

- a) Granting the status of refugee;
- b) Granting conditioned humanitarian protection;
- c) Rejecting the request.

Art.17. (1) Are the object of the accelerated procedure :

- a) The requests obviously unjustified;
- b) The requests of persons that due to their activity or belonging to a certain group , represent a danger to national security or public order in Romania ;
- c) The requests of persons coming from a country where usually there is not a risk of persecution.

(2) Also, the requests of persons that are in situations stipulated in art.4 can be the object of the accelerated procedure.

(3) The requests of minors that are unaccompanied cannot make the object of the accelerated procedure.

Art.18. The request for the status of refugee is considered to be obviously not justified if :

- a) The lack of foundation of the fear of persecution in the country of origin;
- b) Misleading deliberately the authorities competent in matters of refugees or abusively resort to the procedure of granting the status of refugee.

In the case of foreigners that request the granting of the status of refugee at the border:

Art.22. (1) The foreigner that requests the granting of the status of refugee will remain in the transit area from the border until the approval of his request to enter Romanian territory or, as the case may be, until the decision of rejecting his demand is final, but no longer than 20 days.

Art.26. (1) The protection granted based on art.2,3 or 5 ends if ;

- a) The beneficiary has died;
- b) The foreigner has obtained a new citizenship and he is given the protection of the state that he is now a citizen of;
- c) The foreigner requested to renounce at this form of protection.

Art.27. (1) The status of refugee is withdrawn to the foreigner if:

- a) He voluntarily requested the protection of the state whose citizenship he has;
- b) After losing his citizenship he regained it voluntarily;
- c) He established himself again in the country that he left or that he kept far from for fear of persecution;
- d) Can not continue to refuse the protection of the country that he is a citizen of because the circumstances due to which he was granted the status of refugee have disappeared;
- e) In the case of a person without a citizenship if the circumstances due to which he was granted the status of refugee have disappeared and if he is able to return to the country where he usually resided;
- f) If there are reasons justified by public interest, national security, and public order.

Art.28. Conditioned humanitarian protection is withdrawn to the foreigner if :

- a) The reasons for granting it have disappeared;
- b) After obtaining it , through his actions or his belonging to a certain group , the foreigner represents a threat to national security or public order in Romania.

Art.31. If he continues to remain on Romanian territory, the person that was withdrawn or annulled the form of protection falls under the stipulations of the legislation regarding the foreigners' regime in Romania.

Art.35. The persons that request the status of refugee are not sanctioned for the reason of entrance or illegal residence in Romania.

**Government's Decision nr.622/2001 concerning the approval of methodology of applying the Government's Ruling nr. 102/2000 concerning the status and the regime of refugees in Romania**

Art.3. (3) Temporary humanitarian protection is be granted for a determined period of time, no longer than 2 years.

Art.8. (1) The person that has been granted the status of refugee can make request the granting of this status for his family members, only if they are not on Romanian territory and he can prove that they agree.

Art.25. the status of refugee and the conditioned humanitarian protection are not granted for determined periods of time.

Art.37. The financial aid for refugees is granted monthly, for every person, at the level of the minimum wage .For the minors that have the status of refugees, that are under the age of 14 the aid is given to their legal representative.

**Government's Decision nr. 1191/2001 concerning the approval of the special programme for social and professional integration of foreigners that have gained the status of refugee**

Art.1. (2) The inclusion of refugees in programmes for social and professional integration is made at their request.

Art.2. The social and professional integration implies measures regarding:

- a) Cultural accommodation;
- b) Learning Romanian;
- c) Access to the Romanian national education system;
- d) Access to the health insurance system;
- e) Free access on the labour market and at the social insurance system;
- f) The right for shelter.

Art.3. Cultural accommodation is realized with the participation of refugees to events organized by the National Office for Refugees in collaboration with non-governmental organizations, that have the purpose of familiarizing refugees with the traditions, customs and the specific of the Romanian society.

Art.4. (1) Access to the preschool and to the compulsory education system of the children of foreigners that were granted the status of refugee will be made without any taxes being paid.

(3)Adults that were granted the status of refugee can beneficiate, on request, of access to the courses of Romanian organized by the Ministry of the Interior , through the National Office of Refugees , in collaboration with the Ministry of Education and Research.

Art.6.(2) The refugees that do not have income beneficiate from health and social insurance without paying a contribution.

Art.7.(1) In order to ensure the social protection and free access on the labour market , the refugee , that due to objective reasons, lacks the means of maintaining himself beneficiates ,on request, of:

- a) Loans;
- b) Social aid;
- c) Free access to training, programmes for professional re-qualification and counselling in order to obtain a job, as well as access to any other type of protection.

Art.8. (1) The refugees that do not have the necessary means of maintaining themselves can beneficiate on request, of accommodation in the special locations that are meant for his purpose, that belong to the Ministry of the Interior.

### **Law nr. 203 regarding work permits**

Art.1. (1) The work permit is the official document based on which foreigners can work in Romania.

Art.2. (1)The work permit can be given , on request, to foreigners that meet the conditions of the law concerning being employed and have visa for work.

(2) The work permit can be given by respecting the law, without the necessity of obtaining a visa for work, to foreigners that :

- a) come from countries with which Romania has signed agreements of eliminating visas;
- b) are in the country to study or are graduates of a Romanian education institution and request the work permit 30 days from graduation;
- c) entered the country for business purposes and request hiring at their own firm;
- d) are family members – husband, wife, children- of foreigners that have a work permit;
- e) are family members-husband, wife ,children – of Romanian citizens residing in Romania;
- f) other situations regulated by law;

Art.3. (1)The work permit is given by the Ministry of Labour and Social Protection .

(2) The work permit is given for a period of 6 months, with the possibility of prolonging it, on request , for periods of 6 months.

(3) Based on conventions or agreements made by the Romanian state, the work permit can be given and prolonged for more than 6 months.

Art.5. (1) Without necessity of a work permit can work in Romania foreigners that :

- a) Have established according to law their residence on Romanian territory;
- b) Were granted the status of refugee on Romanian territory;
- c) Are hired by physical persons or juridical persons residing, respectively with the headquarters, in another country and are sent in Romania for a temporary activity;
- d) In other situations established through conventions or agreements that Romania has signed or through special laws.

Art.6(1) When the work permit is given the beneficiary will pay in lei a tax equal to the equivalent of 200\$.

(2) For prolonging the work permit the beneficiary will pay in lei a tax equal to the equivalent of 100\$.

Art.7. Hiring or continuing to keep hired a foreigner that does not have a work permit by a physical or judicial person from Romania , with the exception stipulated in art.5 , is a contravention and it is sanctioned by a fine of 5-10 mil. Lei .

**Government's Decision nr.434/2000 regarding the approval of the methodology regarding the granting and annulment of work permits**

Art.3(1)Are not to be considered hired in Romania , in the sense of art.1 and 5. from the Law nr 203/1999 , and they do not have an obligation of obtaining a work permit – foreigners that develop academic , scientific, ,artistic activities or other activities , on a temporary basis , in specific institutions in Romania , during a period of no longer that 30 days.

Art.11.(1)The work permit is annulled by the Ministry of Labour and Social Protection in the following situations:

At the request of the employer, as a consequence of the ending, from his initiative, of the work contract of the foreigner;

At the request of the foreigner, as a consequence of the ending of the work contract, at his initiative;

Following the notification of the competent authorities, in the case that the foreigner was limited or ended the right to stay in Romania or if he does no longer meet the conditions stipulated by the law regarding employment;

**Government's Decision nr. 28/1994 regarding the schooling of persons requesting asylum and of refugees in Romania**

Art. 1. Until the adoption of the law regarding the status and the regime of refugees in Romania, the schooling of the persons requesting asylum and refugees, during the period of studies at a lower level than university is realized without perceiving taxes.

Art.4. The refugees that want to take high school, university or post graduate studies can be enrolled as stipulated in art.1 , at the preparatory school year organized for foreigners .

**Government's Decision nr. 755/1992 regarding the approval of the Agreement between the Romanian Government and UNHCR signed on the 12<sup>th</sup> of August 1992 in Geneva**

Art.V. 3. UNHCR can designate office workers to visit the country to consult and cooperate with the government's office workers or with non-governmental organizations, regarding:

- a) The examination, analysis, the preparation, monitoring and evaluation of international protection and humanitarian aid programmes;
- b) The dispatch, receiving, and distribution of supplies, equipment and other materials given by UNHCR;
- c) The searching for permanent solutions concerning refugees;
- d) Any other matters regarding the application of this agreement.

Art. VII. 1. The Government will apply in the case of UNHCR, its properties, its funds and assets, as well as to their office workers and experts on a mission, the regulations of the



Convention on privileges and immunities of the United Nations , which the Government has signed on July the 5th 1956.

In addition, the Government understands to grant UNHCR and its staff those supplementary privileges and immunities that are necessary in order to exercise their function of international protection and humanitarian assistance.

Art.X. The UNHCR representative, its substitute and high officers, as will be agreed by the Government and UNHCR, their spouses and family members that they tend to, will benefit during the period that they are in the country, of the privileges and immunities, facilities usually given to diplomats .

**Law nr. 88/2000 regarding the ratification of the European Agreement concerning the responsibility transfer in the matter of refugees, adopted in Strasbourg on October the 16<sup>th</sup> 1980**

Art.2. (1) The transfer of responsibility is considered to have taken place after a period of 2 years, during which the refugee has permanently and continuously lived in the second state, with the authorization of the authorities, or even before 2 years pass if the second state has allowed the refugee to remain on its territory permanently or for a period longer than the one mentioned on the travel permit.

(3) the transfer of responsibility is also considered to have taken place if the readmission in the first state can no longer be requested.

Art.4. (1) As long as the transfer of the responsibility has not been made, the refugee is to be allowed at any moment to enter the territory of the first state, even after his travel permit has expired. In the latter case the readmission will be made at the simple request of the second state, provided that this request is made in a 6 months period after the permit has expired.

**Law nr. 75/2001 regarding the ratification of the European Agreement concerning the elimination of visas for refugees signed by Romania on November the 5<sup>th</sup> 1999**

Art. 1. (1) the refugees that legally reside on the territory of one of the signatory countries of this agreement will be exempted , in the conditions stipulated in this agreement and with the condition of reciprocity , of visas for entrance on the territory of all the other countries signatory , provided that :

- a) They have a travel permit, given by the authorities of the country in which he resides;
- b) Their stay does not exceed a 3 months period.

(2)A visa may be requested for periods that exceed 3 months or for entering one of the signatory countries for work purposes.

Extradition

**Law nr. 80/1997 regarding the ratification of the European Convention concerning extradition signed in Paris on December the 13<sup>th</sup> 1957, and the additional protocols to it**

Art.2(1) The Romanian citizen and the person that has been granted asylum in Romania can not be extradited .

**Law nr. 296 /2001 regarding extradition**

Art.5 (1) they can not be extradited by Romania :

- a) Romanian citizens ;
- b) persons that have been granted asylum in Romania;
- c) foreign citizens that have immunity in Romania ;

- d) foreign citizens summoned in another country as parts, witnesses or experts by a Romanian judiciary authority.

## HUMAN TRAFFICKING

**Law nr. 565/2002 regarding the ratification of the United Nations Convention against Organized trans-national crime , of the Protocol regarding the prevention, the suppression and the punishment of human trafficking , especially women and children, as well as the Protocol against illegal migration on land, sea and in air , adopted in New York on November the 15<sup>th</sup> 2000**

### **Protocol regarding the prevention, the suppression and the punishment of human trafficking, especially women and children**

Art.2. This protocol refers to:

- a) The prevention and the fight against human trafficking, giving special attention to women and children;
- b) The protection and aid given to the victims of such trafficking (..);

Art.6. (1) When it happens and if the national laws allow it, every signatory state protects the privacy of the victims of human trafficking (...)

(2) Every signatory state assures that its judiciary and administrative systems contain measures that allow giving the victims of human trafficking, if the case may be:

- a) Information concerning he legal procedure;
- b) Assistance so that during the prosecution of persons involved in human trafficking no harm will be brought to the defence;

(3)Every signatory state (...) will provide the victims of human trafficking:

- a) a convenient shelter ;
- b) advice and information in a language of his understanding
- c) medical, psychological and material assistance
- d) opportunities of employment

Art. 9(1) The states part to this protocol realize policies, programmes and other measures for:

- a) The prevention of human trafficking
- b) The protection of the victims of human trafficking

(2) The states part to this protocol are making efforts to take measures like researches, information campaigns, social and economic initiatives, in order to prevent human trafficking

(3) The policies, programmes and other measures include, if necessary, the cooperation with non-governmental organizations, other competent organizations, and members of the civil society.

(4) The states part to this protocol take measures, using bilateral or multilateral cooperation, in order to remedy the factors that make people, especially women and children, vulnerable to human trafficking, like poverty, underdevelopment and inequality of opportunity.

Art.10 (1) The services of monitoring, controlling, immigration and other services, cooperate, as it is necessary, by exchanging (..) information about:

If the persons trying to cross the border with travelling documents of someone else, or with no travel documents or if they are the authors or object of human trafficking;

The types of documents that they used or tried to use to cross the border in the activity of human trafficking;

the means and methods used by organized groups for human trafficking, including recruitment and transportation of the victims, their itineraries and links with persons and groups involved in such activities, as well as the measures that allow their detection

### **Protocol against illegal migration on land, sea and in air**

Art. 5 The migrants will not be incriminated based on the fact that they made the object of art.6 (illegal trafficking of migrants).

Art. 6 Every state part to this protocol adopts the laws or other means necessary in order to incriminate, in the case that the deeds were committed intentionally and with the purpose of obtaining financial or other type of benefits, the following:

- a) Illegal trafficking of migrants
- b) when the deeds were committed in order to facilitate the illegal trafficking of migrants:
  - i) the making of a false travel or identity document;
  - ii) the giving or using of such a document ;

Art. 10. (1) (...) the countries that have common border or that are situated on the routes used for illegal trafficking of migrants exchange information regarding :

- a) The points of departure and destination, the routes, the transporters and means of transportation, concerning which it is known or suspected that are used for illegal trafficking of migrants;
- b) The identification and organizational method of people regarding whom it is known or suspected that are involved in illegal trafficking of migrants;
- c) The authenticity of the travel and identity documents;
- d) The means of hiding and transporting persons, the modifying, use or illegal purchase of any inadequate the travel or identity documents;
- e) The legislative experience concerning the fight against illegal trafficking of migrants;
- f) Useful scientific and technical problems in discovering and preventing (...) the illegal trafficking of migrants;

Art.11. (1) Without breaking the international arrangements regarding the free circulation of persons the states part to this protocol strengthens the border controls in order to prevent and discover the illegal trafficking of migrants.

Art. 16 (1) When this protocol is applied, every state part to it, according to the obligations that correspond to it as stipulated in international law, takes every measure necessary, including legislative measures to protect the rights of the person that have been the object of illegal trafficking (...).

Art. 18 Every signatory state of this protocol consents to facilitate and accept, without any unjustified or unreasonable delay, the return of a person that was the object of art.6(human trafficking) and who is a citizen or a permanent resident on its territory.

**Law nr. 678/2001 regarding the prevention and fight against human trafficking**

Art.5. (2) The Ministry of Foreign Affairs and the Ministry of the Interior will adopt the necessary measures, based on law 123/2001 regarding the regime of foreigners in Romania , in order to stop the entrance on Romanian territory of foreign citizens regarding whom there are well grounded clues of being involved in human trafficking.

Art.6. (1) The Ministry of Labour and Social Solidarity (..)Elaborate and apply special measures of integration on the labour market of persons at high risk of being object of human trafficking, especially women from poor areas and persons socially marginalized.

Art.12.(1) It is considered human trafficking the recruitment. transportation, housing or receiving a person, through threatening, violence or other types of constraint, kidnapping, fraud or deception, authority abuse or taking advantage of the lack of that person 's ability to defend oneself or to express ones will, or by offering, giving or receiving money in order to obtain the consent of the person that has authority over the one mentioned before, with the purpose of the exploitation of that person (...).

Art.15.(1)The attempt of human trafficking is punished.

Art.16.the consent of the person, victim of the trafficking, does not absolve the doer.

Art.20. The person that was object of human trafficking and prostituted herself is not punished for this felony (...) if she helps the arrest of the persons involved in human trafficking .

Art.26.(1)The persons that suffered due to the felonies stipulated by this law , as well as other victims are offered special physical , judicial and social assistance .

(2)The privacy and identity of the victims of human trafficking are protected.

Art.28. Romanian citizens located on the territories of other countries, victims of human trafficking, are granted, on request, assistance from the diplomatic missions and consular offices of Romania in those countries.

Art32. (1)The victims of human trafficking can live if they request it , on a temporary basis , in centres of assistance and protection for the victims of human trafficking (..) in the counties of Arad, Botosani, Galati, Giurgiu, Iasi, Ilfov, Mehedinti, Satu Mare and Timis.

Art.37. Romania facilitates to foreign citizens, victims of human trafficking, the return to their country with no unjustified delay and provides safe transportation to the border.

**Government's decision nr.1216/2001 regarding the approval of the National plan of action against human trafficking**

**Objectives of the plan :**

Identification of the causes of the vulnerability of persons to human trafficking

Identification of the legislative gaps as well as the gaps in the activity of the institutions that offer protection to groups with high risks of being the object of human trafficking

Raising the awareness of the society regarding the danger of human trafficking

The education of the persons with high risks of being the object of human trafficking.

Providing protection for the victims of human trafficking

The rise of the economic and social status of the persons with high risks of being the object of human trafficking

Identifying causes and establishing measures in order to prevent human trafficking

### **Law 21/1991 regarding Romanian citizenship**

Art. 4. The Romanian citizenship can be obtained:

- a) Through birth;
- b) Through Adoption;
- c) On request.

Art. 8. the Romanian citizenship can be granted on request, to the person with no citizenship or with another citizenship, if the following conditions are fulfilled;

- a) He was born on Romanian territory and resides here at the date of the request, or although he was not born has legally and continuously resided on Romanian territory for at least 7 years, or if it he is married to a Romanian citizen, for at least 5 years.
- b) Proves through his conduct loyalty to the Romanian state and to the Romanian people;
- c) Is at least 18 years old;
- d) Has legal means of maintaining himself; (...)

### **PASSPORTS**

**Government decree nr. 65/1997 – concerning the passports in Romania, approved with modifications and supplements by Law nr. 216/1998 concerning the passports conditions.**

Art. 1. – (1) Romania citizens are entitled to the freedom of movement and as a consequence they have the right to be issued and to bear a passport in accordance to the provisions of the present decree

(2) The right to free circulation cannot be the subject of any restriction, except for those stipulated in the present decree.

Art. 11. – (1) The person aged over 14 years has the right to have an individual passport

(3) Data regarding children under the age of 14 can be specified in the parents' or the legal guardian' passport.

(4) In order to include data about the children who has not reached the age of 14 in the parent's passport it is necessary that the other parent expresses his/her consent.

Art. 16. – (1) The person who was who has been accepted the request of renouncing the Romanian citizen status is obliged to hand over his/her passport to the Romanian authorities, to diplomatic missions or to the Romanian Consular Office if abroad or to the Department of Passports or one of its subordinate branches if that person is still in the country.

Art. 24. –Romanian citizens residing abroad are issued simple passports, where their residence country.

is mentioned

### **Law nr. 296 from the 7th June 2001 regarding extradition**

Art. 8. - (1) Extradition can be admitted only if the action of the person in cause is considered a serious felony by both the supplicant and the demanded state.

Art. 9. - (1) Extradition it is not granted if the offence for whom it is asked is considered by the demanded state a political offence or a complementary action of a political offence.

(Art. 13. - If the offence for which the extradition is requested is a subject of death penalty in the supplicant country the extradition act will not be approved unless the Romanian state is assured the death penalty will not be executed but commuted.

### **VISAS**

Instructions nr. B5/10617/63.722 ,27/June /2002 regarding the granting of entrance visas in Romania, by the Border Police in exceptional situations.

Art. 1. – At check points for State border crossing, the Romanian visa may be granted by way of exception for

1. humanitarian reasons:

- a) emergency cases determined by disasters, natural calamity or accidents;
- b) in case of death, serious sickness, proved by adequate documents
- c) in case of ships or planes being in special situations, when they are forced to land, as consequence to some desertion, bad weather or terrorist attack danger.

### **HG1108/2001 – Governmental decision nr. 1108 of the 25<sup>th</sup> October 2001 regarding the unilateral visa waving for Canadian, Icelander, Norwegian, Swiss and Japanese citizens at the Romania for crossing the Romania border line, starting January the 1<sup>st</sup> 2002**

Art. 1. – Starting with January the 1<sup>st</sup> 2002 Canadian, Icelander, Norwegian, Swiss and Japanese citizens are unilaterally excepted from the obligatory character of obtaining visa at the entrance on Romanian territory for a 3 months staying.

Art. 2. – After the 3 months visa staying has expired, if the citizens of the states mentioned at art.1 want to prolong the stay in Romania they are obliged to ask the Romanian authorities to extend their visa term in concordance with present Romanian legislation.

### **BORDER TRAFFIC AND COMMERCE**

#### **Governmental decision nr. 818/the 20<sup>th</sup> of September 1996**

The convention between Romanian government and Ukraine's government concerning the simplified crossing of national border by the citizens who have residence in the counties and administrative territorial units near border

**Single article.** – It is approved by the Convention between the Romanian government and Ukraine Government regarding the simplified procedure for crossing the state border by citizens who have their residence in the counties and administrative units near the border signed at Ismail March the 29, 1999.

**BORDER****Law 123/2001 (PHP, 2002)**

Art 46 Illegal entry to the Romanian territory of an alien declared undesirable and whose right of entry and stay in Romania was forbidden, is subject to imprisonment from 1 to 5 years.

Art 11 (g) aliens shall be refused Romanian visas where they have illegally brought or attempted to bring aliens into Romania

Art 13 (1) Transportation companies are not allowed to bring into Romania aliens who do not hold valid border-crossing documents or do not meet visa requirements. Such companies will bear the expenses to the place of they embarked, cf. art 13 (2) (PHP,2002)

**Emergency Ordinance of the Romanian Government no. 112, adopted on 30th of August 2001:**

Art. 1: An act of entering or leaving from one state to another by illegally crossing the frontier of the state when committed by a Romanian citizen or a stateless person who is domiciled in Romania is an offence punishable by imprisonment from 3 months to 2 years. If the act provided for in paragraph 1 is committed with the intention to avoid the execution of a punishment, the offender will be punished with imprisonment from 3 months to 3 years. An attempt of the act is punishable. (PHP,2002)

**Government's urgent ordinance nr105/2001. regarding the state border of Romania.**

Art1 j) it is a considered national check border point for small traffic and for simplified border –crossing procedure any check point organised and authorised by Romania's government for the passing of the state border of the persons who have residence near the border area.

Art. 46. - (1) To the persons who move or develop different sorts of activities near the national border are forbidden the following:

- a) to shut with a gun over the state border;
- e) to exchange objects or correspondence across the border in other places than those established by law;
- g) to have unauthorised conversations across the border;
- h) to commit actions, gestures that represent offending expressions for the neighbouring country or to its citizens.

Art. 70. - (1) Entering or going out the country by illegal crossing of the border is a offence and is punished with prison from 3 months to 2 years.

(2) If the action stipulated at align. (1) was committed to elude the execution of a punishment; this act will be punished with prison from 6 months to 3 years.

Art. 71. - (1) The action of a person who guides one or more persons to illegally pass the state border and the organization of this activity are considered an offence and are punished with prison from 2 to 7 years.

## FOREIGN CITIZENS

### Law 123/2001

Art.40 (2) – Employment shall be made on the basis of the work permits issued by the Ministry of Labour and Welfare, pursuing the regulations set by Government Decision.

Art.41 (2) – No permits shall be issued for the employment of foreigners who do not have adequate visas.

### **Government's decision nr.207/the19th of May 1997 regarding the obligations of foreign citizens and stateless persons to obtain work permit, regarding the signing of an individual labour contract on Romanian territory**

Art. 1. – foreign citizens and stateless persons which will be legally hired on the basis of an individual work contract by legal or nature persons with residence in Romania have the obligation to obtain a working permit released by the Ministry of labour and Social protection.

Art. 2. – Foreign citizens and stateless persons who have the refugee condition on Romania's territory are excepted from the art1 stipulation.

### **Law 203/1999 on labour permits (PHP, 2002)**

Art.2 A labour permit can be issued, at request, to foreign citizens who meet the requirements stipulated by the law on employment and who have the employment visa applied on their border crossing documents.

Art. 3 (2) the permit is issued for 6 months with the possibility of being prolonged for new periods of 6 months.

Art.4A labour permit allows the holder to receive employment, on an individual agreement basis or in any other way stipulated by the law, from an individual or a legal entity in Romania or from a Romanian office of a legal entity based abroad:

Art.5 (1) The foreign citizens who are in the following situations may be employed by an individual or a legal entity without a labour permit: a) they have established their legal domicile in Romania; b) they have obtained the status of refugee in Romania; c) they are employed by individuals or legal entities with domicile/head office abroad and have been sent by the respective entity to carry out temporary activities in Romania; d) they are in other situations established under agreements to which Romania is a party or under special laws.

### **Law nr.196/15 may 2002 regarding the offering of medical assistance in Romania to the foreign citizens on behalf of the agreements and international conventions and reciprocity protocols in the health domain and in which Romania is part of.**

Art. 1. - (1) The citizens of the states with which Romania has signed international conventions and reciprocity protocols in the health care and medical assistance can benefit on Romania's territory of medical services offered by public health care institutions, in conditions established by the above international documents.

(2) Romanian citizens who find themselves on the territory of those states have the right to medical assistance.



**Law nr.123/2001 regarding the foreigners' status in Romania**

(3) The government may decide unilateral visa waiver in favour of the nationals close to the state borderline.

Art. 6 (1) The Romanian visa shall be granted, at request, by Romania's diplomatic missions and consular offices. (2) At check points for State border crossing, the Romanian visa may be granted by way of exception, (...) (3) The Government may unilaterally decide to waive or to issue the Romanian visa in favor of foreign nationals of certain states at check points for State border crossing. (4) Depending on the purpose of the travel, the visa can be: diplomatic, service, ordinary or transit visa. (5) – Law 123/2001 The visa shall be issued as follows:

- a) the diplomatic visa and the service visa: by the Ministry of Foreign Affairs, Romania's diplomatic missions and consular offices.
- b) the ordinary visa and the transit visa: by Romania's diplomatic missions or consular offices, at check points for State border crossing (for the time being), the Ministry of Foreign Affairs or the Interior Ministry. (6) The ordinary visa shall be granted for business purposes, media activities, employment or study, tourism purposes, visiting or for other purposes, subject to this law. (...) (PHP, 2002)

Art. 7. - (1) the persons having multiple citizenship are subject to the visa regime of the country which has issued the passport presented at the entry in the country.

(2) The persons who prove their Romanian citizenship will be treated in conformity with this status, if they support their nationality affiliation claims with appropriate documents, even if they entered the country with the passports released by the authorities of other states.

Art. 9. - (1) The visas give the right to stay on the Romanian territory for the following periods:

- a) for the periods established by bilateral agreements with other states or in reciprocity conditions for diplomatic and work visas;
- b) up to 30 days with the possibility of extension up to 3 months in case of simple employment visa., business, academic activities, research, activities in the humanitarian or cults domains, press activities or other activities that do not infringe with Romanian laws;
- c) up to 30 days with the possibility to be prolonged in the country for another period not longer than one year, in the case of simple visas for study;
- d) up to 60 days with the possibility to be prolonged in the country with a longer than a 60 days period, in the case of simple visa for tourism, or personal interest;
- e) 3 days for transit visa.

(2) The husband/wife and the minor children of the foreigner, who was approved an extension of the visa term in the conditions of the present law, can have their period of stay prolonged for a period equal to that of their spouse or parent. In the situation of minor children, the visa can be prolonged only with the agreement of both parents, (...).

Art. 14. - (1) To the foreigner possessing simple passports, and to the one coming from a state known as having migration potential, the visa will be granted only if that person presents to diplomatic mission or to Romanian consular offices a written invitation from the part of a nature or legal person who resides in Romania, and a medical insurance for the staying period.

(2) the invitation which must meet the legal criteria will be registered by the competent authorities of the Ministry of Interior and must contain the commitment of the person who makes the invitations to support the expenses of the staying of the foreigner on the Romanian territory and those imposed by the eventually returning of the foreigner in the origin country [...]

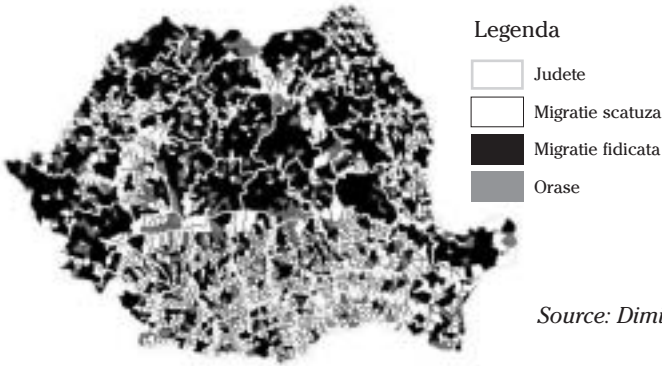
(4) The foreigner with residence right in Romania can cross the border in or out without visas, if they present at the borderline their passport and their identity card.

Art.28 2) The person who is a citizen of more than one state is obliged to present at the borderline the passport previously used for entering Romania

Art. 52. - This law does not apply to the asylum seekers, to refugees and to the victims of an armed conflict; their status is settled by special laws.

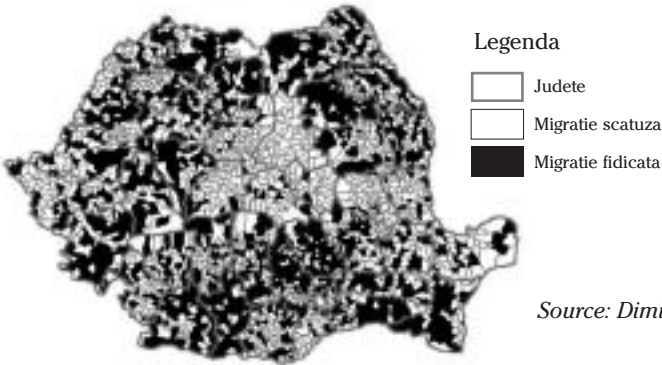
### Appendix 3: Circulatory migration maps in rural Romania

**Map 1: Out-migration ratio in Romanian rural settlements 1990-2001**



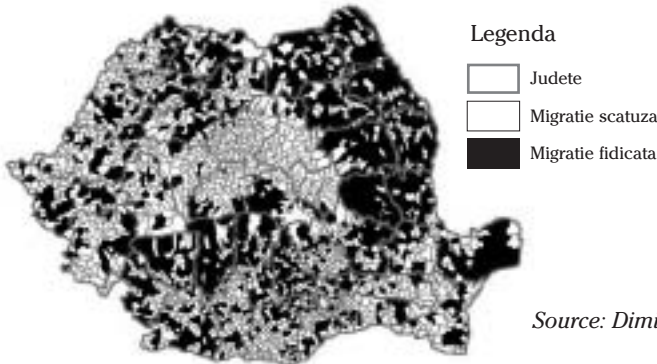
Source: Diminescu, Lazaroiu 2002

**Map 2: Diversity of destinations for migration in Romanian rural area 1990-2001**



Source: Diminescu, Lazaroiu 2002

**Map 3: Migration to Italy from Romanian rural area 1990-2001**



Source: Diminescu, Lazaroiu 2002

## Appendix 4: Circulatory migration in Italy and foreign Italian companies in Romania

County name	Companies with Italian capital	Circulatory migration from rural area to Italy
Alba	52%	4%
Arad	58%	5%
Arges	37%	12%
<b>Bacau</b>	<b>51%</b>	<b>22%</b>
Bihor	62%	7%
Bistrita-Nasaud	31%	3%
<b>Botosani</b>	<b>48%</b>	<b>19%</b>
Braila	33%	28%
Brasov	28%	4%
Buzau	34%	9%
Calarasi	40%	6%
Caras-Severin	37%	4%
Cluj	48%	6%
Constanta	12%	4%
Covasna	18%	1%
Dambovita	35%	12%
Dolj	54%	15%
<b>Galati</b>	<b>33%</b>	<b>35%</b>
Giurgiu	36%	3%
Gorj	46%	9%
Harghita	26%	0%
Hunedoara	42%	4%
Ialomita	42%	7%
<b>Iasi</b>	<b>36%</b>	<b>19%</b>
Ilfov	17%	4%
Maramures	40%	10%
Mehedinti	40%	8%
Mun.Bucuresti	29%	
Mures	30%	0%
<b>Neamt</b>	<b>51%</b>	<b>7%</b>
Olt	48%	4%
Prahova	37%	3%
Salaj	52%	4%
Satu Mare	34%	16%
Sibiu	16%	3%
<b>Suceava</b>	<b>28%</b>	<b>14%</b>
Teleorman	37%	2%
Timis	47%	10%
Tulcea	32%	8%
Valcea	34%	21%
<b>Vaslui</b>	<b>49%</b>	<b>9%</b>
<b>Vrancea</b>	<b>58%</b>	<b>50%</b>

\* *Bold lines are counties from Moldova*

## Appendix 5: Data on refugees and asylum seekers

*Table A1: Situation of the applications for asylum by origin country between 1997-2002*

year	1997	1998	1999	2000	2001	*	2002	**	total
Iraq	349	259	149	250	626	54	350	48	2590
Bangladesh	241	584	459	226	22	8	65	12	2440
Afghanistan	13	33	292	282	777	10	33	2	1505
Pakistan	67	89	101	225	84	4	31	5	905
Somalia	17	4	2	39	171	1	34	0	710
Iran	92	52	38	34	101	21	41	14	676
India	14	24	55	40	157	1	127	0	551
Sri Lanka	109	27	11	13	7	0	3	0	457
Albania	19	1	0	2	0	0	0	0	351
Turkey	74	43	19	28	33	5	38	5	317
Sudan	15	14	16	71	43	4	45	9	259
Congo	160	5	18	2	19	1	14	2	224
Palestine	14	16	14	33	42	12	23	16	186
China	0	0	1	0	43	3	89	3	139
Siryia	11	7	25	16	13	9	25	2	117
Zaire	76	1	9	3	4	0	1	0	108
Yugoslavia	5	13	23	8	22	0	1	3	100
Sierra leonnes	14	3	9	19	30	3	2	2	92
Nigeria	23	7	2	3	3	2	10	5	69
Egypt	7	11	3	13	9	4	7	5	60
Rwanda	14	5	2	5	2	1	0	2	55
Cameroun	13	11	2	4	4	1	3	0	51
Liberia	21	0	1	2	2	1	2	0	51
Jordan	8	3	9	5	6	1	11	5	50
Algeria	6	1	4	8	12	1	1	1	41
Lebanon	4	7	2	3	10	1	5	3	37
Angola	4	0	2	0	1	1	1	0	27
Senegal	6	0	1	0	0	0	0	1	24
Armenia	0	0	2	0	0	0	2	0	17
Bosnia	0	3	0	2	0	0	2	0	15
Ghana	3	0	4	5	0	0	0	0	13
Burundi	8	0	0	1	1	0	0	0	12
R Moldavia	0	0	5	0	1	0	6	0	12
Guinea	0	0	1	4	2	1	0	1	11
Marocco	1	0	2	4	2	0	0	1	11
Eritreea	0	0	0	4	5	0	0	1	10
Georgia	0	0	0	0	3	0	7	0	10
Israel	3	0	0	1	0	0	2	2	10
Russian Federation	0	0	1	1	1	0	3	0	10
Croatia	0	0	1	0	0	0	0	0	9
Yemen	3	1	1	1	1	0	0	0	8
Cecenia	0	0	0	0	7	0	0	0	7
Mali	2	0	0	0	1	1	2	0	7
Mauritania	1	0	2	1	1	0	0	0	7

**Table A1: Situation of the applications for asylum by origin country between 1997-2002**  
(continue)

year	1997	1998	1999	2000	2001	*	2002	**	total
Ukraine	0	1	2	0	2	0	1	0	7
Libya	5	1	0	0	0	0	0	0	6
Tunisia	0	1	0	2	0	0	2	0	6
Azerbaijan	0	4	1	0	0	0	0	0	5
Ethiopia	0	0	3	1	0	0	0	0	5
Burkina Faso	0	0	0	1	1	0	2	0	4
Central Africa	2	0	0	0	1	0	0	1	4
Macedonia	0	0	0	0	1	0	1	0	4
Tanzania	0	1	1	1	1	0	0	0	4
Djibuti	0	0	0	0	3	0	0	0	3
Kuwait	0	0	0	0	0	0	1	0	3
Cote d'Ivoire	0	0	0	2	0	0	0	0	2
Cuba	0	0	0	0	0	0	0	0	2
France	0	0	1	0	0	0	0	0	2
Gambia	0	0	0	0	0	0	0	0	2
Madagascar	0	0	0	0	0	0	0	0	2
Uzbekistan	0	1	0	0	0	0	1	0	2
Bulgaria	0	0	0	0	0	0	1	0	1
Cyprus	0	1	0	0	0	0	0	0	1
Germany	0	0	1	0	0	0	0	0	1
Gabon	0	0	0	0	0	0	0	0	1
Greece	0	0	1	0	0	0	0	0	1
Guinea Bisau	0	0	1	0	0	0	0	0	1
Kazastan	0	0	0	0	1	0	0	0	1
Kenia	0	0	0	0	0	0	1	0	1
Peru	0	0	0	0	1	0	0	0	1
Qatar	0	0	0	1	0	0	0	0	1
SUA	0	0	0	0	1	0	0	0	1
West Sahara	0	0	0	0		0	1	0	1
Other (stateless, unknown)	0	2	0	0	0	0	3	0	5
	1424	1236	1299	1366	2280	151	1000	151	12441
temp protection	0	0	368	0	0	0	0	0	368
total	1424	1236	1667	1366	2280	151	1000	151	12809

\* second application in 2001

\*\* second application in 2002

Source: NOR

**Table A2: Refugee application evolution between 1991-2002**

TOTAL								
year	temp	prel. St	granted	granted court	refugee	rejected	with drawn	repatriation volume
1991	0	0	315	0	315	0	0	0
1992	0	0	41	0	41	327	0	50
1993	0	0	0	0	0	0	0	20
1994	0	0	16	0	16	209	0	16
1995	0	0	94	0	94	348	155	55
1996	0	0	94	0	94	522	93	47
1997	0	0	80	0	80	214	75	19
1998	0	0	276	73	349	2300	44	61
1999	368	0	598	23	621	1144	240	240
2000	0	0	171	*	171	1271	61	0
2001	0	0	121	84	205	2232	65	0
2002	0	77	128	60	188	952	78	0
<b>TOTAL</b>	<b>368</b>	<b>77</b>	<b>1934</b>	<b>240</b>	<b>2174</b>	<b>9519</b>	<b>811</b>	<b>508</b>

Source: UNHCR

**Table A3: Asylum seekers by origin, gender and age between 1991-2002**

Age group/country	31-40		41-50		51-60		61-70		71-80		TOTAL
	M	F	M	F	M	F	M	F	M	F	
Afganistan	160	38	57	13	15	4	2	3	2	1	1327
Algeria	13	0	1	0	1	0	0	0	0	0	29
Other Country	0	1	0	0	0	0	0	0	0	0	1
Angola	0	0	2	0	0	0	0	0	0	0	2
Apatrids	1	0	1	0	0	0	0	0	0	0	2
Ar	1	0	1	0	0	0	0	0	0	0	2
Azerbaidjan	0	0	1	0	0	0	0	0	0	0	1
Bangladesh	233	0	16	0	0	0	0	0	0	0	711
Burkina Fasso	0	0	0	0	0	0	0	0	0	0	2
Burundi	0	0	1	0	0	0	0	0	0	0	2
Camerun	4	1	0	0	0	0	0	0	0	0	9
China	13	5	7	2	1	0	0	0	0	0	42
Coastade Azur	0	0	0	0	0	0	0	0	0	0	2
Congo	9	2	0	0	0	1	0	0	0	0	48
Croatia	0	0	0	0	0	0	0	0	0	0	1
D	0	1	0	0	0	0	0	0	0	0	1
Djibou	0	2	0	0	0	0	0	0	0	0	3
Egipt	8	1	6	0	2	0	0	0	0	0	30
Eritreea	0	0	1	0	0	0	0	0	0	0	11
Etiopia	1	0	0	0	0	0	0	0	0	0	3
F	0	0	1	0	0	0	0	0	0	0	1
Franta	1	1	1	0	1	0	0	0	0	0	12
Ghana	2	0	1	1	0	0	0	0	0	0	7
Gr	0	0	0	0	1	0	0	0	0	0	1
Guinea	2	0	3	0	1	0	0	0	0	0	9
India	64	0	21	0	1	0	0	0	0	0	249
Iordan	8	0	2	1	0	0	0	0	0	0	22
Irak	392	22	88	9	25	1	1	4	1	1	1012
Iran	69	6	17	3	1	0	2	0	0	0	175
Israel	1	0	2	0	0	0	0	0	0	0	4
Kazakhstan	1	0	0	0	0	0	0	0	0	0	1
Liban	8	2	4	0	0	0	0	0	0	0	21
Liberia	3	1	0	0	0	0	0	0	0	0	5
Libia	1	0	0	0	0	0	0	0	0	0	1
M	0	1	1	0	1	0	0	0	0	0	6
Macedonia	0	0	0	0	0	0	0	0	0	0	1
Mali	1	0	0	0	0	0	0	0	0	0	1
Maroc	2	0	0	0	0	0	0	0	0	0	8
Mauritania	4	0	0	0	0	0	0	0	0	0	4
Nigeria	4	0	0	0	0	0	0	0	0	0	7
Pakistan	98	0	20	1	2	0	1	0	0	0	398
Palestina	24	1	5	1	1	0	1	0	0	0	66
Peru	0	0	1	0	0	0	0	0	0	0	1
Qatar	0	1	0	0	0	0	0	0	0	0	1
Rwanda	4	0	0	0	0	0	0	0	0	0	9
Senegal	0	0	1	0	0	0	0	0	0	0	1
Sierra	12	0	3	0	1	0	0	0	0	0	59
Siria	21	0	18	1	2	0	0	0	0	0	51
Somalia	52	7	20	1	3	0	1	0	0	0	210
Sri Lanka	8	2	2	0	0	0	0	0	0	0	29
Sua	0	0	1	0	0	0	1	0	0	0	2
Sudan	45	3	9	0	0	0	0	0	0	0	133
Tanzania	3	0	0	0	0	0	0	0	0	0	3
Tr	25	4	14	0	1	0	0	0	0	0	77
Tunisia	2	0	0	0	0	0	0	0	0	0	2
U	0	0	0	0	0	0	0	0	0	0	4
Yemen	2	0	0	0	0	0	0	0	0	0	2
YU	53	30	33	30	12	6	9	6	4	6	470
Zair	1	0	1	0	0	0	0	0	0	0	5
Total	1356	132	363	63	72	12	18	13	7	8	5299

Source: NOR



**Table A4: Asylum applications submitted 2002**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	total year	* gen total	
Afganistan	1	0	2	0	1	0	28	0	0	0	1	0	33	2	35
Algeria	0	0	0	0	0	0	0	0	0	1	0	0	1	1	2
Angola	0	0	0	0	0	0	0	1	0	0	0	0	1	0	1
Armenia	0	0	1	1	0	0	0	0	0	0	0	0	2	0	2
Bangladesh	13	0	3	4	0	0	0	24	9	1	10	1	65	12	77
Bosnia	0	0	0	1	0	0	0	0	0	1	0	0	2	0	2
Bulgaria	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1
Burkina faso	0	0	0	0	0	0	0	2	0	0	0	0	2	0	2
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Cameroon	0	0	0	0	1	2	0	0	0	0	0	0	3	0	3
China	10	7	6	11	6	13	4	5	4	12	6	5	89	3	92
Congo	0	2	1	0	0	0	2	1	1	5	0	2	14	2	16
Egypt	1	0	2	0	0	0	0	2	0	0	1	1	7	5	12
Eritreea	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Georgia	0	0	0	0	0	0	6	0	0	0	0	1	7	0	7
Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
India	33	17	0	0	8	8	8	10	6	21	3	13	127	0	127
Jordan	3	0	0	2	1	0	0	1	1	2	1	0	11	5	16
Iraq	30	37	14	45	77	25	38	10	15	18	15	26	350	48	398
Iran	2	5	4	4	1	3	2	4	7	3	5	1	41	14	55
Israel	1	0	1	0	0	0	0	0	0	0	0	0	2	2	4
Kenya	0	0	0	0	0	0	1	0	0	0	0	0	1	0	1
Kuweit	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1
Liberia	0	0	0	0	1	1	0	0	0	0	0	0	2	0	2
Lebanon	0	0	0	2	0	1	1	0	1	0	0	0	5	3	8
Macedonia	0	0	0	0	0	0	0	1	0	0	0	0	1	0	1
Mali	0	0	2	0	0	0	0	0	0	0	0	0	2	0	2
Maroco	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Nigeria	5	1	0	1	0	0	1	0	0	2	0	0	10	5	15
Pakistan	3	2	5	1	4	5	3	2	0	2	1	3	31	5	36
Palestine	8	1	2	2	1	1	2	3	0	0	2	1	23	16	39
R. Moldavie	0	0	1	3	0	1	0	0	1	0	0	0	6	0	6
Rusia	0	0	0	1	0	0	0	0	2	0	0	0	3	0	3
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
Senegal	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Sirya	1	0	2	5	4	2	0	1	0	1	4	5	25	2	27
Sierra Leone	0	0	0	0	0	1	0	0	0	0	0	1	2	2	4
Somalia	2	1	1	0	12	0	5	6	1	3	2	1	34	0	34
Sri Lanka	0	0	0	0	0	1	0	2	0	0	0	0	3	0	3
Sudan	0	2	2	2	7	0	10	3	5	6	1	7	45	9	54
Tunisia	0	0	0	0	2	0	0	0	0	0	0	0	2	0	2
Turkey	1	7	3	6	1	1	4	1	3	3	1	7	38	5	43
Ukraine	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1
Yemen	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1
Yugoslavia	0	0	0	0	0	0	1	0	0	0	0	0	1	3	4
Zaire(RD Congo)	0	0	0	0	0	1	0	0	0	0	0	0	1	0	1
West Sahara	0	1	0	0	0	0	0	0	0	0	0	0	1	0	1
Unknown	0	0	0	0	0	0	0	0	0	0	3	0	3	0	3
Total	114	83	52	94	127	66	116	79	57	81	56	75	1000	151	1151

\* multiple applications

Source: NOR

**Table A5: Resolution to asylum applications in 2002**

	granted	protection	**	year
Afganistan	0	2	3	5
Albania	0	2	0	2
Algeria	0	0	0	0
Angola	0	0	0	0
Armenia	0	1	0	1
Bangladesh	0	0	0	0
Bosnia	0	2	0	2
Bulgaria	0	0	0	0
Cameroon	0	4	1	5
Cecenia	0	0	0	0
china	0	0	0	0
Congo	2	7	2	11
Djibuti	1	0	0	1
Egypt	1	0	2	3
Ethiopia	0	0	0	0
Eritrea	0	0	0	0
Georgia	0	0	0	0
Ghana	0	0	0	0
Guinea	0	0	0	0
India	0	0	0	0
Jordan	0	0	0	0
Iraq	26	32	17	75
Iran	3	12	3	18
Israel	1	0	0	1
Kenya	0	0	0	0
Kuweit	0	0	0	0
Liberia	0	0	1	1
Lebanon	1	0	3	4
Libya	0	0	0	0
macedonia	0	0	0	0
mali	0	0	0	0
Pakistan	0	0	0	0
Palestine	1	5	1	7
peru	0	0	0	0
R. Moldavie	0	0	0	0
Rusia	0	0	0	0
Rwanda	0	1	1	2
Senegal	0	0	0	0
Sirya	0	1	3	4
Sierra Leone	0	2	3	5
Somalia	5	2	7	14
Sri Lanka	0	2	0	2
Sudan	3	1	8	12
Tunisia	1	0	1	2
Turkey	2	0	1	3
Ukraine	0	0	0	0
Yemen	0	1	0	1
Yugoslavia	4	0	3	7
Total	51	77	60	188

\*\* **Table A**total of refugee status granted by the court

Source: NOR

**Appendix 6: Data on emigration****Table A6: Emigration between 1996-2001 by gender, age, ethnic background and destination country**

	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>total</b>	21525	19945	17536	12594	14753	9921
<b>Male</b>	10079	9423	8460	5858	6198	5011
<b>Female</b>	11447	10522	9076	6736	7955	4910
<b>under 18</b>	4198	4145	6371	4290	4372	2860
<b>18-25</b>	3447	2559	1795	1357	1513	938
<b>26-40</b>	8347	8091	5379	4244	5717	4017
<b>41-50</b>	2701	2490	1690	1236	1551	1013
<b>51-60</b>	1332	1143	864	664	657	429
<b>61 over</b>	1501	1517	1437	803	943	664
<b>Romanians</b>	16767	16883	15202	11283	13438	9023
<b>Germans</b>	2315	1273	775	390	374	143
<b>Hungarians</b>	2105	1459	1217	696	788	647
<b>Jews</b>	191	136	198	111	66	72
<b>Other</b>	148	194	144	114	87	36
<b>Australia</b>	165	207	206	124	143	79
<b>Austria</b>	915	1551	941	468	270	167
<b>Canada</b>	2123	2331	1945	1626	2518	2483
<b>France</b>	2181	1143	846	696	809	463
<b>Greece</b>	274	232	316	214	328	105
<b>Israel</b>	418	554	563	326	433	279
<b>Italy</b>	1640	1706	1877	1415	2142	1486
<b>Germany</b>	6467	5807	3899	2370	2216	854
<b>USA</b>	3181	2861	2868	2386	2723	1876
<b>Sweden</b>	310	468	129	98	90	51
<b>Hungary</b>	1485	1244	1306	774	881	680
<b>Other</b>	2367	1841	2640	2097	2200	1398

Source: National Institute for Statistics

## Appendix 7: Data on academic mobility, University of Bucharest

*Table A7: University of Bucharest international relations (students and teachers mobilities)*

	1996	1997	1998	1999	2000	2001
<b>European Countries</b>						
Number of bilateral agreements between research groups	2	3	3	4	4	4
Number of bilateral agreements between departments and faculties	18	18	21	22	24	37
Number of bilateral agreements between universities	25	26	108	122	153	196
Number of student mobilities	46	13	36	215*	230**	292***
Number of teacher mobilities	197	124	240		70**	181***
<b>Other countries (USA, Canada, Japan etc.)</b>						
Number of bilateral agreements between research groups	3	3	3	3	3	3
Number of bilateral agreements between departments and faculties	4	5	4	3	3	3
Number of bilateral agreements between universities	18	20	20	20	26	26
Number of student mobilities	5			1	2	1
Number of teacher mobilities	42	11	17	27	36	18

\* Number of mobilities per academic year 1998-1999

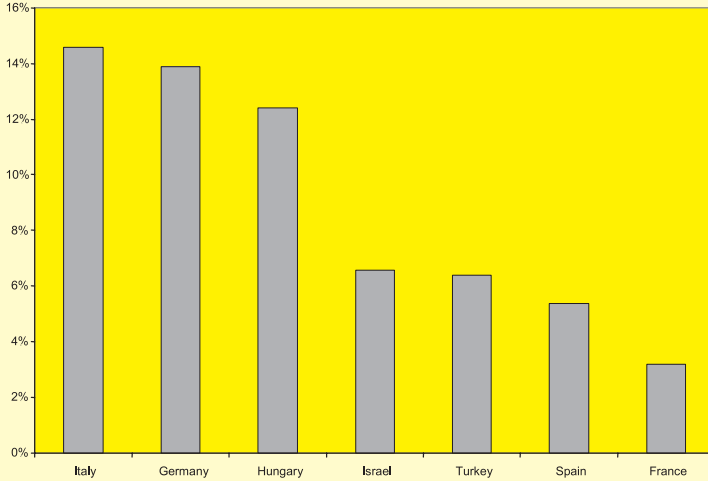
\*\* Number of mobilities per academic year 1999-2000

\*\*\* Number of mobilities per academic year 2000-2001

Source: University of Bucharest

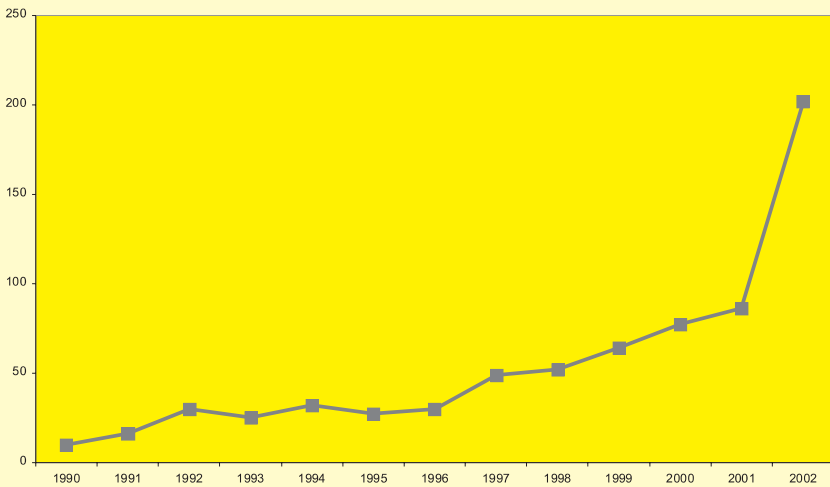
## Appendix 8: Graphs

**Graph 1: Main destination countries for labour migration**



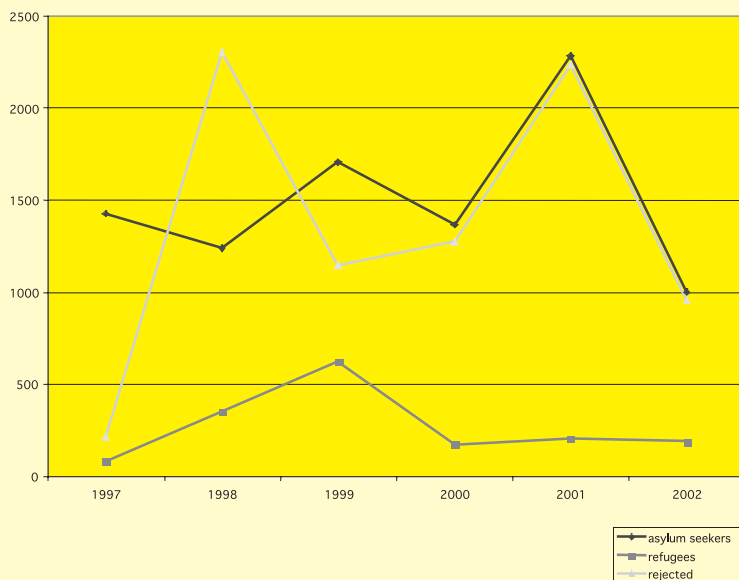
*Source: Public Opinion Barometer, reported last destination of household member went abroad*

**Graph 2: Labour migration between 1990-2002**



*Source: Public Opinion Barometer - reported last year household member went abroad*

**Graph 3: Dynamics of asylum applications, refugees, and rejected applications: 1997-2002**



**Graph 4: Dynamics of media reports on international migration 2001-2002**





## Sharing Experience...

Accession to the EU is expected to bring about changes in migratory routes and destinations, as well as societal changes in the future EU member states. How do new migration trends affect the local societies of these countries? How is the integration of migrants possible in societies marked mostly by emigration throughout the 1990ies? Which approaches do governments envisage in the different countries? Are they becoming countries of immigration – what can be expected after May 2004?

This booklet is part of a product of comprehensive research and analysis of migration trends in each of six participating EU accession countries. The research project has been supported by the European Commission, DG Employment and Social Affairs, under the European Social Fund budget line “*Analysis of and research on the social situation, demography and the family*” and has been managed by IOM Vienna.

Under the title “Migration Trends in Selected Applicant Countries”, the following volumes are available:

**Volume I – Bulgaria:** The Social Impact of Seasonal Migration.

**Volume II – The Czech Republic:** The Times They Are A-Changin.

**Volume III – Poland:** Dilemmas of a Sending and Receiving Country.

**Volume IV – Romania:** More ‘Out’ than ‘In’ at the Crossroads between Europe and the Balkans.

**Volume V – Slovakia:** An Acceleration of Challenges for Society.

**Volume VI – Slovenia:** The perspective of a Country on the ‘Schengen Periphery’.

The reader may expect comprehensive information on the situation of migrants both, in and out of the countries, and the countries’ migration management approaches, with the main purpose to illustrate the impact of migration trends on the local society and the social situation in the country.