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**Next in Line – Romanians at
the Gates of the EU
(emigrants, border control, legislation)**

Ovidiu Laurian SIMINA

The School of High Comparative European Studies (SISEC) is an academic post-graduate school of the West University of Timișoara. The two-year post-graduate programme allows the graduates to obtain the scientific title of M.A. in High European Studies, with the competences of “expert in European matters”.

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Next in Line – Romanians at the Gates of the EU

(emigrants, border control, legislation)

Ovidiu Laurian SIMINA¹⁾

Abstract:

The first of May 2004 marked an important date in the history of Europe as a political, geographic, and social entity. After years of negotiations, ten European countries joined the European Union, bringing in their potential and expectations, adding a total population of 75 million people and a territory of 738,000 square kilometres: Poland, Hungary, the Czech Republic, Slovenia, Slovakia, Malta, Cyprus, Estonia, Latvia and Lithuania. The EU will continue its enlargement under the Luxembourg Presidency. The membership treaty with Bulgaria and Romania will be finalised with a view to signature in 25 April 2005, in order to join the EU by 2007. Once it has been signed, this will mark the end of the current accession cycle. Membership negotiations with Croatia should commence on 17 March 2005. In mid-December 2004 EU leaders endorsed eventual Turkish entry into the EU, but said that there could be permanent restrictions on freedom of movement for Turkish workers; earlier, the EU Parliament voted 407-262 in favour of Turkey's entry.

Romania feels and acts like a European country. You will rather notice a European flag in Bucharest than in London, for example. Romania is not only a country who makes effort to join the European family, by introducing the necessary legal provisions in the national legislation, but it is already part of one, whole Europe, ruled by law, an area of Freedom, Security and Justice. Romania fights against immigration flows targeting Western Countries and guards the external border of European Union. In the same time, Romanians are spread all over Europe, living there alike other Europeans. Until the European Union Member States will decide that Romania truly deserves to join the family, Romanians have to prove that they do not only feel and act as Europeans, but they truly are Europeans

Keywords: UE Enlargement, external border, Romania, European migration, labour mobility

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INTRODUCTION

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

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

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

The road to establish a genuine Area of Freedom, Security and Justice is still a long one. The right balance between Freedom, Security and Justice needs to be ensured. Security and law enforcement policies need to be developed with 'freedom' as point of departure (Apap and Carrera, 2003). Freedom of movement is one of the fundamental principles upon which the European Union was once founded. The recent and unprecedented EU enlargement was, however, accompanied by a chain reaction of restrictions introduced by the EU-15 to curb prospective migration from the new member states. The enlargement of the European Union on May 1, 2004, gave nationals of the 10 new EU Member States the right to move relatively freely around the whole EU territory. The potential consequences of this new freedom have fuelled the debate in the 15 previous EU states (the so-called EU-15), where many fear that migrants from the new members will swamp their labour markets and strain their welfare systems. When dealing with other new entrants from which there were fears of mass migration, workers had to wait at least seven years before they could seek jobs in other countries on an equal basis with natives. Under the enlargement treaties, the EU-15 nations restricted the right of accession nationals to their labour markets for up to seven years. During the negotiations with Turkey, there is likely to be a debate over whether there should be a longer-than-seven-year wait for Turks, whether the EU should allow freedom of movement when certain indicators are met, or whether individual EU member countries should have discretion in when to allow freedom of movement. These restrictions would appear to fit into a general tendency across the EU to limit immigration. Initially, only Austria and Germany announced plans to restrict freedom of movement for nationals of the EU-10, but now all the EU-15 states have announced restrictions. Sweden and Denmark reversed earlier decisions to allow free migration from the Accession 10, prompting the UK to announce that it would tighten access to means-tested benefits such as subsidized housing for foreigners. Under current rules, those in the UK at least six months may request welfare benefits, and the UK will require 18-months' residence to avoid becoming a "welfare magnet." However, the UK required those coming to work to enrol in the Worker Registration Scheme, which 90,950 did between May and September 2004. About 21 percent of the registered migrants were in London and 16 percent were in East Anglia. The leading countries of origin of the registrants were Poland (56 percent), Lithuania (17 percent), Slovakia (10 percent), Latvia and the Czech Republic (seven percent each). In countries such as Germany, nationals of the EU-10 can enter for up to 90 days, but if they find jobs, their employers must show that local workers are not available before EU-10 nationals can receive work permits. The European Parliament in March 2004 approved a law that will allow EU nationals to live anywhere in the EU simply by registering- they will not need a residence permit if they can show local host governments that they can support themselves. EU member states are to reflect this change in national laws by July 1, 2005.

Restrictions take place despite a widespread recognition that Europe needs to import foreign labour in the face of gloomy demographic forecasts, in the face of ageing populations and low birth-rates, and prospects of a collapsing social security system. The EU-25 has 455 residents, compared to 295 million in the US. There can be no doubt that the European societies need migration. Europeans are living longer and are having fewer children. By 2050, if current demographic trends continue, without immigration, the population of EU-25 will drop to under 400 million residents (Annan, 2004), but the US will have 420 million. With low fertility rates, net migration already accounts for a significant proportion of population change in the EU. For example, without migration, Germany, Greece and Italy would have experienced a population loss and Sweden would barely have grown. Italy, for example, has the dubious distinction of having both the oldest population and the lowest birth-rate in the world. Without immigrants, its population will shrink from 57 million today to 41 million in 2050. In Germany, the EU's largest nation, the number of senior citizens is projected to increase by 50% over the next three decades. A 2000 study by the United Nations concluded that if Germany did not accept 500,000 immigrants a year, it would have to rise its retirement age to 77 in order to have enough workers to finance pensions for the elderly. With age levels rising and birth rates falling, Europe will have to double its intake over the next 50 years just to maintain its

population level, the 2004 Human Development Report said, as quoted by The Associated Press¹. Europe appears caught up in its own dilemma: *Europe needs migrants, Europe fears migration*.

Anti-immigration sentiment has risen in Europe over the past few years, and many governments are under subsequent pressure to curb the growing problem. The EU estimates there were at least a million irregular migrants in the EU-15 member countries in 2004². IOM put the number of irregular foreigners in Western Europe at three million in 2000, and ILO noted that, if 15 percent of the 22 million foreigners were irregular, their number would be 3.3 million³. With an average net legal immigration of nearly 1 million persons per year, the inflows in the 1990s were the largest since 1945. This number does not reflect the extent of illegal immigration. The types of migrants and countries of origin have also diversified, with a dramatic increase in the number of immigrant women as well as unprecedented peaks in the number of asylum-seekers. All Member States are concerned. Spain, Italy, the UK and Germany together account for 70 per cent of the net inflow of immigrants. Former countries of emigration, such as the southern Member States and Ireland, also became countries of immigration over the last decade.

Illegal immigration is one of the most sensitive issues in Europe. A growing trend of illegal entry has been observed across the EU over the last decade. Spain intercepted an average of 1,000 migrants a month trying to slip into southern Spain or the Canary Islands in 2004, but the government announced that unauthorized foreigners with work contracts lasting at least six months will be able to legalize their status early in 2005. Under the legalization, some 800,000 unauthorized foreigners with Spanish employers are expected to be able to legalize their status if they can prove they were in Spain at least six months, contribute to Social Security, have no criminal record, are properly registered with officials in the municipality where they live and meet other requirements. The Labour Ministry estimates that Spain has three million foreigners, 1.7 million having proper work or residency papers. Portugal decided to issue up to 8,500 work permits to foreigners in 2004. There are currently an estimated 600,000 foreigners in Portugal, a country of 10.2 million, including 200,000 unauthorized. Greece is home to between 900,000 and 1.2 million immigrants, including 400,000 in an irregular status. There have been two relatively unsuccessful efforts to legalize the irregular foreigners; some 200,000 applications for residency permits are pending. About 55 percent of the migrants in Greece are Albanians, followed by migrants from Bulgaria, Georgia, Romania, Russia and Ukraine. There are currently more than seven million foreigners living in Germany, which has a population of more than 80 million. But with the nation facing a falling birth rate, economists argue that Germany needs immigrants to help finance its extensive welfare state⁴. A third of the immigrants in France (including those born in France to immigrant parents) have become naturalized French citizens. About 120,000 immigrants naturalized in 2002, double the levels of a decade earlier; 45 percent applied and satisfied five-year residence and other requirements, 40 percent were born in France to immigrant parents and were "automatically" naturalized, and 15 percent married French citizens. In Malmo (Sweden), a city of 265,000, 40 percent of residents are foreign-born or have at least one foreign-born parent. Of Sweden's nine million residents, 12 percent are foreign-born, with over half of the foreign-born from outside Europe. Hungary had 116,000 foreign residents in January 2002, including 45,000 Romanians, 10,000 Ukrainians, and 8,500 Yugoslavs. Some 8,400 foreigners became naturalized Hungarians in 2001, including 5,600 Romanians.

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

² COM(2004) 412 final, Brussels, 04/06.2004, available at (12.10.2004): http://europa.eu.int/eur-lex/en/com/cnc/2004/com2004_0412en01.pdf

³ A group that maintains links to such estimates is the Platform for International Cooperation on Undocumented Migrants (www.picum.org).

⁴ *Germany needs more immigrants*, Expatica News 2004, German news, 20 October 2004, available at (23.12.2004): http://www.expatica.com/source/site_article.asp?subchannel_id=26&story_id=13055

On the other hand, a million Bulgarians have emigrated since the fall of communism in 1989, including 85 percent under age 30. Most of them went to Germany, the US and Spain. Bulgaria's National Statistics Institute estimated that a sixth of Bulgarians between 15 and 60 still hope to move abroad. According to the data of a survey conducted by the Centre for Regional and Urban Sociology (CURS)⁵, in April 2003 almost one million Romanians were at work abroad, legally or illegally. The poll showed that in 12 percent of Romanian households at least one member of a household had gone abroad to work, legally or otherwise, as of April 2003. Annual capital entries in Romania, as a result of Romanian workers' remittances, were estimated at approximately €2 billion for 2003, while the Romanian National Bank confirmed a similar estimate in 2002 as well. At present, the region of Moldavia (Moldavia is the poorest and most rural region in Eastern Romania, not to be confused with the Republic of Moldova) provides the biggest flow of international migration from Romania to Italy. On the other hand, 300,000 to 600,000 Moldova citizens are outside the country, including half in Russia (the Moscow region), 20 percent in Italy and the others in a wide range of southern and Western European countries as well as Turkey, Israel and other countries. Turkey is a country of 70 million, plus 3.4 million Turks and their children abroad. By the time it enters the EU, Turkey is likely to be more populous than Germany, now the largest EU country. A November 2004 poll by the Turkish group TNS PIAR found that 23 percent of the 2,028 Turks interviewed said they would "very likely" move to the another EU country if Turkey were to join the EU, and an additional 21 percent said they would "likely" move, including a majority of those 18 to 24 agreeing they would likely or very likely move.

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

Introduction to Romanian emigration

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

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

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

population and Islamic culture could transform the face of Europe; they are opposed to Turkey's membership on 'cultural' grounds – arguing that the entry into the EU of almost 70 million Muslims will change Europe forever. 'Europe could meet the same fate as the Austro-Hungarian Empire if Turkey joins the EU, a senior European commissioner has warned. "After the entry of Turkey the EU cannot continue its previous agrarian and regional policy simply as it had. Europe would implode". [...] "The American Islam expert Bernard Lewis has said that Europe will be Islamic at the end of this century", he said. "I do not know if this is right, or whether it will be at that speed, but if he is right, the liberation of Vienna in 1683 would have been in vain"⁶. The problem of religious and ethnic integration into European society is probably the EU's biggest challenge. Europe must set goals of inclusion, diversity, integration, respect and tolerance. Those necessary realities of living in this new world order⁷.

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

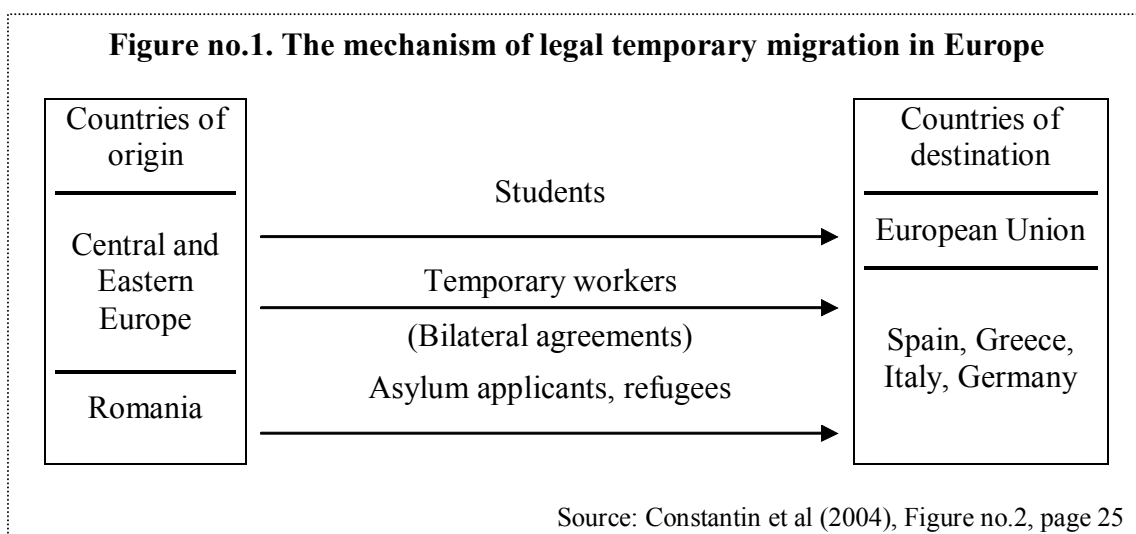
Starting with the 90', in the former communist European countries, it could be record a new era of migration, with fundamental economical implications. The most important reason for migrating are related to the economic situation of the people deciding to leave (labour migrants). Other reasons are family reunification, studies, and permanent change of residence. 'Before 1989, in Romania there used to be two migration mechanisms: permanent migration, whose motivations were mainly political and ethnic; temporary migration, for studying or working abroad, based only on Romania's inter-governmental agreements with other countries. After 1989, the main reasons behind migration shifted from the ethnic and political reason to economic ones. One consequence is the fact that temporary migration has increased both in absolute terms and as percentage in total number of migrations' (Constantin et al, 2004). Labour migration is the main form of out-migration of Romanians now. Migration for labour was almost unknown in the early 90s. Romanian labour migration abroad began in 1990 with the so-called "trade by suitcase" to Turkey, Poland, Hungary, Yugoslavia and even the Republic of Moldova, and continued with workers travelling to Israel and Germany. In such cases, nationals of one country, people from different categories, purchase goods cheaply in one country or trading small things for other merchandise that could be re-sold, and transporting them in small quantities across the border to sell at a higher price in the Romanian market. In 1997-1998, Italy gradually became the favourite destination (Constantin, Florentina (2004); Diminescu and Lazaroiu (2002), as quoted in Sufaru (2004)). The first destination countries for labour migration were Germany, France and Israel. Germany was the destination for Romanians living in the former communities with German minorities (Saxons). The migration was based on the relationship with Germans emigrated from Romania (before or after 1990). In the 90s, Germany issued some 180000 tourist visas for Romanians, annually. France became a destination for the people from North-Western Romania, and Israel was a destination for Romanians all over the country (especially east and south parts), due to the repatriated Jews from Romania, who established labour-mediating companies in Romania. Turkey became a destination country for persons working in agriculture and construction sectors. After Germany increased the control over migrants and the Israel market became less attractive, because of the restrictions imposed by the government, Romanians changed the direction of travel for migration. Italy and Spain are the new destination countries for labour migration now. Professors Nicolescu and Constantin found some mechanisms at the European level, namely those used by persons migrating from Romania to the European Union (Nicolescu and Constantin, 2005). The most important are the following:

⁶ EUROSOURCE article: *Bolkestein: EU Faces 'Implosion' Risk Over Turkey*, available at (07.09.2004): <http://www.eupolitix.com/EN/News/200409/0c501627-c886-4fc1-95c2-e49c1945898a.htm>

⁷ A Borderless Europe, May 11, 2004, available at (15.05.2004): <http://www.contracostatimes.com>

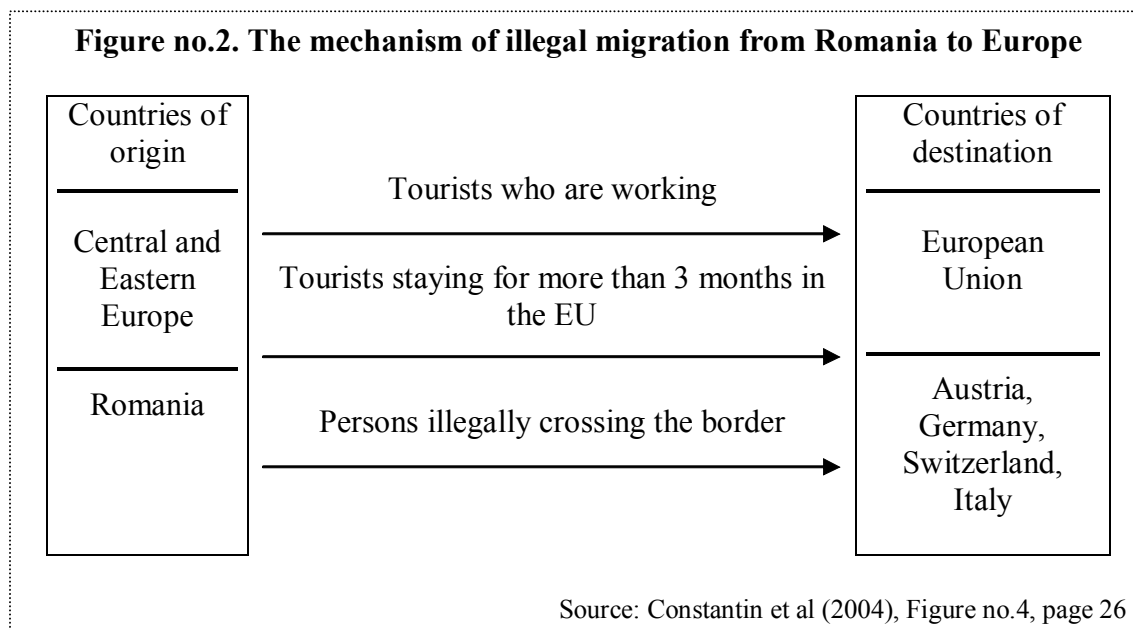
Legal permanent migration represent migratory flows leaving Romania to third party countries in order to settle there through the following methods: based on emigration visas within special programs stimulating emigration of persons holding qualifications that are scarce in the receiving country or other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

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



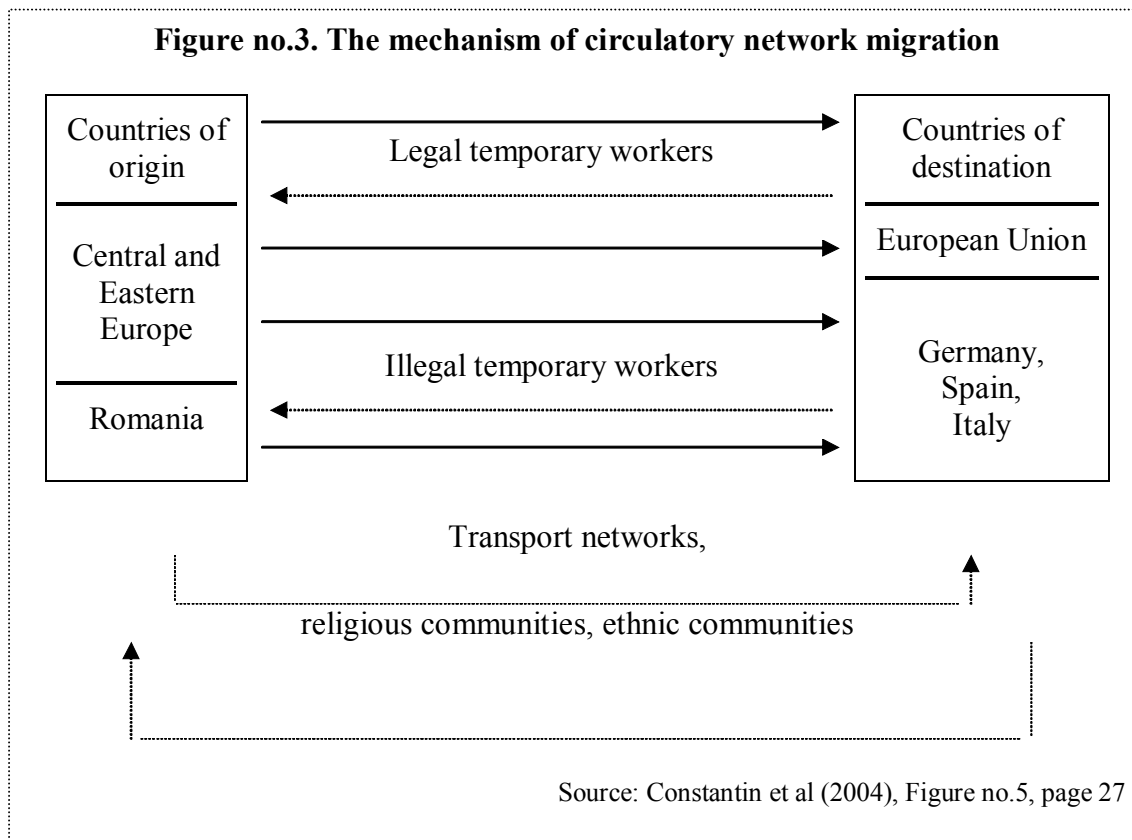
Illegal transit migration is the mechanism through which persons from third party countries, outside Central and Eastern Europe, immigrate to such countries, including Romania, so that they could further emigrate to the European Union. Transit migration through Central and Eastern Europe (and thus through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

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



The national trend is circulatory migration (Lazaroiu, 2004). Circulatory migration by means of migratory networks (legal or illegal) refers to the alternative movement between the country of origin and one or more of the countries of destination (see Figure no.3). Migrants leaving and working abroad for a period of time (sometimes, not for overstay the visa-free period of three months), return in Romania and stay for a period of time (generally no more than three months), then leave again for work abroad. During the period of his staying back to Romania, another emigrant will replace him. That means that one migrant worker works for three-month, and then come back to Romania. A friend or a relative replace him/her for the next 3 months and so on. Through the migratory networks, those who want to temporarily migrate abroad receive help and support from previous migrants. The intent to migrate abroad seeking a job is more likely among people living within communities with a high circulatory migration rate. In areas where others have left before, more will leave, in places where other migrants have succeeded and where the signs of success are apparent, migration will be higher (Constantin et al, 2004). It is very difficult to produce an estimation of the documented and undocumented migrants. But it is very known that most of Romanian migrant workers leave Romania and enter an EU state as tourist. They already have arrangements for work in the black market. As legal measures against irregular migrants were taken by the Romanians authorities, starting from the interdiction to leave Romania up to 6 years, overstaying the visa period (three months as tourist) becomes problematic. So a new way to secure long-term job was invented by Romanians: there are two or three persons “sharing” the same job position each three-month period of time as to avoid overstaying (Lazaroiu (2004), page 27). Concerning the integration of immigrants in the host societies, the studies show that both the authorities from the states of origin and those from the states of destination should co-operate. ‘The

migration flows between candidate countries and European Union countries, especially those of circular type, will be able to play an important role in the acceleration of the integration process [...] only if the origin states will know how to use institutionally these movements of the working force' (Lazaroiu (2002), as quoted in Constantin, Florentina (2004)).



THE ROMANIAN EMIGRANTS

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

The official report shows for 2004, comparative to the year 2003, an increased by 12.5 percent of the overall border traffic for all Romanian borders (MAI, 2004). The figures provided by the Romanian Border Police show that a lot of Romanians live abroad for long periods, and they are coming to Romania for the summer or winter vacation only. Analyzing the figures provided by the Border Police for the year 2004, it could be easily noted that the number of Romanians entering Romania during the summer vacation increased. And the number of Romanians coming home for vacation is continuously higher, year by year. All the persons coming to Romania had spent their vacation abroad? It is hardly to imagine lots of Romanians having one month vacation abroad in July – August, for example... My opinion is that we met a special situation: the Romanian emigration will become mature in the following decade. The short period circulatory migration (as studied by most of Romanian specialists on Romanian emigration – see Sandu; Lazaroiu;

Diminescu; Constantin D.; Constantin F.; Sufaru etc.) turns into a medium-to-long-period emigration, from one-two years up to five-seven years, in the way to the permanent resettlement and integration. The Romanian emigrants found safe (and sure) jobs (even in the work-in black labour market), they settled abroad (even not definitively), and they start to come back home only on occasional basis, to spent the holidays among the relatives, at home. There are many couples and families abroad, most of the parents have the children (born in Romania) with them, they included the children into the European educational system; they integrated into the host society. And most important, more and more Romanians become legal, they regulate their situation abroad. Most of them are certainly in a regular situation, because they can afford a vacation: no illegal migrants could take a short vacation crossing more borders guarded by vigilant border policemen!

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

Emigration for study is a tradition for Romanian best prepared students. Sometimes the temporary migration for study changes to definitive resettlement. Due to the higher qualification, more and more Romanian students could be found in the famous European universities. If before the Second World War there were a proud to study in universities from Paris, Vienna or Heidelberg, even during the communist ages the well prepared (and well situated on the social scale) student managed to study abroad. One of the most famous leader of the post 1990 period in Romania (former Prime-Minister in the first 90's) was re-known as a graduate of some Western universities, and the former president Iliescu (and more others) studied in Moscow for some years. After the collapse of communist and the falling of the Iron Curtain, the students "conquered" the Europe. All the important prizes in the major European and World contest in Informatics, Math and some other sciences in the past fifteen years were "contracted" by the clever and well prepared Romanian students. Starting with October 2005 Romania will implement the Bologna Process. At the present, Romanian universities are part of the European educational framework, taking advantages from the mobility and exchange programmes (namely Tempus, Leonardo, Erasmus/Socrates or Erasmus Mundus). The Romanian students experience the opportunities offered by the ECTS system, migrating on temporary basis to study in the European universities.

The OECD estimates that foreign students contribute about \$30 billion a year to host countries, including tuition as well as travel and living costs, making foreign students three percent of global service exports. The European Commission in July 2002 launched the 200 million Euros "Erasmus World Program", similar to the US "Fulbright Program", to attract foreign students to universities in the EU. The program is expected to support 4,200 foreign students and 1,000 visiting scholars. EU countries spend 1.1 percent of GDP on higher education, compared to 2.3 percent in the US. English-speaking countries hosted a million foreign students in 2003, and are expected to host 2.6 million by 2020. Germany and Sweden do not charge tuition for residents and foreigners enrolled in universities, and Sweden advertises this fact. Sweden had 13,000 foreign students among its 318,000 students in graduate or undergraduate studies in 2002, and says that their presence helps to prepare Swedish students for an increasingly international economic environment. Swedish institutions have increased the number of master's degree programs taught entirely in English from 60 in 1998 to 150 in 2002 (www.studyin.sweden.se). The number of foreign students in German universities rose from 37,000 in 1998/99 to 56,000 in 2002/03; the number studying engineering rose from 5,900 to 11,200 over this period. A German law enacted in 2002 forbids public universities from charging tuition. About 30,000 foreign students a year arrive to study in France, usually in Paris, and 195,000 were enrolled in the French higher education system in the academic

year of 2001-02, including 159,000 among the 1.4 million university students. About half were from Africa; about 26,000 from the European Union; 15,500 from elsewhere in Europe; nearly 24,000 from Asia; and 11,000 from the Americas (www.edufrance.fr). Students pay 280 to 350 euros a year. The British government wants to raise fees for students at 122 universities in 2006; fees are currently £3,000 a year (\$5,300).

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

There are some rural regions in Romania where only young children and seniors live: almost all the working-aged population left the villages and work abroad. Starting with 2002, the Romanians travel visa-free within Schengen zone. Most of them chose to settle in Spain and Italy, looking for better jobs, even into the black labour market. The size of the demographic loss caused by migration will depend on how fast, substantial and sustainable the general progress of the Romanian society will be in the coming years. If the gap between the living standards in Romania and those in developed countries continues to be wide, the propensity for emigration will not decrease (Ghetau, 2004).

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

More than half of 1.4 million Romanians working in Spain and Italy are undocumented migrants, according to the officials of the Office for Labour Force Migration (OMFM) and Ministry of Foreign Affairs (MAE) from Romanian Government. Italy and Spain have regularised the migrants in the last periods. According to the MAE officials, there are between 240,000 and 300.000 Romanian workers in Italy, but the real figures should be around 1 million. Italy's migrant legalization program of 2003 had a surprising 705,000 applicants (the second-largest legalization ever in the world), of which 20 per cent were Romanians. Romanians are everywhere. Concerning of a study presented by Caritas – Migrantes (Italy, November 2004), after the last regularisation in Italy, Romanians are the first minority between immigrants; more than 240,000 Romanians have residence papers (Jurnalul National, 2004). Unofficial data show that more than more than 800,000 Romanians are widespread over the Italian territory, both legally and illegally. In the same time, another figures delivered by the Italian authorities speak about 1.5 up to 2.5 millions of Romanians (250,000 of them being documented immigrants) (Evenimentul Zilei, 2004). Most of the Romanian emigrants target Italy for working, both legally and illegally, due to the permissive legislation, closes cultural relationship between the two countries, and for the facile language (Romanian is

very close to Italian). Now, it's quite easy to hear someone speaking Romanian in major cities of Italy, for example. There are even shops, pubs and discos run by Romanians, places where the progeny of ancient Romans meet and share experiences about living in a second homeland. Migration flows are male dominated, composed of average educate people, young persons, skilled workers from the big cities, but also from the rural area. But the specific of "Romanian labour market" in Italy is the high share of women (almost 50%) and couples within the number of Romanian workers, due to the fact that, besides the family reintegration, there is a large demand on the informal market of domestic jobs (Constantin et al (2004), page 51; Sufaru (2004), page 76).

The recent studies show that Romanians which live in Ireland (around 20,000, according to unofficial data), who had immigrated in the five to seven past years, following the economic development of this country, form the second immigrant minority after the Nigerians⁸. Most of the Romanians work in construction industry and only a few works in IT industry.

Money sent back by migrants to their countries of origin is an increasingly important source of outside funding for many developing countries. The emigrants send money back to Romania, where their families live. Romanians from Italy had sent back home some 45 million Euros by 2003, according to the official statistics⁹. Remittances are a major source of foreign currency input for the economy. Remittance flows are the second-largest source, behind foreign investment by private companies, of external funding for developing countries. In 2001, remittance receipts of developing countries stood at \$72.3bn (BBC, 2004). "Poor countries can't earn decent revenues by exporting coffee and cocoa, so they export people instead", said Ann Pettifor, New Economics Foundation, as quoted by BBC News (Scott-Joynt, 2004). Overall, workers remittances in the some countries presented in an OECD study totalled some 41 US billion in 1998, which is close to the net level of official foreign aid from OECD countries (Capel, Dumont and Visco, 2001). 'An increasingly important slice of the money heading for the developing world does not come from boardrooms and stock exchanges, let alone from government departments. Instead it is coming from the cleaner who vacuum your office late in the evening, the undocumented worker who picks the fruit you eat, or clean the dishes at the restaurant you dined last night. More and more often, sesizable slice of whatever they earn will be heading through official means or otherwise back to their home country – sometimes to put food on their families' tables and sometimes to underwrite investments in housing or a small business' (Scott-Joynt, 2004).

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

The families back home built new houses and pay for everyday expenses. The money are spent on long-term goods (cars, houses) and consumption (food, clothes), but are less invested in business or in community. The transformation of rural communities involved in migration is noted: multilevel houses, balconies, even elevators; new brand cars on the streets, motorbikes for children (but in

⁸ *Romanii si nigerienii sunt cei mai numerosi imigranti (The Romanians and the Nigerians are the Most Numerous Immigrants)*, in *Ora Romaniei* (2004b), pages 37-37

⁹ *Idem*

most of the situation they do not have running water for the modern toilets or, let say, other “urban facilities”).

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

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

ROMANIAN INSTITUTION WITH COMPETENCES ON MANAGING MIGRATION FLOWS

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

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

The Authority for Aliens exercises attributes assigned to it by law regarding the regime of foreign persons in Romania, combating illegal stay as well as regarding the management of the registration of foreign persons awarded the right of stay in Romania. The institution cooperates with other

structures within the same ministry (the National Office for Refugees; the General Inspectorate of Border Police, etc), and also with institutions having attributes in the field of migration and outside it (the Ministry of Foreign Affairs; the Ministry of Labour, Social Solidarity and Family; the Ministry of Education, Research and Youth; the Romanian Agency for Foreign Investments, etc).

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

The negotiations on the 24th Chapter (Justice and Home Affairs) were concluded at the end of 2004. Romania is ready to be part of Schengen system from the first day of accession: there are not transition period accepted for JAI. The creation of an Area of Freedom, Security and Justice, through the implementation of EU acquis in Romanian legislation, leads the Romanian Government to reform the police and border guard system. In July 1999, the former immigration and border police and the former border guards were put together: the new border police controls passports at the border, guards the border, looks for immigrants, and has enlarged competences at the border. After its internal transformation, at the beginning of 2001, the new Romanian Border Police took the first important measures to strengthen the border control and to secure the border. The new Romanian Border Police was born, and in 2001 it got the new legislation on border regime and on border policing. There are no more conscripts at the border – all the officers are professionals. Before 2001, the most of the border guards were young conscripts executing the one year compulsory military service. They were obliged to learn to be professional guards in one year, and after that they were sent home. The main part of the Border Guards officers was busy with the training of the young guards. There had been the same problem each year. Starting with 2001, professional guards were enrolled in Border Police, and the service was specialised. And since 2002 all border police forces (like the whole police system in Romania) are demilitarised. The result of the institutional transformation: the rate of immigrants succeeding in crossing illegally the border decreased continuously (Simina (2002), page 14). Romanian authorities had taken some police measures before the EU member states to vote for travelling without visa inside Schengen area. After the announce of possibility to enter Schengen zone without a visa for tourism purpose, the Romanian Government adopted the Emergency Regulation no.144/2001, which establish the conditions and the formalities for crossing the border by Romanian citizens: life insurance for the whole journey, return ticket, proving the purpose of travel, showing the way to finance the journey, interdiction to work during the travel, not to be returned by European countries etc. Romanian citizens are only allowed to stay in Schengen zone countries for a maximum of 90 days upon entry, for which they are not required to have a visa. Ministry of Interior Order no.177/2001 establishes the minimum sum of money that must be proved to be in the travellers' pocket, in order to be allowed to cross the border. They must prove the way to finance the journey, showing at the border check point some 100 Euros for each day of travel (but at least 500), or 50 Euro if the destination country was Turkey or one of the non-EU member Romanian neighbour country. The Government Ordinance no.84 per 2004 modifies the regime of passport in Romanian and introduces the possibility to retain the passports and to suspend up to five years the right to use the passport by the Romanians who do not comply with the European standards, or are found as criminal offender abroad. In the same time, the Border Police has the right to interrupt the journey of the Romanians who do not fulfil all the conditions requested by the law in order to travel abroad: having in mind the month analysed in the case presented in Figure no.4 (July 2004), IGPF announced that more than 129,000 Romanians were not allowed to leave the country¹⁰. According to the evaluation of the IGPF's activities for 2004, IGPF stopped some 1,591,346 Romanians to leaving the country, for not fulfilling the conditions imposed by the law in charge¹¹.

¹⁰ Dimineata (2004), Ultima ora (2004)

¹¹ Cronica Romana (2004b), quoting the IGPF's Annual Press Release

Securing the European Union's new eastern borders against a potential tide of illegal immigrants is a big worry for Brussels. Of all the new members, Hungary has the longest borders with (still) non-EU neighbours – some 1,100 kilometres shared with four countries (Ukraine, Romania, Serbia-Montenegro and Croatia). Accession countries won't assume full EU border responsibilities until they join the Schengen Accord that governs free movement in 13 countries of the so-called EU-15. This should not happen before 2007 (and it is not the case of Romania, who only aims to accede to "the Club" by then, trying to prove after that it deserves the full trust of all Member States for controlling of the borders and the free movement of persons in the region.)

Even the reform of the Border Police is not finish yet, the results speak for themselves: the flux of immigrants decreased, the Eastern border (with Moldova) was secured and the migration route was obliged to change, from India-Afghanistan/Iraq-Russia-Ukraine-Moldova-Hungary, via Romania, to India-Afghanistan/Iraq-Russia-Ukraine directly to Hungary or Slovak and Czech Republic, and/or to India-Afghanistan/Iraq-Turkey-Bulgaria-(Romania)-Serbia-Italy. Even the number of Romanians who tried to cross illegally the border decreased (MAI, 2004). The Romanian Border Police was helped in its efforts by some European partners, by running together European (twinning) programmes in order to improve the capacity of management of the borders, to better prepare the border police officers and to offer better conditions for work: new materials, new technologies, technical equipment, means of transport (auto, naval), etc. PHARE was the first European Union's programme of technical and financial co-operation with Central and East European countries, initially launched in 1989. The programme is a pre-accession instrument aimed at supporting candidate states' preparation with a view to EU accession. Romania could receive about 250 million Euros annually through the PHARE programme, being the second candidate state, after Poland, as to the amount of allocated funds¹². The integrated solutions for border surveillance and security will enable Romania to meet the requirements of the new EU members in terms of state security and border surveillance, considering the Romanian authorities hope to join the EU in 2007.

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

The refugees' regime in Romania is regulated according to resolutions 90/627/CEE and 95/1110/CE, for this purpose having been adopted some series of normative acts that in time have been amended and updated. The Governmental Emergency Ordinance 102/2000 regarding the statute and regime of refugees in Romania is the main normative act that regulates the refugees' domain. This stipulates the main forms of protection that can be granted by the Romanian state, the granting procedures of the refugees' statute, the rights and obligations of the refugees and of the persons who have got a form of protection and the methods of ending, withdrawing or annulling a certain form of protection. Foreigners can be granted three forms of protection on the territory of Romania: the statute of refugee, conditioned humanitarian protection and temporary humanitarian protection. The recognized refugees have the right to receive financial help from the state for a period of nine months and those who are in a more difficult situation (old people, single mothers, families with many children) will also benefit of supplementary financial help. They are the beneficiaries of the same rights as Romanian citizens, including the right to work, but excluding the political rights and those related to the military service. The foreigners' children who have earned the refugee quality in Romania can attend the preschool and the compulsory educational system without paying tuition fees. The Government Ordinance 44/2004 regarding the social integration of the foreigners that acquired a protection form in Romania establishes the granting of rights and

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

obligations in conditions equal to those applicable in the case of the Romanian citizens, to the foreign citizens who benefit of a form of protection in Romania. The main improvements brought to the existing legislation by GO 44/2004 are (ONR, 2004):

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

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

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

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

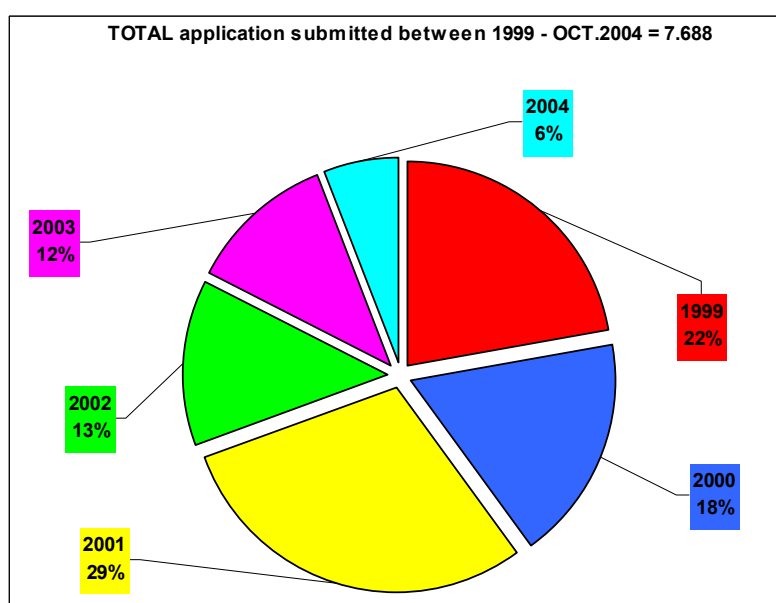
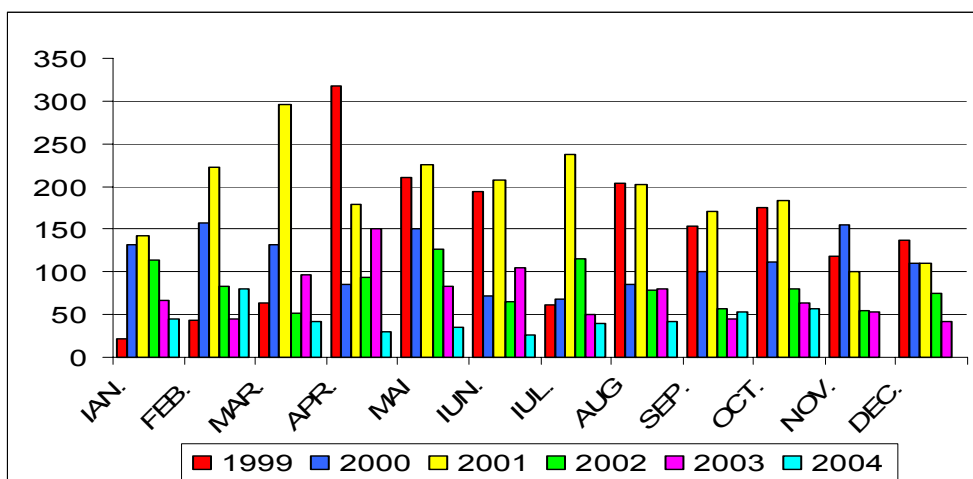
Source: National Refugees Office (ONR), Bucharest, 2004

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

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

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

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



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

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

The Office for Labour Force Migration (OMFM) organizes actions of taking over the forms of the individuals who wish to work aboard. The actions are addressed to person who fulfils the conditions. The conditions are imposed by the foreign employers by the job offers sent to OMFM, as well as by the provisions of the Agreements concerning the labour force exchange, signed by Romania and other states. The registers of the persons who wish to be included in the data base of OMFM within the action, must contain the following documents provided by the would-be migrants: copy of the ID card (with a validity of min. 6 months); copy of the passport (with a validity of min. 6 months); criminal record in original - with no criminal history (valid for 3 months); authenticated copy of the acts of study and/ or qualification; authenticated copy of the labour card (all the written pages) or statement on one's own responsibility, authenticated by the notary public, from which it should result that the applicant does not own a labour card and a certificate which states that the person in question is experienced; medical certificate from the family doctor, which confirms hat the applicant does not benefit of a pension of invalidity;

curriculum vitae; personal record; 3 passport type photos. The handing in of the register is the first step in the process of recruitment and placing of the labour force abroad. The applicants who hands in forged documents, either by willingly erasing or adding certain data in the file, or by counterfeiting the entire text, while registering the personal record in the data base of the Office, in order to benefit of a labour contract abroad, will be immediately reported to the competent authorities for legal inquiry and sentencing of the committed deeds (OMFM, 2004). According to the official data for the year 2004, comparative with the previous years, more than 50,000 labour contracts were intermediated by OMFM for the countries which signed bilateral agreements for labour migration, until the end of October (the figures show 40,197 labour contracts intermediated by 2003, respectively 22,305 contracts by 2002). Since the creation of OMFM (2002), some 112,520 labour contracts were intermediate for Romanians requested to work abroad legally. The main countries of destinations were Germany (67,142 workers), Spain (44,949), Switzerland (235), Hungary (38) and Luxembourg (1 person). The foreign employers request workers for agriculture (71 percent of total, as per 2004), industry, construction (10 percent), gastronomy and tourism, and for the health system. The duration of the labour contracts differs from country to country (short time contracts, up to nine months) or one year contract with possibilities of prolongation. Concerning the area of origin of Romanians who temporary emigrated through OMFM, there were 28 percent from Central Romania, 17 percent from North-Eastern Romania, 13 percent from North-West, 16 percent from Western Romania, 12 percent from the South (Muntenia) and 5 percent from South-Western Romania (Oltenia). The emigrants were merely younger: 49 percent (as per total, 20% of 18-25 years group)¹³.

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

THE NEW MIGRATION AND ASYLUM LEGISLATION

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

In the past years, Romania implemented the European Acquis regarding to migration and asylum. Ministry of Administration and Interior is the main Governmental body who deals with the migration phenomena. There are some departments involved in this matter in closer co-operation: Border Police; Authority for Aliens; National Office for Refugees; Romanian (National) Police, and some other institutions. The new legislation regarding Justice and Home Affairs covers several

¹³ The figures concerning OMFM statistics courteously offered by the Office, during the documentation

fields linked as the followings: border law, border police law, border policeman status, aliens' law, rules governing the travel of Romanian citizens abroad, National Strategy concerning Migration, the integration of aliens granted with the protection status, refugee's law, Dublin Convention, citizenship law, Penal Code and more.

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

Legislation regarding migration in Romania:

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

- The Government Ordinance no.65/1997 regarding the passports' regime in Romania, approved by Law no.216/1998, completed and amended by the Government Decision no.84/2003. These normative acts regulate the means of issuing and possessing passports in order to exercise the Romanian citizens' right to free circulation, as well as the measures for preventing illegal migration. At this time, the Government had passed through the Parliament a new law regarding the passports regime, entitled the law concerning the free movement abroad.

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

- The Emergency Ordinance regarding the statute and the regime of refugees in Romania (Government Emergency Ordinance no.102/2000). The refugees' regime in Romania is regulated according to resolutions 90/627/CEE and 95/1110/CE, for this purpose having been adopted some series of normative acts that in time have been amended and updated. GEO 102/2000 stipulates the

main forms of protection that can be granted by the Romanian state, the granting procedures of the refugees' statute, the rights and obligations of the refugees and of the persons who have got a form of protection and the methods of ending, withdrawing or annulling a certain form of protection: the statute of refugee, conditioned humanitarian protection and temporary humanitarian protection. Measures of expulsion or forced return from the frontier or from the territory of Romania can not be taken against asylum applicants, as long as an enforceable decision of rejecting their application or the granting of the refugee statute has not been stated.

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

- Government Ordinance no.44/2004 regarding the social integration of the foreigners that acquired a protection form in Romania establishes the granting of rights and obligations in conditions equal to those applicable in the case of the Romanian citizens, to the foreign citizens who benefit of a form of protection in Romania. The main improvements brought by the new ordinance are: - the access to the labour market, accommodation, medical assistance, to the social insurance system, to all education forms and integration programmes. The ordinance promotes the active role of local public administrations in facilitating the refugees' integration. National Office for Refugees is the national institution responsible with the coordination activity. Other agencies involved are: the Ministry of Education and Research, the National Agency for Labour Force Occupation, the National Authority for Child Protection, the National House of Health Insurance and the nongovernmental organizations involved in the foreigners' integration programmes.

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

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

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

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

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

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

Specific measures are taken in order to intensify the efforts of the competent authorities to monitor illegal migratory movements affecting the Romanian territory. The policy in the field of preventing illegal immigration includes taking firm measures to improve the capacity of all relevant authorities to reduce informal economy, characterized by illegal activities, employment by breaching the law, the possibility of obtaining health and education services through illegal means and the possibility of using false and forged documents. Taking into account the technical progress in the field of improving the security of identification and travel documents, Romania permanently aims at ensuring a level compatible with the European standards, inclusively by introducing bio-metric features in the travel documents issued to aliens.

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

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

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

CONCLUSION (as drawn by the international experts)

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

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

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

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

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

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

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

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APPENDICES

Appendix no.1.a

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

MINISTERUL ADMINISTRATIEI SI
INTERNELOR

OFICIUL NATIONAL PENTRU REFUGIATI

Anexa nr.1

Cererile de azil **DEPUSE**

Asylum applications **SUBMITTED**

01.01-31.10.2004

Tara	Jan.	Feb.	Mar.	Apr.	Mai	Jun.	Iulie	August	Sept	Oct.	Nov.	Dec.	Tot.an	*	Total
Country	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.yr	*	Total
Afghanistan	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1
Albania	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Angola	0	0	0	0	0	0	0	1	0	0	0	0	1	0	1
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bangladesh	0	1	2	0	0	0	3	3	3	5	0	0	17	4	21
Bosnia	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Bolivia	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burkina Faso	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1
Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cameroon	0	0	1	1	2	0	0	0	2	1	0	0	7	0	7
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
China	12	11	17	5	0	7	4	11	8	5	0	0	80	6	86
Congo	0	2	1	1	0	1	1	1	0	1	0	0	8	0	8
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cote d'Ivoire	0	0	0	0	0	0	0	0	0	4	0	0	4	0	4
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Djibouti	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1
Egypt	0	0	0	0	0	0	0	0	1	0	0	0	1	1	2
Eritrea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethiopia	0	1	0	0	0	0	2	0	0	0	0	0	3	0	3
Georgia	0	0	0	0	3	0	0	5	0	4	0	0	12	1	13
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
India	8	32	5	3	1	0	0	0	7	9	0	0	65	0	65
Iran	1	2	2	1	3	2	2	4	0	1	0	0	18	11	29
Iraq	7	16	4	6	12	2	7	1	3	3	0	0	61	44	105
Israel	0	0	0	0	0	0	1	0	0	0	0	0	1	1	2
Italy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jordan	1	1	0	0	0	1	1	0	1	0	0	0	5	1	6
Kazakhstan	0	0	0	0	0	1	0	0	0	0	0	0	1	0	1
Kenya	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kuwait	0	0	0	0	1	0	0	0	0	0	0	0	1	1	2
Lebanon	1	0	1	0	0	0	0	0	0	0	0	0	2	4	6
Liberia	0	0	0	0	0	0	0	0	0	1	0	0	1	0	1
Libya	0	0	0	0	0	0	1	0	1	0	0	0	2	1	3
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Morocco	0	0	0	0	1	0	0	0	0	0	0	0	1	1	2
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nigeria	1	0	0	0	0	0	0	0	1	0	0	0	2	0	2
Pakistan	2	6	0	2	0	3	0	0	4	0	0	0	17	6	23
Palestine	0	0	0	2	1	0	0	1	2	0	0	0	6	6	12
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
R. Moldova	0	0	1	0	1	0	3	1	0	4	0	0	10	0	10
Russia	0	0	1	0	0	2	3	2	0	0	0	0	8	0	8
Rwanda	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1
Senegal	0	1	0	1	0	0	0	0	0	0	0	0	2	0	2
Sierra Leone	0	0	0	0	0	0	0	2	0	0	0	0	2	0	2

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

* Total cereri multiple, Total of multiple applications

Appendix no.1.c

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

MINISTERUL ADMINISTRATIEI SI
INTERNELOR

OFICUL NATIONAL PENTRU REFUGIATI

Anexa nr.3

Cereri de azil **RESPINSE** **REJECTED** asylum applications 01.01-31.10.2004

Tara	Jan.	Feb	Mart.	Apr.	Mai	Iun.	Iulie	August	Sept	Oct.	Nov.	Dec.	Total
Country	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Albania	0	0	0	0	0	1	0	0	0	0	0	0	1
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0
Angola	0	0	0	0	0	0	0	0	2	0	0	0	2
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bangladesh	0	0	0	0	0	0	2	4	0	5	0	0	11
Bosnia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bolivia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0
Burkina Faso	0	0	0	0	0	0	0	0	0	0	0	0	0
Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0
Cameroon	0	0	0	0	1	0	2	0	0	1	0	0	4
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
China	9	15	14	4	5	3	10	8	7	6	0	0	81
Congo	0	1	0	0	1	0	1	0	0	0	0	0	3
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0
Cote d'Ivoire	0	0	0	0	0	0	0	0	0	0	0	0	0
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0
Djibouti	0	0	0	0	0	0	0	0	0	0	0	0	0
Egypt	0	0	0	0	0	0	0	0	0	0	0	0	0
Eritrea	0	0	0	0	0	0	0	2	0	0	0	0	2
Ethiopia	0	0	2	4	0	0	0	0	0	0	0	0	6
Georgia	0	0	0	0	0	2	0	0	5	0	0	0	7
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0
Guinea	1	0	1	0	0	0	0	0	0	0	0	0	2
India	5	12	29	1	2	0	0	0	7	1	0	0	57
Iran	1	3	0	2	1	1	1	3	2	0	0	0	14
Iraq	3	7	7	1	1	12	0	3	0	3	0	0	37
Israel	0	0	0	0	0	0	0	0	0	0	0	0	0

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

Appendix no.1.d

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

ROMANIA		MINISTERUL ADMINISTRATIEI SI INTERNELOR						OFICIUL NATIONAL PENTRU REFUGIATI						
Cereri de azil RETRASE		WITHDRAWN applications						01.01-31.10.2004						Anexa nr.4
Tara	Jan.	Feb	Mart.	Apr.	Mai	Iun.	Iulie	August	Sept	Oct.	Nov.	Dec.	Total	
Country	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.	
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0	
Albania	0	0	0	0	0	0	0	0	0	0	0	0	0	
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0	
Angola	0	0	0	0	0	0	0	0	0	0	0	0	0	
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bangladesh	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bosnia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bolivia	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burkina Faso	0	0	0	0	0	0	0	0	0	0	0	0	0	

Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0
Cameroon	0	0	0	0	0	0	0	0	0	0	0	0	0
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
China	1	7	1	1	4	1	2	1	2	1	0	0	21
Congo	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0
Cote d'Ivoire	0	0	0	0	0	0	0	0	0	0	0	0	0
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0
Djibouti	0	0	0	0	0	0	0	0	0	0	0	0	0
Egypt	0	0	0	0	0	0	0	0	0	0	0	0	0
Eritrea	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethiopia	0	0	0	0	0	0	0	0	0	0	0	0	0
Georgia	0	0	0	0	0	0	0	0	0	0	0	0	0
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0
Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0
India	0	0	0	0	0	0	0	0	0	0	0	0	0
Iran	2	0	0	0	0	0	0	0	0	0	0	0	2
Iraq	4	2	2	2	2	0	0	1	0	0	0	0	13
Israel	0	0	0	0	0	0	0	0	0	0	0	0	0
Italy	0	0	0	0	0	0	0	0	0	0	0	0	0
Jordan	0	0	0	0	0	0	0	0	0	1	0	0	1
Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	0	0	0	0	0
Kuwait	0	0	0	0	0	0	0	0	0	0	0	0	0
Lebanon	0	0	0	0	0	0	0	0	1	0	0	0	1
Liberia	0	0	0	0	0	0	0	0	0	0	0	0	0
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0
Morocco	0	0	0	0	0	1	0	0	0	0	0	0	1
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0
Nigeria	0	0	0	0	0	0	0	0	0	0	0	0	0
Pakistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Palestine	0	0	0	0	0	0	0	0	0	0	0	0	0
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0
R. Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0
Russia	0	0	0	0	0	0	0	0	0	0	0	0	0
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0
Senegal	0	0	0	0	0	0	0	0	0	0	0	0	0
Sierra Leone	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	0	0	0	0	0	0	0	0	0	0	0	0	0
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0	0	0	0	0
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	2	0	1	0	0	0	0	0	0	0	3
Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0
Uzbekistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Vietnam	0	0	0	0	0	0	0	0	0	0	0	0	0
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	3	6	0	0	1	0	0	0	0	0	0	0	10
Zaire (R. D. Congo)	0	0	0	0	0	0	0	0	0	0	0	0	0
Zimbabwe	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	10	15	5	3	8	2	2	2	3	2	0	0	52

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

MINISTERUL ADMINISTRATIEI SI
INTERNELOR

OFICIUL NATIONAL PENTRU REFUGIATI

Anexa nr.5

Cererile de azil **DEPUSE a doua oara sau multiple****Multiple asylum applications SUBMITTED**

01.01-31.10.2004

Tara Country of origin	Ian	Feb	Mart	Apr	Mai	Iun	Iulie	Aug	Sept	Oct	Nov	Dec	Tot.an
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Tot.yr
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Albania	1	0	0	0	0	0	0	0	0	0	0	0	1
Algeria	0	0	0	0	0	0	0	0	0	0	0	0	0
Angola	0	0	0	0	0	0	0	0	0	0	0	0	0
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bangladesh	1	2	0	0	0	1	0	0	0	0	0	0	4
Bosnia	0	0	1	0	0	0	0	0	0	0	0	0	1
Bolivia	0	0	0	0	0	0	0	0	0	0	0	0	0
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0
Burkina Faso	0	0	0	0	0	0	0	0	0	0	0	0	0
Burundi	0	0	0	0	0	0	0	0	0	0	0	0	0
Cameroon	0	0	0	0	0	0	0	0	0	0	0	0	0
Cecenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Africa	0	0	0	0	1	0	0	0	0	0	0	0	1
China	1	1	1	0	1	0	0	1	0	1	0	0	6
Congo	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0
Cuba	0	0	0	0	0	0	0	0	0	0	0	0	0
Djibouti	0	0	0	0	0	0	0	0	0	0	0	0	0
Egypt	0	0	0	0	0	1	0	0	0	0	0	0	1
Eritrea	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethiopia	0	0	0	0	0	0	0	0	0	0	0	0	0
Georgia	0	0	1	0	0	0	0	0	0	0	0	0	1
Ghana	0	0	0	0	0	0	0	0	0	0	0	0	0
Guinea	0	0	0	0	0	0	0	0	0	0	0	0	0
India	0	0	0	0	0	0	0	0	0	0	0	0	0
Iran	3	1	0	3	0	0	1	3	0	0	0	0	11
Iraq	5	6	4	14	1	1	6	1	2	4	0	0	44
Italy	0	0	0	0	0	0	0	0	0	0	0	0	0
Israel	0	0	0	0	1	0	0	0	0	0	0	0	1
Jordan	0	0	0	1	0	0	0	0	0	0	0	0	1
Kazakhstan	0	0	0	0	0	0	0	0	0	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	0	0	0	0	0
Kuwait	0	0	0	0	0	1	0	0	0	0	0	0	1
Lebanon	1	1	2	0	0	0	0	0	0	0	0	0	4
Liberia	0	0	0	0	0	0	0	0	0	0	0	0	0
Libya	0	1	0	0	0	0	0	0	0	0	0	0	1
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0
Morocco	1	0	0	0	0	0	0	0	0	0	0	0	1
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0
Nigeria	0	0	0	0	0	0	0	0	0	0	0	0	0
Pakistan	2	1	0	0	1	0	0	1	0	1	0	0	6
Palestine	0	0	2	1	0	1	1	0	0	1	0	0	6
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0
R. Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0
Russia	0	0	0	0	0	0	0	0	0	0	0	0	0
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0
Senegal	0	0	0	0	0	0	0	0	0	0	0	0	0
Sierra Leone	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	3	1	0	1	2	0	1	0	0	0	0	0	8
Somalia	0	0	0	1	1	0	0	1	0	0	0	0	3

Sri Lanka	0	0	1	0	0	0	0	0	0	0	0	0	1
Stateless	0	0	0	0	0	0	0	0	0	0	0	0	0
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	0	0	2	1	0	0	0	0	0	0	3
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	1	1	0	1	0	0	0	0	3
Vietnam	0	0	0	0	0	0	0	0	0	0	0	0	0
Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	0	0	0	0	0	0	0	0	0	0	0	0	0
Zaire (R. D. Congo)	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	18	14	12	21	11	7	9	8	2	7	0	0	109

* Total cereri multiple, Total of multiple applications

Appendix no.1.f

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

		MINISTERUL ADMINISTRATIEI SI INTERNELOR												OFICIUL NATIONAL PENTRU REFUGIATI														
		Minori neinsotiti												Anexa nr.6														
		UNACOMPANIED MINORS												01.01-31.10.2004														
Tara		Ian.	Feb	Mart.	Apr.	Mai	Iun.	Iulie	Aug	Sept	Oct.	Nov.	Dec.	Total	Jan	Feb	Mar.	Apr.	May	Jun.	July	Aug	Sept	Oct.	Nov.	Dec.	Tot.	
Afghanistan		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Albania		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Algeria		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Angola		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Armenia		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bangladesh		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bosnia		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bolivia		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bulgaria		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burkina Faso		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burundi		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cameroon		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cecenia		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Africa		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
China		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Congo		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cuba		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Djibouti		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Egypt		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Eritrea		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethiopia		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Georgia		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ghana		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Guinea		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
India		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Iran		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Iraq		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Italy		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Israel		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jordan		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kazakhstan		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kenya		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Kuwait	0	0	0	0	0	0	0	0	0	0	0	0	0
Lebanon	0	0	0	0	0	0	0	0	0	0	0	0	0
Liberia	0	0	0	0	0	0	0	0	0	0	0	0	0
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0
Macedonia	0	0	0	0	0	0	0	0	0	0	0	0	0
Mali	0	0	0	0	0	0	0	0	0	0	0	0	0
Morocco	0	0	0	0	0	0	0	0	0	0	0	0	0
Mauritania	0	0	0	0	0	0	0	0	0	0	0	0	0
Nigeria	0	0	0	0	0	0	0	0	0	0	0	0	0
Pakistan	0	0	0	0	0	0	0	0	0	0	0	0	0
Palestine	0	0	0	0	0	0	0	0	0	0	0	0	0
Peru	0	0	0	0	0	0	0	0	0	0	0	0	0
R. Moldova	0	0	0	0	0	0	0	0	0	0	0	0	0
Russia	0	0	0	0	0	0	0	0	0	0	0	0	0
Rwanda	0	0	0	0	0	0	0	0	0	0	0	0	0
Senegal	0	0	0	0	0	0	0	0	0	0	0	0	0
Sierra Leone	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	3	0	0	0	0	0	0	0	0	0	0	0	3
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0	0	0	0	0
SUA	0	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Tanzania	0	0	0	0	0	0	0	0	0	0	0	0	0
Tunisia	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0
Vietnam	0	0	0	0	0	0	0	0	0	0	0	0	0
Ukraine	0	0	0	0	0	0	0	0	0	0	0	0	0
West Sah	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0
Yugoslavia	0	0	0	0	0	0	0	0	0	0	0	0	0
Zaire (R. D. Congo)	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	3	0	0	0	0	0	0	0	0	0	0	0	3

THE NATIONAL REFUGEES OFFICE PROGRAMMES

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

PHARE PROJECTS

PHARE 2000

STRENGTHENING BORDER MANAGEMENT AND ASYLUM

RO 0006.16

TWINNING OBJECTIVES

1. Continuing legal approximation with the *acquis communautaire* in the field of asylum and to implement the objectives of the National Action Plan 2000, agreed in the JHA PHARE Horizontal Programme on asylum;
2. Implementing in an efficient way the provisions of the new Law;
3. Strengthening and developing the institution required in the process of implementing legal provisions of the new refugee law, that are in accordance with the *acquis*;
4. Expanding the infrastructure with a view to developing compatibility with relevant EU-structures;
5. Improving the actual and future reception, accommodation and case processing centres;
6. Setting up a research and documentation centre concerning CoI and to prepare the future connection to CIREA EU system;
7. Establishing a coherent and efficient cooperation system between all institutions involved in the asylum procedure;
8. Drafting a Government Decision for integration of refugees and provide adequate assistance and support to asylum seekers and refugees, in cooperation with UNHCR and NGO's;
9. Improving the education and training system/scheme for in-house staff;
10. Exploring the possibilities for effectuating at the National Refugee Office the main principles of the process of demilitarization.

INVESTMENT COMPONENT

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

PHARE 2001

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

PHARE 2002

Project RO/02/IB/JH02

TWINNING OBJECTIVES

► Component 1: National Legislation

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

► Component 2: Dublin Convention

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

► Component 3: Unaccompanied minors

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

► Component 4: EURODAC

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

Source: National Refugees Office (ONR), 2004

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

March 2004¹⁴ (excerpt)

Chapter 2: Free movement of persons	
EUROPEAN UNION	ROMANIA
2.20.10 The right of residence	
1. Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health	Governmental Emergency Ordinance (GEU) 94/2002 regarding the aliens regime in Romania Law 227/2001
2. Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision services	
3. Council Directive 90/364/EEC of 28 June 1990 on the right of residence	
4. Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity	GEU 194/2002 Law 203/1999 regarding the work permits GEU 105/2001 regarding the state frontier GEU 6/1997 regarding the passports' regime in Romania
Chapter 24: Cooperation in the justice and home affairs field	
24.01 Asylum	
Convention determining the States responsible for examining applications for asylum lodged in one of the Member States of the European Communities – Dublin Convention	Law 357/2003 on the approval of GEO 194/2002 regarding aliens regime
Council Regulation (EC) no.2725/2000 on 11 December 2000 concerning the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of the Dublin Convention	Law 357/2003 Law 46/1991 on Romania's accession to the Convention on the status of refugees (Geneva, 28.07.1951) and to the Protocol on the regime of refugees Law 677/21.11.2001 on the individuals protection against processing personal data and free movement of these data
24.02 External border	
Council Decision 2000/751/EC of 0 November 2000 on declassifying certain parts of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance	GEO no. 105/2001 regarding the state border of Romania Order no.S/505 of the Minister of Interior and Administration on approving the Border Policeman Manual
24.03 Visa	
Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas	Governmental Decision (GD) 942/2002 on putting into circulation of the new visa stickers
Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose	Agreement with Turkey for the introduction of visa regime was initialised on 12.11.2003

¹⁴ Source: TAIEX, February 2004, quoted in Constantin et al (2004), Appendix no.2a. Only the principal regulations both from EU and from Romania were taken into consideration.

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

NOTES