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**ROMANIA'S EXTERNAL MIGRATION FROM THE
PERSPECTIVE OF ACCESSION TO THE EU: INSTITUTIONAL
AND BEHAVIOURAL CHALLENGES**

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ABSTRACT. This paper represents a part of the authors' contribution to a study developed under the auspices of the European Institute in Romania included in the "Pre-Accession Impact Studies - PAIS II" series, funded by a Phare project. The main conclusion pointed out by the analysis of the institutional issues is that so far the measures which are adopted in Romania with regard to both legislation and institutional framework are rather reactive, aiming to ensure the adjustment to the EU requirements, than to design and follow a national migration policy with clear objectives. As it completes the creation of the legal-institutional framework according to the EU standards, Romania will concentrate on designing its own migration policy, convergent with those existing at European level. The entire paper supports the idea that with a careful, objective vision and proper management the future national migration policy may become a major catalyst, able to enhance a new economic prosperity in Romania.

Key-words: Romania's external migration, mechanisms, institutional framework, behavioural challenges, EU enlargement

JEL Classification: F22, J61, O15, R23

Introduction

This paper represents a part of the authors' contribution to a study developed under the auspices of the European Institute in Romania included in the "Pre-Accession Impact Studies - PAIS II" series, funded by a Phare project. The study combines the aspects related to mechanisms, legislation, institutional and behavioural challenges with the quantitative and qualitative estimations of the external migration effects, in accordance with Romania's preparations for accession to the EU.

The main conclusion pointed out by the analysis of the institutional issues is that so far the measures which are adopted in Romania with regard to both legislation and institutional framework are rather reactive, aiming to ensure the adjustment to the EU requirements, than to design and follow a national migration policy with clear objectives. As it completes the creation of the legal-institutional framework according to the EU standards, Romania will concentrate on designing its own migration policy, convergent with those existing at European level. Moreover, the elaboration and adoption of laws, the creation of institutions, the development of corresponding strategies and policies represent major components of this process, but their success cannot be separated from the manner in which the involved actors –governmental institutions, non-governmental organizations, mass-media, communities, individuals – respond to the so-called "behavioural challenges", related to participation, communication, mentalities and attitudes.

The paper is organized as follows: first, an analysis of the integration mechanisms is provided, focusing on migration flows, specific mechanisms and institutional-legislative framework created in Romania for external migration administration. Second, the inquiry into the social-cultural dimension highlights the migrant's profile (emigrant, immigrant), the issues related to the integration within the host country and the phenomenon perception by public opinion and mass-media. The entire paper supports the idea that with a careful, objective vision and proper management the future national migration policy may become a major catalyst, able to enhance a new economic prosperity in Romania.

1. Changes in East – West migration mechanisms

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

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

a. Legal permanent migration

b. Legal temporary migration: (students; personnel/replacement migration, refugees and asylum applicants)

c. Illegal transit migration

d. Illegal migration of persons from Central and East Europe (from Romania)

e. Circulatory migration by means of migratory networks (legal or illegal)

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

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

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

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

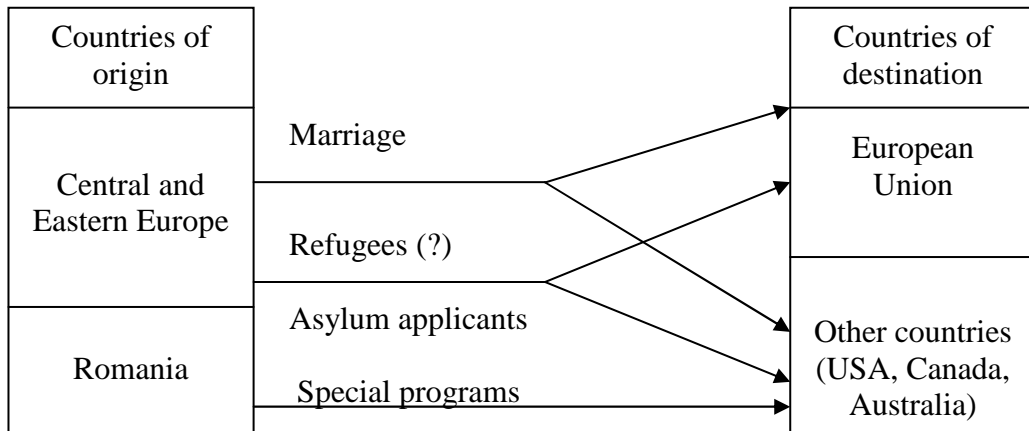
Between 1992 and 2002 there have been 150,000 legal emigrants from Romania¹.

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

b.1. On the one hand there are Central and Eastern European (Romanian) students studying in the European Union countries and which later on return (at least some of them) to the countries of origin.

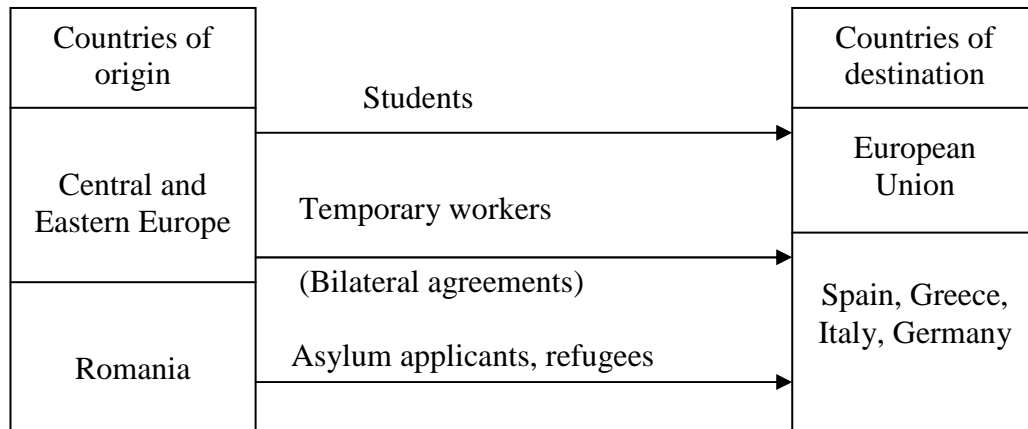
b.2. On the other hand there are the Central and Eastern European (Romanian) personnel leaving to work on labour contracts signed based on bilateral agreements between states. In 2002, there have migrated temporarily a number of 35,000 persons from Romania to work in the EU.

Figure no. 1. Permanent migration mechanism



¹ Ghețau V. (2003) „Declinul demografic continuă” – „The Demographic Decline Continues”, in *Social Barometer*, February 2003, <http://www.mediauno.ro>

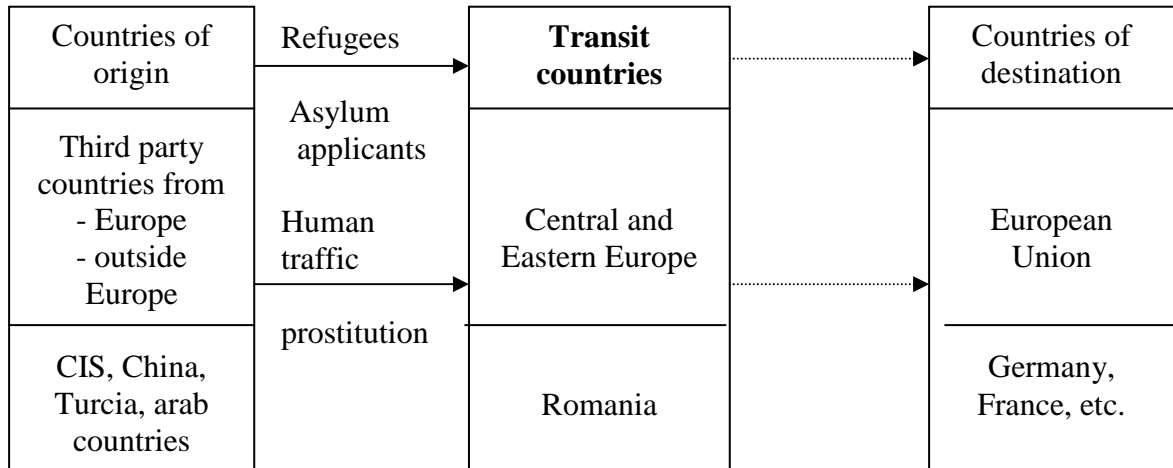
Figure no. 2. The mechanism of legal temporary migration in Europe



b.3. Refugees obtaining the right to temporarily settle in a host EU country or persons applying for asylum due to political reasons or who are hiding behind such motivations. This type of migration is becoming more and more restricted, and as far as Romanian citizens migrating to the EU are concerned, its degree of applicability tends to reach zero level.

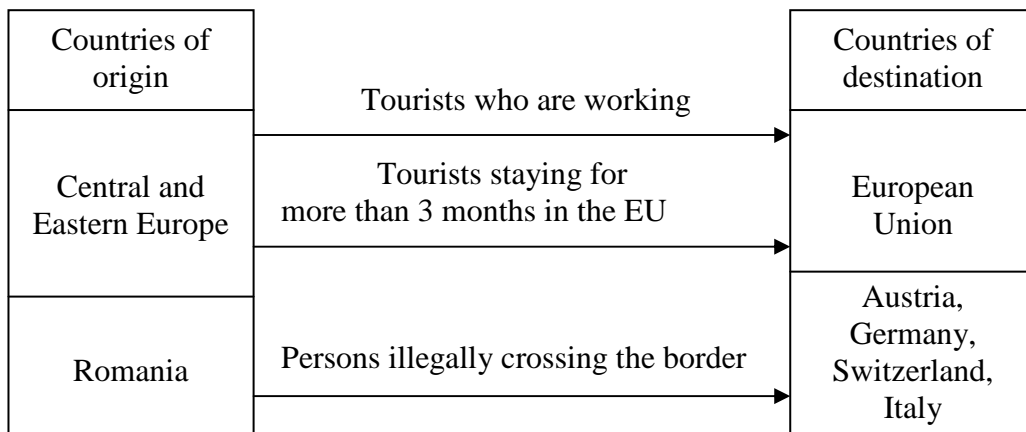
c. Illegal transit migration is the mechanism through which persons from third party countries, outside Central and Eastern Europe emigrate to such countries, including Romania so that they could further emigrate to the European Union. This is a relatively new phenomena and it has been found that its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

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



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

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



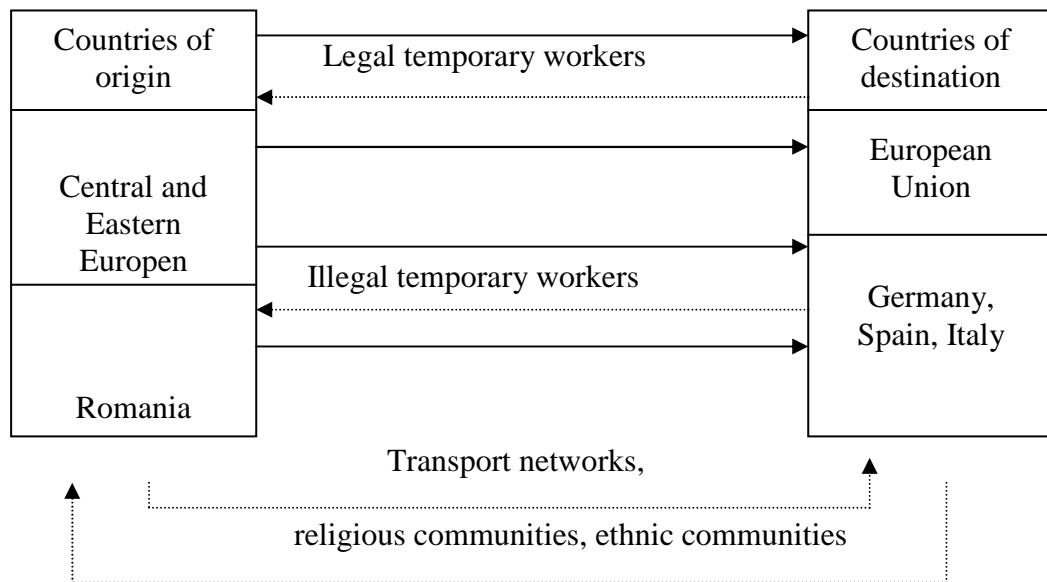
e. *Circulatory migration by means of migratory networks.* Circulatory migration refers to the alternative movement between the country of origin and one or more of the countries of destination. Migrants leaving and working abroad for a period of time, return in the country, stay

for a period of time then leave again for work abroad. In this context are formed the migratory networks, networks through which those who want to temporarily migrate abroad receive help and support from previous migrants (see figure no. 5).

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

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

Figure no. 5. The mechanism of circulation network migration



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

2. The creation of the legislative – institutional framework in accordance with the EU requirements regarding migration

Legislation regarding the migration phenomena at the level of the EU. The legislation influencing the migration phenomena in the EU is tackled in Chapter 2 Freedom of Movement of Persons and Chapter 24 Cooperation in the field of Justice and Internal Affairs. Within the two chapters, the types of legislation that influences the migratory phenomena in Europe are related to laws in three major fields:

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

a. Legislation regarding migration in EU. For a long period of time, the right to enter and live on the territory of an EU Member State was governed by national laws drawn up by each Member State. One could enter and live on the territory of a state based on an entry visa and a residence visa which were granted by each state. Only in 1999, EU Member States decided the formulation of a **common policy regarding migration and asylum** to become effective by 2004 the latest. The common policy regarding migration includes aspects such as: free movement of persons, external border control and the granting of visas, asylum, immigration and the protection of third party nationalities' rights and legal cooperation on civil matters. The common policy in the field of migration and asylum has in view the adoption of a joint position of the EU member states, towards the applications for asylum coming from persons from third party countries, as well as the control of illegal human trafficking.

b. Legislation regarding the labour market in the EU. The legislation and the regulations in the field of the labour force interest us in the contest of migration in terms of two aspects: first being

that of recruiting labour force from outside EU and second being the manner in which the legislation regarding the labour force in the EU may influence east-west migratory flows once the applicant countries in Central and East Europe become EU members.

The recruitment of labour from outside EU countries' border and outside the EU is the manner through which the European deficit in labour force may be covered where there is such deficit. In this sense there are regulations that have considered the recruitment of labour force from outside the EU, which encourages replacement migration². Replacement migration in the EU focuses on two major categories of personnel: on the one hand – highly qualified personnel which are deficient in the EU countries and on the other hand the unskilled workers which are required for the replacement of the local labour force, that do not want to perform any such works (in agriculture for example). The replacement migration through recruitment from outside the EU is not regulated at the level of the European Union, each member applying its own policy.

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

c. Legislation regarding mutual recognition of degrees and qualifications . Ensuring the free movement of persons and workers requires the recognition of the degrees and professional qualifications. The most important regulations in this sense, at the level of the EU, are a group of directives creating the premises a General System for the Recognition of Degrees and

² Replacement migration refers to migration based on work force recruitment from outside the European Union for qualifications that are deficient within the Union and for jobs and qualifications that are not sought by the local people.

Qualifications and another group of directives regulating the recognition of qualifications of various professions³.

It is being considered a new directive (a fifth directive) intended to remain the single directive, which would simplify the *acquis* established in the previous directives. It is being considered the application of the principle of automatic recognition of degrees and degrees' recognition based on coordination of minimum training conditions. In order to facilitate degree recognition processes two information networks have been set up at the level of the EU, namely: ENIC (European Network of Information Center) and NARIC (National Academic Recognition Information Centers).

Legislation regarding migration in Romania. Harmonization with the European *acquis communautaire*. The first initiatives for the creation of a new legislative framework in the field of migration took place in Romania at the beginning of the 1990's. Subsequently, with Romania's application for joining to the European Union, this activity has intensified so that, in the past three years, there have been adopted many laws and normative acts intended to ensure the adoption of the *acquis communautaire*. For most directives within the two negotiation chapters that include legislation influencing migration (chapter 2 and chapter 24), Romania has started adopting the corresponding legislation.

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

There are some aspects, where the Romanian progress was smaller: it is believed that there still exists a discrimination between EU and Romanian citizens owing to the fact that Romanians are given priority when being employed. Also as far as mutual recognition of professional qualification, Romania's preparations are thought to be at an early stage.

³ Among those the main are: Directive 89/48/CEE, Directive 92/51/CEE, Directive 1999/42/CE and Directive 2001/19/CE.

Box no. 1 presents the main legislation regarding migration from Romania.

Progress was also reported with chapter 24. This way, immediately after the issuance of the 2003 Country Report, the National Office for Refugees has issued and submitted a draft amendment for the Government Ordinance no. 102/2000, eliminating all inconsistencies between domestic legislation and the documents included in the *acquis* in force to date and the continuation of the monitoring and analysis of the evolution of the *acquis* for the preparation of draft laws and their initiation on time. In addition to such measures, G.O. no.102/2001 was also amended through Government Ordinance 43/2004, updating the definitions of the forms of protection, eliminating differences in the treatment of the refugees and those receiving temporary protection, confers the National Office for Refugees the capacity to take part in trials regarding asylum applications, and well as other aspects.

As far as the achievement of the objectives related to the European Union accession is concerned, all requirements for closing negotiations on Chapter 24 have been met, except for aspects related to the implementation of Dublin mechanisms and the EURODAC system in Romania⁴.

Institutions involved in the management of migration in Romania. Various institutions can be involved in the monitoring and performance of the migratory phenomena, playing different roles. Taking them into account within the framework of international migration reveals that they carry out their activity at different levels, as shown in table no. 1.

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

⁴ The Dublin mechanisms refers to a set of norms based on which it is appointed the member state responsible for processing asylum application in the situation where a person has transited more than one member states and has submitted an asylum application. Generally the state where that foreign persons has entered the European space is responsible. For such purposes, there have been established an European database with fingerprints of all persons that have illegally entered, are illegally staying or apply for asylum in the member states – EURODAC. This database prevents the submission of several asylum applications successively or concomitantly in many member states. In this situation, the respective person, being also identified based on the Dublin mechanism, is returned to the member state that have implemented for the first time the fingerprint of the respective foreign person.

Table nr. 1. Institutional actors involved in international migration

O = origin; D= destination

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

Source: Lăzăroiu S. (2002) „Migrația circulatorie a forței de muncă din România. Consecințe asupra integrării europene” –“Circulatory Migration of the Labour Force in Romania. Consequences on the European Integration” , www.osf.ro

* IOM = The International Organization for Migration; ILO = International Labour Organization; UNCHR = United Nation High Commissioner for Human Rights

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

There are also a number of non-governmental institutions involved in running or gathering information on migration, such as: private companies mediating labour contracts abroad, the local office of the International Organization for Migration in Romania, the representative office of the United Nation High Commissioner for Refugees in Romania, the Foundation of the Romanian National Council for Refugees, the Romanian Forum for Refugees and Migrants, and others.

It has been noted that a large part of such institutions carry out their activity helping refugees and immigrants in Romania. An explanation would be that measures taken by the

Romanian state have been considered insufficient in his field due to financial difficulties on one hand (Romania is itself going through a developing period) and because there is still a large difference between the legal provisions and what is in fact achieved by the Romanian state (IOM, Migration Trends, 2003). On the other hand, the low number of immigrants targeting Romania (around 200 persons per year) makes it difficult to test the legislation in the field at a large scale.

3.The social-cultural issues accompanying the current migration phenomenon in Romania

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

The migrant’s profile. Considering the migration a social phenomenon that directly affects a significant part of the population and has complex implications on the entire society, it is vital to know and to emphasize the *migrant’s profile* – the profile of the emigrant from Romania and of the immigrant to our country. That will enable an accurate development of the measures related to the administration of migration phenomenon and of the support provided to the migrants.

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

The villages’ migration potential should not be ignored either; relating to this issue Dumitru Sandu has suggested the metaphor of the “hydrographical network” (“community represents the spring of migration) and the transition from the factorial approaches to the structural and typological ones, that makes possible to identify types of villages based on the dominant cultural profile and the experience regarding the international circulatory migration.

Considering the studies that have been carried out up to now, one can reach the conclusion that “the communities having a maximum experience related to the temporary migration abroad are specific to the villages with a higher share of Hungarians; the communities featuring an average level of migration experience are specific to the immigration villages (whose population has arrived there from other regions of the country); the communities at an early stage of the external circulatory migration are mainly encountered within the modern villages, with a high education potential; the communities lacking the migration experience are specific to the traditional villages, featuring a low educational level and a high degree of isolation” (Sandu, 2004).

Various studies have also stated a series of hypotheses regarding the *selective migration flows*, according to which the minority ethnical or religious groups show a higher mobility level than the one of the majority Orthodox Romanian population (Sandu, 2000, Diminescu, Lăzăroiu, 2002). Thus has been proved the role of ethnical and religious networks within the early stages of the circulatory migration, with relevant examples, such as the migration patterns towards Germany, Hungary or the traditional support on behalf of the host-countries with respect to certain religious categories (such as the neo-protestant population)⁵.

Within the process of circulatory migration certain *patterns and specific cases for different destination countries*⁶ have been identified as well, such as the German case, the French case or the Italian case (Diminescu, 2004). They highlight specific situations that have to be taken into account, which are often different from the « classical » profiles of the travelling migrants (entrepreneurs, workers recruited through the Office for Labour Migration, students, trainees and so on).

⁵ In the case of the Catholics and the Protestants, the religious category overlaps, to a large extent, the ethnical one (Hungarian, German).

⁶ Together with the selective migration flows, these cases have a significant relevance, enabling the explanation of migration through the notion of *network*. The connections between the actors participating in the migration process based on networks refer to the exchange of information items, financial support, help when attempting to find a job, as well as other forms of support. Some informal networks enable the financing of one’s transportation, finding a job, accommodating the migrants. Still, in extreme cases, the networks are set up by professional traffickers, when the migrant becomes the victim of certain pressures, acts of violence, threats that may even endanger his/her life (IOM, 2003a).

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

The French case focuses on a specific migrant type, whose peculiar social integration (in the street) is based on various collecting systems (trading worn off clothes, home appliances thrown in the street or direct collection of money by means of begging, selling newspapers in the street, reselling the metro tickets, wiping the windscreens, singing in the underground stations, in the street, etc.). According to the author of the study, this type of migrants « combines the status of the marginal, the circulation and a very active co-presence within the two countries » (Diminescu, 2003).

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

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

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

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

In general terms, for an *immigrant* the integration consists in the knowledge of the language spoken in the host country (reading, writing skills), the access to the educational system and to the labour market within the respective country, the opportunity of increasing professional mobility by attending to a higher level of education and professional qualification, equity in front of the law, cultural and religious freedom, the respect towards the laws and the traditions of the country he/she lives in. At the same time, for the *host society* the integration of the migrants supposes tolerance and openness, the consent of welcoming the immigrants, the understanding of the advantages and challenges of a multicultural society, providing an unrestricted access to information related to the advantages of integration, tolerance and intercultural dialog, respecting and understanding the status, tradition and culture of the immigrants, as well as the respect towards the immigrants' rights (IOM, 2003a).

As far as the *particular case of Romania* is concerned, given the lack of previous expertise in this field, the still low number of immigrants and refugees and the limited financial resources, it has

been noticed that the services and the assistance for integration are not fully satisfactory, despite the diligence within the last years for the alignment to the international standards.

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

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

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

The immigrants' integration also requires *an open, tolerant attitude of the Romanian society*, as opposed to discrimination, xenophobia and other forms of rejecting the immigrants. The organizations dealing with the refugees' rights often notice that there is a subtle rejection of foreigners, shown not only by ordinary people but also by civil servants who deal with the problems of asylum seekers and refugees. They have encountered situations when one does not make the difference between a refugee, an immigrant and a trafficker, or between the persons

who migrated for economic reasons and those who were forced to emigrate as a result of certain dramatic events or persecutions within their own country (Lăzăroiu, 2003).

A special issue envisages the *vulnerable groups*, especially the *non accompanied minors*, for whom a reconsideration of the interviewing procedures and an adequate training of the civil servants are necessary, since malpractice could have major traumatic effects. It is also highly recommended to encourage, besides the National Office for Refugees and Migrants and the Authority for Foreigners (with its territorial departments) – that are governmental institutions involved in the management of the non accompanied minor problems, their activity being focused especially on the juridical and administrative issues - the authentic participation of other institutions in the actions taken to the benefit of this category (such as The Ministry of Education, Research and Youth, The Ministry of Labour, Social Solidarity and Family), so as to answer other fields of assistance, such as education and integration. In fact, the legal provisions explicitly stipulate the minor foreigners' access to education. As far as the decision on repatriation is concerned, the Romanian National Council for Refugees suggests the need of including the child's interest prevalence within the Law regarding the foreigners' status in Romania.

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

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

Despite the significant positive role that they can have within the Romanian society, *the students* who come back to their country after having attended the courses of foreign universities encounter many difficulties when trying to reintegrate, from the cultural shock after the contact and life within societies with other economic and social standards to situations related to their diplomas' recognition (intricate procedures (see the requirements regarding the recognition of the PhD title obtained abroad) implying in certain cases even the re-attendance of some courses in Romania) and to the lack of attractiveness of the jobs offered, in terms of wages and work conditions. Therefore measures must be taken in order to provide an adequate treatment, based on serious reintegration programmes and incentives engendering the return, limiting thus -as much as possible - the *brain drain* and *youth drain* phenomena⁷.

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

A specific case is the one referring to the reintegration of the *victims of trafficking in human beings*⁸, a significant share being represented by *young women*. Most of them have become victims of human trafficking after a series of mislead attempts for finding a decent job in

⁷ The EUROFOUND report on 2004 named "Migration Trends in an Enlarged Europe" estimated an average rate of youth drain of 2-3% for the youngest age category (15-25 years old), while for Romania and Bulgaria the flow corresponding to the same category has been rated at 10% for the next 5 years. On the whole, the origin countries seem to incur the danger of losing due to youth drain between 3% and 5% of the people with higher qualifications and more than 10% of the students.

⁸ The trafficking in human beings is defined in connection with the intention of the trafficker to exploit the victim *after* having illegally entered the respective foreign country, the relationship between the trafficker and the victim being a coercive one, based on long term exploitation (UNDP-Romania, 2003).

a foreign country (« interrupted circulatory migration » - Lăzăroiu, 2000). A CURS survey on a representative sample for Romania in 2001 showed that 3-4% of the female population between 15-25 years old is subjected to an average risk with respect to such trafficking, while 4-9% of the female population within the same category is subjected to a higher risk. The dominant profile is imposed by the girls within the urban environment⁹, residing in poor areas, abused by their families and having a low educational background (Lăzăroiu and Alexandru, 2003).

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

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

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

Last but not the least, the issue of repatriation and reintegration of the *unaccompanied Romanian minors* is also on the agenda of the Romanian authorities that have set up repatriation practices and procedures differentiated according to the different categories of unaccompanied minors: unaccompanied minors who have been the victims of human trafficking, children born on the territory of a different state and abandoned in the maternity hospitals, minors sent back based on the re/acceptance agreements, minors repatriated as a result of certain bi-lateral agreements

⁹ The explanation for this unexpected situation - the most vulnerable girls come from the urban environment - consists of the fact that many of them have arrived in urban areas after having had left their villages in order to attend the secondary education. The environment change represents a shock that makes them easily vulnerable for the traffickers.

(Delcea, 2003). Within these categories, the unaccompanied minors who were victims of trafficking in human beings seem to hold a special place. The defining profile is provided by children between 12-15 years old, who are forced to work on construction sites and clandestine workshops, to beg, to become sexual slaves or sources for the organ banks. The efforts of the Romanian authorities regarding the prevention of the trafficking in minors have been materialized by the reduction of their share in the total amount of the victims assisted by IOM – Bucharest from 24.85% in 2000 to 14.10% in 2003.

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

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

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

On a general basis, the Romanian migrants are grouped in homogenous communities that allow them to preserve their cultural identity and to contribute to diversification of social-cultural environment within the host country. Though, living within homogenous groups can engender integration obstacles, generated both by the insufficient communication between the Romanians

and the members of the host society and by the reserves of the latter towards the Romanians, due - to a certain extent - to an image that has become a stereotype (the Rroma people behaviour).

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

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

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

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

The situation until 2001, characterized by difficult conditions of getting visa for the EU countries has engendered and fed a collective mentality based on fears, reluctance towards travelling abroad. 55% of the answers to the above mentioned barometer state that the negative reports on the Romanians' migration may determine the EU member states to reconsider the

measure of lifting visa restrictions, as far as Romania is concerned. Besides, 64% of the interviewed people appreciate that there are certain categories of people who should not be allowed to leave the country, while 54% think that there are certain categories that should not have the right to bear a passport (the Rroma people are on top).

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

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

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

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

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

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

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

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

Concluding remarks

Apart from the economic, social, demographic implications, migration phenomenon in the perspective of Romania's accession to the EU brings about specific requirements regarding the establishment of *a new legal and institutional framework* for migration management. As migration mechanisms Romania - EU change, legislation gets rapidly in line with the *acquis communautaire*, whereas its implementation via involved institutions is slower, but progressive.

An important progress has been recorded after 2000 in legislation regarding the foreigners' regime in Romania, the status and the regime of refugees, preventing and combating the trafficking in human being, work permits, whereas lower progress occurred in the legislation envisaging the mutual recognition of degrees and qualifications, discrimination of EU citizens as compared the Romanians in getting a job in Romania by giving priority to the Romanian citizens.

The elaboration and adoption of laws, the creation of institutions, the development of corresponding strategies and policies represent major components of this process, but their success cannot be separated from the so-called “*behavioural challenges*”, related to participation, communication, mentalities and attitudes, which envisage all actors involved –governmental institutions, non-governmental organizations, mass-media, communities. Major changes should occur in the way that public opinion perceives migration related phenomena as well as in the contribution which should be brought by mass-media to the prevention and combating delinquency, clandestine travelling and corruption and to the orientation of the migrants within an universe that makes them face numerous risk and uncertainty components.

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