

# Migration in Romania: A Country Profile 2008



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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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# **Migration in Romania:**

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# **A Country Profile**

October 2008



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IOM International Organization for Migration



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# ACRONYM LIST

ANITP	National Agency Against Trafficking in Persons
BSEC	Organization of the Black Sea Economic Cooperation
EEA	European Economic Area
EU	European Union
FDI	Foreign direct investment
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
MIRA	Ministry of Interior and Administrative Reform
MMSSF	Ministry of Labour, Family, and Equality of Opportunities
NGO	Non-governmental organization
RCP	Regional Consultative Process
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
WGCC	Working Group on Combating Crime





# FOREWORD

International migration is a prominent feature of globalization and one of the defining issues of this century. Increasingly, migration entails economic, social, demographic, cultural, security and environmental effects on both sending and receiving societies. The task of formulating effective and coherent approaches for the management of international migration poses formidable challenges and frequently has led to regional initiatives such as Regional Consultative Processes (RCPs).<sup>1</sup> These initiatives – which address a wide range of migration issues including migration and development, integration of migrants, smuggling of and trafficking in persons, irregular migration and so on – often reflect the different migration agendas of governments even though the challenges they face may be similar in nature.

Within this context and considering its proactive role in various RCPs, the International Organization for Migration (IOM) signed a Memorandum of Understanding with the Organization of the Black Sea Economic Cooperation (BSEC) in 2006. One of the main aims of this agreement is to enhance cooperation in addressing irregular migration and combating trafficking in persons in the Black Sea region, an area that experiences significant migration challenges as a transit, origin, and destination hub for migrants. Consequently, in 2007, IOM launched the “Black Sea Consultative Process on Migration Management”, a joint project with the BSEC’s Working Group on Combating Crime (WGCC) (Particularly its Organized Forms).

The project aimed to contribute to effective migration management in the Black Sea region as well as combating irregular migration through strengthened regional cooperation and capacity building of relevant authorities in all twelve member states of the BSEC.<sup>2</sup> Specifically, IOM has drafted national **Migration Profiles** for those countries where such documents did not exist, and has reviewed and updated existing Profiles.<sup>3</sup>

Why country Migration Profiles? A concept and tool promoted by the European Commission, the Profiles are an evidence-based approach to assess the migration situation in a country. IOM has adopted and further developed this

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<sup>1</sup> Regional Consultative Processes bring together representatives of states, international organizations and, in some cases, non-governmental organizations (NGOs) for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern.

<sup>2</sup> Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, the Russian Federation, Serbia, Turkey and Ukraine.

<sup>3</sup> Within the framework of the Slovenian presidency of the European Union, IOM prepared Migration Profiles for the Western Balkan Countries including BSEC members Albania, Serbia and Turkey.

concept and has since implemented it in various regions such as the Balkans, Western and Central Africa, and Latin America. The intention is to contribute towards greater coherence of national migration policies and enhanced regional cooperation. This requires appropriate compilation of internationally comparable data among other features such as national coordination and cooperation among involved authorities and pursuit of an active international cooperation at bilateral, regional and global levels. The Profiles, using a common template, allow for comparability despite data limitations<sup>4</sup> and different national contexts.

Furthermore, to ensure the legitimacy and recognized value of the Profiles, the BSEC member states and the BSEC WGCC provided substantial feedback on the Profiles. Drafted in IOM's office in Budapest and coordinated with IOM's Research Unit at IOM Headquarters in Geneva and the respective IOM office in each of the BSEC countries – to ensure high-quality – the Profiles also offer a set of policy recommendations for effective migration management in the region. These were thoroughly discussed during an expert meeting of the BSEC's WGCC in Istanbul on 10 September 2008. Subsequently, the recommendations were approved by the BSEC's Council of Ministers of Foreign Affairs that convened in Tirana on 23 October 2008.

This set of Profiles is the result of intensive cooperation between many individuals within IOM and among IOM and other stakeholders. The input of the following people is highly appreciated: Christine Aghazarm and Verónica Escudero, Research Unit in IOM Geneva, as authors of the regional overview and for their extensive review of all the Profiles, Frank Laczko, head of the Research and Publications in IOM Geneva, for his supervision throughout the project, IOM staff in IOM offices in all the BSEC countries, and the dedicated finance and administrative colleagues in IOM Budapest. Special thanks to IOM's 1035 Facility who funded this project. Moreover, particular gratitude is warmly given to the Organization of the Black Sea Economic Organization as the associate organization in this project, especially the Permanent International Secretariat who kindly arranged the meetings related to the implementation of the project. Not least, IOM gratefully acknowledges the support of the BSEC Member States in the production of the Profiles, above all for their input to their specific country profile and the endorsement of the regional migration policy recommendations.

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International Organization for Migration  
Mission with Regional Functions for Central and South-Eastern Europe

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<sup>4</sup> For a discussion on the quality and limitations migration data, see the regional overview.



Romania – Basic facts	
Population (2007, Eurostat)	21,565,119
Total Area	237,500 sq. km
GDP per capita (2007, International Monetary Fund (IMF) estimates)	USD 10,858
Human Development Index	0.813 (60 of 177 countries with data)
Net Migration (2006, Eurostat)	0.813 (60 of 177 countries with data)



# EXECUTIVE SUMMARY: GENERAL ASSESSMENT OF MIGRATION ISSUES<sup>1</sup>

Migration is one of the most pervasive socio-economic phenomena in Romania since the fall of communism in 1989. Since then, an estimated 10 to 15 per cent of the population has left the country. In the aftermath of the 1989 Revolution, with the borders opened, massive emigration emerged, with 96,929 leaving only in 1990 and as much as 170,000 persons legally emigrating in the first three years.<sup>2</sup> Migration flows at this stage were mainly ethnically driven—more than 75 per cent of emigrants were ethnic Germans and the rest were Hungarians and Jews.

In the years that followed, visa restrictions (on top of other push migration factors such as economic hardships and political instability) have led to the emergence of circular or temporary migration as the main pattern of migration from Romania. Seemingly, this type of migration was mainly economically motivated. Labour migration has allegedly undergone three stages in the last 17 years, corresponding to a gradual change in the profile of the destination countries:<sup>3</sup>

- the first stage, between 1990 and 1995, characterized by a rate of emigration of three immigrants per 1,000 inhabitants and the destination countries being Israel, Turkey, Italy, Hungary, and Germany;
- the second stage, between 1996 and 2001 with a rate of emigration of seven immigrants per 1,000 inhabitants with the main destinations being Spain, United States, and Canada; and
- the last stage, characterized by the lifting of the Schengen visa (2001-2006), which registered a huge emigration rate of 28 immigrants per 1,000 inhabitants, the main countries of destination being Italy (40% of all labour migrants), Spain (18%), Germany (5%), Hungary (5%), and Israel (6%).

Remittances were and undoubtedly remain up to this day as one of the main benefits of the increasing outflow of people. Migrant remittances have steadily

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<sup>1</sup> This country profile intends to provide most recent data available on migration trends in and from Romania and does not aim to forecast migration trends (for this see Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report*. International Organization for Migration, Geneva). Nonetheless, it is acknowledged that relevant forecasts may be made only after gathering data for a period of minimum 5-10 years.

<sup>2</sup> Horvath, Istvan (2007) Romania. Country Profile No. 9, Focus-Migration, <http://www.focus-migration.de/Romania.2515.0.html?&L=1>

<sup>3</sup> Sandu, Dumitru et al. (2006) *Living Abroad on a Temporary Basis. The Economic Migration of Romanians: 1990-2006*, Open Society Foundation, Bucharest.

grown over the years, reaching an estimated EUR 5 billion in 2007 (in 2006, migrants sent EUR 4,797 billion back home, through official channels only<sup>4</sup>). Monetary transfers have proved important in financing the trade account deficit while spurring consumption and household welfare of the receivers. This can be another compelling reason for endeavouring to come up with a better-coordinated diasporas policy. Even if Romanian emigrants can definitely contribute to the country's development, their relationship with their country of origin has been rather loose in this sense. Much of the interaction between the state and the diasporas only focus on efforts to propagate the Romanian culture and traditions abroad. Less is devoted to engaging the diasporas in the social and political life in their home county.

Romania is to a lesser extent a destination country. Immigration was modest before 2000 and only the prospects of European Union (EU) accession and an economic revival, accompanied by labour shortages, have led entrepreneurs to consider employing more foreign workers. However, assuming a sustained trend of economic growth, a deepening of labour shortages, and an expanding ageing population, the National Commission of Forecast estimates that by 2013-2015, approximately 200,000–300,000 foreign workers will enter the Romanian labour market.<sup>5</sup>

Romania is a source country (and to a lesser extent a transit one) when it comes to irregular migration. Furthermore, with the country's EU accession and its position at the crossroads of East and West Europe and linking South Asia with North and West Europe (Romania is thus included on the Balkan route of irregular migration), it is expected that the flows of irregular migrants transiting and settling in the country will intensify.<sup>6</sup>

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<sup>4</sup> Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report*. International Organization for Migration, Geneva.

<sup>5</sup> Ministry of Interior and Administrative Reform (2007) *Immigration and Asylum in Romania. Year 2006*. Bucharest (*Imigrația și Azilul în România. Anul 2006*)

<sup>6</sup> Ibid.

# 1. IMMIGRANTS

## 1.1. Number of immigrants

..... 133,441<sup>7</sup> (2005)

As percentage of total population..... 0.6<sup>8</sup> (2005)

Female as percentage of immigrants..... 50.7<sup>9</sup> (2005)

According to national sources, the stock of immigrants on the territory of Romania is considerably lower given that statistics are calculated by the amount of residence permits only. Thus, following the numbers below, immigrants represent only 0.2 per cent of the total population.

Table 1. Stock of foreign citizens with permanent and temporary residence permit

Citizenship	Total 2005	Total 2006	Total change 2005-2006
Moldova	9,571	11,392	19%
Turkey	5,765	6,337	10%
China	4,393	4,974	13%
Italy	4,022	3,595	-11%
Germany	2,134	2,233	5%
United States	1,961	1,976	1%
Syria	1,874	1,929	3%
France	1,477	1,591	8%
Lebanon	1,262	1,321	5%
Ukraine	1,010	1,254	24%
Other countries	16,016	17,004	6%
Total	49,485	53,606	8%

Source: Ministry of Interior and Administrative Reform (2007) in Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report. International Organization for Migration, Geneva.*

<sup>7</sup> United Nations Secretariat, Department of Economic and Social Affairs, Population Division (2005) *Trends in Total Migrant Stock: The 2005 Revision*. The number of international migrants generally represents the number of persons born in a country other than that in which they live. The statistics show the estimated stock of international migrants (both sexes) at mid year.

<sup>8</sup> Ibid.

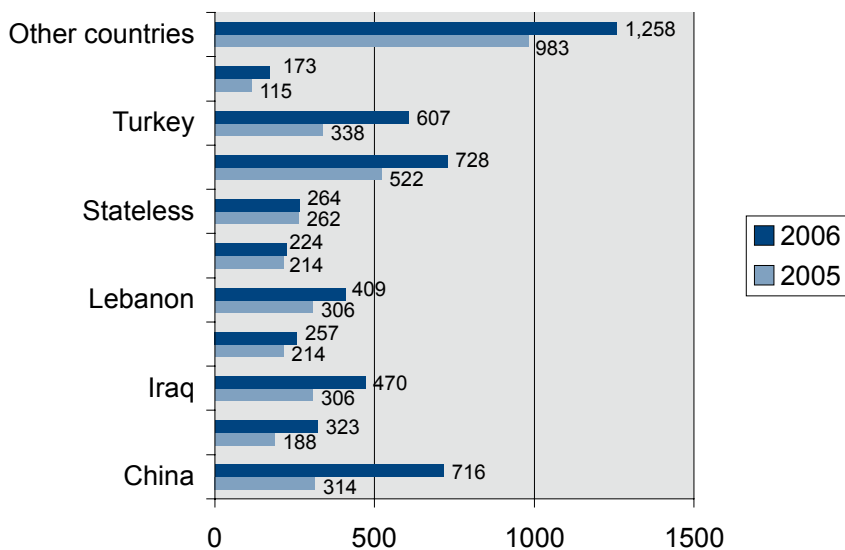
<sup>9</sup> Ibid.

Table 2. Stock of foreign citizens with temporary residence permit

	2005	2006
Moldova	9,539	11,284
Turkey	5,427	5,730
China	4,079	4,258
Italy	3,966	3,526
Germany	2,089	2,180
United States	1,923	1,925
Syria	1,352	1,201
France	1,463	1,571
Lebanon	956	912
Ukraine	910	1,139
Other countries	14,186	14,451
Total	45,890	48,177

Source: Authority for Aliens in Ministry of Interior and Administrative Reform (2007) *Immigration and Asylum in Romania. Year 2006. Bucharest (Imigrația și Azilul în România. Anul 2006)*

Figure 1. Stock of foreign citizens with permanent residence permit



Source: Authority for Aliens in Ministry of Interior and Administrative Reform (2007) *Immigration and Asylum in Romania. Year 2006. Bucharest (Imigrația și Azilul în România. Anul 2006)*



## 1.2. Status of immigrants

Refugees<sup>10</sup> ..... -1,658 (2006)

Asylum seekers<sup>11</sup> ..... 177 (2006)

### Labour migrants

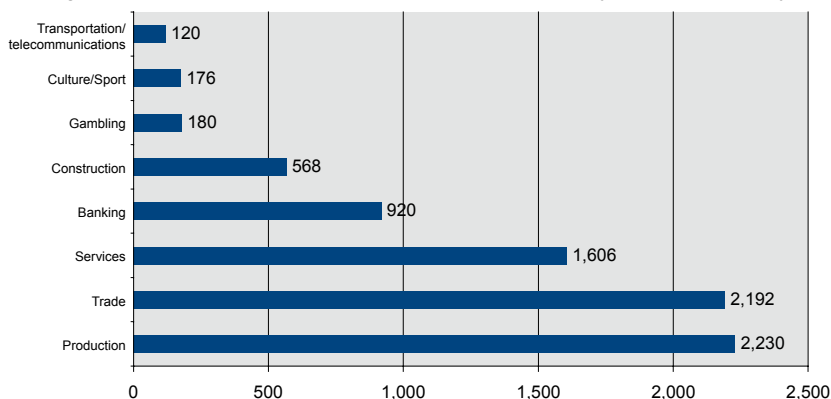
Work permits issued to foreigners<sup>12</sup> ..... 7,992 (2006)  
of which 5,487 (69%) are new permits and 2,505 (31%) are renewed permits;  
1,462 permits were issued to female immigrants and 6,530 permits to male im-  
migrants.

..... 3,678 (2005)  
of which 2,716 were newly issued permits.

Table 3. Work permits issued in 2006, breakdown by top 10 countries of origin<sup>13</sup>

Country	Turkey	Moldova	China	France	Germany	Italy	Greece	Austria	Lebanon	United Kingdom
2006	2,147	1,272	1,268	443	409	239	155	148	134	112

Figure 2. Work permits issued in 2006, breakdown by sector of activity<sup>14</sup>



<sup>10</sup> UNCHR (2006) *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*. Figures represent end-of-year statistics. Data are provisional and subject to change. Status as of 15 June 2007. The figure refers to “Persons recognized as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection”.

<sup>11</sup> Ibid.

<sup>12</sup> Ministry of Interior and Administrative Reform (2007) *Immigration and Asylum in Romania. Year 2006*. Bucharest (*Imigrația și Azilul în România. Anul 2006*), p. 41.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

Table 4. Top ten source countries of temporary foreign workers in Romania

Country	2005	2006
Turkey	1,481	1,721
China	529	1,129
France	155	310
Germany	55	200
Italy	69	126
Greece	102	121
Lebanon	111	111
Russian Federation	53	73
Serbia	20	63
India	45	60

Source: Source: Authority for Foreigners in Ministry of Interior and Administrative Reform (2007) *Immigration and Asylum in Romania. Year 2006. Bucharest (Imigrația și Azilul în România. Anul 2006)*

### 1.3. Main countries of origin of immigrants

Moldova, Bulgaria, Ukraine, Russia, Syrian Arab Republic, Hungary, Greece, Turkey, Italy, Germany.<sup>15</sup>

For alternative sources, see Tables 1, 2, 3, and 4, as well as Figure 1.

<sup>15</sup> World Bank, Development Prospects Group (2005) *Migration and Remittances Factbook*, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1181678518183/Romania.pdf>.

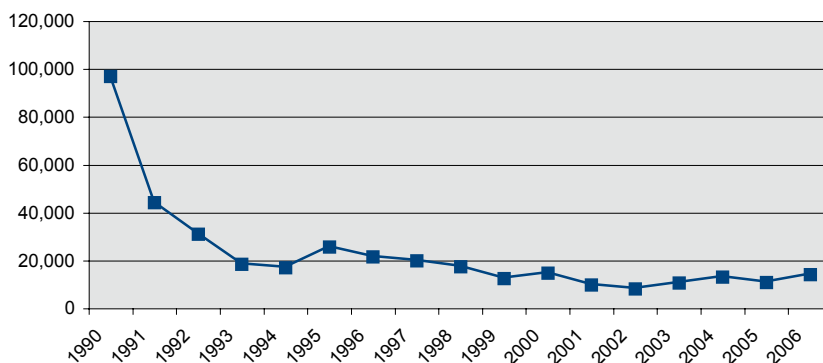
## 2. EMIGRANTS

### 2.1. Number of emigrants

..... 1,244,052 (2005)<sup>16</sup>  
 As percentage of total population.....5.7<sup>17</sup>

Domestic estimates vary from 2 to 3 million emigrants. Other sources, however, provide low estimates. For example, the National Institute of Statistics recorded only 386,827 emigrants from 1990 until 2006 (i.e., Romanian citizens who settled permanently abroad).<sup>18</sup> The difference lies in the way the Institute records the number of emigrants, i.e., it only considers those who have changed their residence address permanently abroad. Needless, to say, this number is clearly underestimated. For instance, Caritas, an Italian non-governmental organization (NGO), gave a figure of 555,997 Romanian migrants in Italy in 2007.<sup>19</sup> In contrast, the Italian National Statistic Institute reports only 342,200 Romanian migrants for the same year.<sup>20</sup> Additionally, according to the Romanian Office for Labour Force Migration's estimates, there are about two million Romanians employed in non-seasonal activities abroad, i.e., almost 10 per cent of Romania's population.<sup>21</sup>

Figure 3. Emigration flows from Romania, 1990-2005



Source: Romanian National Institute of Statistics

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> National Institute of Statistics, <http://www.insse.ro/cms/files/pdf/ro/cap2.pdf>

<sup>19</sup> Dossier Caritas/Migrantes 2007, <http://www.dossierimmigrazione.it/schede/pres2007--scheda.pdf>

<sup>20</sup> STAT, <http://www.demo.istat.it/str2006/>

<sup>21</sup> Liberalization of Labour Market in Romania. Opportunities and Risks, Office for Labour Force Migration, 2006.

## 2.2. Status of emigrants

Refugees.....	7,234 (2006) <sup>22</sup>
Asylum seekers.....	1,314 (2006) <sup>23</sup>
Emigration rate of tertiary educated.....	14.1% (2000) <sup>24</sup>

### Labour migrants

Labour migration, temporary or circular in nature, is the most prominent component of Romanian migration in the last years and even in the post-communist period.<sup>25</sup> While reliable statistics that capture the extent of this form of migration are rather scarce, existing accounts provide a fair proxy for this. Certain surveys indicate that from 4 to 7.3 per cent of the population has worked abroad at least once since 1990.<sup>26</sup> In 2005, 13 per cent of households had 1.5 members working abroad, i.e., approximately 1,400,000 labour migrants.<sup>27</sup> This number differs slightly from the one on Section 2.1 as that one is an estimate at mid-year, whereas the data here refer to the whole year. Moreover, the survey statistics are not precise given the margin of error. Following Table 5 below, in May 2002, 5 per cent of the adult population declared they had worked abroad; in May 2006, this percentage rose to 7.3 per cent, meaning approximately 1,250,000 people. The analysis of another indicator, “household members abroad at the moment of the interview”, reveals a similar trend: from May 2003 to May 2006, the number of household members abroad at the moment of the interview rose from 8.3 to 10.1 per cent. This means that approximately 580,000 households have at least

<sup>22</sup> UNCHR (2006) *Statistical Yearbook 2006. Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*. Figures represent end-2006 statistics. Data are provisional and subject to change. Status as of 15 June 2007. The figure refers to “Persons recognized as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection”.

<sup>23</sup> Ibid.

<sup>24</sup> World Bank, Development Prospects Group (2007) *Migration and Remittances Factbook*, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1181678518183/Romania.pdf>.

<sup>25</sup> See UNDP National Human Development Report – Romania (2007) *Making EU Accession Work for All. Fostering Human Development by Strengthening the Inclusiveness of the Labour Market in Romania*. Bucharest. Also, see Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania’s Accession to the EU. Country Report*. International Organization for Migration, Geneva.

<sup>26</sup> See for example the Public Opinion Barometer 2003-2006 or the Center for Urban and Regional Sociology (CURS) survey 2005.

<sup>27</sup> Data from the Center for Urban and Regional Sociology survey 2005 in Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania’s Accession to the EU. Country Report*. International Organization for Migration, Geneva.

one member abroad.<sup>28</sup> The numbers differ from the 13 per cent above as they come from a different source.

Table 5. Estimates regarding migration trends in Romania (percentage of adult population that responded Yes to the questions)

	Nov 2001	May 2002	Oct 2002	May 2003	Oct 2003	May 2004	Oct 2004	May 2005	Oct 2005	May 2006
Have you ever travelled abroad	25	26	31				21.1			19.1
Have you ever worked abroad	5	5	6		4.4		5.6	6.9		7.3
Household member ever worked abroad	12	13	17				14.1			8.8
Household member working abroad at the moment of the interview				8.3	8.9	9.1		9.9		10.1
Plan to go abroad for tourism	18	13	21				14.2			8.6
Plan to go abroad for work	16	11	17				12.1			9.0
Plan to go abroad for studies	6	4	8				3.8			
Plan to leave the country for good	6	3	5				3.4			

Source: Public Opinion Barometer

Furthermore, a 2006 survey by the Open Society Foundation–Romania, on migration for employment of Romanians during 1990–2006, outlined that more than one-third of the households had at least one migrant working abroad during that period.<sup>29</sup> Meanwhile, the Department for Labour Abroad (within the Ministry of Labour, Family and Equal Opportunities) reports official data that mainly include the number of work agreements concluded via state agencies or private agents. According to the Department, there were 42,758 labour contracts mediated in 2005 and 46,609 during the first three quarters of 2006 by state agencies, most of these contracts being in agriculture and construction.<sup>30</sup> A total of 13,270

<sup>28</sup> See Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report*. International Organization for Migration, Geneva.

<sup>29</sup> Sandu, Dumitru et al. (2006) *Living Abroad on a Temporary Basis. The Economic Migration of Romanians: 1990–2006*. Open Society Foundation, Bucharest.

<sup>30</sup> UNDP National Human Development Report – Romania (2007) *Making EU Accession Work for All. Fostering Human Development by Strengthening the Inclusiveness of the Labour Market in Romania*. Bucharest.

contracts have been mediated by private agents in the first three quarters of 2006, most of them covering students taking up summer jobs in the United States.<sup>31</sup>

There exist limitations on the availability of comprehensive data on the nature of jobs Romanians take abroad. Fortunately, the survey data issued by various institutions seem to converge on this issue. Given below are data from a survey carried out by CURS in 2005,<sup>32</sup> which highlight similar trends concerning the occupational status of Romanian labour emigrants (i.e., the prevalence of employment in agriculture and construction).

Table 6. Occupational status of Romanian migrants, 2005

	Abroad (% of cases)
Construction	36.1
Agriculture, hunting and forestry	28.1
Private households with employed people	14.6
Hotels and restaurant business	11.6
Transport, storage and communications	3.5
Manufacturing	3.3
Wholesale and retail trade, repair of motor vehicles...	3.1
Health and social work	2.3
Electricity, gas and water supply	1.8
Public administration and defence; compulsory social security	0.8
Education	0.7
Other community, social or personal services	0.4
Extra-territorial organizations	0.4
Fishing	0.2
Mining and quarrying	0.1
I was not employed*/NC/ does not work	
Other	6.8

\*Students and pensioners are included here and they account for 8% of the people with no employment.

<sup>31</sup> Ibid.

<sup>32</sup> CURS 2005 (the assessment of the occupational status abroad is based on multiple-response questions) in Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report*. International Organization for Migration, Geneva.

## 2.3. Main countries of destination<sup>33</sup>

Israel, Hungary, United States, Spain, Italy, Germany, Canada, Austria, France, Greece.

Table 7. Main countries of destination of Romanians, bilateral estimate of emigrant stock, 2007

Australia	12,897
Austria	48,041
Canada	65,553
Czech Republic	12,089
France	27,414
Germany	122,398
Greece	23,025
Hungary	155,148
Ireland	8,544
Israel	164,783
Italy	125,160
Spain	130,771
Sweden	12,798
Switzerland	7,451
Turkey	21,873
United Kingdom	8,482
United States	154,018
Others*	143,607
Total	1,244,052

Source: World Bank 2007<sup>34</sup>

\*Other countries have also recorded significant numbers of Romanians (thousands) but including all of them in the table would be impractical.

### Alternative sources and information on main countries of destination

IOM survey 2005:<sup>35</sup> Italy, Spain, United States, Germany, Hungary

Open Society Foundation–Romania 2006:<sup>36</sup> Italy, Spain, Germany, Hungary, Israel.

<sup>33</sup> World Bank, Development Prospects Group (2007) *Migration and Remittances Factbook*, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1181678518183/Romania.pdf>.

<sup>34</sup> Ratha and Shaw (2007) Bilateral Estimates of Migrants Stocks Database, *South-South Migration and Remittances*, World Bank, Washington, D.C.

<sup>35</sup> Refers to main destinations for labour migration.

<sup>36</sup> Sandu, Dumitru et al. (2006) *Living Abroad on a Temporary Basis. The Economic Migration of Romanians: 1990-2006*. Open Society Foundation, Bucharest.





## 3. REMITTANCES

### 3.1. Quantitative aspects of remittances

As with other countries in Romania, available data underestimate the real size of remittance flows. Most of the existing evidence is estimated by the National Bank of Romania (NBR) and by national survey polls. By the end of the 1990s, there was not much reported on migration and remittances as they had been eclipsed by other striking topics (e.g., political instability, the 1999 financial crisis, EU integration, etc.). Not surprisingly, the first elaborated effort on measuring remittances in Romania came from a former chief economist of the NBR, Daniel Daianu. Together with other authors, Daianu discussed the role of Romanian migrant workers' remittances in financing the current account deficit.<sup>37</sup> The authors provided the first evidence of the amount of remittances starting with 1990. Since then, the volume of remittances has grown in an impressive manner in close relation with the outward migratory flows, to reach an estimated USD 3.2 billion in 2005.<sup>38</sup> However, the numbers may vary across sources. For example, Figure 4 below juxtaposes NBR and World Bank data and although the WB data are reportedly derived from the country's balance of payments, the numbers differ radically. The explanation behind this discrepancy is that, considering the International Monetary Fund's (IMF) definition of remittances,<sup>39</sup> the NBR did not use the item "migrant transfers" but instead an item called "other transfers" that the WB did not consider, thus narrowing down their scope.<sup>40</sup>

In spite of a promising tendency, the average monthly figure on remittances per household has fallen from USD 287 (EUR 265) in 2003 to USD 261

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<sup>37</sup> Daianu, D., L. Voinea, and M. Tolici (2001) *Balance of Payments Financing in Romania. The Role of Remittances*, The Romanian Center for Economic Policies Working Paper No. 28, The Romanian Center for Economic Policies, Bucharest.

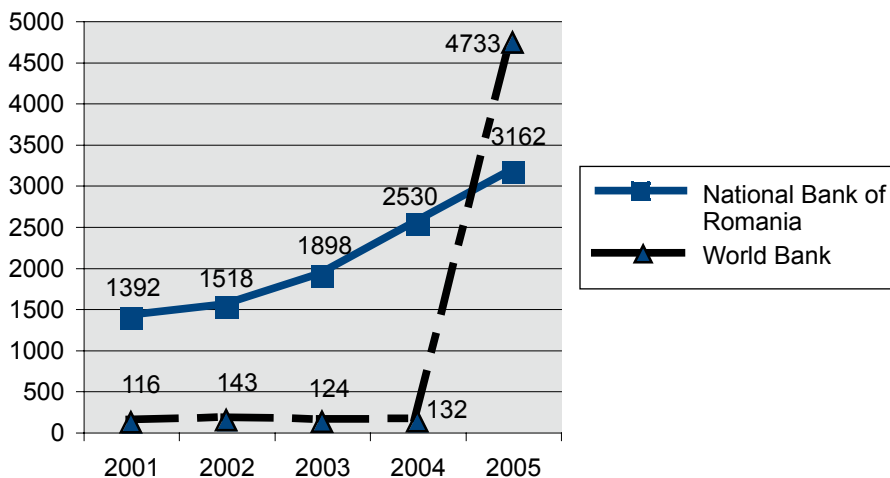
<sup>38</sup> For example, UNDP HDR 2007 for Romania cites USD 4440.9 million in remittances for 2005, i.e., 4.51 per cent of the GDP.

<sup>39</sup> According to this categorization, remittances include: (1) Worker remittances or the value of monetary transfers sent home from workers abroad for more than one year (shown under the heading "current transfers"); (2) Compensation of employees or the gross earnings of foreigners residing abroad for less than one year (recorded under the income sub-category "current account"); and (3) Migrant transfers or the flows of goods and financial assets resulting from cross-border movements of migrants (under the heading "capital transfers").

<sup>40</sup> Daianu, D., L. Voinea, and M. Tolici (2001) *Balance of Payments Financing in Romania. The Role of Remittances*. The Romanian Center for Economic Policies Working Paper No. 28, The Romanian Center for Economic Policies, Bucharest.

(EUR 200) in 2005.<sup>41</sup> This could be explained by several reasons: the number of migrants is diminishing; migrants earning less; migrants' propensity to remit has been altered by the host country's economic slowdown; family has joined the migrant; or the number of emigrants has increased.

Figure 4. Inflows of remittances in Romania, 2001-2005 (in USD million)



Sources: National Bank of Romania and World Bank;<sup>42</sup> as the NBR numbers were available only in euro, the figures were converted to US dollars using the current exchange rate at year-end.

At the macro level, remittances contribute decisively in financing the current account deficit. For instance, Daianu et al<sup>43</sup> demonstrated that the absence of remittances would have caused unsustainable deficits. Likewise, Copaciu and Racaru explained that supposing migrant workers' remittances have equalled to zero in 2004 and 2005, the current account deficit would have reached 11.05 per cent of GDP in 2004 and 13.20 per cent in 2005 as opposed to the reported values of 8.65 and 8.69 per cent,<sup>44</sup> respectively. Furthermore, the quarterly NBR report on inflation (May 2006) points out that remittances and foreign direct investment (FDI) have caused a nominal appreciation of the LEU in relation to the euro,

<sup>41</sup> International Organization for Migration Bucharest (2005) Risks of Irregular Migration to EU Countries 2003-2005: What Has Changed? Research Report in Preparation for a Nationwide Information Campaign.

<sup>42</sup> World Bank, Development Prospects Group (2007) *Migration and Remittances Factbook*, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1181678518183/Romania.pdf>.

<sup>43</sup> Ibid 38.

<sup>44</sup> Copaciu, Mihai and Irina Racaru (2006) Romania's External Balance – *Qualitative and Quantitative Approaches*, Occasional Papers No.18, National Bank of Romania, <http://www.bnro.ro>

which have further led to a lower inflation rate than expected.<sup>45</sup> However, the report shows that this impact is tangential and that remittances alone cannot make a significant difference. Nevertheless, the macro importance of remittances is clear. As Table 7 below reveals, in 2000-2005, remittances have an average magnitude, slightly oscillating, of 11 per cent of exports and approximately 9 per cent of imports. Compared to the other major financial flow (i.e., FDI), remittances fluctuate around the volume of FDI. Nevertheless, remittances as a share of GDP have increased steadily, stabilizing at around 3.5 per cent in 2005 (although other sources claim remittances as 4.51% of Romania's 2005 GDP)<sup>46</sup>.

Table 8. The importance of remittances in Romania, 1990-2005

Year	Remittances as percentage of			
	GDP, current prices	Exports	Imports	Net FDI
1990	0.26	1.76	1.1	567
1991	0.23	1.61	1.19	186.48
1992	0.62	2.8	1.94	167.12
1993	0.44	1.97	1.78	133.33
1994	0.77	3.8	3.29	68.62
1995	1.1	4.96	3.81	94
1996	1.73	7.58	5.36	233.07
1997	1.88	7.85	5.87	54.08
1998	2.03	10.33	7.24	42.05
1999	2.02	8.5	6.83	70.43
2000	2.89	10.36	8.91	106.44
2001	3.46	12.22	9.69	119.8
2002	3.31	10.93	9.01	121.24
2003	3.19	10.77	7.91	95
2004	3.35	12.05	9.05	41.2
2005	3.21	11.41	8.47	51.2

Sources: Own computations based on the following data: for 1990-2000 figures on FDI, exports, and imports, Daianu et al. (2001), p. 16; for 2001-2005 exports and imports, the National Bank of Romania Balance of Payments reports; for 2001-2005 figures on FDI, Gardo, S. (2006) *Romania: In a Labyrinth of Reforms*, Bank Austria Creditanstalt, Vienna, [http://www.ba-ca.com/informationspdfs/CEE-Report\\_2-06\\_Romania.pdf](http://www.ba-ca.com/informationspdfs/CEE-Report_2-06_Romania.pdf).

<sup>45</sup> National Bank of Romania (2006) Quarterly report on inflation, first semester of the year, p. 11, <http://www.bnro.ro>

<sup>46</sup> UNDP National Human Development Report – Romania (2007) *Making EU Accession Work for All. Fostering Human Development by Strengthening the Inclusiveness of the Labour Market in Romania*. Bucharest.

### 3.2. Qualitative aspects of remittances

Approximately 40 per cent of the transfers are made through informal channels (e.g., friends or relatives, bus drivers).<sup>47</sup> The use of remittances follows a clear hierarchy of consumption patterns: first, food, clothing, and household appliances; second, savings or home repair; and third, children's education.

Table 9. Use of remittances in Romania

Use of remittances	Count	Reponses	Cases
Savings	441	17.7	36.8
Investment in business	65	2.6	5.4
Education of children	321	12.9	26.8
Food, clothing, household appliances	613	24.6	51.1
Medical expenses	120	4.8	10.0
Re-qualification and education	27	1.1	2.3
Buying property	121	4.8	10.1
Home repair	393	15.8	32.8
Wedding, celebration, funeral	63	2.5	5.3
Buying land	54	2.2	4.5
Buying car	115	4.6	9.6
Starting a business	44	1.8	3.7
Charity	6	0.2	0.5
Other	112	4.5	9.3

Source: CURS 2005 in Lăzăroi, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report*. International Organization for Migration, Geneva.

Pop (2006),<sup>48</sup> relying on survey data from Huedin, a town in northwestern Romania, found that 22 per cent of the migrants send their money through money transfer operators and 19 per cent through banks. The majority (59%) brought their remittances themselves or through informal channels (friends, colleagues or other acquaintances with or without a fee). In Huedin, remittances are used in 52 per cent of the cases to cover daily needs and expenses. This pattern has made Pop to conclude that “the local economy has become to a large extent dependent on remittance flows”.

<sup>47</sup> Lăzăroi, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report*. International Organization for Migration, Geneva.

<sup>48</sup> Pop, D. (2006) *The Developmental Effectiveness of Remittances, Case Study on Huedin town, Romania*, <http://www.wiiw.ac.at/balkan/files/POP.pdf>

## 4. MIGRANT COMMUNITIES/DIASPORAS

### 4.1. Description of the relationship between diasporas and country of origin

The size of the Romanian diasporas is hard to grasp. Existing estimates vary according to sources, but there is agreement that several million Romanians are spread around the world. There are no catch-all words or expressions that could characterize the relationship between Romanian diasporas and the country of origin. A 2005 analysis identified the lack of a substantial diasporas policy as the main impediment to “the emergence of trans-national trade companies, or of hometown associations having an impact on the home country development.”<sup>49</sup> This is explained by the conceptualization and visualization of the Romanian diasporas from a political point of view. In this vision, the diasporas are divided in two categories: Romanians who have chosen to migrate and Romanian language speakers who were forced by historical circumstances to live outside the borders.<sup>50</sup> Approaching the first, from a migrant point of view, is a daunting exercise, because most emigrants left the country during the communist period and due to Securitate’s repressive actions against them are reluctant to getting involved in contractual relationships with the state authorities. Besides, as the authors claim, the suspicions about the state infiltrating and manipulating the diasporas for political purposes might have not disappeared.<sup>51</sup> According to the authors, from a state point of view, strengthening the relationship with them, although a desirable outcome, could not turn out in a favourable result because of the often critical voices the diasporas has raised against the political regimes after 1990.

However, recent developments—e.g., the surge in remittances, the EU accession—have brought emigration on the domestic political agenda. Efforts have been taken to influence and strengthen the diasporas, but these were mainly targeted on “identity and cultural reproduction.”<sup>52</sup> Nevertheless, among the latest developments, discussions have been channelled toward luring back the diasporas as labour supply that can help fill the increasing labour shortages in the Romanian labour market.<sup>53</sup>

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<sup>49</sup> Lazaroiu, S. and M. Alexandru (2005) Controlling Exits to Gain Accession, Romanian Migration Policy in the Making, Centro Studi di Politica Internazionale, Roma.

<sup>50</sup> Ibid, p. 19.

<sup>51</sup> Ibid.

<sup>52</sup> UNDP National Human Development Report – Romania (2007) *Making EU Accession Work for All. Fostering Human Development by Strengthening the Inclusiveness of the Labour Market in Romania*. Bucharest, p.7.

<sup>53</sup> Ibid.

## 4.2. Migrant community/diasporas' organizations

(Note: the list below do not purport to be exhaustive or representative. IOM does not take responsibility for the accuracy of the contact details.)

There are several internet websites that contain lists of Romanian diasporas organizations:

- <http://www.comunitati.net/> has a list of Romanian communities abroad
- <http://www.romanian-portal.com/> has a list of Romanian organizations in North America
- [http://www.mae.ro/poze\\_editare/2007.05.17\\_Report2006.pdf](http://www.mae.ro/poze_editare/2007.05.17_Report2006.pdf) is the download site for the Activity Report of the Department for Relations with the Romanians Abroad during January–December 2006. This report makes mention of the activities carried out abroad with Romanian associations and religious communities, including the Orthodox Church.

Furthermore, the Romanian Ministry of Foreign Affairs is preparing to launch a portal for the Romanian Diaspora, together with the eRomania Gateway Association (<http://www.ro-gateway.ro>).

## 5. IRREGULAR MIGRATION

### 5.1. Figures and information on irregular movements

#### Inflows

The top five source countries of irregular aliens apprehended from 2004 through 2006 are Turkey (3,196), Moldova (2,886), China (799), Syria (419), and Ukraine (372). The table below provides annual data with breakdown by country.

Table 10. Irregular aliens apprehended with illegal stay, 2004-2006, breakdown by country of origin

Country of origin	Year		
	2004	2005	2006*
Total	5,560	5,607	2,298
China	257	335	207
Egypt	176	61	29
Israel	158	182	56
Italy	140	121	51
Moldova	1,199	1,191	496
Serbia Montenegro	95	102	57
Syria	192	163	64
Turkey	1,288	1,349	559
Ukraine	151	146	75
United States	123	119	44
Other	1,781	1,838	2,298

\*Numbers refer to the first half of 2006.

Source: IOM (2006) *Compilation for the EU/DG JLS on Irregular Migration (unpublished)*.

Table 11. Removed persons, by main countries of origin

Country	2005	2006
Moldova	203	370
Turkey	154	93
China	74	58
Pakistan	24	7
Ukraine	17	20
Syria	17	15
Serbia	15	12
Lebanon	12	3
Iran	10	3
India	8	4
Total	618	681

Source: 2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe, ICMPD<sup>54</sup>

Table 12. Number of illegal border crossings/attempts of foreign nationals by citizenship

Country	2005	2006	Total
Moldova	1,313	1,008	2,321
Turkey	114	68	182
Russia	13	42	55
China	43	35	78
Somalia	1	33	34
Georgia	60	28	88
Ukraine	27	25	52
Bangladesh	54	13	67
Nigeria	42	11	53
Liberia	27	11	38
Others	225	148	373
Total	1,919	1,422	3,341

Source: 2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe, ICMPD<sup>55</sup>

<sup>54</sup> Futo, Peter and Michael Jandl (eds.) (2007) *2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe. A Survey and Analysis of Border Management and Border Apprehension Data from 20 States*. International Centre for Migration Policy Development (ICMPD).

<sup>55</sup> Ibid.



## Outflows

A survey carried out by the Open Society Foundation<sup>56</sup> reveals that 60 per cent of the Romanians who worked in Italy, 45 per cent of those employed in Spain, and 38 per cent of those in Germany, were irregularly employed during 1990-2006. The number of Romanian citizens returned to Romania as presented in Table 13 gives an idea of the scale of irregular migration but clearly not the full extent of this type of migration.

Table 13. Number of Romanian citizens returned to Romania, by returning country

Country	2005	2006	Total
Italy	9,572	7,628	17,200
France	3,510	4,403	3,514
Spain	3,220	4,080	7,300
Belgium	1,299	1,339	2,638
Greece	1,435	1,238	2,673
United Kingdom	1,339	857	2,196
Germany	940	758	1,698
Hungary	1,305	618	1,923
Netherlands	407	472	879
Switzerland	220	262	482
Others states	2,110	1,324	3,434
Total	25,357	18,580	43,937

Source: 2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe, ICMPD<sup>57</sup>

## 5.2. Figures and information on return migration flows

### Inflows

Between 2005 and 2006, 841 individuals have returned to Romania through the IOM voluntary assisted return programmes. Below is a breakdown of the returned people by country of last residence and year.

<sup>56</sup> Sandu, Dumitru et al. (2006) *Living Abroad on a Temporary Basis. The Economic Migration of Romanians: 1990-2006*. Open Society Foundation, Bucharest.

<sup>57</sup> Ibid 47.

Table 14. IOM assisted voluntary returns by country of last residence and year

Return from:	2002	2003	2004	2005	2006	Total
Albania	0	0	3	0	0	3
Argentina	0	0	0	0	12	12
Austria	11	6	1	85	122	225
Belgium	11	9	10	45	28	103
Bosnia and Herzegovina	1	0	0	0	0	1
Croatia	2	0	0	0	0	2
Czech Republic				7	16	23
Finland					4	4
Germany				40	80	120
Ireland	28	64	53	18	6	169
Italy	0	8	93	188	121	410
Netherlands	0	0	2	17	24	43
Norway	0	2	0	1		3
Portugal				40	2	42
Serbia and Montenegro					9	9
South Africa	3	0	0	0	0	3
Spain				15	26	41
Switzerland	0	0	1	1	0	2
United Kingdom	32	11	5	9	14	71
Total	88	100	168	466	464	1,286

Source: IOM AVR Database

*\*The numbers added for the years 2002, 2003, and 2004 are according to IOM Bucharest's statistics of assisted voluntary returns of Romanians that received arrival assistance from IOM. Many of the voluntary returnees to Romania do not want assistance upon arrival and therefore IOM Bucharest is not aware of their arrival hence such returnees are not included in its arrival statistics.*

## 5.3. Figures and information on trafficking in persons

### Outflows

Table 15. Trafficking in persons, breakdown by main countries of destination, 2007

Country	
Total	1,482
Italy	446
Spain	413
Czech Republic	215
Greece	169
Germany	82
France	27
the Netherlands	18
Austria	17
Hungary	15
Turkey	11
Other	69

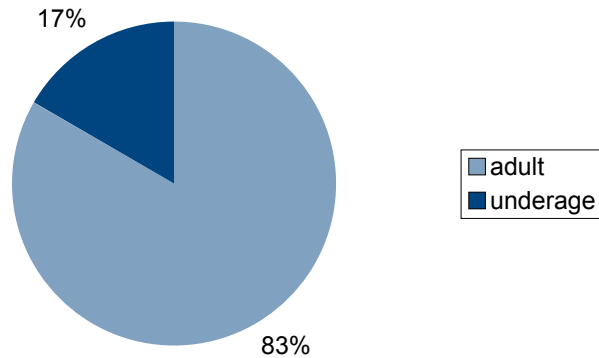
Source: National Agency against Trafficking in Persons [forthcoming]: Report on the situation of trafficking in persons in Romania in 2007. Information retrieved via IOM office in Bucharest.

Note: 3 persons were trafficked more than once; 33 persons were trafficked in more than one country.

The National Agency against Trafficking in Persons (ANITP) database has been operational since January 2007.<sup>58</sup> For 2007, 1,686 victims of trafficking had been identified and/or assisted (compared to 1,860 in 2006). All the victims are Romanian nationals. A total of 1,482 have been trafficked abroad, while there are 205 identified victims trafficked internally.

<sup>58</sup> National Agency against Trafficking in Persons (forthcoming) Report on the situation of trafficking in persons in Romania in 2007. Information retrieved via IOM office in Bucharest.

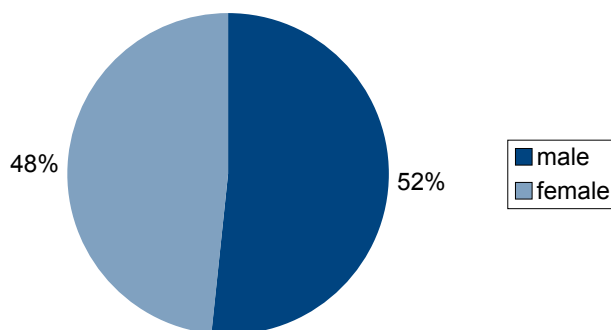
Figure 5. Victims of trafficking in Romania, by status, 2007



Source: National Agency against Trafficking in Persons (forthcoming) Report on the situation of trafficking in persons in Romania in 2007. Information retrieved via IOM office in Bucharest.

As can be gleaned from Figure 5, 282 of the total number of victims of trafficking are minors or underage (17%), out of which 246 are female and only 36 are male. Of these, six are below 14 years of age (four victims of child pornography and two victims of internet pornography).

Figure 6. Victims of trafficking in Romania, by gender, 2007



Source: National Agency against Trafficking in Persons (forthcoming) Report on the situation of trafficking in persons in Romania in 2007. Information retrieved via IOM office in Bucharest.

Table 16. Victims of trafficking by main forms of exploitation, 2007

Forms of exploitation	Total	Of which	
Labour	789	Agriculture	541
		Construction	219
		Hotel services	29
Sexual	690	On street	268
		Private clubs	203
		Private apartments	172
		Hotels	33
		Brothels	15
Begging	139		
Forced into criminal activities	10		
Child pornography	4		
Internet pornography	2		

Source: National Agency against Trafficking in Persons (forthcoming) Report on the situation of trafficking in persons in Romania in 2007. Information retrieved via IOM office in Bucharest.

In 2007, for the first time, the number of victims of forced labour exceeded the number of those trafficked for sexual exploitation (789 vs. 690). This explains the increase in the number of male victims of trafficking (726 or 51.6% vs. 679 female or 48.3%).



## 6. ASSESSMENT AND ANALYSIS OF MIGRATION ISSUES

### 6.1. Government institutions responsible for migration policy

In 2007, the Government has created the **Romanian Office for Immigration** designated as the national specialized institution for migration management.

The **Ministry of Interior and Administrative Reform (MIRA)** (<http://www.mira.gov.ro/index.htm>), through the Romanian Office for Immigration,<sup>59</sup> the Border Police, and the General Directorate of Passports,<sup>60</sup> has competencies on immigration (from entry, stay, and working conditions to integration of immigrants) and asylum issues, combating of irregular migration (mostly on illegal border crossings, violations of border regulations, etc.), issuing of passports, and other related functions (e.g., elaborate, conduct, implement, and monitor externally financed projects; elaborate studies; analyse and provide forecasts on immigration; collect relevant data). Furthermore, MIRA, through the National Agency against Trafficking in Human Beings,<sup>61</sup> coordinates and evaluates the activities on preventing trafficking in human beings and monitors the assistance granted to the victims of trafficking.

Through its Department for the Relations with Worldwide Romanians, the **Ministry of Foreign Affairs (MFA)** (<http://www.mae.ro>) elaborates and implements the policy on the relations with Romanians all over the world. The purpose of all programmes conducted by the MFA in this regard is to safeguard and promote ethnic, cultural, linguistic, and religious identity of all Romanians from neighbouring countries as well as to strengthen the links between Romania and its emigrant communities.

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<sup>59</sup> For more details, see <http://aps.mai.gov.ro/index.htm>. It was created in 2007 by reshuffling the Authority for Aliens and the National Office for Refugees (Government Ordinance 55/20 June 2007). This body has also taken over the competencies of the Office for Labour Force Migration (abolished) on issuing the necessary documents that grant the right to work to third-country nationals.

<sup>60</sup> In accordance with the provisions of the Law 248/2005 regarding the regime of free circulation of Romanian citizens abroad and the Government Decision 94/2005 regarding the approval of methodological norms for the enforcement of Law 248/2005.

<sup>61</sup> For more details, see Section 6.7 and/or <http://anitp.mira.gov.ro/>.

Through its Department for Labour Abroad and Attaché's Body on Labour and Social Issues,<sup>62</sup> the **Ministry of Labour, Family and Equal Opportunities (MMSSF)** (<http://www.anofm.ro/>; <http://www.mmssf.ro/website/ro/index.jsp>) ensures the protection of the Romanian migrant workers' rights (through the Direction for the Protection of the Rights of the Romanian Citizens that Work Abroad) and keeps data on labour migration while supervising (jointly with the MFA) the implementation of agreements, conventions, and understandings concluded by the Government of Romania with other governments (through its Direction for Statistics and Supervision). As of 2008, the Department for Labour Abroad does not show on the institutional chart of the Ministry. Its responsibilities have been transferred to the National Agency for Employment.

The **National Institute of Statistics** (<http://www.insse.ro>) collects data on emigration flows (only for regular emigrants who change their permanent residence).

## 6.2. International legal framework in place relevant to migration

### Readmission Agreements<sup>63</sup>

- Decision No. 638 of 19 November 1993 for approval of the Understanding between the Government of Romania and the Government of the Republic of Poland with regard to mutual take-over of persons staying illegally on the territory of one of the parties to the agreement.
- Decision No. 772 of 30 December 1993 for approval of the Agreement between the Government of Romanian and the Government of the Republic of Slovakia regarding return—readmission of the citizens of the two countries that entered illegally or whose staying on the territory of the other state has become illegal.
- Decision No. 278 of 16 June 1994 for approval of the Agreement between the Government of Romania and the Government of the French Republic regarding readmission of the persons in illegal situation.

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<sup>62</sup> For more details on its competencies, see <http://www.mmssf.ro/website/ro/dms.jsp> as well as [http://www.mmssf.ro/website/ro/prezentare/forta\\_munca\\_2006.pdf](http://www.mmssf.ro/website/ro/prezentare/forta_munca_2006.pdf) for the report on the activities of this Department in 2006 (only in Romanian).

<sup>63</sup> From Serban, Monica and Melinda Stoica (2007) *Policies and Institutions in International Migration: Work Migration in Romania 1990-2006*. Soros Foundation Romania, Bucharest.



- Decision No. 635 of 14 September 1994 for approval of the Agreement between the Government of Romania and the Government of the Hellenic Republic regarding readmission of the persons in illegal situation.
- Decision No. 152 of 9 April 1994 for approval of the Agreement between the Government of Romania and the Government of the Czech Republic regarding take-over—turning-in of persons whose entering or staying on the territory of the other state is illegal.
- Decision No. 825 of 17 October 1995 for approval of the Agreement between the Government of Romania, on one hand, and the Governments of the Kingdom of Belgium, the Great Dukedom of Luxembourg and the Kingdom of Netherlands, on the other hand, regarding readmission of persons in irregular situations.
- Decision No. 411 of 31 May 1996 for approval of the Agreement between the Government of Romania and the Federal Swiss Council regarding readmission of persons in irregular situations and of the Protocol for applications of the Agreement between the Government of Romania and the Federal Swiss Council regarding readmission of persons in irregular situations.
- Law No. 45 of 4 April 1997 ratifying the Agreement between Romania and Spain regarding readmission of persons in irregular situations concluded in Bucharest on 29 April 1996.
- Law No. 173 of 4 November 1997 for ratification of the Agreement between Romania and the Italian Republic regarding readmission of persons in irregular situations.
- Decision No. 869 of 3 December 1998 for approval of the Convention between the Minister of Interior in Romania and the Federal Minister of Interior in the Federal Republic of Germany with regard to the take-over of stateless persons, concluded in Bonn on 9 June 1998.
- Law No. 66 of 24 April 2000 for ratification of the Agreement between the Government of Romania and the Government of the Kingdom of Denmark regarding readmission of nationals and foreign citizens.
- Law No. 59 of 14 March 2001 for ratification of the Agreement between the Government of Romania and the Government of India regarding readmission of persons in irregular situation.

- Law No. 60 of 14 March 2001 for ratification of the Agreement between the Government of Romania and the Government of Republic of Finland regarding readmission of persons.
- Law No. 61 of 14 March 2001 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Bulgaria regarding readmission of nationals and foreign citizens.
- Law No. 80 of 20 March 2001 for ratification of the Agreement between the Government of Romania and the Government of Ireland regarding readmission of nationals and citizens of third countries, staying irregularly on the territories of their states.
- Law No. 513 of 4 October 2001 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Slovenia regarding readmission of persons who enter illegally and/or stay illegally on the territories of the relevant states.
- Law No. 642 of 16 November 2001 for ratification of the Agreement between the Government of Romania and the Government of Kingdom of Sweden regarding readmission of persons.
- Law No. 683 of 28 November 2001 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Croatia regarding readmission of nationals and foreigners.
- Law No. 134 of 21 March 2002 as well as the Protocol for application of the Agreement between the Government of Romania and the Government of the Republic of Austria regarding readmission of persons.
- Law No. 124 of 18 March 2002 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Moldova regarding readmission of foreigners.
- Law No. 230 of 23 April 2002 regarding approval of the Government Ordinance No. 12/2002 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Hungary regarding readmission of nationals and of other persons.
- Law No. 607 of 6 November 2002 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Albania regarding readmission of persons.

- Decision No. 1.183 of 24 October 2002 regarding approval of the Protocol for application of the Agreement between the Government of Romania and the Government of the Republic of Latvia regarding readmission of persons, concluded in Riga on 5 July 2002.
- Law No. 26 of 13 January 2003 for ratification of the Agreement between the Government of Romania and the Government of the Republic Latvia regarding readmission of persons.
- Law No. 69 of 11 March 2003 for ratification of the Agreement between the Government of Romania and the Government of the Kingdom of Norway regarding readmission of nationals and of foreigners.
- Law No. 128 of 11 April 2003 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Portugal regarding readmission of persons in illegal situation.
- Law No. 367 of 19 September 2003 for ratification of the Agreement between the Government of Romania and the Government of the Republic of Lebanon regarding cooperation in combating organized crime, illegal trafficking of narcotics, terrorism, and other serious crimes.
- Law No. 369 of 19 September 2003 for ratification of the Agreement between the Government of Romania and the Government of the United Kingdom of Great Britain and Northern Ireland regarding readmission of person.

### **Bilateral Labour Agreements<sup>64</sup>**

- Convention between the Government of Romania and the Government of the Federal Republic of Germany on contracting Romanian workers from enterprises located in Romania to work in Germany, signed in Bucharest, 31 July 1990, enforced through Government Ordinance (GO)167/7 March 1991, published in the Official Gazette (OG) No. 61/23 March 1991.
- Convention between the Government of Romania and the Government of the Federal Republic of Germany on training of labour force for increasing their language and professional knowledge (Convention on guest-worker personnel), signed in Bucharest, 12 May 1992, enforced through GO 402/25 July 1992, published in the OG 206/24 August 1992.

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<sup>64</sup> National Agency for Labour Force Employment

- Memorandum of Understanding between Ministry of Labour and Social Protection (now: Ministry of Labour, Family and Equal Opportunities) and Federal Office for Labour on employment of Romanian workers for a fixed term in the Federal Republic of Germany, signed in Bucharest, 13 September 1999, enforced through GO 930/9 November 1999, published in the OG 581/29 November 1999.
- Agreement between the Government of Romania and the Swiss Federal Council on exchange of stagiaires/trainees, signed on 25 November 1999, in Bern, enforced through GO 579/3 July 2000, published in the OG 319/10 July 2000.
- Agreement between the Government of Romania and the Government of the Republic of Hungary on employment of seasonal workers, signed in Budapest, 9 May 2000, enforced through GO 411/19 April 2001, published in the OG 227/4 May 2001.
- Agreement between the Government of Romania and the Government of the Republic of Hungary on exchange of stagiaires/trainees, signed in Budapest, 9 May 2000, enforced through GO 412/19 April 2001, published in the OG 230/4 May 2001.
- Agreement between the Government of Romania and the Government of the Grand Duchy of Luxembourg on exchange of stagiaires/trainees, signed in Luxembourg, 20 July 2001, enforced through GO 36/16 August 2001, published in the OG 5111/28 August 2001.
- Agreement between the Government of Romania and the Kingdom of Spain on regulating and organizing free movement of labour force among these two states, signed in Madrid, 23 January 2002, ratified through Law 464/9 July 2002, published in the OG 559/30 July 2002.
- Agreement between the Government of Romania and the Government of the Republic of France on exchange of stagiaires/trainees, signed in Paris, 20 November 2003, ratified through Law 192/2004, published in the OG 486/31 May 2004.
- Agreement between the Government of Romania and the Government of the Republic of Portugal on temporary residence for employment reasons of Romanian workers on the territory of the Portuguese Republic, signed in Lisbon, 19 July 2001, enforced through GO 35/16 August 2001, published in

the OG 511/28 August 2001, and enforced through Law 12/2002, published in the OG 101/5 February 2002. The agreement is currently inapplicable until the elaboration of an implementation procedure.

- Agreement between the Government of Romania and the Government of the Italian Republic on regulating and managing labour migration flows, signed in Rome, 12 October 2005, valid since 1 July 2006. The Protocol on the implementation of the Agreement is currently under negotiation.

### **Social Security Bilateral Agreements<sup>65</sup>**

- Decision 865/1962 on enforcing the Convention between the Government of the People's Republic of Romania and the Government of the People's Republic of Albania on cooperating on social problems/issues.
- Convention between the Government of the Socialist Republic of Romania and the Government of the Democratic and People's Republic of Algeria on social insurance, enforced through the Decree 261/9 July 1982.
- Law 295/7 July 2006 on ratifying the Agreement between Romania and the Republic of Austria on social security, signed in Bucharest on 28 October 2005.
- Law 409/9 November 2006 on ratifying the Agreement between Romania and the Republic of Bulgaria on social security, signed in Sofia on 21 November 2005.
- Law 223/23 May 2003 ratifying the Agreement between Romania and the Czech Republic on social security, signed in Bucharest on 24 September 2002.
- Agreement between the Government of the Socialist Republic of Romania and the Government of the Democratic Peoples Republic of Korea on cooperation on social insurance, 1983.
- Convention between the Government of the People's Republic of Romania and the Union of Soviet Socialist Republics on cooperation on social regulations, 1961.

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<sup>65</sup> <http://www.mmssf.ro/website/ro/AERE2.jsp>

- Convention between the Government of the Socialist Republic of Romania and the Government of the French Republic on social insurance, 1977.
- Law 406/29 December 2005 ratifying the Agreement between Romania and the Federal Republic of Germany on social security, signed in Bucharest on 8 April 2005.
- Law 63/21 April 1997 ratifying the Agreement between the Government of Romania the Government of the Hellenic Republic on permanent regulations on compensating the social insurance contributions of the Greek political refugees expatriated from Romania, signed in Athens on 23 February 1996.
- Law 298/24 October 2005 ratifying the Convention between Romania and the Grand Duchy of Luxembourg on social security, signed in Bucharest on 18 November 2004.
- Law 477/9 July 2002 ratifying the Agreement between Romania and the Kingdom of the Netherlands on transferring the social security benefits, signed in Bucharest on 13 November 2001.
- Agreement between the Government of the Socialist Republic of Romania and the Government of Peru on social insurance, 1983.
- Convention between the People's Republic of Romania and the Czechoslovak Republic on cooperation on social insurance (applicable only for the Slovak Republic), 1957.
- Law 408/9 November 2006 ratifying the Convention between Romania and Spain on social security, signed in Madrid on 24 January 2006.
- Law 551/14 October 2002 ratifying the Convention between Romania and Turkey on social security, signed in Ankara on 6 July 1999.
- Law 296/7 July 2006 ratifying the Convention between Romania and the Republic of Hungary on social security, signed in Bucharest on 20 October 2005.

### **6.3. Migration policies in place**

In light of making more effective the management of immigration and in line with the relevant EU policies, the Romanian government has adopted the

**National Strategy on Immigration 2007-2010** (enforced through Government Decision 1122/2007). The document establishes the state policy on admission, residence, labour immigration, condition for granting protection, combating irregular migration, and removal from the territory of Romania of foreigners on illegal stay. This includes regulations on return of migrants, asylum seeking and integration of foreigners.<sup>66</sup> The Decision also makes reference to the Plan of Action for 2007. Yearly plans of action are expected to follow.

### **Citizens of EU member states and of the European Economic Area**

The free movement of citizens of EU MS and of those of the European Economic Area (EEA) on the territory of Romania is regulated by **Government Ordinance 102/14.07.2005**<sup>67</sup> (enforced through Law 260/05.11.2005) and modified by **Government Ordinance 30/19.07.2006**.

### **Third-country nationals**

Concerning third-country nationals, the following legislation applies:

- 1) **Government Emergency Ordinance 194/2002** (republished and amended) on the regime of foreigners in Romania<sup>68</sup>
- 2) **Law 56/2007** amending and completing Government Emergency Ordinance 194/2002<sup>69</sup>
- 3) **Government Emergency Ordinance 55/20 June 2007** on establishing the Romanian Office for Immigration, by reshuffling the Authority for Aliens and the National Office for Refugees, as well as on the amendment and modification of several laws<sup>70</sup>
- 4) **Government Emergency Ordinance 56/20 June 2007** on working conditions for foreigners on the territory of Romania<sup>71</sup>

Non-EEA nationals are permitted to engage in employment in Romania provided that they acquire a work authorization and a working visa/residence permit. Under the new regulations (effective June 2007), work permits were replaced by work authorizations.

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<sup>66</sup> Ministry of Interior and Administrative Reform (2007) Immigration and Asylum in Romania. Year 2006. Bucharest (*Imigrația și Azilul în România. Anul 2006*)

<sup>67</sup> [http://aps.mai.gov.ro/pagini/cetateni\\_ue\\_see/OUG%20102.pdf](http://aps.mai.gov.ro/pagini/cetateni_ue_see/OUG%20102.pdf)

<sup>68</sup> [http://aps.mai.gov.ro/pagini/cetateni\\_terte/LEGEA%20194.pdf](http://aps.mai.gov.ro/pagini/cetateni_terte/LEGEA%20194.pdf)

<sup>69</sup> [http://aps.mai.gov.ro/pagini/cetateni\\_terte/LEGEA%20194.pdf](http://aps.mai.gov.ro/pagini/cetateni_terte/LEGEA%20194.pdf)

<sup>70</sup> [http://aps.mai.gov.ro/pagini/cetateni\\_terte/OUG%2055.pdf](http://aps.mai.gov.ro/pagini/cetateni_terte/OUG%2055.pdf)

<sup>71</sup> [http://aps.mai.gov.ro/pagini/cetateni\\_terte/OUG%2056.pdf](http://aps.mai.gov.ro/pagini/cetateni_terte/OUG%2056.pdf)

## Work permit and visa

- Short term employment

The general steps of the work permit application procedure are the following:

- the employer acting on behalf of the migrant worker obtains an endorsement of the Office for Immigration (until 2007, it is called the Office for Labour Force Migration and the Authority for Aliens)
- the migrant worker obtains a long-term residence visa
- the migrant worker obtains a work authorization
- the migrant worker concludes an individual labour contract with the employer
- the migrant worker obtains a temporary residence permit

Short-term business visitors are exempted from this procedure. Instead, they should apply for a short-term business visa (C/A visa). It allows the non-EAA national to enter the Romanian territory and stay (or re-enter several times) for a maximum period of 90 days. In case of workers travelling frequently to Romania for business cooperation relationships, short-stay visa with multiple entries may also be granted for 12 months. The total duration of the stay cannot, however, exceed 90 days within six months.

The following categories of migrant workers are eligible for business visas: persons travelling to Romania for economic or/and business purposes, for contracts or negotiations, to learn or to verify the use and operation of goods acquired or sold under the commercial and industrial co-operation contracts. The following documents need to be provided in person at the Romanian diplomatic mission in the migrant worker's country of residence:

- visa request form
- passport
- proof of travel or medical insurance to cover accident or hospital charges, valid for the entire period of stay in Romania
- proof of sufficient funds for the entire period of stay in Romania (at least USD 100 per day)
- reference letter issued by the sending company and by the Romanian company certifying the purpose of the trip



- Long term employment

As far as long-stay employment is concerned, the procedure is more complicated.

The prospective employer requests the endorsement from the Office for Immigration. He/she needs to provide the following documents:

- evidence regarding the performance of a legal activity on the Romanian territory
- evidence confirming the lack of any liabilities as regards taxation and social security system
- information regarding the migrant worker (professional qualifications, details of a work contract to be signed, proof of criminal record, proof of medical tests)

The endorsement is granted if two conditions are met. First, no Romanian or EEA-citizen eligible or willing to work should be available in a given position. Second, the migrant worker must fulfil all the requirements concerning professional qualifications and experience needed to perform a given duty.

Having acquired the endorsement, the employer forwards it to the migrant worker who may start the application procedure for a long-term residence visa. The following documents are needed:

- a passport whose validity does not exceed the validity term of the requested visa with at least six months
- an application form, duly completed and signed
- documents justifying the purpose and the condition of the travel, i.e., in case of employees, the endorsement of a work permit application.

Long-term residence visas are granted by the Romanian diplomatic missions and consular offices. The procedure may last up to 30 days as the application needs to be approved by the Ministry of Foreign Affairs. The migrant worker applies for a visa in the country of his/her residence. A long-term residence visa is an authorization to stay on the Romanian territory for a period of up to 90 days. If the migrant worker's employment contract is longer than 90 days, he/she can have it extended by the Office for Immigration upon registration in Romania. Depending on the type of long-term visa the migrant worker has been granted, a long-term residence visa-holder is allowed to conduct the following:

- economic activities (e.g., entrepreneurs) (D/AE)
- professional activities (e.g., doctors or nurses, provided they have their formal qualifications approved in Romania) (D/AP)
- commercial activities (e.g., shareholders or associates of companies operating in Romania) (D/AC)
- work on the basis of an individual work contract (e.g., employees of Romania-based companies or employees of foreign companies seconded to Romania) (D/AM).

Work authorizations (*Autorizatie de Munca*) are issued by the Office for Immigration with the Ministry of Labour, Family and Equal Opportunities for the following purposes:

- employment based on an individual employment contract or self-employment
- transfer of a migrant worker to Romania by his/her company.

Work authorizations are issued for a period of 12 months with a possibility of extension (successive periods of 12 months), only after a long-term residence visa for employment purposes has been issued. It is prohibited to use the work authorization issued for employment with a given employer for performing work with another employer, even if the validity term of the work authorization has not yet expired. In such a case, the application for a new work authorization should be submitted.

Certain categories of migrant workers are exempted from the work authorization obligation. These are, among others, non-EEA nationals who perform scientific, artistic, or any other categories of specific activities, on a temporary basis, in a Romanian institution, according to the competent ministry's order.

Moreover, work authorizations are not required when a non-EEA national is transferred by a foreign company (located in a World Trade Organization member country) to a branch or subsidiary located in Romania. The conditions are that both the non-Romanian parent company and the Romanian branch or subsidiary have the same object of activity and the migrant worker can demonstrate that he/she is not working for other Romanian entities. A work authorization is not required either when the migrant worker is transferred by a foreign company to a Romanian entity based on a service contract between the two companies. In both cases, a visa authorization waiver does not absolve the migrant worker from the requirement to obtain the endorsement with the Office for Immigration.

Foreign nationals can be seconded to work with a Romanian company for a maximum of 12 months within a five-year period. This limitation does not apply to non-EEA nationals who have a direct and necessary impact on ongoing projects in Romania that contribute to the economic development of Romania.

As a general rule, the precondition of obtaining a work authorization is getting a long-term residence visa, which, in turn, is only granted after the work authorization application is officially approved. Certain categories of migrants are not required to obtain a long-term residence visa in order to get a work authorization (they obtain visas on grounds of kinship). These are, among others, non-EEA nationals who have a temporary residence right for reuniting the family or non-EEA nationals who are family members of Romanians or citizens having their domicile in Romania.

After the work authorization has been issued, the migrant worker is free to sign an employment contract with his/her employer in Romania. Non-EEA nationals may only conclude contracts for a fixed-term, not exceeding the validity of a work permit. The employer is obliged to conclude the contract within ten days from the issuance of the work authorization. Then the employer registers it with the Labour Territorial Inspectorate.

### **Residence permit for third-country nationals**

Non-EEA nationals carrying a work authorization and a long-term visa are obliged to register with the Office for Immigration (within five days from arrival in Romania). Having received a passport with a visa, a work authorization, and information concerning the migrant worker's accommodation in Romania, the Office issues a temporary residence permit. If a non-EEA national's work in Romania lasts between 90 days and 12 months, he/she is issued a residence permit covering the employment term. No residence permit is required if the employment contract of the migrant worker does not exceed 90 days.

The migrant worker is eligible for a permanent residence permit only if he/she has established the domicile on the Romanian territory. Establishment of domicile is possible after the migrant worker has continuously stayed at least

- three years in case of non-EEA nationals married to Romanian citizens
- six years for other categories.

If the migrant worker's work authorization has been extended (and his/her status in Romania has not changed, e.g., by marrying a Romanian national),

he/she is eligible for a renewed temporary residence permit without any right to permanent residence status.

Non-EEA nationals holding a residence permit are eligible to apply for family reunification with the Office for Immigration. This right applies to spouses and minors, but not to married children. They need to apply for their work authorizations independently of the principal's rights.

## **Employment rights and social benefits**

All lawfully employed migrant workers in Romania are entitled to minimum labour standards according to the provisions set in the Romanian labour code. It needs to be noted here that individual labour contracts are concluded based on the parties' consent, in written form, in the Romanian language, which might pose some inconveniences or misunderstanding on the part of immigrants speaking a foreign language only. The general level of social security benefits in Romania is low. The coverage is often inadequate and patchy. These circumstances notwithstanding, non-EEA nationals residing temporarily in Romania are often ineligible for social services, public assistance, or benefits. In contrast, foreigners residing in Romania for a long time are entitled to the same benefits as the Romanian citizens, pursuant to their contribution to the pension, health, or unemployment funds. Depending on the specific benefit, one has to contribute for a certain period (e.g., 12 month in the last 24 months to be able to collect unemployment benefits).<sup>72</sup>

## **Return of Romanian migrant workers**

With regard to return policies, no concrete policies existed until recently. However, in the midst of increasing and more visible labour shortages, the Prime Minister has decided to establish in early 2007 a special inter-ministry committee, under his supervision, to draft a set of measures to encourage the return of Romanian migrant workers.

Moreover, following the public debate in Italy and the increasing awareness on crimes committed by immigrants in Italy, including some Romanian migrants, the Government has begun to pay more attention to the Romanian emigrants and the possibilities for their return. For instance, in November-December 2007, the Agency for Governmental Strategies, a body under the supervision of

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<sup>72</sup> See Ministry of Labour, Family, and Equality of Opportunities Guide for the Foreign Worker in Romania (*Ghidul Lucratorului Strain in Romania*), <http://www.mmssf.ro/website/ro/mobilitate/ghid%20lucrator%20strain%20in%20Romania.pdf>

the Prime Minister's Cabinet, has conducted a survey on the condition of Romanian emigrants in Italy.<sup>73</sup> The survey reveals that one in three emigrants in Italy plans to return permanently to Romania in the next two years. On 20 February 2008, the Government has enacted Decision No. 187, which enforces the plan of action on the return of Romanian migrant workers.<sup>74</sup> The plan includes three main measures:

- 1) establishing, maintaining, and updating databases periodically
- 2) carrying out an information campaign on the job opportunities in Romania as well as the active recruitment of Romanian migrant returnees in the home country
- 3) elaborating a system to stimulate return and professional reintegration of Romanian migrant workers by promoting circular migration

As a follow-up, a job fair was organized in Rome on 23 February 2008 jointly by the Romanian MMSSF, the Romanian Embassy in Rome, and the National Agency of Labour Force Occupation. This was the first job fair organized by the Romanian authorities abroad. The aims of this event were to facilitate the meeting of Romanian employers with would-be Romanian migrant returnees, to support the employers in identifying the needed labour force, to promote the current vacancies from Romania, and to increase the opportunities of those who work irregularly in Italy to find a decent job in Romania.<sup>75</sup> According to the MMSSF,<sup>76</sup> the event was successful (for instance, during this one-day job fair attended by approximately 1,000 individuals, there were around 7,500 job offers),<sup>77</sup> although media reports were not generally supportive of such declarations. Admittedly, it would be difficult to assess the efficiency and effectiveness of such events and policy initiatives in only a short period of time. The number of contracts concluded during or following the event is also not yet known.

A similar event is planned for the Romanian migrants in Spain on 12-13 of April 2008,<sup>78</sup> and the Minister of Labour has also vowed to organize similar events in Turin and Milan.

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<sup>73</sup> Agency for Governmental Strategies (2008) Survey on Romanian Emigrants in Italy (Press release), [http://media.hotnews.ro/media\\_server1/DOCUMENT/PDF/2008/01/17/2206204/Studiu\\_emigranti\\_Italia.pdf](http://media.hotnews.ro/media_server1/DOCUMENT/PDF/2008/01/17/2206204/Studiu_emigranti_Italia.pdf)

<sup>74</sup> Government of Romania (2008) Government Decision 187, Published in the Official Gazette No. 163, 3 March 2008.

<sup>75</sup> Ministry of Labour, Family, and Equality of Opportunities (2008) The Job fair for Romanians, Rome, 23 February 2008, [http://www.mmssf.ro/website/ro/mobilitate/bursa\\_italia.pdf](http://www.mmssf.ro/website/ro/mobilitate/bursa_italia.pdf)

<sup>76</sup> Ibid, p. 2.

<sup>77</sup> For a report on the presentation of the event in the media, visit [http://www.mmssf.ro/website/ro/mobilitate/reflectare\\_bursa\\_italia.pdf](http://www.mmssf.ro/website/ro/mobilitate/reflectare_bursa_italia.pdf)

<sup>78</sup> For details, see [http://www.mmssf.ro/website/ro/comunicate/03042008anunt\\_spania2.pdf](http://www.mmssf.ro/website/ro/comunicate/03042008anunt_spania2.pdf).

## Diasporas policy and legislation

In recent times, the Government of Romania has increased its efforts to strengthen the relationship with the diasporas. In 2006, it has initiated a **Draft Law on Supporting the Romanians Worldwide**, which regulates the rights of Romanian nationals and those with Romanian ancestry residing abroad as well as the roles of relevant institutions. The Draft Law envisages the creation of the Forum of all Romanian Communities Worldwide and the Advisory Council of Worldwide Romanians. The Law has yet to pass the Parliament vote.

The Parliament has passed in 2006 a **Law (321/2006)** on the conditions under which the migrant community organizations and activities can be financed. In 2006, the Department for Relations with Romanians Abroad/Worldwide (the Department) has financed 145 projects totalling EUR 3.2 million.<sup>79</sup>

Furthermore, the Department offers scholarships annually for graduate and post-graduate studies, research, and short-term training programmes to ethnic Romanians who established their permanent residence outside of Romania.<sup>80</sup> Moreover, the Ministry, in cooperation with the Foundation New Europe, offers five scholarships for excellence annually to Romanian citizens residing abroad or in Romania. The selected scholars must focus their research on the Romanian cultural heritage of the Romanians outside the country. In the same spirit, the Centre “Eudoxiu Hurmuzachi”, a public education institution, has been set up in 1998, under the MFA, to support young ethnic Romanians worldwide to continue their studies in Romania.<sup>81</sup>

**Article 25 of the Romanian Constitution** (republished) guarantees the right to free movement of all Romanian nationals, residing internally or abroad. The law stipulates the conditions applicable to this right. Every citizen is warranted the right to settle or reside anywhere on the territory of Romania, the right to emigrate, and to return.

**Article 7 of the Constitution** (republished) refers specifically to the Romanians abroad and reads: “The State shall support the strengthening of the links

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<sup>79</sup> Horvath, Istvan (2007) Romania. Country Profile No. 9. Focus-Migration, <http://www.focus-migration.de/Romania.2515.0.html?&L=1>

<sup>80</sup> PhD candidates and researchers who are citizens of Romania, involved in research projects focused on the statute of Romanians living abroad or any other aspects related to ethnic Romanians worldwide are exempted from this rule. They can apply for scholarship to cover their living expenses while undertaking study trainings on this field at foreign-based research institutions. See <http://www.mae.ro/index.php?unde=doc&id=32251&idlnk=1&cat=3>

<sup>81</sup> For details, see <http://www.hurmuzachi.ro/>

with the Romanians abroad and shall act accordingly for the preservation, development, and expression of their ethnic, cultural, linguistic, and religious identity under observance of the legislation of the State of whose citizens they are.”

Finally, **Law 150/1998** currently regulates the conditions for supporting the Romanian communities worldwide. In a two-page memorandum, the law describes the distribution of the budgetary funds for this purpose.

## **6.4. The scale of brain drain and labour shortages, and policies to address them**

### **Brain drain**

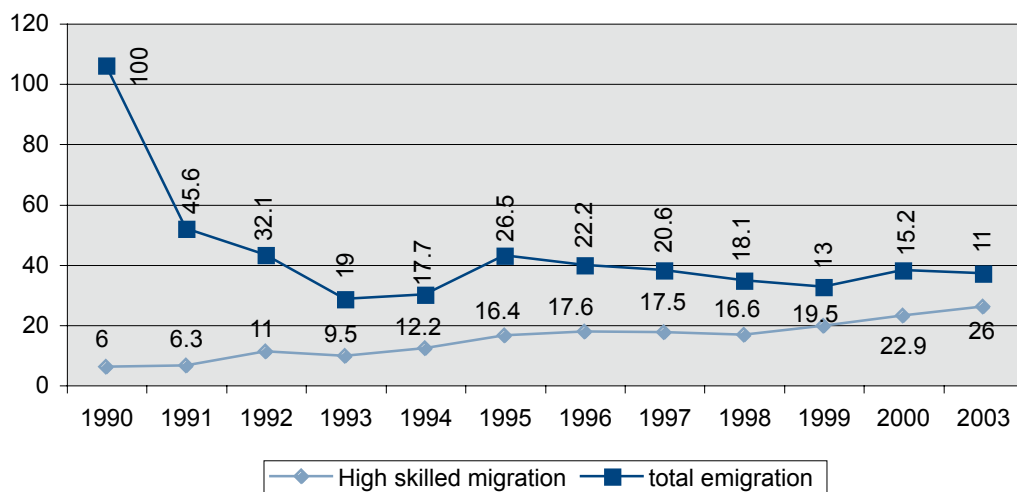
According to official records of the National Institute of Statistics, emigration rates have considerably reduced in the last 16 years. However, emigration of the highly skilled continues to climb. Official figures indicate that the percentage of university graduates leaving Romania for good rose from 6 per cent in 1990 to 26 per cent in 2003, which is double the percentage of university graduates in the total adult population (almost 10% of university graduates according to the polls’ estimation).<sup>82</sup> The trend is slightly increasing, as 26.4 per cent of those emigrating in 2005 are university graduates.<sup>83</sup>

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<sup>82</sup> National Institute of Statics data in Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania’s Accession to the EU. Country Report*. International Organization for Migration, Geneva.

<sup>83</sup> UNDP National Human Development Report – Romania (2007) *Making EU Accession Work for All. Fostering Human Development by Strengthening the Inclusiveness of the Labour Market in Romania*.

Figure 7. Evolution of emigration and highly skilled migration, 1990-2003<sup>84</sup>



However, no specific policies have been formulated for addressing brain drain. The issue itself has not been given much attention by policy makers, and research on its extent and impact is also limited. As an exception, the Government instituted in 2005 the programme, Romanian Government Special Scholarship, which is addressed to “Romanian citizens between 18 and 35 years of age, who reside in Romania and desire to study in prestigious West European and North American Universities, based on a contract through which the beneficiaries of the scholarship commit themselves to return in the country upon graduation and serve the public service in management positions for a minimum period (of) between 3 and 5 years.”<sup>85</sup> The main aim of this programme is to “sustain the modernization of public administration and to offer a viable alternative to the ‘brain drain’, by investing in the development of the intellectual capital and by creating opportunities for the Romanian youngsters to build a career in the country, in motivating circumstances that would stimulate the competitiveness and professionalism.”<sup>86</sup> No evaluation of the impact of this programme has been done or made public so far and it is difficult to estimate its impact given that the programme is only on its third year.

<sup>84</sup> Lăzăroiu, Sebastian and Monica Alexandru (2008) *Who is Coming after Who is Leaving? Labour Migration in the Context of Romania's Accession to the EU. Country Report*. International Organization for Migration, Geneva.

<sup>85</sup> <http://www.burseguvern.ro/cod/engleza/scop.php>

<sup>86</sup> Ibid.



## Labour shortages

Statistics from the National Agency for Employment show increasing labour shortages, both in high- and low-skilled jobs. However, in terms of the main positions with an important labour force deficit, most of them are for unskilled workers in packing and construction (road, highway, and bridge maintenance) as well as skilled workers in the textile industry, salesmen, locksmiths, watch guards, bricklayers, and warehouse operators.<sup>87</sup>

The construction and textile industries are particularly affected by labour shortages. A recent research by the Soros Foundation Romania<sup>88</sup> on the labour shortages faced by companies in the construction, textile, and hotel industries found that 73 per cent of the managers in the textile industry, 86 per cent in the construction industry, and 76 per cent in the hotel and restaurant industry consider labour force emigration as a factor causing their difficulty in hiring personnel. Using as an indicator for labour shortage the number of vacancies unfilled for at least two months throughout the year, the authors estimate that 17,000 jobs remained unfilled in all three domains for at least two months throughout 2007. Furthermore, two-thirds of all the managers interviewed under this research declared that in 2007, it was “difficult and very difficult” to find employees when they needed. In general, without claiming a causal relationship, the research showed that the companies facing difficulties in hiring personnel had poorer financial achievements.

Recently, the government has dedicated efforts toward luring back Romanian migrants workers, aiming also at filling in existing labour shortages (see the Return Policy part in Section 6.3).

## 6.5. Irregular migration routes and policies to address irregular migration

Romania is a source and a transit country for irregular migration. According to Horvath (2007),<sup>89</sup> irregular practices developed during the communist time as a reaction to the restricted avenues for legal migration.

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<sup>87</sup> Ministry of Interior and Administrative Reform (2007) Immigration and Asylum in Romania. Year 2006. Bucharest (*Imigrația și Azilul în România. Anul 2006*)

<sup>88</sup> Serban, Monica and Alexandru Toth (2007) Labour market and immigration, Soros Foundation, Bucharest. The research was based on a national representative sample of companies in constructions, textile, and hotel industries, with +/-4.0 per cent margin of error. The sample comprised 600 companies, with at least 10 employees.

<sup>89</sup> Horvath, Istvan (2007) Romania. Country Profile No. 9. Focus-Migration, <http://www.focus-migration.de/Romania.2515.0.html?&L=1>

## **Modus operandi and routes of irregular migration:**<sup>90</sup>

### Chinese nationals

- Legal entry on a short stay visa
- Illegal crossing of state border within the validity of their Romanian short stay visa using the route:
  - o Romania – Bulgaria / Macedonia – Greece – Italy

### Turkish citizens of Kurdish ethnic nationals

- Legal entry
- Illegal crossing of state border within the validity of their Romanian short stay visa using the route:
  - o Romania – Hungary – Austria – Germany

### Moldovan nationals

- Legal entry at the Eastern border
- Illegal exit at the Hungarian, Serbian, and Montenegro border using the following routes:
  - o Romania – Hungary – Slovakia – Czech Republic – Germany
  - o Romania – Hungary – Austria – Germany
  - o Romania – Serbia – Bosnia – Croatia – Italy

### African and Asian nationals

- Legal entry on a short stay visa, or
- Illegal entry at the Eastern or Southern border, followed by their asylum application
- Illegal exit using the following routes:
  - o Romania – Hungary – Austria – Germany
  - o Romania – Serbia – Bosnia – Croatia – Italy

### Romanian nationals

In terms of routes of irregular migration (i.e., illegal border crossings) used by Romanian citizens, the borders with Hungary and Serbia are the main exit points.

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<sup>90</sup> Futo, Peter and Michael Jandl (eds.) (2007) 2006 Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe. A Survey and Analysis of Border Management and Border Apprehension Data from 20 States. ICMPD. One should note that the listing of the specific national groups here is meant to highlight just a few groups of persons who, according to the ICMPD, have acted illegally at the green border (both entry and exit) in 2006.

## Policies to address irregular migration

The main policy issues on preventing and combating irregular migration are specified in the National Strategy on Immigration 2007-2010. The measures stipulated in the document focus on:<sup>91</sup>

- Efficient information of would-be immigrants on legal entry procedures and on the measures enforced by the Romanian authorities to combat irregular migration
- Enhancing cooperation between various domestic authorities on combating irregular migration and undocumented labour
- Enhancing the efforts and measures to expatriate foreigners that have entered the country illegally or who entered legally but their stay became irregular
- Preparations for acceding to the Schengen zone
- Enhancing cooperation by Romanian authorities with similar institutions from EU member states as well as from the countries of origin or transit of irregular migrants

At the end of 2004, two departments aimed at protecting migrants' rights were established: the Attaché's Body on Labour and Social Issues and the Department for Labour Abroad. The latter, responsible for protecting migrant workers' rights and liberties and promoting information campaigns on the risks of irregular migration, was closed after accession in an attempt to restructure services addressing migrant needs while creating a more fluid network of state departments in this field.

The Attaché's Body on Labour and Social Issues represents a new interface between the Ministry of Labour, Family, and Equal Opportunities and the destination countries, aiming at defending the rights of Romanians working abroad by providing consultancy in matters of work controversies in accordance with the laws of the respective country. Four attachés were sent at the end of 2004, to Germany, Italy, Spain, and Hungary, four major destination countries of Romanian economic migrants. This new initiative is expected to help fight irregular migration and trafficking in human beings, and particularly to ensure that the working conditions of Romanian migrants abroad are similar to those of the native citizens.

IOM awareness raising campaigns on the risks of irregular migration from Romania to the EU started as early as 2003. The first such IOM programme,

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<sup>91</sup> Ministry of Interior and Administrative Reform (2007) Immigration and Asylum in Romania. Year 2006. Bucharest (*Imigrația și Azilul în România. Anul 2006*)

Prevention of Irregular Migration from Romania to Belgium, was meant to raise awareness among the active population and the relevant authorities in Romania on the risks of irregular migration to EU member states (especially Belgium) and thus help prevent irregular migration from Romania to these destinations. In tune with Romania's steps towards accession to the EU, similar programmes were carried out in 2005 and 2006-2007. Two other programmes, financed by the UK Home Office in cooperation with the UK Foreign Office, were implemented in 2005 and 2006-2007, respectively: the Mass Information Campaign for the Prevention of Irregular Migration from Romania to the United Kingdom of Great Britain and Northern Ireland (15 January 2005 to 15 December 2005) and the Regional Information Campaign in Romania and Bulgaria "Clarifying the Myths and Realities of Immigrating to the United Kingdom" (1 October 2006 to 31 March 2007).

## **6.6. Trafficking in human being and policies to address it**

Romania is primarily a country of origin for trafficking in persons, and secondly a transit country for trafficking from the Republic of Moldova, Ukraine, and other countries of the former Soviet Union.

Out of 1,172 victims of trafficking assisted by IOM Bucharest from January 2000 through December 2006, only 47 victims (4%) were foreign citizens. All these 47 are women, originating from the Republic of Moldova. The Government Emergency Ordinance 79/2005 amending the CT Law 678/2001 (see below) stipulates the toleration of stay for foreigners suspected of being victims of trafficking in human beings. Such toleration is granted for a period of up to six months, which can be extended for another six months as needed, as well as for the duration of criminal proceedings at the request of the prosecutor. Foreign victims can also benefit from the 90-day period for recovery and reflection.

In the legal process, a number of 1,286 persons participated as claimants and 250 as witnesses in 2007. The number of convictions has increased from year to year, owing to a better inter-institutional cooperation, both national and international.

Table 17. Number of persons convicted for trafficking in persons

Year	2002	2003	2004	2005	2006	1st semester of 2007
Male	1	36	86	111	139	94
Female	0	13	17	35	48	35
Minors	0	1	2	n/a	1	2
Repeat trafficker	0	6	17	n/a	25	15
With criminal record	0	3	7	n/a	22	9

Source: National Agency against Trafficking in Persons (2007) Report on the situation of trafficking in persons in Romania. Quarterly Report for January-June 2007.<sup>92</sup>

### Authorities responsible for combating trafficking in human beings

Government Decision 1584/2005 (amended 1083/2006), enforced in May 2006, established the National Agency against Trafficking in Persons (ANITP).<sup>93</sup> This Agency, a successor of the Unit on the Prevention of Trafficking in Human Beings of the General Directorate on Combating Organized Crime is subordinated to the Ministry of Interior and Administration Reform. It has a staff of 85 persons, to be increased to 100.

The ANITP's roles are to coordinate, evaluate, and follow up at the national level the implementation of public policies regarding the protection and assistance to victims of trafficking (VoTs); and to collect and analyse data and information on identification of VoTs in order to facilitate national and international exchanges.

The ANITP implements the action plan within the framework of the National Strategy, and coordinates and follows up on the actions carried out by both government organizations and NGOs.

The ANITP comprises 15 regional centres intended to help with the identification, registration, and assistance to VoTs (Bucharest, Alba-Iulia, Bacau, Brasov, Cluj-Napoca, Constanta, Craiova, Galati, Iasi, Oradea, Pitesti, Ploiesti, Suceava, Targu-Mures, Timisoara). The eight regional centres in Bucharest, Arad, Botosani, Galati, Giurgiu, Iasi, Satu Mare, and Timisoara, can provide shelter to VoTs. Each centre has 10 accommodation units. The centres' mission is to provide legal, psychological, and social assistance to VoTs. The follow-up and the reintegration assistance take at least six months. The centres assist the victims

<sup>92</sup> Available at [http://anitp.mira.gov.ro/ro/docs/raport\\_semestrial\\_2007.pdf](http://anitp.mira.gov.ro/ro/docs/raport_semestrial_2007.pdf)

<sup>93</sup> See <http://anitp.mira.gov.ro/en/>

from the beginning of the procedure (thus the teams are often called at the border crossing checkpoints). Through this assistance and protection programme, only 3.5 per cent of the VoTs (or 12 out of 340) refused to press charges against the traffickers in the first six months of 2007 (compared to 40% in 2005).

Victims of trafficking that are minors are referred to the National Authority on the Protection of the Children's Rights (ANDPC).<sup>94</sup> At the local level, they are referred to the General Directorates of Social Action and Child Protection.

## **Legal Framework**

- Law 678/2001: Prevention and Counter-trafficking in Human Beings
- Law 682/2002: Protection of Witnesses
- Law 39/2003: Prevention and Fight against Organized Crime
- Law 211/2004: Protection of Victims of Crimes
- Law 272/2004: Protection and Promotion of Children Rights (with particular provisions against exploitation and trafficking)
- Law 302/2004: International Cooperation and Judicial Mutual Assistance on Criminal Matters

## **Secondary legislation**

- Government Emergency Ordinance 143: Provisions on Protection of Minors against Sexual Abuses
- Government Decision 299/2003: Creation of an Inter-ministerial Working Group for Coordinating and Evaluating the Actions against Trafficking in Human Beings (THB)
- Government Ordinance 123-429/2004: Establishment of the sub-group "child protection" under the inter-ministerial group mentioned above
- Government Decision 1295/2004: National Action Plan for the Prevention and Combating of Trafficking in Children
- Government Decision 1443/2004: Provisions on the Protection of the Unaccompanied Romanian Minors Living Abroad
- Government Decision 1504/2004: National Action Plan for the Prevention and Combating of Sexual Abuses and Children Exploitation
- Government Decision 1769/2004: National Action Plan for the Elimination of Child Labour Exploitation
- Government Ordinance 79/2005: Protection of Victims and Witnesses of Crimes, with special provisions on THB

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<sup>94</sup> See <http://www.copii.ro/>

- Government Decision 1584/2005: Creation of the ANITP (National Agency against Trafficking in Persons)
- Government Decision 1654/2006: 2006-2010 National Strategy (and Government Decision 1720/2006: Action Plan) against THB

Additionally, important amendments and improvements are currently being discussed on two issues:

- (1) The legal age of marriage to be identical for both males and females, i.e., set at 18 years, with no derogations whatsoever (in order to avoid “fixed” marriages, especially within the Roma communities, where young girls can be sold); and
- (2) The different treatment (and legal incrimination) of children working under parental injunction, without violence or constraint, in order for parents to accept cooperation with social services, without fearing charges

## **6.7. Refugees, asylum seekers and displaced persons, and relevant policies in place**

Since Romania signed and ratified the Geneva Convention in 1991, there have been 15,605 asylum requests.<sup>95</sup> Of these, 1,077 have been filed in 2003, 662 in 2004, 593 in 2005, and 464 in 2006. In certain cases, a claimant whose application has been turned down can submit a new application; 83 of such cases have occurred in 2006. The main countries of origin of asylum seekers in 2006 are Iraq, Somalia, China, Turkey, and Iran. Out of the total requests filed in 2006, together with unresolved requests from previous years, 464 have been processed during the administrative stage, with 272 negative decisions. A total of 53 cases have received positive decisions of which 46 were granted refugee status (11% admission rate) and 7 were placed under humanitarian protection. The remaining 139 requests have been either postponed for 2007 because of a need for further documentation on the situation of the asylum seeker or dismissed based on procedural grounds.

### **Institutional framework**

Since 2000, the National Office for Refugees with its decentralized branches under the Ministry of Interior and Administration Reform has been the respon-

<sup>95</sup> Ministry of Interior and Administrative Reform (2007) Immigration and Asylum in Romania. Year 2006. Bucharest (Imigrația și Azilul în România. Anul 2006). All the data in this paragraph are taken from this source.

sible authority for implementing the Romanian government's asylum and refugee policies. In 2007, following the EU accession and the subsequent need for an integrated immigration system, the Office has been merged with the Authority for Aliens to create the Romanian Office for Immigration (Government Emergency Ordinance 55/2007). The new Office has taken over all the prerogatives and territorial structures of the former Office for Refugees.

During the EU accession negotiations, Romania had to harmonize its legislation on immigration, including asylum and refugee norms. Romania successfully achieved this. The National Strategy on Immigration 2007-2010, enacted through Government Decision 1122/2007,<sup>96</sup> defines the general policy framework on asylum and social integration of aliens, among others. The Strategy sets the following policy guidelines on asylum:

- Providing unrestricted access to asylum seekers and allegiance to the principle of non-deportation, in line with the international standards that Romania adhered to in the conventions and treaties it has signed and ratified
- Developing the asylum system based on efficiency and quality of procedures, and adjusting the relevant policies and practices in order to prevent, deter, and punish procedural abuses
- Building the capacity of the relevant institutions to meet the obligations and responsibilities on asylum issues following EU accession
- Improving the accommodation conditions of asylum seekers and of those relating to the investigations in their countries of origin through the identification of financing avenues from the European Refugee Fund

The current legislation on asylum and refugees has the following configuration:

- Law 46/1991 on Romania's adherence to the 1951 Geneva Convention and the 1967 New York Protocol on refugees status
- Government Ordinance (GO) 44/2004 on social integration of aliens under protection in Romania, amended through GO 41/2006
- Government Decision 1483/2004 on enforcing the methodological norms for the implementation of GO 44/2004
- Law 122/2006 on Asylum in Romania, amended by Government Emergency Ordinance 55/2007
- Government Decision 1251/2006 on enforcing the methodological norm for the implementation of Law 122/2006

There are no displaced populations on the territory of Romania.

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<sup>96</sup> Available at <http://www.mmssf.ro/website/ro/legi/mobilitate/HG1122-2007.pdf>



## 6.8. Other important migration actors within the country

**Forumul Roman pentru Refugiati si Migranti (ARCA)/Romanian Forum for Refugees and Migrants** (<http://www.arca.org.ro/>)

**Consiliul National Roman pentru Refugiati(CNRR)/Romanian National Council for Refugees** (<http://www.cnrr.ro>)

**Soros Foundation Romania** (<http://www.fsd.ro>)

**Migration and Development**<sup>97</sup> is a programme initiated, financed, and implemented by the Soros Foundation Romania. The programme aims to identify the integration patterns of external migration, as well as its effects on central and local authorities' policy and to promote patterns that minimize the negative effects and maximize the positive ones. The programme was launched in 2006. Since then, it has published one of the first national researches on Romanian labour migration, "Temporary Living Abroad. Economic Migration of Romanians: 1990-2006". In March 2007, it published "Policies and Institutions in International Migration: Labour Migration from Romania 1990-2006". It has also focused its research on the social effects of migration and published a study on "Migration Effects: Children Left at Home". Towards the end of 2007, the Foundation released a research on the effects of labour migration from Romania titled "Romanian Labour Market and Immigration". The Foundation also carries out the Public Opinion Barometer or regular national surveys on various items, including migration.

The **Public Policy Centre, Cluj-Napoca** (<http://www.cenpo.ro>) is a think tank in Cluj-Napoca, Romania. The Centre implemented the research "The Developmental Effectiveness of Remittances. Case Study on Huedin Town, Romania".<sup>98</sup> Funded by the Vienna Institute for International Studies, this research utilized survey data from Huedin, a town in Romania, to empirically investigate the positive and negative developmental impacts of remittances at the community level.

The **Research Centre on Identity and Migration Issues** (<http://e-migration.ro/index.php>) was created in 2005. It is affiliated to the Faculty of Political and Communication Sciences of the University of Oradea. The members of the Centre are faculty members and master students enrolled in the MA programme "The freedom of persons in Europe".

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<sup>97</sup> See <http://www.fsd.ro/en/program.php?program=13>

<sup>98</sup> <http://www.wiiw.ac.at/balkan/files/POP.pdf>

The **Social Alternatives Association** (<http://www.alternativesociale.ro/index.php>) is an NGO created in 1997 by a group of students in their final year at the Faculty of Social Assistance of the Alexandru Ioan Cuza University in Iasi. Its declared mission is to help increase public security and protect international human rights by providing psycho-social and legal services to victims of trafficking in human beings as well as to recidivist traffickers in order to prevent backsliding.



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