

THE MIGRATION PHENOMENON FROM THE PERSPECTIVE OF ROMANIA'S ACCESSION TO THE EUROPEAN UNION

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Abstract. *This work represents a brief version of the research devoted to the migration phenomenon in the context of Romania's accession to the European Union, as Study no. 5, included in the PAIS II project.*

The complexity of such issue has necessarily induced an inter-disciplinary approach that mainly includes an institutional-legislative dimension, a sociological dimension and an economic-statistical dimension, the last one representing the paper's distinctive note, since it particularly contributes to the identification of the possible and necessary objectives of migration policies, based on the present and future realities.

1. Introduction

Within population flows, the labour force movement increased both in number and intensity.

Globalising and internationalising markets generates new migration attitudes, an increased fluidity of the regional movements, in which temporary migration phenomena have got a special importance. Tomorrow's Europe cannot be created unless an agreement regarding international migration is established, unless a common migration policy is elaborated. The awareness regarding real migration flows, their characteristics and dynamics allows defining and regulating the stability in the economical and social field. Migration can no longer be considered an instantaneous, unpredictable phenomenon, as population movements have got multiple, historic, behaviour, economical and social aspects.

Emigration is no longer important by the freedom to live and work in a different area; it represents just a variant/option for permanently/temporarily changing the residence. Furthermore, working abroad can or cannot imply the travelling to the working place. E-work can be appreciated as a form of migration on the purpose of working.

In future, migration will become a more and more appreciated source of compensating for the labour force deficit in the developed countries. The EU members, already affected by demographical ageing and who are focused on attracting young well trained and competitive labour force, will be able to diminish the effects of the demographical ageing that tend to become dramatic, and to defuse a possible social bomb (Denuve, 2002, Leger, 2002), (Fricken, Primon, Marchal, 2003).

Migration is increasingly associated to economical advantages/disadvantages. Each of

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those who are affected by migration flows will record benefits as well as losses, their dimensions and intensities depending on the quality of the incoming/outgoing flows.

Nonexclusively, the aspects that have already been mentioned change the perspective on migration. It becomes an instrument of economic and social policy out of a random and objectionable phenomenon. This implies a different attitude towards the east-west and south-north migration flows: on the one hand, an openness policy for the east-west migration in order to make up the deficit in low-skilled workforce, on the other hand increasing temporary/permanent brain drain in order to facilitate progress by means of high technology, that is high-skilled workforce.

As far as the first category is concerned, according to the dimensions of the deficit certain quantitative barriers will exist, as contingent flows by qualification and profession.

As for the second category, the competition between the recipient states will increase, for attracting staff in order to cover the high competence deficit, which represents a condition for the furtherance of the development of EU member-countries, and not only for them. But these flows will be limited on long and medium term, on the one hand because of the increased demographical ageing processes in east-European countries and on the other hand because of the labour force deficit increase in the countries of origin. In spite of all these economic gaps, the income differences between nations, between the different occupational categories will maintain their character of powerful motivation of the migration processes.

In the outlined context, this paper concentrates on the key issues of migration phenomenon in the perspective of Romania's

accession to the European Union, namely legislative-institutional framework, the social-cultural dimension and behavioural challenges, the existing and predictable quantitative and qualitative features of immigration and emigration as well as the policies required for migration management.

2. Legislative – institutional framework regarding migration

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

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

a. Legislation regarding migration in EU

For a long period of time, the right to enter and live on the territory of an EU Member State was governed by national laws drawn up by each Member State. One could enter and live on the territory of a state based on an entry visa and a residence visa, which were granted by each state. Only in 1999, EU Member States decided the formulation of a common policy regarding migration and asylum to become effective by 2004

the latest. The common policy regarding migration includes aspects such as: free movement of persons, external border control and the granting of visas, asylum, immigration and the protection of third party nationalities' rights and legal cooperation on civil matters. The common policy in the field of migration and asylum has in view the adoption of a joint position of the EU member states, towards the applications for asylum coming from persons from third party countries, as well as the control of illegal human trafficking.

b. Legislation regarding the labour market in the EU

The legislation and the regulations in the field of the labour force interest us in the context of migration in terms of two aspects: first being that of recruiting labour force from outside EU and second being the manner in which the legislation regarding the labour force in the EU may influence east-west migratory flows once the applicant countries in Central and East Europe become EU members.

The recruitment of labour from outside EU countries' border and outside the EU is the manner through which the European deficit in labour force may be covered where there is such deficit. In this sense there are regulations that have considered the recruitment of labour force from outside the EU, which encourages replacement migration¹⁾. Replacement migration in the EU focuses on two major categories of personnel: on the one hand – highly qualified personnel which are deficient in the EU countries and on the other hand the unskilled workers which are required for the replacement of the local labour force, that do

not want to perform any such works (in agriculture for example). The replacement migration through recruitment from outside the EU is not regulated at the level of the European Union, each member applying its own policy.

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

c. Legislation regarding mutual recognition of degrees and qualifications

Ensuring the free movement of persons and workers requires the recognition of the degrees and professional qualifications. The most important regulations in this sense, at the level of the EU, are a group of directives creating the premises a General System for the Recognition of Degrees and Qualifications and another group of directives regulating the recognition of qualifications of various professions²⁾.

It is being considered a new directive (a fifth directive) intended to remain the single directive, which would simplify the *acquis* established in the

¹⁾ Replacement migration refer to migration based on work force recruitment from outside the European Union for qualifications that are deficient within the Union and for jobs and qualifications that are not sought by the local people.

²⁾ Among those the main are: Directive 89/48/CEE, Directive 92/51/CEE, Directive 1999/42/CE and Directive 2001/19/CE.

previous directives. It is being considered the application of the principle of automatic recognition of degrees and degrees' recognition based on coordination of minimum training conditions. In order to facilitate degree recognition processes two information networks have been set up at the level of the EU, namely: ENIC (European Network of Information Center) and NARIC (National Academic Recognition Information Centers).

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

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

categories of foreign citizens.

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

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

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

As far as the achievement of the objectives related to the European Union accession is concerned, all requirements for closing negotiations on Chapter 24 have been met, except for aspects related to the implementation of Dublin mechanisms and the EURODAC system in Romania³⁾.

³⁾ *The Dublin mechanisms refers to a set of norms based on which it is appointed the member state responsible for processing asylum application in the situation where a person has transited more than one member states and has submitted an asylum application. Generally the state where that foreign persons has entered the European space is responsible. For such purposes, there have been established an European database with fingerprints of all persons that have illegally entered, are illegally staying or apply for asylum in the member states – EURODAC. This database prevents the submission of several asylum applications successively or concomitantly in many member states. In this situation, the respective person, being also identified based on the Dublin mechanism, is returned to the member state that have implemented for the first time the fingerprint of the respective foreign person.*

BOX NO. 1

The evolution of the legislation regarding migration in Romania (modifications, amendments, updates)

- Law regarding the aliens regime in Romania L. no. 123/2001 replaced by Emergency Government Ordinance 194/2002 approved with amendments by L. 357/2003

- Law regarding work permits L. 203/1999, amended by Government Decision 343/2000 regarding the methodology for the work permit issuance/cancellation process

- Law regarding the status and regime of refugees L. 15/1996 replaced by Government Ordinance 102/2000 regarding the status and regime of refugees in Romania, modified and amended by L. 323/2001, Ordinance 13/2002, Emergency Ordinance 76/2003 and Government Ordinance 43/2004.

Following the remarks of the European Commission, Government Ordinance 43/2004 aligns Romanian asylum legislation to the European acquis by: amending the definition of the refugee from Government Ordinance 102/2000 with the Geneva Convention definition of 1951, redefining terms for a subsidiary protection, eliminating differences in the treatment of refugees according to 1951 Geneva Convention and persons that have received a form of protection, introducing the possibility for the National Office for Refugees to defend asylum cases in court, introducing the principle of non-return ...as minimum guarantee in the procedure determining the refugee status.

Other normative acts amending the regime of refugees are: Decision 1191/2001 regarding the approval of the special program for the socio-professional integration of foreign persons that have acquired the refugee status in Romania, Ordinance 213/2002 regarding the establishment of a common procedure for the settlement of an application granting refugee status to family members of the person obtaining the refugee status in Romania, Law 75/2001 for the ratification of the European Agreement regarding the lifting of visas for refugees (STE-31), concluded at Strasbourg April 20 1959, signed by Romania on November 5 1999, Law 88/2000 for the ratification of the European Agreement regarding the transfer of responsibilities regarding refugees, adopted at Strasbourg on October 16, 1980.

As a result, the Romanian legislation is at present fully harmonized with 1951 Geneva Convention regarding the refugee status and the 1967 New York Protocol, eliminating the possibility to withdraw any form of protection for reasons of national security and public order.

Institutions involved in the management of migration in Romania. Various institutions can be involved in the monitoring and performance of the migratory phenomena, playing different roles. Taking them into account within the framework of international migration reveals that they carry out their activity at different levels, as show in table no. 1. For instance, at supra-national level, among state institutions involved in performing and monitoring migration there is the European Union, and among voluntary ones there is the International Organization for Migration.

Table nr. 1. Institutional actors involved in international migration

O = origin; D= destination

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

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

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

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

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

It has been noted that a large part of such institutions carry out their activity helping refugees and immigrants in Romania. An explanation would be that measures taken by the Romanian state have been considered insufficient in his field due to financial difficulties on one hand (Romania is itself going through a developing period) and because there is still a large difference between the legal provisions and what is in fact achieved by the Romanian state (IOM, Migration Trends, 2003). On the other hand, the low number of immigrants targeting Romania (around 200 persons per year) makes it difficult to test the legislation in the field at a large scale.

3. The social-cultural dimension of the current migration phenomenon in Romania

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

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

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

The villages’ migration potential should not be ignored either; relating to this issue Dumitru Sandu has suggested the metaphor of the “hydrographical network” (“community represents the spring of migration) and the transition from the

factorial approaches to the structural and typological ones, that makes possible to identify types of villages based on the dominant cultural profile and the experience regarding the international circulatory migration (Sandu, 2004).

Various studies have also stated a series of hypotheses regarding the selective migration flows, according to which the minority ethnical or religious groups show a higher mobility level than the one of the majority Orthodox Romanian population (Sandu, 2000, Diminescu, Lăzăroiu, 2002).

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

Up to now, the immigrant's dominant profile – a refugee, an asylum seeker, an immigrant for labour, study or business purposes – is based on men's preponderance (as it happens with the asylum seekers who have proven to be especially young men, aged between 21-30 years). Yet, when the total number of immigrants is taken into account, the gender-based structure is quite well balanced.

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

In general terms, for an immigrant the integration consists in the knowledge of the language spoken in the host country (reading, writing skills), the access to

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

As far as the particular case of Romania is concerned, given the lack of previous expertise in this field, the still low number of immigrants and refugees and the limited financial resources, it has been noticed that the services and the assistance for integration are not fully satisfactory, despite the diligence within the last years for the alignment to the international standards.

A special issue envisages the vulnerable groups, especially the non-accompanied minors, for whom a reconsideration of the interviewing procedures and an adequate training of the civil servants are necessary, since malpractice could have major traumatic effects.

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

human beings, the unaccompanied Romanian minors, the repatriated people, etc.

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

Finally, besides the integration/ reintegration on its territory, Romania must also care for certain aspects related to the integration of Romanian emigrants within the host countries. In this context the role of Romanian authorities should consist in the contribution to promoting and increasing of an accurate, objective image on the entire Romanian Diaspora, that may represent a valuable share to the enrichment of the scientific and cultural patrimony of the host countries, as well as in preserving the connection between the Diaspora and the mother- country. A special aspect refers to the support that the Romanian state must grant and that it actually grants to the large Romanian groups living outside the country's borders due to historical reasons (in the Republic of Moldova, as well as in Ukraine, Hungary, Bulgaria, Yugoslavia) who need, besides the support for the preservation of their cultural identity, support at international level, regarding the recognition of their rights within the respective countries.

The public opinion and mass-media. The Romanian public opinion perceives the migration phenomenon mainly as labour migration. A large number of people believe that migrants earn money from a paid job and only a small part of the public opinion think that they obtain money from theft and begging. Yet, the results of the opinion polls mentioned in this study reveal a wrong

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

Up to present, one cannot say that mass-media has brought its necessary contribution to the accurate rendering of external migration phenomenon, with all its aspects and to the creation of an adequate social behaviour with respect to both migration itself and the integration/ reintegration process. It has been remarked that migration is not systematically rendered and assessed, in its entire complexity, the emphasis being put on the narration of certain negative, sensational facts and less on the orientation of the migrants within an universe that makes them face numerous risk and uncertainty components, on the prevention and combating delinquency, clandestine travelling and corruption related to visa granting. To a considerable extent, the partial and sometimes wrong coverage of the migration phenomenon by mass media is the result of the shortage of specialized journalists in this field; therefore is highly recommended the organization of training courses with respect to the investigation and assessment of migration.

Our study appreciates and supports the proposals converged in various documents regarding migration (especially the IOM's) with

reference to the introduction in the academic curricula of subjects specialized on the study of the migration phenomena (labour economics, law, medicine, health policy, sociology, education sciences, etc.), as well as the creation of a national migration research center (to be set up by the Romanian Government in partnership with IOM, UNCHR and other international organizations), of some faculties or departments of inter-disciplinary studies on migration, so as to build up the necessary expertise in public policies, social assistance, human resources and migration management.

4. Brief global quantitative characterization

At worldwide level, one out of 35 persons is a migrating person (IOM, 2003a), while the annual flows comprise 5-10 million persons.

In Romania, the ratios are a lot lower, yet difficult to estimate on their whole (there are partial statistical data). If we take into account only the effective amount of coming ins /immigrants- going outs/emigrants (the final migration), during 1991-2003, it has reached the amount of almost 25 thousand persons on a yearly basis.

Total emigration rate (per 1000 inhabitants) decreased from almost 2 migrants/ 1000 inhabitants to almost 1 in 1999 and to 0.64 within the last considered year. One has noticed two stages of significant cut down: the first one during 1991-1993, when the migration have focused on the return to the native areas (Germans, Hungarians, Jewish); the second one between 2000 and 2003 (and beyond) when the final migration has lost of its importance, since the temporary migration has been favoured (this period also corresponds to the deregulation of the Romanians travelling within the Schengen territory).

The migration's contribution to the total population dynamics and to the Romanian labour potential can be highlighted by a comparative and combined analysis of the natural increase and of the migration increase.

According to the available data, during 1991-2002, 2.87 million children were born, while 3.2 million persons died. The diminishing of the total population amount by almost 330 thousand individuals was amplified by the migration flows that were negative throughout the entire period. The annual evolutions are negative and decreasing, in terms of migration increase, while they seem to be oscillating and far more significant as far as the natural increase is concerned.

The population's spatial mobility, as a factor for the adjustment of the labour market demand and for the rebalancing of the labour market on the territorial level has been rated as being a low one. Romania's population (out of tradition- inertia based reasons, but also out of financial reasons) would rather commute and/or favour the temporary circulatory migration, than transfer/changing its domicile/residence.

Within the country's territory there were almost 6.7 million persons who have changed the residence at least once in their life, while during 1992-2003 there were almost 252 thousand persons who have emigrated abroad. The annual flows were decreasing (almost 10 thousand persons on a yearly basis). The external balance (emigrants - immigrants), throughout the period, is a negative one, that is 180 thousand persons. The only exception is the year 2001, when the number of immigrants exceeded by 429 persons the number of emigrants (10350 as compared to 9921).

Thus, from the emigration viewpoint, the loss of population of less than 10 thousand persons on a yearly basis, even if it has not been

“compensated” by the immigration does not represent a significant quantitative factor influencing the dimensions of the national labour market. On the other hand, the pressure induced by such amount of emigrants on the receiving countries (and implicitly on their labour markets) is rather low, engendering long-term positive effects.

The comparative analysis of the natural and of the migrating increase (final migration) allows us to draw up the following remarks:

- The total population is reduced especially due to the negative dynamics of the natural increase, rather than to the migration increase;
- The losses accumulated on the whole period do not exceed 3% of Romania’s population, recorded at the latest census;
- From the qualitative point of view, the negative migration increase is more “expensive” to the society than the natural one, since the investment in the human capital (by education etc.) enforced until the emigration time and the pendant labour potential are cost free transferred to the destination country, thus adjusting on a long term the growth of the national economy and sustainable human development.

5. Immigration perspectives in Romania

For the time being, Romania is not confronted with major problems as far as immigrants, refugees and the people of foreign citizenship are concerned. This assertion is valid both in comparison to the developed countries, which have been and will always be the main destination of such migratory flows, but even in comparison with other countries that have been subject to similar transition processes and that have similar geo-political positions.

Unlike repatriation, that constituted the main component of the permanent legal immigration, the main motivation of illegal immigration is the intention of transit, having as destination one of the developed countries in Western Europe. But there are enough reasons to conclude that it will no longer be possible to consider the problem of Romania-heading immigration as a collateral, unimportant one:

- Romania’s accession to the European Union will end up, sooner or later, in lowering the still important gap against the developed economies, as far as living standard is concerned; but automatically the difference from the less developed countries will increase, so that this fundamental type of “push factor”, that up until now has proved to be an inhibitor factor, will definitely squeeze action;

- even in the current conditions, in recent years, only the legal part of the immigration has almost managed to equalize or to exceed (in 2001) the one of the emigration (also legal);

- the information offered by the Ministry of Administration and Interior leads to the conclusion that, in the absence of an adequate border security, the number of the permanent and/or transitory immigrants in Romania would have been much larger than the one actually registered (up to 7-8 times bigger, taking into account the number of persons returned from the frontier, cross passing illegally etc.);

- Romania will have to assume the role of eastern frontier of the European Union; it is well-known the fact that, at the world-wide level, at least from the demographical point of view, but also considering the economic distress, Asia is considered the major migratory reservoir of the 21st century, and we are connected to this continent by a green frontier, relatively easy to

penetrate, where flexible routes of legal/illegal migration, able to adapt to the changing environment, have already been established.

After the accession, an essential issue will become the way in which the community level migration policy will be synchronized. For example, the 1990 Dublin Convention, completed by the Council Regulation no. 343/2003, establishes the criteria and the mechanism of establishing the „responsible state” regarding the solving of the asylum applications handed in by the citizens of some third countries.

In conformity with these, when is proved that an asylum seeker has illegally passed the frontier to enter on the EU territory, the „responsible state” for solving his or hers application is the one on whose territory the trespassing took place⁴⁾, even if the asylum application is handed in to another member state. In this situation, the applicant is in the care of the responsible state, which is obliged to receive him once more and to grant him the necessary assistance and solve the case.

From this point of view, the main goal of the immigration policy has to be, in addition to strengthening border security, also to best adapt policy regulations in this field, both the internal ones (restrictive conditions for granting visas, bilateral and international agreements with the main source countries etc.), and the EU-level ones (harmonising EU migration policy, the negotiating certain special conditions for border countries, such as Romania, sharing the financial and logistic effort in providing security of the borders and solving of the asylum applications, the common administration of the refugees’ problem etc.), in order not to come to the situation in which Romania, as a border state, should be forced to

provide by itself a great part of the illegal immigrants afflux who try to enter the EU territory.

At present, it is appreciated that the worldwide flow of migrants varies between 5-10 million persons annually, including both the legal and the illegal parts of the migration. Only a part from the number of this flow has as destination the developed countries. In 1965, their share was of 36.5%, in 1990 of 43.4% and in 2000 40%. If we consider that these characteristics will remain the same in the future, the result is that the developed countries of the world can expect to receive further on a significant number of immigrants, comprised between 1.8-4 million of persons annually (we excluded from our calculations the share registered in 1990, because subsequently significant modifications took place in the migration regulations in the majority of the receiving countries, especially in EU, which strongly influenced both the illegal and especially the legal part of immigration).

Not all emigrants will go towards the European Union. To assess, even approximately, what their number will be, we can use two reference points:

- on one hand, as a limit that can be considered maximum, a share of 50% in the framework of the developed countries (taking into consideration that, in the total of the arrivals of foreigners in OCDE countries, EU25’ share was 45.8% in the period 1990-1994, 39.9% in the period 1995-1999, respectively 43% in 2000);

- on the other hand, as a minimum limit, the current share of Europe in the world-wide stock of migrants, which in 2000 was of 32.1%.

By combining the previous assumptions, there would result an annual afflux of immigrants (legal and illegal) in the European Union of 0.6-2 million

⁴⁾ In Germany, for example, in a period when this country provided also the role of external border for EU, the number of those apprehended when crossing illegally the frontier varied between 54,298 persons in 1993, 27,024 persons in 1996, respectively 40,201 persons in 1998.

persons, numbers that do not contradict the different national and/or international estimates in this field.

We hereunder presume that, during the next years, these Charts will not be significantly modified. Concomitantly to Romania's join to the European Union, a part of those who choose this destination will cross our country's border in order to enter EU. If, as the legal part of immigrants is concerned, it is most likely that the overwhelming majority should choose one of the economically developed member countries, the illegal part will automatically come under our country's responsibility. It is extremely difficult to estimate which will be the share or the total number of these persons, if we take into discussion either the legal immigrants, or the illegal ones. That is exactly why, for taking every possible precaution measures, we have resorted to three variants:

- the first one takes into account that the economic development gap between Romania and other member countries will still continue to exist even many years after enlargement, which leads to the idea that the EU immigrants' preference to settle down in our country will be extremely low: 1%; that is why we can consider that as a minimum variant;

- the second one resorts to the demographical criterion, presuming that the newcomers are uniformly distributed between the member countries, correspondently to the share of each one in the total population of EU; according to this reasoning (in fact enough simplistic and easy to contradict), Romania should house approximately 4.4% of the EU immigrants;

- the third variant gives a greater importance to the illegal immigration and to the position that Romania has within a widened Union, namely the one of external border; the fact that the terrestrial

border is easier to be crossed is also taken into account; furthermore, in comparison with other countries from the eastern extremity (the Baltic countries), Romania is closer to the central core of the richer member countries; for obtaining a maximum limit of the possible evaluations, even with the risk of being accused of "catastrophic" exaggerations, we shall also resort to this variant, considering that 10% of the immigrants will enter EU by crossing Romania's border.

A wide range of possibilities (no less than 24 variants) result from grouping the last three assumptions with the previous evaluations regarding the annual Charts of EU immigration. The lower limit, resulted under the most restrictive/non stimulating terms/factors of immigration, reaches an annual number of immigrants of 5.9 thousand persons, a bit less than the actual reports of the year 2002. But the upper limit of 200,000 persons annually (obtained, we emphasise once more, on the grounds of some extremely permissive assumptions and leaving aside the other limitative factors) exceeds to a large extent the amount that Romania is prepared to and/or accustomed to administrate in the migration field.

From the total of 24 variants, 21 exceed the annual amount of 10,000 persons, and 17 present values bigger than 20,000. In five cases, the annual immigration in Romania exceeds 100,000 persons and in 12 situations it comprises between 20,000-100,000 persons. The average of all 24 variants is of 60.5 thousand immigrants per year.

Even if Romania will absorb only 1% of the total EU-heading immigration, it is still possible to be forced to deal with an afflux of persons much bigger than the one we have been confronted with until now: triple, by comparison with the year 2002, respectively double, by comparison with

the years 2000 or 2001. The variants that may be characterised as moderate forecast a yearly contingent of immigrants amounting to a number of 25,000-60,000 persons. Considering that the immigrants' flow will change not only in number but also in its structure, showing, unlike the last decade, an increased share of asylum applicants, if all of the latter ones were granted the non reimbursable aid provided by Ordinance 102/2000, the financial effort of the Romanian state (having in view the current level of the national minimum wage) would amount to EUR 10.5 – 37.8 million annually.

Romania will have to put in force a complex immigration management system, providing, inclusively or totally from its own funds, means of accommodation and of subsistence, social and economical integration services etc. Only the financial effort that is implied by the interim housing of the refugees and of the asylum applicants until their claims are solved – that represents just a small part of the total expenses occasioned by the administration of this process – can reach significant⁵⁾ values. This kind of situation must be prepared in advance, especially because, unlike emigration, where losses/returns are measured mainly in terms of comparative costs (which would be the gain/loss of the country following permanent/temporary emigration, how much the state loses in terms of returns in human capital investment etc.), immigration implies foremost financial costs that are immediate, concrete, that can not be relieved⁶⁾.

6. Main tendencies and implications of emigration

Emigration during the transition period had an oscillating evolution with a tendency of progressively reducing the total numbers. The general tendency was that of converting from migration on ethnic reasons with certain origin and destination concentration centres, to a more motivationally diverse migration, of a larger distribution on territory, associated with the destination preferences changing as well.

Thus, from the emigration viewpoint, the loss of population of less than 10 thousand persons on a yearly basis, even if it has not been "compensated" by the immigration does not represent a significant quantitative factor influencing the dimensions of the national labour market. On the other hand, the pressure induced by emigrants on the receiving countries (labour markets) is rather low, engendering long-term positive effects. The number of emigrants is decreasing, while the number of immigrants is increasing. Total emigration rate (per 1000 inhabitants) decreased from almost 2 migrants/1000 inhabitants at the beginning of transition to almost 1 in 1999 and to 0.64 in 2003. After 2000 the final migration has lost of its importance, since the temporary migration has been favoured (deregulation of the Romanians travelling within the Schengen territory). Romania's population (out of tradition- inertia based reasons, but also out of financial reasons) would rather commute and/or favour the temporary circulatory migration, than

⁵⁾ In Greece for example, in one of the housing centres, the daily cost that reverts to an assisted person was in 1999 of approximately 9 EUR; considering that nowadays the minimum salary in Romania is not bigger than 2.9 EUR for a normal working day, it became obvious that our country will not afford to allot to these objectives – only through its own effort – comparable founds, especially in the conditions of a growing immigration.

⁶⁾ Also as an example, in 1999, Finland spent for 3106 asylum seekers and refugees more than 33 millions EUR, meaning almost 10,000 EUR annually per one assisted person. At a unitary cost even ten times lower, in Romania would also result total amounts that cannot be neglected, by comparison with the national budget possibilities. If only 10% of the immigrants estimated on our calculation entered in the category of those who claim for assistance, the expenses could come to 0.6-20 millions EUR, the medium variant having a correspondent sum of 6 millions EUR annually.

transfer/changing its domicile/residence.

A hierarchy of the counties of departure according to the number of the emigrated persons during 2002 allows us to make the following remarks:

- Bucharest is the main source of emigration: 17.3% from the total emigrants,
- Brașov, Timiș, Cluj and Mureș have provided, each of them, approximately 6 % of the total emigration, Suceava , Sibiu, Bihor 4% each and Neamț, Satu Mare and Arad approximately 3 %, the rest of the counties having lower contributions.
- From the total number of emigrants, the Jews represented 0.3%, the Germans 0.8% and the Hungarians almost 6%. The departure areas of the ethnic population are: Bucharest, Cluj, Iași and Botoșani for Jews; Cluj, Timiș, Arad, Brașov and Sibiu for Germans; Cluj, Mureș and Harghita for Hungarians.
- There is no direct and intense connection between the number of emigrants and the unemployment rate. For example, in 2003 comparatively to the previous year the first five counties with a ratio of emigrants of over 5% of the total recorded a decrease in the unemployment rate (Bucharest, Timiș, Cluj, Sibiu, Brașov). Out of the emigrants of 2003, 41.65% departed from these areas, and the number of the unemployed at the end of the year accounted for 14.65% from the total.

The favoured destinations have changed too. During the first years the most important flows headed for Germany (about half of them), Hungary and Austria (approximately 10%), whereas in 2002-2003 the preferred destinations were USA, Italy, Germany and Canada, with

approximately 15-18% each

During 2002-2003, most of the Romanian citizens who emigrated in the EU area established their domicile in Italy (4233 persons) and Germany (3646). Less than 1000 people emigrated to Austria and France and a little over 100 people emigrated to Greece and Sweden. (I.A.M., 2004).

A reorientation of the flows can be noticed on large geographical areas, from Western Europe (EU area) at the beginning of the 90s to Northern America. In 1990-1995 over 60% of the emigrants choose as their destination a EU member state and only 15-17% of them left for America. Starting with 1996 the ratio of those who headed for Europe progressively reduced and the flow towards America grows significantly, the tendency being that of equalizing ratios. Approximately 40% still prefer the EU areas and almost 35% head for Canada and USA.

Quality features of the emigrant population.

According to *age groups*, those who tend to leave are the people with the biggest opportunities of professional affirmation:

- A significant and increasing ratio of the 26-40 year old emigrants, (51% in 2003), already trained persons, with the highest working and innovation potential, who are the most adaptable and the most mobile.
- graduates or attending their last school year , with certain perspectives and labour and creative potential (13.4% in 2003).
- 11% of the emigrants are between 41 and 50 years old and that they represent an active labour force, whose productive potential can be still used.

While in the case of Romania emigrants represent a net loss, as a proof of the still reduced capacity of the economy and of the society to

generate proper labour and remuneration opportunities, they are for the destination countries labour force that can accomplish high performances, a competitive labour force for the periods to come.

From the professional groups related to which statistic data exists, especially after 1995 the group of engineers and architects is registering increasing values, (12-13% in 2003), teachers and economists, (3-5%), technicians, doctors, chemists (2-3%). Compared to the 1995-1999 period, the ratio of the emigrant artists has been reduced to half (0.5-0.6% in 2002-2003).

The fact that emigration at the present moment is more influenced by criteria of professional affirmation and more advantageous incomes, that the brain drain phenomena are valid for the flows with increased research potential countries has been confirmed by the most recent evolutions. Thus, at the level of 2002, most emigrants that went to Canada and USA were university graduates and the preponderant age group was that of 30-34 years old. Regarding the people who left for Germany, although they were mostly secondary- school graduates, their age varied on average between 25-29 years old, fact that can be categorized as emigration with the aim of accomplishing school education and/or with the aim of employment in high qualification domains (computer science etc), in which case younger ages can be noticed.

Migration for work has got a temporary character, its duration varying within large limits (from a few weeks/months to a few years) and it does not imply the permanent change of residence.

Those who are part of the legal and/or contingent migration movement are usually part of three big labour force categories:

- a) *highly qualified* labour force with *competences validated in top domains of science and technology*, as well as in certain services, like education and health.
- b) labour force with a medium level of qualification and specialisation, as:
 - *constructors* - labour force category with a long tradition in working abroad, highly appreciated on western labour markets (Germany, Israel);
 - the *para-medical personnel* (nurses), (Italy, USA, Canada, Switzerland etc);
 - personnel in hotel and restaurant industry;
- c) *unqualified or semi-qualified* labour force for agricultural activities (during harvesting periods), in sanitation, constructions, etc. (Spain, Portugal, Greece).

In the relation with the EU member states, the number of persons for which labour contracts are intermediated and the domains are different from one year to another depending on the demand on the labour market from the destination country. The labour contracts by gender are also variable depending on the activity domain and respectively on the requested professions.

In 2003, 43,189 persons were placed for labour abroad on the basis of bilateral agreements, recording a significant increase in comparison with 2002 (Germany, Spain, Switzerland, Hungary, Luxembourg, e.g. in agriculture, constructions, hotels, restaurants and tourism, the medical and social assistance -nurses and assistants for the elderly).

Young persons are preferred, with good working capacity, motivated by the income they can earn, more easily adaptable to new cultural patterns, civilization standards etc. Therefore, almost half of the persons who have worked/work

in Germany in the last two years are included in the age group 26 – 35, less than a fourth the persons from the age group of up to 25 years and between 36 – 45 years and merely 7% - 8% are more than 45 years old. In Spain and Switzerland younger persons are by far more numerous, of ages between 26 – 35.

There is also a very powerful migrating movement for uncontrolled labour, both in the country of origin (Romania) and in the destination country. An important part of these people work temporarily, for unspecified periods of time, more often without legal documents, on the black labour market of the destination country. The working and living conditions granted and accepted are not the best, they are by far inferior to those granted to the local labour force. Firms accept this method of employment because of the reduced labour costs while the contribution of these employees to the increase of competitiveness within the firm is a significant one.

The *accentuated annual variability* does not allow a correct estimation of the outgoing flows for working purposes. Because of the uncertainty of a labour agreement abroad, those who want to work there choose an alternative solution: they either seek for jobs on the labour market in Romania until contract possibilities occur, or they try to find a job abroad by their own (even by going to the destination country or remaining there after the expiration of the previous contracts). *As a tendency during the last years, a more reduced annual oscillation and a relative stabilization of the labour force contingent were registered, at approximately 20-27 thousands persons per year.*

As far as the *tendency of temporary migration* is concerned the following remarks are necessary:

- especially in the last years, in most of the

cases, as a rule, *the Romanian supply of human capital exceeds the demand of the foreign employers*, the pre-selection, the selection and the employment becoming more and more severe and even discriminatory;

- the demand of activities that require labour force with medium qualification is predominant, or even labour force with *lower qualification/ semi-qualification*, but with great working power, generally young people and workers who are no older than 40.

The liberties granted to the labour force after 1990, the intensification of regulating the labour abroad activity through bilateral agreement *did not generate massive movements from the Romanian labour market to the labour market of the EU countries*. Contrary to the warning and the fear of many of the authorities from EU countries or even of Romania, “the exodus, the explosion” of the labour migration did not take place and such an amplitude of the phenomenon cannot be expected. The Romanian specialists assess that even if the labour supply abroad is relatively high, from the quantitative and qualitative point of view, the contracts that will be concluded depend on the situation of the labour markets from the destination countries and not on the desire of the Romanian workers. An increase of the number of the Romanian workers who work abroad after accession is expected, but only to the extent to which the member states will promote a policy of openness.

Remittances – a form of partial “recovery” of the possible losses caused by outgoing migration. The analysis of the money transfer balance, respectively of the ratio ingoing/outgoing amounts, has led to following remarks:

- In the case of the incomes from work – additional contracts monitored by the

authorized institutions-, the ingoing flows, respectively the transferred sums from abroad in Romania are prevalent. These are superior to those of outgoing, the biggest difference being registered in 2002 when 146 mil. \$ USA went in and only 6 mil went out by this way.

- In the case of other money transfers – that we consider that comprise in the most part Romanian residents' incomes from working abroad-, the balance is also positive, and the ratio ingoing/outgoing is 5-6 times lower, respectively in 2002, 1228 mil. \$ USA in comparison with 227 mil., and in 2003, 1419 mil. exits in contrast with 240 mil.
- The ratio between the ingoing flows from money transfers and those from work is flatly in the favour of the first category. But the authors consider that in reality, the money flows from work directed towards the beneficiaries from Romania, via the banking system or especially outside of it, are clearly superior to other incomes categories – from donations, inheritances, etc.

In conclusion, *the ingoing currency amounts by remittances have seriously increased in the last years. The transfers from private sources are predominant.* After 1999, the incomes transfers from work are maintained to a reduced value, partially because of the fiscal policy, especially global income taxation.

Even in the conditions in which, through remittances, the current losses resulted from working abroad would be monetarily recovered, the balance of these labour relations would be on medium and long term negative for the country of origin owing to the following reasons:

- the investment in human capital made by the initial educational system and, eventually by

the subsequent one (CVT) in the working process is (partially) lost;

- the competitive advantages to export is more reduced both as higher costs (less productivity of the remained one) and as the incorporated technical progress (inventiveness etc.) that is relatively more reduced.

Recent estimates appreciate the remittances around 1.5 –2 thousand millions Euro annually. The illegal transfers are comparable with the legal ones. *The development potential of these sources is huge, and provided the necessary instruments for the stimulation of the banking system for transfer, for long term disposals and/or for productive investments will be made, important positive consequences for the national economy can arise:* the monetary flow increasing, the payment balance improvement and the currency reserve rising, the money cost and the interest rate are reducing, the life standard of the consumers/households and implicitly the internal demand or goods and services increasing.

7. Concluding remarks

Migration represents *an ever more important element* of the contemporary society, a factor stimulating market globalization and an instrument for adjusting balances on regional/local labour market. *Labour migration (associated or not with territorial mobility) now represents the most dynamic form of movement of persons (active potential).*

Apart from the economic, social, demographic implications, migration phenomenon in the perspective of Romania's accession to the EU brings about specific requirements regarding the establishment of a new legal and institutional

framework for migration management. Our study has demonstrated that as migration mechanisms Romania - EU change, legislation gets rapidly in line with the *acquis communautaire*, whereas its implementation via involved institutions is slower, but progressive.

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

The elaboration and adoption of laws, the creation of institutions, the development of corresponding strategies and policies represent major components of this process, but their success cannot be separated from the manner in which the involved actors –governmental institutions, non-governmental organizations, mass-media, communities, individuals – respond to the so-called “behavioural challenges”, related to participation, communication, mentalities and attitudes. Relating to this issue, the accurate understanding of the social-cultural dimension and of its implications on the migration management policies implies the reference to the multiple sides of this phenomenon, so as to provide answers to a series of key questions, such as: which is the migrant's profile, how are the migration flows – emigration, immigration – perceived in Romania and in the destination/ origin country, how is the integration of migrants carried on, what is the attitude towards the return oriented migration, especially in the case of certain special categories, etc.

In another register, a global quantitative characterization shows that the annual evolutions are negative and decreasing in terms of migration increase, while they seem to be oscillating and far more significant as far as the natural increase is concerned. In general terms migration increase accentuates the population decrease, leading to demographic ageing. Natural decrease – of approx. 330 thousand people in 1991 – 2002 was amplified by the negative migration flows (emigrants – immigrants = approx. 180 thousand people in the same period).

As regards the two distinct components – emigration and immigration, they have recorded specific changes, both in quantitative and qualitative terms.

Thus, unlike emigration, which, despite restrictions by means of political constraint, had manifested during the previous regime as well, for the first time we can talk about immigration in Romania after 1990. If, in the case of legal permanent migration, the main component consisted in repatriations, the major reason of illegal immigration remains that of transit, heading for one of the developed countries of Western Europe.

In the last decade, Romania has become a much more interesting destination (for business purposes, studies, and other reasons) for foreign citizens, and *Romania's features as immigration country are more and more clearly defined.*

In the future, and especially after the accession date, the level and dynamics of immigration in Romania will depend on domestic factors to a much lower extent (the national migration regulatory framework, state policy in the field, the evolution of the Romanian economy and Romanian society on the whole etc.), while external factors will have a significant role. In other words, immigration in Romania can be

estimated and explained only if we are considering the regional migratory phenomena, at EU level, Europe as a whole and even at the worldwide level.

Under the new circumstances Romania will have to put in force a *complex immigration management system*, providing, inclusively or totally from its own funds, means of accommodation and of subsistence, social and economical integration services etc. This kind of situation must be prepared in advance, especially because, unlike emigration, where losses/returns are measured mainly in terms of comparative costs, immigration implies foremost *financial costs that are immediate, concrete that cannot be reprieved*.

Emigration during the transition period had an oscillating evolution with a tendency of progressively reducing the total number. The reasons for migration were different, as well as the territorial distribution of the main flows. The general tendency was that of converting from migration on ethnic reasons with certain origin and destination concentration centres, to a more motivationally diverse migration, of a larger distribution on territory, associated with the destination preferences changing as well.

The assessment of the perspectives in the evolution of population flows from Romanian

heading for the EU is differentiated according to the period we are referring to, that is the pre-accession period, the post-accession but control period (maximum 7 years) and the free movement of the labour force, after 2014.

An increase in the number of the Romanian workers who work abroad after accession is expected, but only to the extent to which the member states will promote a policy of openness (bilateral agreements for 5-7 years for work abroad). Special attention will have to be paid to the social protection of Romanian labour force working abroad accompanied by a decreasing dimension of illegal labour migration.

For external migration from Romania to represent a stimulating factor of the national economy development is necessary for the policies in the field to find an area of balance between the employment on the national market and labour migration taking into account the costs, the benefits and the risks, as well as national and EU interests.

In a wider context, the idea that, "based on careful thinking and proper management, the national migration policy may become a major catalyst, able to enhance a new economic prosperity in Romania" (IOM, 2004) has got an important support.

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