

MIGRATION EFFECTS OF ROMANIA'S ACCESSION TO THE EU: THE CASE OF MOLDOVA

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Abstract. *The paper aims to assess the main migration effects upon Romania following its accession to the EU, with a special focus on Moldova as Romania's immediate neighbour and ENP partner state at the EU Eastern border. It relies on key findings drawn from current literature in the field, statistics provided by the Ministry of Interior and Administrative Reform of Romania, and personal interviews of the author with relevant authorities and experts both in Romania and Moldova. The paper surveys the major source areas and countries for irregular migration affecting Romania, the methods and routes used in irregular migration, various aspects of Romania's visa policy towards Moldova, the main features of the process of regaining Romanian citizenship by Moldovan nationals and the most important characteristics of migration from Moldova to Romania. The paper also introduces a number of recommendations on regulating labour migration, combating irregular migration and organized crime, control procedures at border checkpoints, visa policy, and dissemination of information, whose aim is to help improve the migration policies of Romania, Moldova, and Ukraine as well as their cooperation from a cross-border perspective.*

Keywords: *irregular migration, labour migration, circular migration, visa policy*

Major source areas and countries for irregular migration affecting Romania

Located in South-Eastern Europe, Romania is both a transit country and, to a much lesser extent, a destination country for migrants. For majority of migrants, Romania is just an intermediate step on the way to Western Europe.

In order to forego mandatory visa application process, many foreign citizens enter Romania illegally. Lower-income persons have used falsified documents in order to obtain travel documents or the authorization for stay in Romania as

a transit or destination country. Others have crossed Romanian borders illegally, with the help of escorts or by hiding in transportation.

In order to save the effort of crossing several countries and to speed up illegal entry in the Schengen zone, migrants apply for the refugee status in Romania. After staying for some time in Romania, they travel further to the West, aiming to reach mainly Spain, Italy, and Germany. The EU has asked repeatedly for a common European asylum policy that would discourage the practice of "shopping in search for asylum". Under this practice

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the same individual files multiple asylum applications in various EU member states hoping that complicated and sometimes contradictory regulations for processing the asylum applications will augment her/his chances of success. In Romania, before EU accession, the number of applicants for refugee status has continually decreased from 544 in 2004 to 485 in 2005 and to 381 in 2006.

The incidence of illegal crossing of Romanian borders increased from 2004 to 2005 and then significantly decreased from 2005 to 2006. The most sought-after borders for entering Romania were those in the East and South. Legal crossings prevailed at the Southern border. By contrast, many border crossings at the Eastern border were illegal, probably, due to the involvement in these activities of organized criminal groups from the Russian Federation and other CIS countries. Although in 2004 there were no registered illegal crossings by foreign citizens at the northern border, from 2005 to 2006 the number of such almost quadrupled.

Major source regions and countries for irregular migration to or through Romania include:

- Middle East: Iraq, Iran, Syria, Lebanon, Jordan, Palestine, Yemen, Kuwait, Israel, Egypt, and Turkey;
- East Asia: China;
- Far East (South Asia): India, Pakistan, Bangladesh, Nepal, and Sri Lanka;
- Africa: Somalia, Nigeria, Angola, Algeria, Burkina Faso, Ivory Coast, Burundi, Congo, Democratic Republic of Congo (Zaire), Cameroon, Djibouti, Eritrea, Ethiopia, Guinea, Libya, Liberia, Morocco, Rwanda, Senegal, Sierra Leone, Sudan, Tunisia, Togo, Mauritania, Zimbabwe, and Malawi.

Other sources of immigrants seeking asylum in Romania are:

- The former Soviet area: Moldova, Ukraine, Georgia, Armenia, Belarus, Kazakhstan, Uzbekistan, and the Russian Federation;
- South Eastern Europe: Bosnia and Herzegovina, Serbia, Montenegro, Former Yugoslav Republic of Macedonia (FYROM), Albania, Bulgaria, Greece, and Italy;
- Central America: Cuba;
- South America: Bolivia, Colombia, Peru, and Venezuela;
- North America: USA.

Further analyzing the source regions and countries for irregular migration to Romania, whereby migrants apply for the refugee status, during three consecutive years (2004-2006), one reaches the following conclusions:

- In the top three of ex-Soviet countries, Georgia takes the first place, followed by the Republic of Moldova;
- Iraq leads in the top three Middle Eastern countries of origin, with a peak in 2005, followed by Turkey at a considerable distance;
- Among East Asian countries, China registered the biggest number of asylum seekers, with a peak in 2004;
- Although in 2004 the leading source countries among the Far East (South Asian) countries were India, Pakistan, and Bangladesh, these states have registered a downward trend in the two following years;
- Asylum seekers from the South Eastern European countries are rather sporadic, and asylum applications of persons from Bulgaria, Bosnia and Herzegovina, FYROM, and Greece were registered only in 2006;
- Somalia leads the top of the African countries, with a peak in the

number of asylum seekers in 2006, followed by Nigeria and Liberia, with peaks in the number of asylum seekers in 2005;

- There were only a limited number of asylum seekers originating from the Americas, due to factors such as distance, the well-developed economy of North America, and the availability of other, more promising, immigration options.

The comparative analysis of statistical data from 2004 – 2006 on the countries of origin of asylum seekers in Romania reveals the following:

- Iraq is the number one country of origin in 2005 and 2006;
- China, which was the leading country of origin in 2004, was in the third place in 2005 and 2006;
- Somalia was in the second place in 2006, as compared with the fifth place in 2004 and the eighth place in 2005;
- The Republic of Moldova occupied the eleventh place in 2004 and 2006 but was no longer in the top 11 countries in 2005;
- India, Nigeria, Liberia and Bangladesh were among the top 11 countries of origin in 2004 and 2005, but

in 2006, there were no asylum seekers from these countries.

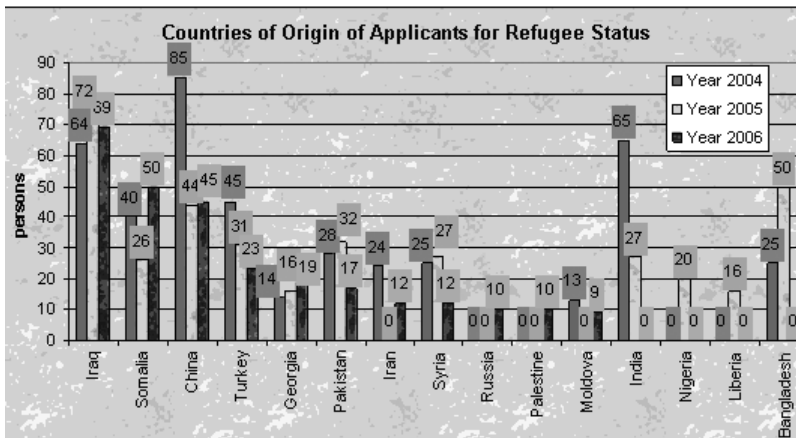
All in all, the states generating the majority of migrants to Romania are Iraq, Bangladesh, China, Pakistan, Syria, Somalia, and Turkey.

Methods and routes used in irregular migration

Irregular migrants to Romania commit illegal border crossings through the green border or border checkpoints and attempt to cross the border illegally by using forged passports and visas or hiding in transportation.

At present, the main routes for irregular migration through Romania are:

- The Asiatic Route: Republic of Moldova-Romania-Hungary-Austria-Western Europe;
- The African Route: Citizens of countries with high emigration rates, for instance Somalia, reach Romania by plane and target Western Europe;
- The Kurdish Route: Turkey (mainly Kurdish regions) - Bulgaria - Romania - Austria - Germany - The Netherlands or, as a variant, Turkey (mainly Kurdish regions)- Bulgaria -



Source: Ministry of Interior and Administrative Reform of Romania

Romania - Serbia - Italy/Spain.

In addition to these three main routes, there are five secondary routes:

- China - Russian Federation - Romania - Western European countries;
- Iraq-Turkey - Romania - Western European countries;
- India -- Republic of Moldova-Romania-Western European countries;
- Romania - France - Spain - UK;
- Republic of Moldova/Ukraine-Romania-Western European countries.

According to a study issued by the Romanian Border Police in 2007, there are certain particularities regarding the methods and routes of various irregular migrants.

For example, the *modus operandi* of migrating Chinese citizens is characterized by:

1. Legal entry through the “Henry Coanda” airport border checkpoints upon presentation of valid temporary stay visas;

2. Illegal crossing through the green border during a legal stay by the following routes:

- Romania-Bulgaria/FYROM - Greece - Italy;
- Romania - Serbia - Bosnia - Croatia-Italy/Germany;
- Romania - Hungary - Austria - Germany.

Typically, the *modus operandi* of ethnic Kurdish migrants from Turkey entails:

1. Legal entry upon presentation of temporary stay visas through the “Henry Coanda” airport border checkpoints or border checkpoints in Southern Romania;

2. Illegal departure through the green border during a legal stay along Romania-Hungary-Austria-Germany route.

Persons of Afro-Asiatic origin undertake the following:

1. Enter legally upon furnishing temporary visas through the “Henry Coanda” airport border checkpoints;

2. Enter illegally through the green border in the East or South and claim refugee status;

3. Illegally depart through the green border by the following routes:

- Romania-Hungary-Austria-Germany;
- Romania-Serbia-Bosnia-Croatia-Italy.

The *modus operandi* of Moldovan citizens sets itself apart by the following characteristics:

1. Legal entry only through the checkpoints for the international traffic at Romania’s Eastern border;

2. Illegal departure through the green border between Romania and Hungary or Romania and Serbia or through border checkpoints hiding in transportation or by presenting falsified passports and visas. The following routes are used by migrants:

- Romania - Hungary - Slovakia - Czech Republic - Germany;
- Romania - Hungary - Austria - Germany;
- Romania - Serbia - Bosnia - Croatia - Italy.

Migration effects of Romania’s accession to the EU

Following the latest EU enlargement, the EU external borders with Serbia, FYROM, Ukraine, and Turkey became more extended. A new external border now stretches to Moldova, and the Black Sea border makes the Southern Caucasus countries close neighbours. When the new Member States join the

Schengen zone, land borders inside the EU will likewise change. Changes in the EU borders trigger changes in migratory routes, the abandonment of the existing routes and emergence of new ones. New routes appear when the increased security by the enforcement agencies tackling illegal immigration and organized crime eliminates previous routes. In addition, in recent years migratory flows have increasingly diversified, and new migratory flows are emerging alongside the traditional and relatively long-standing ones. In this context, migration is more difficult to manage and the EU Member States seek for solutions by conducting cross-border dialogues and cooperation with and within the partner regions.

The EU enlargement process is reshaping the European migration space. According to some evaluations, between 60 and 70 percent of irregular migrants are reaching Western Europe through Ukraine. Since Ukraine's Western border has become much harder to cross after Romania's accession to the EU, and its Eastern and Northern borders are still more or less "porous", a great number of irregular migrants are likely to stay in Ukraine and Moldova. Since the economic situation in the countries of origin of irregular immigrants bears little signs of significant improvement, trafficking, organized crime, and irregular immigration are likely to remain a major security concern for Moldova, Ukraine, Romania, and the EU at large.

The main consequences of Romania's accession to the EU for migration include:

1. Increase in the number of irregular migrants along the Moldova-

Ukraine-Slovakia-Austria-Italy route.

2. Augmentation of migratory waves from the ex-Soviet region, especially from Georgia, Moldova, Azerbaijan, and Kazakhstan.

3. Development of networks of Romanian identification counterfeiters. A case in point is the one based at Chişinău airport with branches in Budapest and Frankfurt am Main. This network was discovered and destroyed by the Moldovan police.

4. Increase of migratory flows from Asia, especially from China, as Asiatic migrants seek new routes to the EU via Africa, the Mediterranean, and the Atlantic.

5. Inclusion of Romania and Bulgaria in the East Mediterranean route. Key transit and destination countries of this route are Cyprus and Malta. Already up to 120,000 migrants cross the Mediterranean Sea and enter the EU illegally each year, in spite of the EU's FRONTEX operation.

Partially, these trends have been confirmed by data on migrants provided by the Ministry of Interior and Administrative Reform of Romania. In the first quarter of 2007 the number of migrants in Romania having as their countries of origin Moldova, Turkey and China grew by 4 percent reaching 23,577 persons, i.e. 44 percent of the total foreigners residing in Romania.

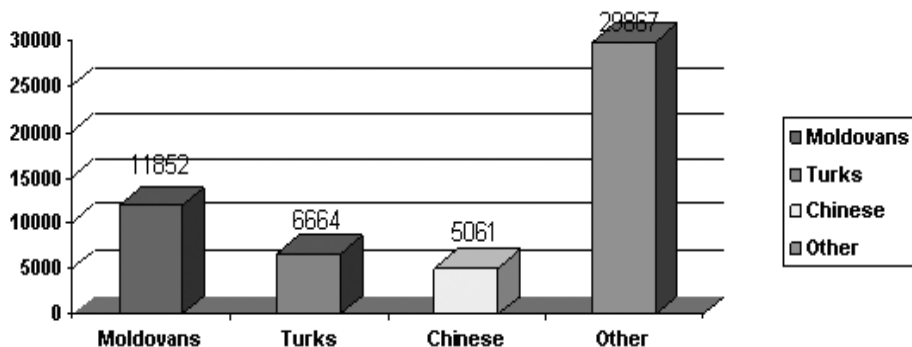
Out of the total number of foreigners residing in Romania, the greatest number (11,852 persons or 22 percent) were Moldovan citizens, to be followed by Turkish (12 percent) and Chinese citizens (9 percent).

MIGRANTS IN ROMANIA FROM MOLDOVA, TURKEY, AND CHINA IN THE FIRST QUARTER OF 2007



Source: Ministry of Interior and Administrative Reform of Romania

MIGRANTS IN ROMANIA FROM MOLDOVA, TURKEY, AND CHINA IN THE FIRST QUARTER OF 2007



Source: Ministry of Interior and Administrative Reform of Romania

All in all, the three foreign communities – Moldovan, Turkish and Chinese – comprised the biggest foreign communities residing in Romania in the first quarter of 2007.

Main aspects of Romania's visa policy towards Moldova

Before Romania's accession to the EU, Moldovan citizens enjoyed visa-free travel to Romania, which created an incentive for irregular migration to Western Europe.

Romania's accession to the EU triggered a series of changes in Moldovan citizens' travel regime in Romania, including the visa regime. On October

20th, 2006, a bilateral agreement between the governments of Romania and Moldova on the travel regime of their citizens was signed in Bucharest. The date of the beginning of the implementation of the agreement coincided with Romania's accession into the EU that took place on January 1st, 2007. The principles on which the agreement was based aimed at setting up a simple, flexible and asymmetric travel regime to the effect that the Moldovan citizens could travel in Romania with visas granted free of charge, and Romanian citizens could travel in Moldova without visa.

The main stipulations of the agreement are as follows:

- Romania grants visas free of

charge;

- Visa-free travel regime for Moldovan holders of diplomatic and work passports for a period up to 90 days, and for those working in diplomatic missions and their family members, for the entire duration of their mission to Romania;

- Visa-free travel regime for Romanian citizens for a period up to 90 days during six months from the date of the first entry;

- Exempting – on the basis of personal identifications and records in log books – certain categories of Moldovan citizens from the obligation of getting visas, including plane and ship crew members;

- Granting visas valid for one year for certain categories of Moldovan citizens, including railway workers, bus drivers, and persons who travel on the basis of bilateral agreements in science, technology, education, culture, art, religion, and sports;

- Granting visas valid for five years for Moldovan business people who own investments in Romania;

- Granting urgent visas to Moldovan citizens who travel to visit gravely ill family members, close relatives, or other persons in need of urgent medical assistance. Urgent visas granted also to Moldovan citizens travelling to a funeral of a deceased family member or a close relative, or to visit graves of deceased relatives; and to members of rescue teams in the event of catastrophes or other exceptional situations;

- Ensuring speedy visa processing.

In terms of flexibility, the new visa regime between Romania and Moldova is comparable, to a certain extent, with the previous Polish and Hungarian agreement. It remains to be seen whether

a third, mixed type of agreement, comprising visas of limited territorial validity and long-term national visas will be implemented after Romania becomes a fully-fledged Schengen state.

Evaluation of the current application process for a Romanian visa

In recent years, in order to process visa applications coming from Moldovan citizens or companies, the consular section of the Romanian Embassy in Chişinău increased the number of its employees and worked extended hours, sometimes on Saturdays and Sundays.

Throughout spring 2007, for instance, around 400 persons – up from 150 persons before January 1st, 2007 – could sign in daily in order to be scheduled for visa processing and the time span between the date of application and the date of the actual processing of the applications by the consulate was stabilized at seven working days.

However, the consular section of the Romanian Embassy in Chişinău is unable to process all visa applications. For that reason Moldovan citizens continue to apply at the Romanian Embassy in Kyiv and the general consulates in Cernauti and Odessa.

Moreover, the application process per se is still cumbersome. It is very difficult to schedule a visa interview. Moldovan citizens and economic agents queue for many hours in front of the gate to the consular section. Often, the visa-online system cannot be accessed at all. Moreover, neither the recommended time span of 24 hours for entering a visa into the system nor the required time span of three working days for issuing a visa is met.

Nevertheless, there is hope that the

prospective opening of consular offices in Cahul and Balti could considerably ease the visa application process.

Regaining Romanian citizenship by Moldovan nationals

Romania offered Moldovan citizens the possibility of obtaining Romanian citizenship without any residence requirement. Several thousands of Moldovan citizens took advantage of that opportunity at the end of 2000 and the beginning of 2001. That trend generated discontent in the Moldovan government. According to unofficial sources of information, more than 200,000 citizens of the Republic of Moldova hold Romanian citizenship and more than 50,000 hold Russian citizenship. The procedure for granting the citizenship, based on the confirmation of the fact that an ancestor of the applicant was a Romanian citizen, caused a diplomatic scandal between Bucharest and Chişinău.

The process of regaining Romanian citizenship by Moldovan nationals is regulated by the Law on Romanian citizenship no. 21/1991 (republished). That Law provides that persons who lost Romanian citizenship and their descendants are allowed to get the Romanian citizenship by request, even if they are citizens of other states and do not reside in Romania. Article 10 of the Law, introduced in 2003 by an Emergency Governmental Injunction (no. 42/2003), stipulates that the regaining of Romanian citizenship applies to individuals who, before December 22, 1989, lost it due to the reasons that are not imputable to them or against their will. These dispositions also apply to individuals' descendants, up to the second level of kinship (nephews or daughter/son). Moldovan nationals

applying for the Romanian citizenship should present a written document certifying that her/his hometown used to be on the Romanian territory up until August 1940. Applications for the regaining of the Romanian citizenship are processed over approximately 12 months.

Preparing for the EU accession and confronted with the fact that Moldova did not allow double citizenship until recently, in 2003, by the Law no. 165/2003, Romanian authorities decided to suspend, for a period of six months, the regulations of the Citizenship Law that allowed Moldovan citizens to get Romanian citizenship.

In spring 2007, the Ministry of Justice submitted to the Ministry of Foreign Affairs a draft for modifying the Law on Romanian Citizenship. The EC manifested a certain concern about the proposed amendments to the law. More precisely, the EC was concerned about the fact that a significant proportion of the Moldovan nationals applying for Romanian citizenship under the revised law would not be required to set up their residence in Romania. In the EC's interpretation, those individuals, although Romanian citizens and for that matter European citizens, would not be under the territorial jurisdiction of Romania and thus would not be "controlled."

Romanian authorities are intent that the new legislation undoes the citizenship consequences of the historical injustice triggered by the Soviet takeover of Bassarabia, Northern Bukovina, and Herta county in June 1940. Furthermore, Romania considers that it is in its major interest that those who are the catalysts for democratic change, progress and prosperity in Moldova - young persons who studied in Romania

and/or undertook specializations in the West - should have a chance to make good use of their capacities within and for their community. The insertion of the condition of legal stay in Romania would encourage labour migration, brain drain, and fraudulent marriages that already heavily affect the Republic of Moldova.

Mention should be made of the fact that the new legislation is in accordance with the internationally recognized norms and standards. Similar principles regarding the regaining of citizenship are to be found in the legislation of other states, including the Federal Republic of Germany, Bulgaria, the Czech Republic, Finland, Greece, Ireland and Poland.

On September 6th, 2007, new legislation modifying the Law on Romanian citizenship (1991) was approved by an Emergency Governmental Ordinance. The new legislation simplifies the process of granting, regaining, and loss of Romanian citizenship, reduces the intervals during which the applications for Romanian citizenship are considered, and facilitates the exchange of information between the applicants and the authorities.

The first new feature relates to the composition of the Commission on Citizenship and its working status. Until the implementation of the Emergency Governmental Ordinance, the Commission on citizenship included judges from the Bucharest Tribunal who convened occasionally, usually once or twice a week, to review citizenship cases. According to the new legislation, the Commission on citizenship has permanent activity and is composed of juridical staff working as magistrates from the Ministry of Justice.

The second change refers to the body that decides on the applications

for citizenship. Until recently, the government granted citizenship by issuing governmental decisions at the proposal of the Ministry of Justice. The process involved a complex procedure of drafting and endorsement, and it lasted weeks and even months. The current legislation changed that and it currently provides that Romanian citizenship be granted by the order of the Minister of Justice upon proposal from the Commission on Citizenship.

The new legislation also simplifies the procedure of filling in the citizenship file. Under the former system, in case not all the required documents were included in the citizenship file, the Commission on Citizenship would invite the applicant to submit them in person. Failure to do that for two consecutive intervals resulted in the rejection of the application. Under the new legislation, the applicant could complete the citizenship file by mail, within six months of receiving such a request.

In addition, the Emergency Governmental Ordinance shortens the period during which the oath of loyalty to Romania should be carried out from six to three months maximum. Thus, the citizenship is obtained on the date of presenting the oath of loyalty to Romania, a ceremony which is to take place three months after the publication in the Official Monitor of the order of the Minister of Justice who grants the citizenship. When the citizenship applicants are handicapped, ill, or otherwise unable to attend the ceremony, the citizenship is obtained starting with the date of the publication in the Official Monitor of the order of the Minister of Justice granting the citizenship.

The statistics of the Romanian Ministry of Interior and Administrative Reform

speak clearly about the amplitude of the phenomenon of getting or regaining Romanian citizenship by Moldovan nationals. The number of citizens from Moldova and Ukraine who obtained or regained Romanian citizenship between January 1st, 1990, and April 20th, 2007, is 105,030, out of whom 101, 656 are Moldovan nationals and 3,374 are Ukrainian nationals. During the same period of time, the number of citizens from Moldova and Ukraine who obtained a Romanian passport reached 104,071, out of whom 91,212 are Moldovan nationals and 12,859 are Ukrainian nationals. The

involved in the new wave of labour and irregular migration to the West. However, the process of processing the requests for citizenship submitted to the Romanian authorities is extremely slow.

It is noteworthy that in 2002 the Law on citizenship was amended. No applications have been examined during the administrative and legislative procedure of amending the draft. The amendments that entered into force in 2002 have had a significant impact on the rigorousness and the dynamic of the process, as the figures from 2003 onward show. However, for the first half of 2003,

THE DYNAMICS OF PROCESSING THE REQUESTS
FOR REGAINING ROMANIAN CITIZENSHIP
SUBMITTED TO THE ROMANIAN AUTHORITIES

Year	Number of requests submitted to the Romanian authorities for regaining Romanian citizenship	Number of requests positively solved by the Romanian Government
1991-2001	95 213	94 916
2002	3 060	0
2003	16 490	6
2004	5 107	257
2005	2 692	1 591
2006	3 178	488
2007	1 382	87
TOTAL	127 122	97 345

Source: Ministry of Interior and Administrative Reform of Romania

number of valid passports for individuals born in the Republic of Moldova and Ukraine reached 61,724, out of which 56,246 belong to Moldovan nationals and 5,478 to Ukrainian nationals.

The huge number of Moldovan nationals who want Romanian citizenship is to be ascribed to the difficulties of getting the Schengen visa and to Romania's introduction of visa regime for Moldovans. Many of the applicants are

the process of examining applications was suspended.

At present, due to the significant increase in number of applicants for Romanian citizenship, the Romanian consulate in Chişinău is confronted with a gap of approximately five years between the date of application and the scheduling for filing the citizenship dossier at the consulate.

Characteristics of migration from Moldova to Romania

General Characteristics

Moldovan migrants enter Romania legally, carrying legitimate personal passports and visas legally obtained at Romanian diplomatic missions and consular offices abroad. However, they try to exit Romania illegally over the Western or Southern border, over the green border, or through border crossing points, carrying fake Romanian identifications or identifications belonging to other persons or hiding in transportation.

After the introduction of the visa regime for Moldovan citizens travelling to Romania, "well-wishers," or persons who offer visa applicants fake Romanian identifications or passports, or identifications and passports of other persons, for a high fee ranging from €2,000-2,500, have suddenly appeared around the Romanian Embassy in Chişinău.

Throughout 2006-2007, Moldovan citizens have carried out many illegal crossings of Romania's Western border. Networks of traffickers have facilitated illegal crossing of Romanian borders by Moldovan migrants in three main ways:

- By providing fake Romanian identity cards/passports;
- By providing original Romanian identifications; Moldovan migrants then alter their appearance in order to resemble the identification's lawful holders as much as possible;
- By hiding the migrants in transportation, mainly T.I.R. (Transport International de Route) trucks.

By comparing the main features of the irregular Moldovan migration to Romania

in the first quarter of 2007 with that in the first quarter of 2005 and 2006, one could conclude that:

- At least 20 Moldovan citizens tried to enter Romania illegally by hiding in transportation. No such cases were registered in the corresponding periods of 2005 and 2006;

- The number of Moldovan citizens who tried to exit Romania illegally by hiding in transportation has risen, after a short-lived downward trend, and has reached 28 persons (divided in 2 groups of 14 persons each), as compared with 18 persons in the first quarter of 2005 and 14 persons in the first quarter of 2006;

- The number of illegal crossings over the green border has significantly diminished and constitutes 20 persons, as compared to 60 persons in the first quarter of 2005 and 53 persons in the first quarter of 2006, i.e. approximately three times less;

- The number of Moldovan citizens who have used fake documents in order to illegally exit Romania has risen to 25 persons, as compared to 19 persons in the first quarter of 2005 and 20 persons in the first quarter of 2006. There has also been a change in the type of falsified documents used by Moldovan migrants: Whereas before Romania's accession to the EU, Moldovan migrants used falsified Romanian passports, after January 1st, 2007, they have typically used falsified Romanian identity cards in order to exit Romania illegally.

Modus Operandi

Considering the methods employed by irregular Moldovan migrants in Romania, several aspects should be highlighted:

A. *Entering Romania through the Eastern border*

- *through border checkpoints*
 - A great number of Moldovan citizens enter Romania legally using visas obtained legally at Romanian diplomatic missions and consular offices abroad.
- *through the green border*
 - The main categories of Moldovan citizens who enter Romania illegally include those who are under interdiction to enter Romania and those who intend to commit criminal acts in Romania, work in Romania unofficially, or travel illegally to other EU member states.

B. *Exiting Romania through the Western and South-South-Western borders*

Typically, Moldovan citizens aspire to exit Romania through its borders with Hungary and Serbia. After entering Romania illegally through the Eastern border, they transport themselves to Romania's Western and South-South-Western borders by the following means:

- By train, from Iasi/Galati to Bucharest, where they stay for 1-2 days (often for getting forged passports) and then from Bucharest to Arad/Oradea/Timișoara.

- By car, with the help of Romanian transportation companies, cars of fellow countrymen or taxis, which organize "pirate" runs to Arad, Oradea or Timișoara.

- *through border checkpoints*
 - After entering Romania, Moldovan citizens attempt to exit it illegally with the help of go-betweens – Romanian or Moldovan citizens – by using Romanian passports, falsified Romanian identification cards (and sometimes also driving licenses, birth certificates and car documents) or identification cards

belonging to other persons.

- Alternatively, irregular Moldovan migrants hide themselves in vehicles carrying various goods.

- *through the green border*

- Once they reach Western or South-South-Western border, the Moldovan migrants are taken over by escorts as agreed beforehand over the phone. Intermediaries, who tend to be Moldovan citizens, members of the network, or those who have crossed illegally Romania's borders on their way to Western Europe using the same network, facilitate crossings.

- Moldovan migrants attempt to exit illegally through Romanian-Hungarian and Romanian-Serbian borders. More recently, some of them have also tried to cross illegally through Romanian-Bulgarian border in the vicinity of Baneasa, Constanta county.

Routes

- Republic of Moldova – Romania – Hungary – Italy;
- Romania – Hungary – Austria – Slovenia – Italy;
- Republic of Moldova – Romania – Bulgaria.

Among the internal routes, Moldovan migrants used most frequently the following ones:

- Galati – Bucharest – Brasov – Cluj Napoca – Satu Mare;
- Iasi – Roman – Moisei – Sighetu Marmatiei – Baia Mare – Satu Mare;
- Iasi – Bucharest – Arad;
- Dornesti – Suceava – Constanta;
- Bucharest – Timisoara – Oravita.

Overall, in the first quarter of 2007, 11,852 Moldovan citizens were present in Romania, out of whom 11,693 had

temporary residence status and 159 had permanent residence status. Additionally, five Moldovan citizens applied for refugee status in Romania.

Stated Purposes

Obtaining education is the main purpose of Moldovan citizens' residence in Romania (68.5 percent). In 2007 over 8,000 persons were enrolled in various training or specialization courses. Almost 95 percent of Moldovan students proved their ethnic Romanian origin and, consequently, benefited from free permits for staying in Romania. Many of them arrived in Romania through the Department for Romanians living abroad. Approximately 50 percent of them were students receiving stipend

member state.

A significant percentage of Moldovan students attempt to get Romanian citizenship during their studies and settle down in Romania. In order to keep the stipends offered by Romanian Government, some Moldovan students, who had obtained Romanian citizenship, applied for residence permits. In addition, Moldovan students work unofficially at various firms – including full-time – or open businesses.

Besides studying, Moldovans travelled or stayed in Romania in the first quarter of 2007 for employment, commercial activities, and family visits.

An upward trend has been noticed for all these categories: incidence of labour employment increased from 510 to 899 cases; incidence of commercial activities

The distribution of Moldovan migrants among different education programmes was as follows:

Secondary School Students	Preparation Year	University Students	Specialization	Ph.D. Students	Total
2,626	8	4,930	377	74	8,015

Source: Ministry of Interior and Administrative Reform of Romania

from the Romanian Government, 25 percent were students financing their education themselves, 24.5 percent were students who did not receive stipend and did not have to pay tuition fees, and 0.5 percent had their studies paid by various companies in Romania or the Republic of Moldova.

When comparing the first quarter of 2007 with the corresponding period of 2006, one can notice an increase of four percent, from 7,687 to 8,015, in the number of Moldovans pursuing training or specialization courses in Romania. This increase can be explained by greater attractiveness of Romania as an EU

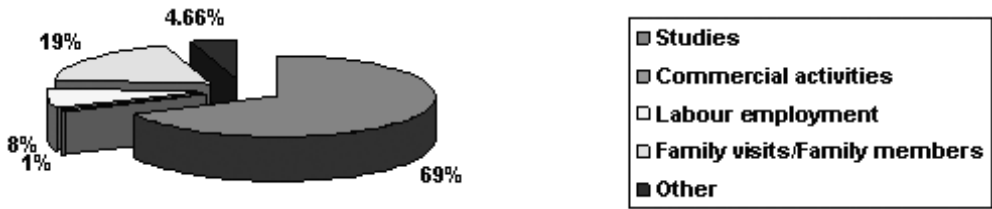
increased from 24 to 54 cases; family visits/family members increased from 1,541 to 2,189 cases.

Overall, in 2007 the officially registered Moldovan citizens working in Romania comprised 15 percent of all foreign citizens employed and holding work permits in Romania.

Dispersion across Romanian Counties

The top ten Romanian counties hosting Moldovan citizens in 2007 were Bucharest, Iasi, Galati, Cluj, Suceava, Timis, Bacau, Brasov, Constanta and Neamt.

PURPOSES FOR MOLDOVANS' TRAVELLING OR STAYING IN ROMANIA IN THE FIRST QUARTER OF 2007



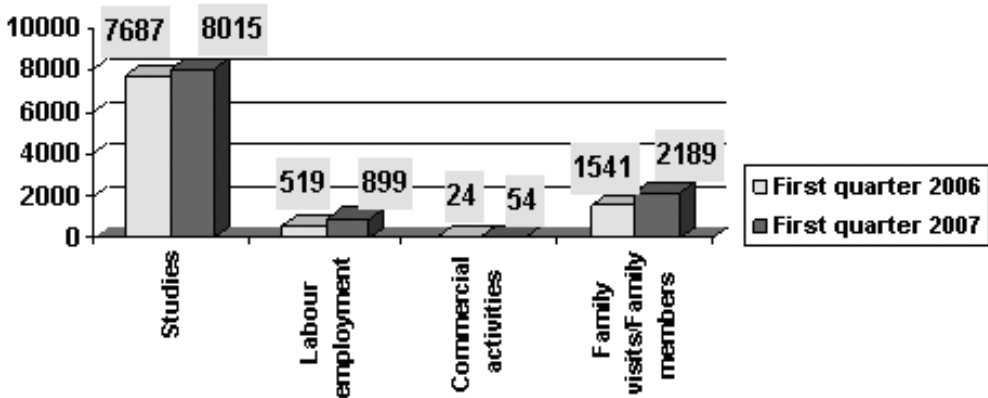
Source: Ministry of Interior and Administrative Reform of Romania

The dispersion among counties of Moldovan citizens who enjoyed temporary or permanent residence status in Romania was as follows:

One can easily notice that the

of Moldovan citizens is located in the counties belonging to Romania's Moldova region. This fact is explained by the region's vicinity with the homeland of Moldovan migrants as well as by their

THE DYNAMICS OF THE PURPOSES OF MOLDOVANS TRAVELLING OR STAYING IN ROMANIA



Source: Ministry of Interior and Administrative Reform of Romania

greatest number of Moldovan nationals is to be found in university centres. The characteristic confirms the fact that the bulk of Moldovan citizens come to Romania to study. Although Moldovan citizens are scattered in every Romanian county – from north to south, and from east to west – with the sole exception of Bucharest (which, as capital, presents a special case), the greatest number

common traditions and customs with Romanians from that part of the country.

Regulations for Moldovan Citizens Leaving Romania

The number of Moldovan citizens who committed illegal acts and received orders to leave Romania in the first quarter of 2007 reached 262 persons,

as compared with 183 during the same period in 2006, marking an increase by 43.2 percent. An upward trend was noticed also in the number of returned Moldovan citizens in the first quarter of 2007, when 94 persons, as compared with 56 during the same period in 2006,

returned to Moldova. That signified an increase by 67.9 percent. By contrast, the number of Moldovan citizens placed in public custody has slightly diminished, from 15 in the first quarter of 2006 to 12 in the first quarter of 2007.

THE TOP TEN ROMANIAN COUNTIES HOSTING MOLDOVAN CITIZENS IN THE FIRST QUARTER OF 2007

No.	County	Number of Moldovan Citizens
1.	Bucharest	2,691
2.	Iasi	2,107
3.	Galati	1,032
4.	Cluj	643
5.	Suceava	484
6.	Timis	417
7.	Bacau	351
8.	Brasov	347
9.	Constanta	334




Source: Ministry of Interior and Administrative Reform of Romania

THE DISPERSION AMONG ROMANIAN COUNTIES OF MOLDOVAN CITIZENS IN THE FIRST QUARTER OF 2007



Source: Ministry of Interior and Administrative Reform of Romania

REGULATIONS FOR MOLDOVAN CITIZENS' LEAVING ROMANIA

Type of regulations	First quarter 2006	First quarter 2007	Trend
Number of orders issued	183	262	
Number of returned persons	56	94	
Number of persons placed in public custody	15	12	

Source: Ministry of Interior and Administrative Reform of Romania

Recommendations

Taking as basis the fact that the main objective of managing migration should be the legalisation of the process and the adequate reintegration of migrants who choose to return to their homeland, the following recommendations aim to help improve the migration policies of Moldova, Ukraine and Romania as well as their cooperation from a cross border perspective. Besides the general recommendations with a regional scope, they include recommendations on regulating labour migration, combating irregular migration and organized crime, control procedures at border checkpoints, visa policy, and dissemination of information.

General recommendations with a regional scope

With regards to migration and related issues at the regional level, the experience could be drawn from the Söderköping and Budapest processes as well as the Migration Asylum Refugee Regional Initiative (MARRI).

The Recommendations of the Regional Round Table of the Pan-European Dialogue on the creation of the

Pan-European Data Sharing Mechanism on Migration should be implemented in partnership with the International Organization for Migration (IOM) and with the support of the EU member states and the European Commission (EC).

In promoting a comprehensive migration policy, particularly in terms of transit migration and trafficking, the Black Sea region is especially important. Given the changes in the EU borders following the enlargement, a special attention should be paid to promoting regional cooperation with and within the Black Sea region on border control and illegal immigration. The cooperation structures in the Baltic Sea can serve as a source of inspiration when assessing the feasibility of launching a regional cooperation platform. In an effort to improve migration management, the platform could entail the cooperation of the relevant EU Member States, EU agencies, other countries bordering the Black Sea, and regional organizations and initiatives such as Regional Center for Combating Transborder Crime (SECI Center), Black Sea Economic Cooperation Organization (BSECO), and the Black Sea Forum. In this context, information sharing should be promoted and patrol and surveillance activities should be

coordinated, especially by creating joint Romanian-Bulgarian Black Sea patrols. The EU contributions can range from training (twinning) of law enforcement officials to cooperation with FRONTEX and EUROPOL, and from issues such as social protection and training of officials in labour matters to rehabilitation of victims of trafficking.

Recommendations regarding regulating labour migration

Moldova should strengthen the capacities of the National Agency for Employment and its local territorial centres in the area of labour migration management, controlling overseas employment, market research, professional reintegration upon return, vocational and enterprise start-up trainings, and management of employment mediation services in the domestic labour market.

The National Agency for Employment should maintain a constant dialogue with social partners (employers, trade unions, and NGOs) and private employment agencies that facilitate employment abroad for Moldovans.

In order to improve the regulation of migration, the Moldovan authorities should focus on establishing proper mechanisms for maximizing its benefits for all parties involved. Circular migration schemes deserve special attention.

Circular migration of Moldovan citizens settled in the EU should be encouraged and actively promoted by the Moldovan Government. Towards that end, the government should undertake the following measures: strengthen the capacities of the Information Centres for Moldovan Citizens Abroad in Moldovan diplomatic missions, continue opening

the Moldovan Institutes Abroad, develop monitored programmes for promoting investments by Moldovan citizens working or living abroad in Moldova, and initiating policies and programmes encouraging circularity among members of Moldovan Diaspora in the EU member states, specifically targeting the highly-skilled and well-financed migrants.

Circular migration of Moldovan citizens should be facilitated by concluding bilateral agreements for circular labour migration between Moldova and the relevant EU member states (Spain, Portugal, Italy, France, Greece, etc.); developing bilateral study and training programmes on the condition that the participants will be obligated to return and work in Moldova; launching programmes for reducing the risk and impact of brain drain and reversing the phenomenon; introducing people-to-people exchange programmes; and developing monitored programmes for promoting investments in Moldova by Moldovan citizens working or living abroad; and initiating policies and programmes encouraging circular migration among members of Moldovan Diaspora in the EU member states, specifically targeting the highly-skilled and well-financed migrants.

The Moldovan Government should ensure effective management of circular migration by developing circular migration partnerships between Moldova and EU member states, providing access to the information on legal circular migration to EU member states, finalizing the negotiations with Portugal, Spain, France, and Greece on bilateral labour migration and social protection agreements, and concluding new bilateral agreements on these matters with other EU member states. The Moldovan Government should

also develop effective mechanisms for returning migrant workers by introducing, among other measures, incentives and penalties, establishing a comprehensive and sustainable system for reintegrating returning migrants, developing schemes for enhancing the positive impact of remittances on development by channelling them toward investment/entrepreneurial use, and by ensuring due protection of migrant workers' rights.

The Moldovan Government should continue the dialogue with the EU member states and the EC regarding the creation of the consolidated partnership for facilitating temporary legal migration of Moldovan citizens wishing to study, work, or obtain training abroad.

The EU Member States that offer employment for Moldovan citizens should conclude bilateral agreements on the recognition of studies. Those already concluded, such as the Moldovan-Romanian agreement on the matter, should be consistently implemented.

The Moldovan Government should devise and implement appropriate investment policies, improve business and investment climate, strengthen the regulatory and institutional framework for leveraging migrant remittances for entrepreneurial growth in Moldova, and stamp out corruption and red tape. These measures will give migrants incentives to invest in Moldova money earned abroad. In addition, the Government should introduce measures for co-development by fostering broad development programmes addressing the root causes for migration. In communities of migrants' origin, the government should create economic opportunities by promoting savings and investment of migrant

remittances and local area development. Furthermore, the government should develop EU-Moldova bilateral schemes for social and economic reintegration of the returning migrants through employment referral mechanisms, job counselling and mediation, and assistance in starting small businesses.

The state agency that grants licences to private labour employment agencies should be enabled to exercise full control over their activities. The government should actively promote the establishment of an Association of private labour employment agencies.

Moldova's diplomatic missions abroad should be in charge of social protection of Moldovan migrants. Labour attachés should be set up at Moldova's consular sections. A prerequisite for these initiatives is the opening of new Moldovan embassies in the migration target countries. The Moldovan government should provide support for training consular officials and labour attachés in marketing, social protection, and labour migration opportunities and regulations in the EU member states.

The system of public legal aid for the potential and actual temporary migrant workers in Moldova and abroad should be improved.

Moldovan authorities should work on building capacity of the private sector in helping Moldovan workers find employment or training abroad. Networking and strengthening the legal and administrative framework would help prevent recruitment abuse. Proactive linkage programmes involving the Moldovan Diaspora should be further implemented, too.

Recommendations regarding combating irregular migration and organized crime

The Republic of Moldova should conclude and implement the Agreement on Operational Cooperation with EUROPOL and the Cooperation Agreement with FRONTEX.

In order to help legalize the status of the majority of Moldovan migrants, target countries should negotiate with the Moldovan Government comprehensive agreements introducing grace periods during which migrants would be able to work freely without the need to sort out their status. The Moldovan national readmission system should be strengthened.

A number of measures for controlling immigration to Moldova should be introduced. For instance, the Moldovan Government should require that Moldovan citizens' invitations for foreigners be accompanied by bank deposits provided by Moldovan hosts. These deposits could be used by the Moldovan authorities to cover costs of deportation of foreigners who remain in Moldova beyond authorized stay.

In the counter-trafficking domain in Moldova, the cooperation between the social, judiciary, administrative, customs, police, and migration management authorities and between these agencies and NGOs should be strengthened. The police should monitor job advertisements in order to eliminate the misleading job advertisements made by traffickers. Those who make those advertisements should be prosecuted.

Romania should strengthen its international police and judiciary cooperation by regulating the participation of police officers from Romanian and EU member states in

joint investigations on organized crime activities.

In partnership with the UN and OSCE, IOM and the EU should devise a common multilateral program of combating irregular migration in Ukraine-Moldova-Romania region. IOM and EU should carry out this initiative building on the "lessons learned" throughout the pilot projects on the control of immigration and the management of common border between Moldova and Ukraine and the EU Border Assistance Mission (EUBAM). In implementing such a comprehensive programme, it would be helpful to involve local, national and international NGOs, as well as national think tanks and experts.

The interaction between Romania, Moldova, and Ukraine on combating organized crime should be coordinated within the framework of BSECO. The basis for this interaction should be the supplementary protocol for the cooperation agreement signed by the ministries of interior of the BSECO member states.

In order to complement the readmission agreement concluded with the EU, the Moldovan Government should conclude also readmission agreements with other relevant countries for the migration process involving the Republic of Moldova (Turkey, Syria, Jordan, etc).

The Government should follow up on the international projects, such as the one implemented by the IOM under AENEAS programme. That project promoted prevention of and fight against trafficking in human beings in Ukraine, Moldova, and Belarus and it provided support for return and reintegration of victims of trafficking.

It is necessary to promote twining

projects between the relevant agencies from the EU Member States and Moldova that deal with prevention and fight against illegal migration (such as the Ministry of Internal Affairs) and facilitators of legal temporary labour migration and reintegration of the returnees (such as the Ministry of Economy and Trade, the National Agency for Employment, and the Ministry of Social Protection, Family and Child).

Recommendations regarding control procedures at border checkpoints

Romania, Moldova and Ukraine should actively promote confidence-building measures by instituting common border checkpoints.

Romania must consistently harmonize measures for enforcing the Schengen acquis and management of EU's Eastern border. In order to reach a uniform high level of control, modernization of the equipment and infrastructure along the green and blue borders is required. Other necessary measures include: the acceleration of the preparations for the future participation in the Schengen Information System (SIS II); staffing all remaining border police vacancies until the end of 2009; professional training of contractual agents and new staff in the border police, in accordance with the Police Status Law; strengthening the risk analysis capacity of the border police; and enhancing the surveillance capacity along the Black Sea coast and the Danube, in close cooperation with Bulgaria.

The quality of the EUBAM random checks at the Moldovan-Ukrainian border and the efficiency of the Moldova-Ukraine border guards should be improved. Training for those involved in the border control - border guards, police, customs

controllers, and those administering sanitarian and veterinarian checks - should be more extensive and targeted. Moldova and Ukraine should adjust their border control regulations according to the EU standards for controlling movement of persons and goods. In order to avoid duplication and to improve the coordination, integrated border control system should be introduced. This system should abide by the EU standards, and it could entail experience exchanges and common control teams. Furthermore, EUBAM's experience should be used not only in customs and border management but also in the cooperation on readmission procedures and investigations.

Recommendations regarding visa policy

Fostering a pilot mobility partnership with Moldova, including in particular possibilities for visa facilitation and work permits should be considered a priority by the EU.

Moldova should develop guidelines for implementing the Moldova-EU short-term visa facilitation and readmission agreements.

The activity of the EU Common Visa Application Centre in Chişinău should be expanded in close cooperation between the EU Member States, the EC, and Moldovan authorities by strengthening the consular representation of the EU Member States in Moldova.

Moldova and Ukraine should create common databases listing all visas issued to citizens from the countries that are potential providers of irregular immigrants, registering the travel of stateless persons to and through Moldova and Ukraine, and recording border crossing by all citizens who do

not require a visa to enter Moldova and Ukraine (a special attention should be paid to visa-free travellers from CIS). The list of countries with stimuli for emigration, such as armed conflicts, unfavourable socio-economic conditions, low living standards, and overpopulation, should be constantly updated.

The consular section of the Romanian Embassy in Chişinău should identify solutions for speeding up the visa application process for Moldovan citizens. The following measures may help achieve that objective: enlargement of the physical space of the consular office, facilitation of visa interview scheduling, improvement of security of the on-line visa system, and entering a visa into the visa system within the recommended time span of 24 hours, and granting a visa within the required time span of three working days.

Romania and Moldova should finalize negotiations for opening Romanian consular offices in Cahul and Balti in order to make easier the visa application process for Moldovan nationals.

In order to hamper the regaining of the Romanian citizenship solely for travelling visa-free to the EU Member States, the Department for Citizenship in the Romanian Ministry of Justice should exchange information, consult permanently, and, when the need arises, work in tandem with the relevant foreign embassies in Chişinău and Bucharest for supplemental screening of those applicants for the Romanian citizenship who were previously denied visas to the EU. This initiative will be facilitated by the fact that some EU target countries, such as Italy, which is the third most popular destination for Moldovan migrants, have embassies in Bucharest, but not in Chişinău.

The dialogue on visas between Romania and Moldova should continue. Romania should establish a more flexible visa regime for Moldovan citizens. An example for the visa regime could be the cooperation between Slovakia and Ukraine in resolving their mutual visa problems and special visa provisions granted by Hungary for the ethnic Hungarians from non-EU countries. This regime might include: multiple-entry one-year visas for specialists and children (besides railway workers and bus drivers on frequent runs); three-year visas for individuals who travel under bilateral cultural, scientific, religious, and sports exchange programmes; five-year visas for frequent travellers, including students (besides business persons who own investments in Romania); and special arrangements for those living in the border regions of the two countries.

A roadmap for visa-free travel should be based upon the reasonable application of the EU criteria that were previously applied to Romania and Bulgaria. Moldova and Ukraine should use Romania's experience in developing and implementing the relevant national strategies that will lead to the visa-free travel to the EU in future.

Recommendations regarding information dissemination

Moldovan authorities should organize information campaigns about the opportunities and obligations of the Moldovan citizens emerging from the new visa facilitation and readmission agreements between Moldova and EU.

Moldovan citizens should be informed about the advantages, opportunities, and conditions of the circular and temporary labour migration; procedures ensuring

legal and safe job recruitment and travel; risks posed by illegal migration; required skills and vacancies in destination countries; and admission procedures in destination countries. This information will help increase access for Moldovan citizens to labour markets of the EU member states.

The Moldovan Government should intensify targeted information campaigns on seasonal labour market needs within the EU by strengthening the capacities of the Info Centres for Moldovan Citizens Abroad established near the Moldovan diplomatic missions and continuing the creation of the Moldovan Institutes Abroad.

For an efficient information exchange, Moldova, Ukraine, and Romania should set up a common computerized database

on migration. This database should be integrated within the information resources of the SECI Center in Bucharest, Romania, and coordinated with the information resources of the Black Sea Border Coordination and Information Center (BBIC) in Burgas, Bulgaria.

Awareness campaigns among potential victims of trafficking in human beings should be intensified in Moldova. They should involve stakeholders from the government, inter-governmental international organizations (International Organization for Migration, International Labour Organization) and non-governmental international organizations (the International Centre "La Strada", Winrock International), as well as mass media.

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