

Otilia Florentina CHIRITA  
Oana Valentina CERCELARU

The Bucharest University of Economic Study, Bucharest, Romania

# THE POLITICS OF MIGRATION. SOCIOECONOMIC AND CULTURAL ASPECTS IN ROMANIA

Case  
Study

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## Abstract

*A stage in the evolution of humanity, migration, implies in a broad sense the redefinition of the entity of "hosts" through the influence of the "newcomers". Lately, European countries have acquired a multiethnic character by concentrating immigrants, in this case people not pertaining to the European or EU space, and impossible to assimilate. In theory, the phenomenon of immigration generates benefits for both host and immigrant populations, at least from an economic point of view. The importance and necessity of debating this phenomenon comes amid current events; a significant number of immigrants have come in the European space from the Asian conflict regions and Africa. As a difficult phenomenon to manage, the European Union is struggling with some significant issues for which it has not yet found concrete solutions in order to take "the first steps": the control of immigrants, their freedom of movement. Another issue that signals the shortcomings of the European plan to solving the phenomenon of immigration is the conflict between the measures to regulate the immigration problem and the international laws and obligations. The paper raises a series of questions regarding the European legislative framework, the position of Romania regarding the migration phenomenon and the way the phenomenon is treated and managed at national level*

## **MIGRATION IS A PROCESS THAT MUST BE MANAGED, NOT A PROBLEM THAT MUST BE SOLVED**

We cannot speak and cannot address the demographic phenomenon and, consequently its implications in the socio-economic, cultural and political life, without addressing the movement of the population from one place to another.

This movement was recognized at the same time with the enactment of the Universal Declaration of Human Rights, which stipulates in Article 13 the right of any person to leave his/her country, to move and live in any state.

International migration, as this process is known, comprised all regions of the world, registering new dimensions, especially after 1980.

But for a fair and rigorous approach, we must first define and explain what the migrant is and what international migration implies.

The migrant is a person crossing an international border, elsewhere and away from his / her place of residence or from family, irrespective of the type of displacement (voluntary or involuntary, the legal status of a person, as well as the causes that generated the displacement).

It should be noted that within this phenomenon we encounter two processes closely interlaced: immigration and emigration.

To immigrate represents the whole process of coming from a foreign country in order to settle here, either permanently or temporarily.

To emigrate represents the act of leaving the country, also temporarily or permanently.

In migration, we distinguish:

Legal migration.

Illegal migration.

Legal migration is the form embraced by all countries of the world because it has the advantage of controlled and monitored movements (number of people, work areas, jobs, etc.) and can be determined over time.

Illegal migration is the means chosen by persons who cannot legally leave abroad. Unfortunately, this means is increasingly used and has become a scourge that is hard to control because it has become a component of trafficking in human beings that consume large financial and human resources.

## **THE POLITICS OF MIGRATION OF EU AND ROMANIA**

It is known that international migration has an impact on the EU and implicitly on Member States. Taking into consideration the European traditions regarding migration and asylum, corroborated with the observance of human rights and the humanitarian side, but especially the events that

followed in the last 3-4 years, the EU comes with the proposal of a global policy for the integration of migrants in this great European family aiming at a real balance between their rights and the culture of the country of origin.

Along with these efforts of the Union, European countries are also taking steps to harmonize their policies by making significant progress, notably on the basis of the Tampere program, Hague Program and, in particular, the Stockholm Program, programs aimed, among other things, at:

- Monitoring illegal immigration, coordinating it as to address the priorities, needs and reception capacities of the EU constituent states;
  - Encouraging the integration of immigrants;
  - Measures for professional border controls, so that there is increased and discouraging efficiency regarding illegal immigration and encouraging of voluntary returns of immigrants to countries of transit or origin;
  - Organizing comprehensive and clear policies with third countries aimed at encouraging the synergy between development and migration;
  - Replacement of the European asylum framework.
- These firm measures have been and will be implemented because, immigrants often risk losing their lives in the attempt to reach on different paths, especially by sea and roads, the borders of the European Union.

In order to implement and enforce such measures, human, material and especially monetary efforts are required. For the period comprise between 2014 and 2020, the actions in this area have had and will have the support of two new funds:

Asylum, Migration and Integration Fund (AMIF).

This fund has its legal support in the EU Regulation No. 516/2014 of the European Parliament and of the Council dated the 16th of April 2014 for establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No. 573/2007 / EC and no. 575/2007/EC of the European Parliament and of the Council and the Council Decision 2007/435/EC.

International Security Fund (ISF)

To this purpose, the EU Regulation no. 513/2014 sets out rules for police cooperation, preventing and combating crime, and crisis management.

Consistent with the EU's efforts to regulate the phenomenon of migration, Romania has also made considerable efforts to adapt its structures, means of action and harmonization of internal legislation in order to respond to the security and monitoring needs of these unprecedented mass movements in the history of mankind.

Even though Romania is not as economically developed as other countries of the European continent, in recent years it has attracted a large number of foreign citizens, some of them refugees. Due to these considerations, the General

Inspectorate for Immigration was established in 2012 and it functions as the specialized structure of the central public administration, a public institution with legal personality subordinated to the Ministry of Administration and Interior, and which, together with other institutions, monitors the phenomenon of migration in Romania.

Decision 780/2015 approves the National Immigration Strategy for 2015-2018. The strategy makes it clear that "legal migration must be the result of the common will of the migrant and of the receiving Member State, to the advantage of both and to the advantage of the country of origin, in the context of a circular migration. Romania implements a specific immigration policy, according to the needs identified at national level, and at the same time concentrated, taking into account its impact on the other EU Member States, while ensuring equal treatment of immigrants and their harmonious integration into the host society".

### **LABOUR MARKET IN ROMANIA AND IMMIGRATION**

Migrant foreigners generate a range of negative or positive effects with repercussions on both themselves and the local population. Migration is a continuous process and registers many Romanians who leave Romania and more foreigners who come here.

The General Inspectorate for Immigration (GII) shows that their registers count about 110,000 foreigners with residence permit. (3rd trimester of 2016, <http://igi.mai.gov.ro/ro/content/statistici>).

Out of these, 64.493 come from third countries (most of them from Moldova — 10.658, Turkey — 9.039 and China — 7.607) and 45.321 from EU Member States, SEE an the Swiss Confederation (Italy — 12.962, Germany — 5.492, France — 4.981)". ([http://ec.europa.eu/immigration/who-does-what/what-does-the-euro/coming-to-the-eu\\_en](http://ec.europa.eu/immigration/who-does-what/what-does-the-euro/coming-to-the-eu_en)).

Bucharest has attracted almost a third of the over 100.000 foreigners in Romania and occupies the first place. Many of them also live in the counties of Ilfov, Timis, Cluj and Constanta (<http://m.cotidianul.ro/cati-cetateni-straini-cu-drept-de-sedere-sunt-in-romania-279331/>).

The main purposes for which foreigners have established their residence in the capital are related to the right to family unity, education and work.

Romania was, 3 years ago, in the group of countries showing a decline in population both through the natural component and negative external migration. This situation has not improved even today, 2015, 2016 and it seems like 2017 are going on the same coordinates.

The National Institute of Public Statistics periodically offers data on the population with

domicile in Romania, but also on the resident population in the country, the one who regularly lives in Romania

At the beginning of 2015, the resident population living in the country was 19,861,000 people (National Institute of Public Statistics 2016b).

Population in the last few years decreases by 70,000 people so that today the resident population of the country declined moderately below 19.8 million.

The same source, National Institute of Public Statistics (2016b), shows that the number of Romanians with residence in other countries is over 2.5 million (the statistical methods of quantification in our country, but also in other countries and Eurostat are not identical and perfectly aligned, so this number may be higher).

In the future, without a major, serious and lasting change on economic, social and political area, the decline of the population cannot be stopped and those who are outside the borders of the country will have no serious reasons to return. The figure that draws our attention is that, in 2050, we will have a population of about 15 million people if the average number of children a woman bears will remain at 1.4.

Another worrying figure of birth comes from the minister for Romanians Everywhere, Andreea Pastarnac, who on May 2, 2017, in a youth policy debate said: "We have more than 4.4 million Romanian citizens in these communities and last year, for the first time, according to Eurostat statistics, more children were born in the diaspora than in Romania. These are figures that raise very many questions about how the younger generation sees its right to mobility, the right to study in Europe and abroad, to work and where Romania - the country of origin - is found in this cycle. What is the exact balance between the normal desire for improvement and the continuation of a career both in Romania and in the other EU Member States". (<https://www.agerpres.ro/politica/2017/05/02/pastir-nac-anul-trecut-s-au-nascut-mai-multi-copii-in-diaspora-decat-in-romania-14-40-14>)

Starting from these domestic statistics on the population and corroborating these with other signals running on the European level, especially related to the 2015 refugee crisis, the issue of migration from the perspective of the host country was raised.

The concentration of a significant number of immigrants at the Mediterranean borders and the transit to Western countries through states that are not at all prepared for this influx have generated tensions between the population and immigrants. In fact, a first solution, not at all welcome to some Member States, was the redistribution of immigrant quotas.

Against this backdrop, as I have already mentioned, the Romanian Government approves the National Strategy on Migration for 2015-2018, specifying the following objectives:

- Promoting legal migration for the benefit of all parties: Romanian society, immigrants and their countries of origin;
- Strengthening the control of the legality of the stay of the citizens of third countries on the territory of Romania and the appropriate application of the dislodgement and restrictive measures;
- Improving the national asylum system in order to streamline and ensure the compliance with the applicable national, European and international legal standards;
- Active participation of Romania in the efforts of the international community and the Member States of the European Union in identifying sustainable solutions for the persons in need of international protection and the social integration of third country nationals.” (A. Iordache, V. Dimulescu, Policy brief#72, page 3, 2015).

If we analyze the difficult process of inclusion of foreigners in Romania, we can say that the state does not have the necessary instruments for managing the immigrant phenomenon.

As we point out, at present, on the territory Romania there are about 60,000 immigrants from third countries in the EU. Due to the amendments made to Ordinance no. 194/2000, which refers to the rights and obligations of foreign citizens, “the process of their integration becomes complicated on the territory of Romania.”.

Regardless of the context in which integration is required, the observance of the core principles as set out in 2004 at the initiative of the Danish Presidency of the European Union is required:

"1. Integration is a dynamic and long-lasting process that concerns both immigrants and the citizens of Member States. 2. Integration implies respect for core values and European Union law. 3. Employment in the labor market is a key element of the integration process and a way of making the contribution of immigrants to the development of the host society visible. 4. Basic knowledge of the host society: language, history, institutional organization are indispensable for a successful integration. 5. The degree of education of immigrants and their descendants strongly affects their active participation in society. 6. The access of immigrants to public institutions, services and goods, on equal and non-discriminatory terms with nationals is an indispensable prerequisite for good integration. 7. Frequent interaction between immigrants and the citizens of the Member States is a fundamental condition of successful integration. 8. The practice of different cultures and religions is guaranteed by the Charter of Fundamental Rights and must be observed, provided those practices do

not conflict with Fundamental Human Rights or national law. 9. The participation of immigrants in the democratic process and in the development of policies and measures to facilitate their integration, especially at local and regional level, is one aspect to be taken into account. 10. Civil society plays a decisive role in the process of integration of immigrants. 11. It is necessary to establish clear objectives, indicators and mechanisms for the assessment of policies in the field and to carry out the exchange of information and good practices between partners". (M. Radu, *Politica și practica privind integrarea imigranților și refugiaților în statele europene*, page 6, 2006”).

An essential condition for taking part in the social and economic life is finding a home, with the exception of asylum seekers or persons benefiting from international protection in Romania.

As regards health services, any foreigner can receive free medical assistance in emergency cases. The foreigners` insured status is applied in accordance with Law no. 5/2006.

As regards the access of foreigners to the education system, the law guaranteeing their rights is the Law on National Education no. 1/2011. In recent years, the Romanian education system has become attractive to foreign youth, especially for those from the non-EU space.

The basic consideration for which many of them opt for the Romanian education system, especially university and postgraduate studies, is the financial one (low costs compared to other university centers in Europe: Cologne, Rome or Brussels). "According to the data available in 2014 -2015, the Romanian education system had enrolled 7,110 migrants from third countries". Of these, the vast majority (6713) attended university studies while only 397 were enrolled in pre-university studies - many of the foreign students opting for private education.” (A. Iordache, V. Dimulescu, Policy brief#72, page 3, 2015)

However, the lack of agreements with different countries of origin creates bottlenecks in recognizing their studies. Another disadvantage of the education system for foreigners is that, although the cost grid for their schooling is much higher than the one for a citizen student, foreigners do not benefit from teaching in an international language.

Unfortunately, this aspect makes it so that the performance of a foreign student is not capitalized because of this impediment (foreign students have one year of pre-university education during which they learn Romanian). This training is insufficient to cope with university studies.

The current system of civil rights regulation for foreign citizens is not easy to understand: the sinuous process of obtaining certain services, benefits from the public administration causes confusion among foreigners; there is a need for a coordinated system and a specialized department to

provide foreigners with support for socio-economic and cultural integration in Romania. Because the stay of foreigners is directly conditioned by the existence of a workplace, many immigrants are in the position of accepting an abusive employment. Regarding the accessibility of getting or changing a workplace at the moment in Romania, I believe that the 60 days legally allocated to foreign citizens to finding a new job is hard to achieve.

A syncope of labor law is the lack of regulation of domestic activities, so the Territorial Labor Inspectorate does not have the right to intervene at the home of the employer if the foreign citizen provides domestic work. (An example of this may be the Filipino employees).

The lack of coherent measures in integrating immigrants has the effect of generating institutional bottlenecks and the emergence of social problems. The primary risk of managing a large number of immigrants determines the dependency, for sources of subsistence, on criminality in all its forms (economic criminality, social criminality, deviance, juvenile deviance). In order to face the future changes that will result from accepting new immigrants, the supplementing of legislation for all activities, the improvement of the legislative framework for all areas that refer to the actions and activities involving foreign citizens are necessary.

In the education sector, the first step towards improving the approach to the education system is the training of academics / teaching and administrative staff in universities and schools, language courses to provide a comprehensive level to approach study.

Another effective solution, through which the Romanian education system could provide the appropriate framework to the courses for foreign citizens, is the use of the tools for the registration of the teaching activity.

For the health care area, monitoring immigrant insurance carriers is required. In order to be able to use the health-card system efficiently, it is necessary to calibrate the procedures and quickly remedy the current syncopes, to develop modules for the development of linguistic skills for healthcare professionals that would allow easy communication with patients (including emergency telephone assistance in at least one language of international circulation). Regarding the labor sector, it is recommended to improve the labor legislation regarding domestic work, informing foreign employees about their rights and obligations. Bilingual documents are required for a fair consensus in this regard.

In order to properly manage aspects of immigration in Romania, it is not enough to draft legislation; it is important that those who apply the procedure and legislation in this respect understand the mechanism and the implementing rules. This requires the involvement and education of the

private sector not only of the public sector. Also, in any sector of activity there should be jobs for immigrant labor. In order to encourage this type of inclusion, it is necessary to motivate economic agents.

From the few aspects presented, we can easily see that Romania, as an EU member country, exports important human capital through external migration, therefore we talk of a migration for work that can be considered temporary or partial export, associated with certain potential benefits. This can be explained by the fact that, through the income of each, that will eventually be transferred to the country of the family, and last but not least its consumption on the domestic market of services and goods, domestic demand and, to a small extent, national production are sustained.

Note that this apparent advantage is only for the moment, but looking at the long term is a heavy loss that generates serious imbalances. Imbalances occur because the following are lost:

Highly-skilled citizens with high competences in important areas such as technology and science, as well as some vital services to a state, such as health and education.

Citizens with a medium qualification and specialization who practically incorporate the widest range of activities and professions such as contractors, tourism and public catering, and, the worst, paramedical staff for the formation of whom the state spends the largest amount of money and of whom, later on, has the greatest need.

Semi-qualified or unqualified personnel in areas such as sanitation, construction and agriculture.

Particular attention should be paid to young people with outstanding performances and those with higher qualifications. This is a big problem for Romania because the economy does not offer attractive solutions, so our country, in terms of so-called brain migration, remains an area of great interest for transnational companies and for scientific research.

Following this phenomenon, and from the ones presented up to now, we can see that from the movement, the mobility of the population, of the labor force, the following functions are singled out: Occupancy insurance function. It occurs when mutations occur both at the macro and micro-productive level; part of the workforce becomes available which leads to the emergence of a segment - unemployment.

Equilibrium function. This is determined by the correlation of the workforce with the size of the productive system, respectively with the structure and number of jobs, but also with their territorial distribution.

The function of the efficient use of the workforce, which ensures a very good occupation and efficient use of it.

Demographic function involving workforce migration from surplus areas to deficient areas. The function of increasing national income per capita. This function is very important because if labor migration is insufficient or does not take place, the surplus or the deficit coexists, which will lead to big social conflicts.

An extremely interesting aspect is the relationship between social protection and participation in the labor market. In this regard, there is a hypothesis in that specialized literature according to which: "The smaller the supplementary net income of the entry/retention on the labour market, the more stimulated to remain dependent on social policy will individuals be. In this study we have adopted five indicators, also used in the analysis of the European Commission." (Cristian Socol, Marius Marinaş, Aura-Gabriela Socol, page 72, 2010)

That is why Romania has to gradually integrate into the European-type occupational patterns, to evolve in all sectors based on relative informal production and labor relations to performing ones, and last but not least to ensure technological transfer in industrial sectors with high added value and especially to adequately monitor the increase of the share of the service area in the local economy.

## CONCLUSIONS

It is obvious that after 1989, the migration process has gradually increased in Romania on all three levels: emigration, immigration or transit. Moreover, the perspective according to which: the causes of interregional migration go beyond the classic migration model according to which "balancing the labor market through migration is determined only by the current real wage" (Gh.Luţac, p.45), is the real proof of the fact that the phenomenon needs to be treated in correlation with each aspect of leadership and represents the emigration decision.

Due to its strategic position, Romania is strongly and repeatedly exposed to migration flows. The periods of decline or ascent of these flows have been driven by economic, political and social realities that have not often made legal migration be overcome by the illegal one.

It must be acknowledged that special attention was paid to immigration from the Republic of Moldova, because this migration has had a special character, namely blood connections, history, and culture.

In connection with the phenomenon of immigration, Romania must actively participate in the efforts of the international community to identify sustainable solutions and to strengthen its action in all areas of activity. In order to properly manage the phenomenon of immigration, Romania needs to avoid institutional bottlenecks and social problems. In order to cope with this situation, there

is a need for legislative review and completion and necessary training for all sectors of activity. Concerning immigrants seeking asylum, the Dublin Convention has some limitations that block the easy management of the current situation. One of the issues is that the EU country that receives an immigrant remains responsible for establishing the asylum, and if an immigrant comes to an EU country, in case of deportation, they will be returned to the country that offered asylum. Considering the two situations, the Dublin Convention needs to be analyzed and reviewed and adapted to the current situation. I believe that each Member State should have the capacity to deal with immigration issues without the immigrant being deported to the country that offered asylum. This is possible through institutional cooperation and rigorous monitoring system (fingerprinting, history, etc.).

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