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**CONTROLLING EXITS  
TO GAIN ACCESSION  
Romanian migration policy  
in the making**

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## **Methodology**

This report is based on different sources of information and data collection. There is first a short review of Romanian migration facts and figures since 1990. The data was drawn from the National Institute for Statistics, CURS, Mercury Research and IOM Bucharest.

There were also interviews conducted with representatives of Romanian agencies relevant for migration management and international organizations involved in the process of migration management.

The report also used a press monitoring between February-October 2005 on relevant migration issues.

## 1. Short outline of the evolution of migration dynamic

Migration is a rather new phenomenon in Romania after 1990. The difference between in-flows and out-flows is significantly in favour of out-migrants in terms of volumes and experiences. The explanation is quite straightforward, when one thinks of the economic potential of Romania. The labour market is not very attractive and the business environment is under continuous change. That is why there is a common perception, supported by data and information coming from authorities, that Romania has been mostly a transit country and not a destination country. In terms of out-flows probably labour migration is the most important form of Romanians moving to a foreign country. Students' mobility represents less than one-fifth of the total volume of migrant workers after 1990 and emigration for good has been constantly declining since 1995. Estimates reveal 21,000 people having emigrated in 1996 and only 9,900 in 2001. (National Institute for Statistics, Statistical Yearbook 2002).

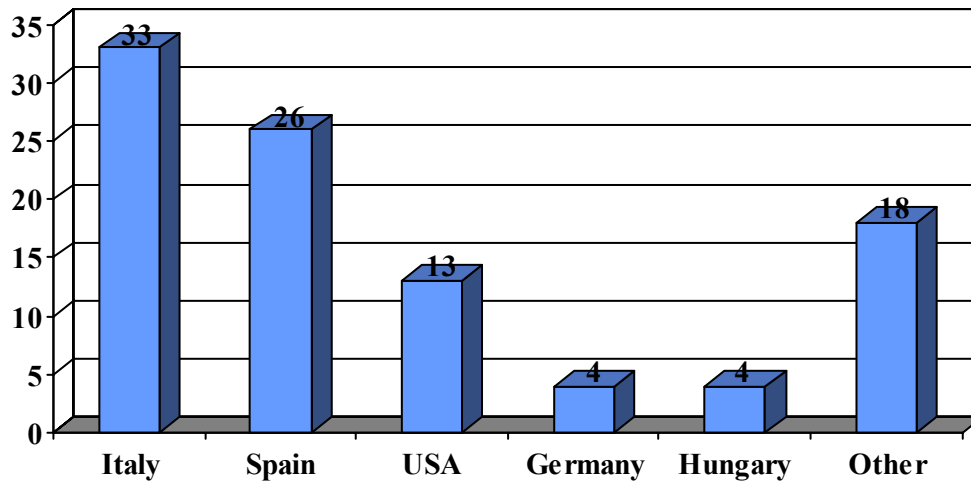
Seventeen per cent of all Romanian households reported at least one member having worked abroad between 1990-2001, which means about 1.2 million households. As the table beneath shows labour migration gradually increased during this period. At the beginning of 2002, EU lifted visa restrictions for Romanian tourists, which had an impact on people travelling abroad after that date. The number of households having sent one member working abroad after 2001 slightly increased from about 17 per to 23 per cent. The percentage is fluctuating according to seasons but overall estimates show that about 10 per cent of the households have at least one member working abroad during a calendar year. (CURS survey June 2003)

**Table 1**



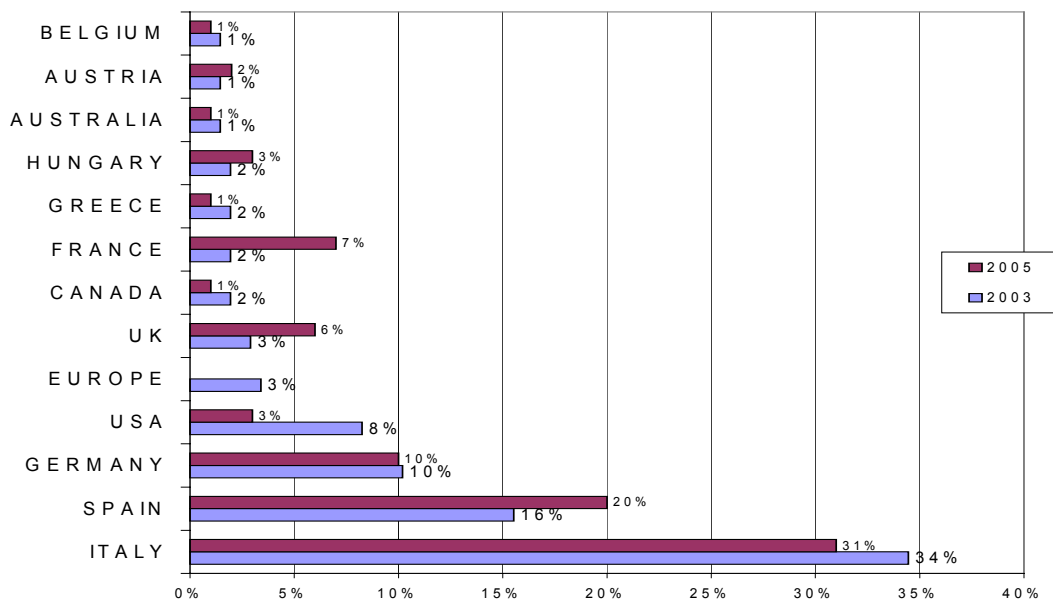
The first destination countries for labor migration were Germany, Israel, and France. Ethnic migration had an important role in establishing these destinations at the down of the 1990, as the ethnic Germans and Jew returned to their home country. The first destinations outdated soon and new countries replaced them in the following years, Italy and Spain becoming the new destination countries for labor migration.

**Table 2: Main destinations for labor migration (OIM, 2005)**



Also, in 2005 there are tendencies indicating that the flow of Romanian labor migrants has slightly increased in Great Britain and France, but these destinations still receive only a very low number of Romanian migrants. The graphic below indicates an increase in the potential labour migration towards France and the United Kingdom from 2003 to 2005. This increase is however insignificant if compared to the total number of migrants heading to these destinations.

**Table 3: Potential of labor migration (OIM 2005)**



Romania's accession to the EU is not expected to have a strong impact on the current migration flows. After 2007, the expected accession term, Romanian workers will not immediately enjoy freedom of circulation within the EU, but a transitional period will be imposed. This period may last from 2 to 5 or 7 years (2+3+2), according to each state's migration policy. It is likely that states with a high labour force deficit fully open their labour market. Italy and Spain, as main destination countries for Romanians, already adopted a more liberal migration policy by allowing irregular migrants to regularize their situation. In Spain a new type of visa sets the legal framework for residence for a period up to 3 months as a migrant in search of a job. A person applying for such a

visa is only compelled to return to his/her home country if he/she was unable to find a job during this period. This new visa might reduce the phenomenon of dissimulated tourism, while offering a response to the labour force deficit.

The longest transition period may be imposed if there is serious turbulence of labour market or serious threats of turbulence. Safeguards could be applied by the end of the seventh year. Transition periods imposed to Romania and Bulgaria have not been negotiated. In fact, there was a pre-established frame to discuss translational arrangements: former negotiations with the new member states imposed the precedent on the acceding countries. Any change of the duration of the transition period depends on bilateral arrangements after the accession. After the first two years, the extent of the transition period could be reviewed. EC could make an assessment report, but it is up to individual members whether to lift the restrictions or not.

Surely, as several officials stated, there might be a slight increase of the labor flows since Romania will still have an economic situation significantly below the economic status of the older EU member states, which will contribute to the maintenance of the same push and pull factors; these increasing trends might also be supported by Romania's membership to the European space which will facilitate the free movement of persons, influencing irregular migration trends, in spite of the transition period restricting the free circulation of workers. However, the flood scenario is deemed to be quite fragile, and weak in its attempts to generate the reasons for extending the period of Romania's pre-accession stage.

## **2. main legislative and policy developments**

The fall of the communist regime in Romania has brought an end to Ceausescu's restrictive migration policy. Once the Romanian nationals regained the right to free movement, the changing of the obsolete migration legislation became a must. Projects to accede to the EU required a constant adaptation of the legal framework to the European standards. Thus, first initiatives to create adequate provisions were carried out in the early 1990 and enforced during the last three years due to the high political ambitions of the government to conclude negotiations by 2005 and join EU in 2007. The visa free regime introduced in Romania in January 2002 by Schengen member states indicated again the necessity to step up efforts to align the regulations and migration procedures with Chapter 2 "Free movement of people" and Chapter 24 "Co-operation in the field of Justice and Home Affairs" of the *acquis communautaire*.

### ***Box 1 – The Romanian government approved the Schengen Action Plan 2005***

On the 1st of June, the Government has approved the The Schengen Action Plan for 2005. The Plan represents a new stage in the Romania's accession process to the Schengen Convention which will eliminate border controls within the internal frontiers of the Schengen Space. The government representatives declared that the adoption of the Schengen Action Plan is part of the responsibilities assumed during the negotiation regarding Chapter 24, Justice and Home Affairs. The Plan includes the legislative, institutional and operational progresses that have been recently made in the area of border control, visa regime, migration, police and judicial cooperation, fight against drug and ammunition trafficking as well as personal data security. The Schengen Action Plan should be implemented by the 1<sup>st</sup> of January 2005.

In the migration field, an important objective is to implement a border checking system that will not hinder circulation at the border crossing points. Other objectives are the reorganization of the custom bureaus and the improvement of the border checking equipment. The visa granting procedure should be simplified. Also Romania has to sign bilateral agreements with Schengen member states so as to facilitate circulation within the common space. By 30 June 2006 Romania will have to implement the visa on-line system.

The outcome of the Schengen Action Plan in the area of migration management will target the harmonization of the Romanian legislation with the EU standards and the complete implementation of the National Electronic Integrated System for migration management, visa and asylum procedures. The Ministry of

Interior will monitor the implementation of the Schengen Action Plan. An annual report will be presented to the government and will also serve as an informative report for the European Union

### 3. The build-up of exit controls

Unlike other countries in the region (Poland, Hungary, Czech Republic), in 2002 Romania took up a great deal of responsibilities of controlling irregular migration. As strange as it might look for an external observer, Romanian border police checks the exit conditions that Romanian travelers should meet once they arrived in a EU country – sufficient amount of money for the period of staying, health insurance, round ticket and accommodation vouchers if needed. For other countries these conditions are supposed to be checked by the destination border police. There are not really conditions to exit one country, but they look more like criteria to enter a country.

Actions directed both to the adoption of the EU *acquis* and, more recently, NATO membership have generated constant changes in the legislation. In order to obtain lifting visa restrictions of the Romanian citizens traveling in the Schengen countries, the Romanian Government regulated a set of conditions to be met by travelers when they exit Romania. This set of obligations was to make sure that the traveler is going to come back to Romania and will not recourse to public funds or seeking job while abroad. A round trip is to be proved by the transportation documents within 3 months period after leaving Romania. Also an amount of EUR 100 a day and a valid health insurance might guarantee that the traveler has enough resources to support oneself and does not need to recourse to seeking a job or to other public funds. Of course, these rules will not totally guarantee tourist purposes. In fact, these rules favoured the dissimulation of labour force migration under the tourist visa. Working for 3 months as a “tourist” became a life strategy. Also, the forming of replacement chains between friends or family members helped to the preservation of the job obtained abroad. While a migrant returned, another left for the same job.

After lifting visa restrictions for Romanians within Schengen space, there have been international media reports and even official positions of EU countries authorities on the irregular Romanian migrants. Fears that visa might be re-imposed determined Romanian authorities to consider further enforcement of the regulations and overseeing migration flows. For instance, irregular migrants (like those who overstay the legal period of 3 months in a EU country or those who commit crimes or break the laws abroad) could be sanctioned by the Romanian law from suspending the right of free-circulation to the annulment of the right to bear a passport. The authorities have gradually increased the period of temporary suspension of the right to travel to a foreign country from 3/12 months to a period up to 3 years long and later to 5 years. The effect of this sanction is twofold: on the one hand it could discourage illegalities especially because irregular or potential irregular migrants in EU countries mostly fear the consequences of being caught illegal on the territory of a EU state<sup>1</sup>; on the other hand it might increase the number of migrants resorting to an illegal mobility strategy by using fake IDs and forged passports.

Authorities specified that the issue of forged passports has had a higher incidence during the last two years as compared to previous statistics. During the last four months of 2005, the border police has reported 81 cases of persons attempting to cross the border with a fake passport or visa. The number is however low if compared to the total number of potential Romanian migrants who have been returned from the Romanian border because they did not comply with the legal criteria for entering a Schengen state: 382 834.<sup>2</sup> Improving control of public servants dealing with issuing

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<sup>1</sup> Sixty per cent of the respondents in national sample declared that if they were caught working in the black market in EU state, they would most fear sanctions from the destination state authorities and 39% would fear sanctions from Romanian authorities (Lazaroiu 2003)

<sup>2</sup> the border police report indicates that most common reasons for preventing potential migrants leave Romania have been related to lack of medical insurances, insufficient financial means, lack of green cards for the car or of vouchers/invitations, and round trip tickets.

passports and of the border police were meant to prevent corruption and consequently strict observation of the rules.

After only 24 hours from the adoption of the Government Ordinance No. 28/2005, 500 Romanians who have overstayed the three months period specific for the tourist visa have been suspended the right to bear a passport. According to the Government Ordinance, the suspension of the right to bear a passport may be imposed to migrants who have been identified while begging in a foreign country, to migrants that have been returned according to a readmission agreement and to migrants who have overstayed the legal period corresponding to their visa. The Government Ordinance was issued right before migrant workers were expected to return to Romania (in August). It was more a deterring measure intending to prepare the new restrictions to exit the country. This ordinance and the immediate application were also meant to show EC officials that Romanian authorities are active in preventing irregular migration. After few days of protests and criticisms in mass-media, authorities decided to treat the cases of suspended passports case by case and allow passports bearers to present documents that prove the reason of visa overstaying.

All the previously mentioned prerequisites and sanctions in the area of domestic regulations regarding Romanian migrants and travelers were aimed at avoiding a would-be labor exodus to EU countries. However all sanctions associated with controlling irregular migration to EU countries proved to be hard to implement. Although flows of migration have not dramatically increased after lifting visa restrictions for Romanians in EU countries the irregular movements were just slightly reduced. This might suggest that informal channels of migration had established long before the new legislation was in place. The set of regulations did not consider the long experience of Romanian migration since 1990, so they could not prove effective in curbing irregular migration. New strategies and innovative ways of crossing the barriers required periodic changes in legislation. The strength of the informal ties could not always be obliterated through prohibitive legislation.

Significant progresses in the area of migration legislation and procedural framework have been made. In April 2004 a National Strategy on Migration was adopted. During the same period the National Strategy for the Integrated Border Management of Romania 2004-2006 was approved by the government. Both legislative initiatives contribute to the orderly development of migration by setting up comprehensive criteria framing migration flows and aimed at discouraging irregular migration while contributing at the same time to the free movement of persons.

### ***Box 2 – Migration patterns as identified by the border police***

During the first five months of 2005, 468.905 Romanians intending to travel abroad have been stopped at the border and prevented to leave the country because they did not comply with the legal requirements for entering the Schengen space. The following irregularities have been most frequently associated to the cases of Romanians who have not been allowed to cross the border:

59.875 did not have medical insurances

30.380 did not have round trip tickets

4.979 did not have green cards for the automobiles

7.610 cases were related to vouchers or invitations that could not be proven as real

316.948 did not have the legal amount of money in foreign currency required by the law for traveling in the Schengen space

104 had forged passports or visas; the Romanians with forged passports had been previously suspend the right to carry a passport after having been returned from foreign countries (including Schengen states- Italy, Spain, Germany etc.). Investigations revealed that most of these potential migrants intended to return to the previous destination country so as to work in the irregular sector.

49.009 were prevented to cross the border for other reasons (some of them falsely declared the travel purpose, and were suspected of intending to commit crimes within the Schengen space. Out of these, 51 persons intended to travel to an EU state so as to offer sexual services and 506 intended gain money from beggary.

During the same period the outflow of Romanians reached 2.575.295 (destinations countries also included Schengen member states) while the inflow reached 2.333.930. Out of the Romanians who left the country legally, 4 370 have been returned before transiting the border of the destination country (they have not been granted permission to enter the destination states) either because they could not justify the travel purpose or because they had an interdiction to enter the respective country for a certain period of time. 10 572 Romanians were returned from destination countries (including Schengen member states). The number of Romanian returned migrants has registered a decrease of 12. 8 per cent as compared to the same period in 2004. (12 124 Romanians have been returned during the first five months of 2004). Eighty-three Romanians were identified while trying to illegally leave the country while transiting the green frontier and 26 Romanians tried to illegally enter the country, intending to avoid the penalties imposed as a result of the crimes they have committed abroad.

Thirty-one actions involving the infiltration of police offices in the international transport buses heading to Schengen member states favored the identification of transporters who did not comply with the legal requirements or who facilitated the illegal crossing of the border of several persons.

The data presented above indicate that most of the Romanians legally travel abroad. Also, most of the Romanians traveling abroad comply with the legal requirements imposed by the international legislation the moment they transit the Romanian border (Source Ministry of Interior).

To what extent the exit regulations succeeded to control irregular migration to EU countries could be seen by examining the case of Romanian migrants returned at the border between France and Spain. The Spanish government announced the regularization of migrants status until the 7th of May 2005. Migrants would be granted residence permit, the right to benefit from health insurances and the right to family reunification. Few days after the announcement several buses transporting Romanian migrants have been returned from Spain. The Spanish authorities declared the migrants did not have the papers required for entering the Schengen Space. An approximate number of 300 Romanians were escorted by the police authorities and border authorities on their way back to Romania. The Romanian Consul in Barcelona stated that border controls at the Spanish Frontier had been reinforced during the last months. The spokesman of the Ministry of Foreign Affairs declared that this was the effect of the regularization act aiming at granting legal residence to illegal migrants between the 7th of February and the 5th of May. Returned migrants as well as an association of the Romanian migrants in Spain stated that the event represented a severe violation of the right to free circulation. In spite of the fact that several returned migrants declared that they had the necessary papers for entering Spain, officials from the Ministry of Foreign Affairs confirmed that the returned migrants had an irregular situation and attempted to cross the border without having the required amount of money, or a labor contract. Four of the returned buses reached Germany on their way back. The German Border considered that the Romanians did have the legal papers to circulate in the Schengen space. After first having declared that the migrants met the exit criteria, Romanian border police changed the statements and admitted that some of the members of travelers' group did not meet certain conditions to exit the country. The statement obviously questioned the border control at the first Schengen border (Hungary-Austria).

The event generated an intensive media debate, becoming highly visible and stirring people's interest. In fact, according to an opinion poll assessing the impact of the Spanish incident, 95% of the population had heard about the buses that the Spanish border police forced to return to Romania while only 5% were uninformed about the subject. At the same time, 53% of the population believed that the Spanish authorities' decision was right while 35% deemed it to be wrong (CURS, March, 2005). Considering the expected negative attitude of the Romanian population towards infringements of the right to free circulation as a reaction to the former communist highly restrictive migration policy, the results were surprising. The difference in favour of the Spanish sanctions might be a result of the Romanians' supportive attitude towards the European membership. In spite of a gradual decline of trust capital in the European Union, in the spring 2005, 68% of the population was euro-optimistic (Source: Eurobarometer, 2005). Taking into account the concern of

the European authorities regarding Romania's capacity to control out-flows after the accession year, issue that has received widespread coverage in the mass-media, Romanians' belief that the Spanish authorities' decision was legitimate might be actually a prevention strategy against any possible delay in the accession calendar.

Various ways of hiding the real status of the Romanian migrants have been used after the exit regulations came into force.

- Borrowing the EUR 500 from the transporter to show at the border and then return the money
- Showing the five days round ticket and canceling the back flight
- Fictitious statements of friends of friends of the friends from the destination country proving that the person would be accommodated and taken care by a native citizen

It seems that transporters have been heavily involved in facilitating irregular migration since the liberalization of visa regime in 2002. The Traffic Romanian Authority in collaboration with the Border Police has recently initiated a legislative project that aims at forbidding the transport of migrants with minibuses (8+1 seats). The initiative was due to the fact that most companies using such vehicles facilitated the crossing of the border for migrants with inappropriate documents, most of them falsely declaring their travel purpose under the protection of a tourist visa. The new legislative act will allow the granting of international transport licenses only for vehicles with more than 10 seats. The association of private transporters disagreed with this initiative and declared that it is unique in Europe and that it will not target the corrupted border officers, considered as the real cause of the irregular/illegal migration.

During the period between March 14 and March 22 of March, officers from the Border Police and The General Police Inspectorate as well as representatives from the Romanian Traffic Authority and of the Financial Guard initiated an action for the combating of illegal migration of Romanian citizens to countries in the Schengen space. Migrants and international transportation agents have been thoroughly checked during these actions. The initiative also aimed at enforcing the collaboration with counterpart authorities in the European Union. At present at Oradea border checkpoint (Western border) there are 2 Spanish officers, 2 French officers, one from Austria, and one from Italy. As a result of this action, between the 14th of March and the 22nd of March, 23,416 Romanian potential migrants were returned before leaving the country, due to lack of compliance with the legislative provisions regarding the papers necessary to travel in the Schengen area.

Starting with October 2005 a new ordinance (no.900/2005) of the Ministry of Interior came into force regarding exit regulations. The new regulations diminished the amount of money needed to exit the country. The total amount is split into two categories: 1. transportation money – EUR 150 and 2. accommodation money EUR 30 per day for minimum 5 days (minimum EUR 150). The total minimum amount needed to exit Romania is therefore EUR 300, less than EUR 500 required according to the old ordinance. The new documents are required to prove the purpose of the visit in the destination country. For business trips an official invitation is required. For tourist purposes a proof of accommodation/room reservation is required (or an letter of invitation from a citizen from the destination country which is officially authenticated). For study purposes documents to prove enrollment in the foreign institution of education are required.

The new regulations were presented only on the bright side. But, although the total amount of money required to exist the country was reduced, it later became clear that the new regulations are more restrictive than the past regulations. Requirement of documents to prove the purpose of traveling to a destination country (not included in the former exit conditions) is meant to restrict exit for those who were not able to fully plan their visit before exiting the country. However, border police was instructed to show flexibility and check the documents only when they see indicators of irregular migration. It is not clear yet what kind of effect will have these special "flexibility instructions". It could encourage abuses and increase corruption at the border or it can ease the circulation flow at the border. It seems quite clear that the new regulations have three different

audiences. First of all the European Commission, who is strictly monitoring the implementation of the acquis and wants to make sure that Romanian authorities are making efforts to control irregular migration. Second, it is the general public that is thought to interpret the new conditions as a more relaxed framework for traveling to EU countries. Third, it is the implementation authority (Border Police), which is supposed to selectively apply the exit criteria in order to avoid public discontent.

The new set of regulations is also a sign that the old conditions were not effective in controlling irregular migration. The amount of money required to exit the country was actually the weakest condition. That is why the total amount decreased to EUR 300 (and the presentation to the general public focused only on this aspect). The new conditions are similar to criteria needed to apply for Schengen visa before 2002. The only difference is that people do not have to stay in line to get the visa and that meeting this condition is not carefully processed by the destination country representatives (consulate), but easily examined by the Romanian Border Police.

It is hard to assess the effect of the new regulations on the numbers of Romanian irregular migrants as only two months have gone since the new conditions entered into force. But it could be envisaged that the corruption at the land border might increase due to flexibility instructions. We could also expect a decreasing of the number of travelers in the first months after the application of new exit criteria. But then the old numbers would be found again.

#### **4. Bilateral agreements and the coordination of social security systems**

The following institutions are involved in applying rules for the co-ordination of social security schemes: the Ministry of Labour and Social Solidarity, the Ministry of Health and Family, the National House of Pensions and other Social Insurance Rights, the National Agency for Employment, the National House of Health Insurance, the Ministry of Education and Research.

The Ministry of Labour and Social Solidarity plays an important role in co-ordinating the institutions involved in the application of the Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community.

The commitment to improve the overall framework for the implementation of the acquis in the field of co-ordinating the social security schemes has materialised in the setting up of a comprehensive working group that brings together all the institutions concerned, namely: the Ministry of Labour and Social Solidarity, the Ministry of Health and Family, the Ministry of Education and Research, the Ministry of Justice, the National House of Pensions and other Social Insurance Rights, the National Agency for Employment and the National House of Health Insurance. The working group has been established in 2001 and will carry out its activity until the end of 2005. The working group meets regularly, on a weekly basis, and aims at elaborating the Annexes to the Regulation (EEC) No 1408/71 by identifying the contributive and non-contributive benefits of the type of those laid down in the Annexes to the Regulation.

Important progresses in legislation and institutions have been made regarding Romanian citizens working abroad. In 2002 the National Office for Labor Migration has been founded under the Ministry of Labor and Social Solidarity, its main purpose being to enact labor exchange conventions between Romania and destination countries and to intermediate labor contracts for Romanian migrants. Only in the last few years, the Romanian government has signed several bilateral agreements with countries that turned out to be important destinations for Romanian workers (like Spain, Portugal and Germany). The purpose of these bilateral legislative acts is to guarantee equal working conditions for Romanian citizens and natives, but also to create a legal frame within which labor mobility can develop. These bilateral agreements as well as the quota system might be a useful tool for regulating migrants' movements during the transition period after

Romania's accession to the EU, when workers will not have the right to freely circulate in the Schengen space. However up to this moment, the number of labor contracts intermediated by the state authorities (National Office for Labor Migration) is highly insufficient as compared to the demand mostly channeled to the irregular market due to the lack of legal opportunities. The corruption histories associated with the National Office for Labor Migration as well as its late setting-up at a time when migration networks were already solid weighed against its immediate efficiency.

The insufficient demand for migrant labor coming from the National Office for Migration has been soon supplemented by small private firms aimed at sending labor abroad. The proliferation of intermediaries was quickly followed by public reports on migrant workers cheated by mediating companies (paid money never get the job) or migrant workers cheated by employers abroad (not complying with conditions stipulated in the contract). Consequently, the Romanian authorities issued a set of criteria that labor-mediating companies are to meet in order to obtain full-license of operating in the market. These criteria referred to firm agreements between intermediaries and foreign employers, transparent procedures for selecting candidates and interdiction on requesting material guarantees from applicants while not abiding by the contract. However, private firms soon complained that there was an unfair competition between them and the state departments operating on the same market, while at the same time checking their activity. Therefore, the actual legislation only allows the periodical checking of the private firms' activity by the responsible state department (The Labor Inspection Department under the Ministry of Labor, Social Solidarity and Family) without much interference in the registration process. This proved to be an intricate subject. Firstly, the proliferation of a private labor intermediating market without excessive interference from the state might be beneficial for the migrants, since the state capacity to negotiate contracts is still low. Secondly, without appropriate assessment tools aimed at evaluating these firms activity, they might contribute to the enhancement of the number irregular migrants. A balanced approach combining the need to supervise the private firms' activity on the one hand and the necessity to extend the offer of labor contracts with help from the private sector on the other hand might increase the positive returns of migration by regulating the mobility flows.

### ***Box 3 – Germany will grant pensions to legal Romanian migrants***

Romanian migrants who worked abroad with a legal contract might be granted pensions by the destination country. The Romanian government has already signed such an agreement with Germany and, according to the Minister of Labor, similar agreements will be signed with other states too, among which Spain and Hungary have already negotiated conditions, and Italy, Moldavia and Ukraine are still negotiating. In order to benefit from a pension granted by the German state, the Romanian employee should have a legal contract and should pay the social security contributions as specified in the German law. The Minister of Labor stated that the novelty of this new law lays in the fact that it allows the employee to receive a pension from both states where he/she performed an activity (e.g. Romania and Germany). The agreement with Germany will be in force at the beginning of the following year. The agreement guarantees social rights for both German and Romanian citizens if working on the territory of these states. In order to benefit from such a pension a Romanian citizen should have worked at least 12 months on the German territory or at least 24 months in case of detached workers.

One of the most interesting facts in the last 2 years in Romania is that some major trade unions involved themselves in mediating labour. An example could be BNS (National Union Block) and ALFA, which signed agreements with their counterparts in Italy and Spain for sending Romanian workers abroad. The advantage of bilateral trade unions agreement of labor mediating is the assurance of protection and equal conditions as for other native union members. Usually trade unions in Western countries are opposing foreign labor, and on the other hand, unions in Romania are supposed to be more concerned of preserving their constituency, then sending members abroad.

In respect of labor mediating actors, the creation of a state body (National Office for Labor Migration) is not going to regularize the market. The effort of stabilizing the demand and supply of labor abroad is still very dispersed between state bodies (NOLM), private actors (labor mediating companies) and non-governmental agencies (trade unions). Each actor has advantages and disadvantages in the market, which means that coordination among various actors instead of market competition would be in the interest of migrant.

At the end of 2004 two other departments aimed at protecting migrants right have been founded: The Attaché's Body on Labor and Social Problems and the Department for Labor Abroad. The Attaché's Body on Labor and Social Problems represents a new interface between the Ministry of Labor, Social Solidarity, Family, and the destination countries, aiming at defending the rights of the Romanians working abroad by providing consultancy in matters of work controversies in accordance with the legislation of the respective country. At present, four attachés have been sent at the end of 2004, in Germany, Italy, Spain, and Hungary, four major destination countries for Romanian economic migrants. This new initiative is expected to contribute at fighting against illegal migration, trafficking in human beings and particularly at assuring labor conditions for the Romanian migrants similar to those specific for native citizens having the same jobs. An overall goal of the Attachés Department is to formulate policy recommendation based on the experience gained while evaluating migrant's complaints related to the jobs performed. A comprehensive database will be elaborated with this specific purpose. The Attachés Body will be responsible with problems formally managed by consuls but expectancies are higher for the former in terms of efficiency. Romanian Consulates and Embassies abroad have a negative image already and are not considered a viable information source due to difficult interaction with their representatives as well as to repeated disappointments (Report on irregular migration of Romanians in western countries and in the United Kingdom, IOM 2005). In spite of the recent founding of the Attachés Body, authorities stressed the fact that the public trust in such institutions is still low and that information campaigns are still needed in order to raise awareness regarding their purpose.

The Department's for Labor Abroad main objectives are the implementation of appropriate procedures for the protection of migrant workers' rights and liberties and the promotion of informative campaigns regarding the risks of illegal migration. The Department is also responsible with updating the legislative framework aiming at the protection of foreign workers abroad and with the monitoring of bilateral agreements between Romania and the respective countries of destination. The Attachés body functions under its direction.

Due to the high number of Romanians in Spain and Italy authorities also plan to found new consulates in these countries in order to reduce the time and costs of migrants' traveling to the capital city to request the issuance of the necessary documents (consulates will be found in Seville, Trieste and Torino)

In the area of security systems steady progress has been made towards Romania's system compliance with the European standards. Romania adopted specific legislation in 2002 when a special Commission to co-ordinate the social security systems was established. Its attributions refer to the negotiation and implementation of bilateral security systems. By the time of the accession, Romania will have to reach an economic stability level that will allow them implement the necessary improvements of the health care system in conformity with the EU requirements (E.U. Country Report, 2003)

A project regarding the coordination between the Romanian and the French social security system has been recently initiated as a part of the larger project aiming at adapting the public pension system to the EU standards. Agreements in the social security area have already been signed with Germany, Bulgaria, Slovakia, Belgium, Luxemburg, Netherlands, and the Czech Republic. Negotiations are in progress with Spain, Italy, Hungary Austria, and Portugal. According to the new legislative provision the labor period in a foreign country will be counted in as work experience if migrants have contributed to the social security system in the respective countries of destination.

However, not all aspects of the Romanian social security legislation are in accordance to the EU standards: for example the social security services are only available for citizens with the primary residence in Romania, the legislation does not take into account the Romanian employers whose firms are located abroad, or the free-lancers who are remunerated abroad. According to the last EU Report on Romania's progress towards accession, efforts should be directed to strengthening the structure of the Information and Documentation Center, which shall be the mechanism responsible for the collection and the providing of data on social security issues. Romania is also advised to extend the area of social security agreements (E.U. Country Report, 2004).

The latest developments in the field of health show that Romanian migrants abroad might be compelled to contribute to the Health Public Fund. Nowadays, in Romania, only a limited share of active population contributes to this fund. Pensioners, poor people (benefiting from minimum income), workers abroad do not pay any money to the Health Fund, although they are entitled to public health services. The Ministry of Health decided to initiate a new law that aims at extending the basis of contributors to other the social categories that were not included in the past. It seems that migrant workers abroad will be compelled to pay 6.5% of the average salary defined for Romanian active population as a contribution to the Health Fund. Although this measure is going to balance the ratio between contributors and non-contributors and to promote equity it is hard to target the migrant workers category. It is because most of the migrant workers do not have legal status and are rather irregular migrants. They cannot be easily detected and identified as migrant workers abroad so it would be impossible to collect their contribution to the Health Fund. Only a limited number of migrants can be officially defined, mostly those who went abroad through the Office for Labour Migration. In order to avoid paying the 6.5% contribution it is likely that those who seek work abroad to consider avoiding official channels and use informal networks.

## **5. The economic and social impact of labor migration**

In order to assess the impact of migration on origin community and origin labor market it is necessary to understand who are those who have chosen to work abroad. It is quite clear that the first economic effect of migration is releasing pressure from the origin labor market. Data shows that the number of migrants from rural and urban is quite the same, although the number of migrants from villages is slightly above the average. Most of the male migrants are working in construction sector or agriculture, but it is not necessary that they have skills for these jobs. Most of the female migrants are working as nurses, baby-sitters, or housekeepers in the country of destination. In terms of age, it seems that most of the migrants are from 18-30 years old category and in terms of gender, migration is highly masculine

### ***Box 4 – 136 million euro earned in 2004 by the Romanians working abroad***

The Ministry of Labor, Social Solidarity and Family stated that the number of Romanians working abroad with contracts intermediated by the Office for Labor Abroad has increased, 60 000 Romanians having worked in Spain, Germany, Switzerland, Italy and Qatar during 2004. Also, the financial transfers from migrants have registered a growth reaching 136 million Euro last year. The Director of the Department declared that it is impossible to estimate the exact number of Romanians working abroad since many work on the black market. The Office has also announced that one of its priorities is to initiate stricter controls of the labor intermediating agencies in order to counter abuses.

The labor contracts intermediated by the Office for Labor migration account for only a small part of the labor migration flows. According to a recent IOM report about 50% of the labor migrants are working on the black market. The report also indicates that the amount of money remitted home reached 2 billion Euro in 2004, a figure that compares to the estimate of the Romanian National Bank (IOM, 2005).

Labour migration has become increasingly important for the Romanian economy. There are several studies focusing on migration and development nexus. This scientific debate usually stresses the

level of remittances and the way return migrants spend their money. Romanian National Bank acknowledged that about US 1.2 billion was transferred in 2002 into Romania from migrant workers only through official channels (like Western Union and other specialized banking institutions). The volume has increased since 2000. In addition, economists admit that the amount of money entering the country each year is even higher. A representative survey carried out in April 2003 evidenced that the 930,000 households having at least one worker abroad might benefit from a constant flow of remittances up to EUR 2.0 billion a year, which is almost double the volume of foreign investment (CURS April 2003). All these amounts of money from migration are meant to show how important remittances can be for Romanian households. Discussion on migration and development link is usually focused on financial transfers, but one must admit that human capital and social capital transfers are as important as remittances. The remittances' quantum dropped from 265 Euro in August 2004 to 200 Euro in February 2005 (Report on irregular migration of Romanians in western countries and in the United Kingdom, IOM 2005).

Some qualitative studies evidenced that most of money from migration are spent on long-term goods (cars, houses) and consumption (food, clothes) and are less invested in business or community. This can be seen as depending on the number of migration cycles. Labor migration is still new for Romanians. Some analysis proved that the more cycles of migration, the more willingness of migrants to invest in business (Diminescu, Lazaroiu 2002).

Even though local authorities have no official responsibilities in migration issues, they are already face problems related to labour migration and it is envisaged that in the future immigrants will be a concern. In respect to labour migration, there are several villages where more than 30% of the population is working in a foreign country (IOM Bucharest 2001). Therefore, local authorities are confronted with a diminishing base for taxes. In the long term, a large volume of remittances in these villages might create incentive programs for migrants to invest in local infrastructure or start a business.

There is high risk in a medium term to create structural inflation in some specific location. Scholars drew attention that in some confined areas with large labour migration flows, when remittances and savings are spent in consumption there is a risk of raising prices especially in housing market (Massey et al 1993). This already happens in some Romanian areas (eastern part). As most of the population remains poor and migrants do not contribute to economic growth and development, there are seasonal fluctuations of the housing market. It happens that during the summer, when most of the migrants come home for vacation, prices for houses become prohibitive for the rest of the population. In the medium and long term, housing market might stabilize at a level that is not going to be affordable for non-migrants.

Labour migration can also change social relations within a community and increase economic inequalities. On the one hand, relative deprivation is not uncommon among villagers and it might be the engine of continuing migration. On the other hand, poor families or elder families cannot afford or are just not able to move to another country for a job. They are at risk of being marginal or socially isolated. Long separation of husband and wife can also dramatically affect traditional roles and relations in a rural community. A more balanced gender composition of migration flows will certainly have consequences on the distribution of roles within the Romanian families, and also on changing cultural/traditional patterns of rural communities. A research on voluntary return of Romanian migrants evidenced that missing family is the most important reason of people working abroad to return.

#### ***Box 5 – Reinforcing controls on minor's emigration***

According to the legislative provisions specified in the law 272/2004 regarding the Protection and Support of Children's Rights, the Border Police will allow children under 18 to leave the country only if both parents have expressed their agreement. If the minor possesses an individual passport when crossing the frontier he/she is required to have papers indicating the agreement of both parents. In case the minor travels with one

of the parents, having a collective passport, the border authorities will also check the certified agreement of the other parent even if the child is not under both parents' legal care.

The procedure might contribute to fighting against trafficking in children, considering the fact that before this initiative, the Border authorities emphasized the ease of crossing the border with minors while pretending to leave the country for tourism and not being constrained by the law to have an equal amount of money for children when entering the Schengen space

In spite of the fact that no statistics evaluate the number of children with migrant parents, the effects on children psychological and educational evolution have lately become more visible. As an example, out of the 650 children studying in a school in Bacau (a town in Moldavia), 150 have migrant parents. Teachers emphasized the fact that these children usually have low performances in school, do not attend classes and fail to pass the exams. Relatives supervising the children - generally the grandparents- cannot offer them the appropriate education.

Several authorities have already reacted to this phenomenon and are now trying to find the best solutions to manage it. Psychologists from the County Centre of Psycho-educational Assistance in Maramures are elaborating a project targeting the hundreds of children with migrant parents in Sighet, Viseul de Sus, Borsa (towns in Maramures). Some of the activities involved by the project refer to homework assistance or the organizing of seminars with the purpose of increasing awareness regarding the effects of drugs, alcohol and cigarettes consumption. Also the Ministry of Education, intends to promote a legislative project that will create an obligation for the parents to officially name a legal guardian for the children while they are away

***Box 6 – Parents leaving abroad for a job will have to prove children left at home are well taken care of***

The National Authority for the Protection of Children's Rights intends to support a legislative initiative that will stipulate the necessity that migrant parents prove the existence of a person who could take care of their children while they are abroad. Those not having this possibility will have to pay a tax representing the value of the social services provided by the state for the benefit of their children. The officials stated that the decision was taken as a result of the high number of children that have been neglected or abused while their parents were abroad. Experts also declared that children living separately from their migrant parents suffer from emotional stress or are involved in illegal activities and other anomic behavior. The high percentage of irregular migrants makes this initiative unlikely, since it cannot reach this significant target accounting for the largest part of migrant workers.

In rural area, there is a constant trend of population aging, which already has a dramatic consequence for developing efficient agriculture. Due to scarcity of young workforce to accumulate land and establish high profit farms, there is widespread subsistence agriculture in Romanian villages. In this context young people, leaving for working abroad has a negative impact unless they return and they are eager to invest money in agriculture. However, it seems that migration cannot solve the problem of poverty in rural area. Labour migration is not going to contribute substantially to the community development, as long as first cycle migrants are only consume oriented or at best investing into their own households. In the long term, a large volume of remittances in the migrant sending-villages might create incentive programmes for migrants to invest in local infrastructure or start a business. Investing money in local business is to create an entrepreneurial environment that will eventually make the community more prosperous. It is likely that large flows of labour migration associated with low returns in productive investment will lead to structural inflation. As in some area, labor migration is still very selective, large categories of people are going to have restricted access to different markets (like housing market). Local level policies or governmental programmes should create incentives to returned migrant workers for investing money in productive businesses.

Migration of Roma ethnics has the potential of creating problems in the future. Most of these problems are related to difficult integration into the Romanian society. Frequent associations between illegal activities abroad and Roma ethnics are going to feed hatred feelings and discrimination. Most of the Romanians already believe that Roma ethnics are making a bad reputation to Romania. There are fears that because of the reports on illegal activities of Roma, Romanian citizens might lose the right to travel without visa in European countries. Blaming Roma for such consequences is extremely dangerous for the future relations between the Romanian majority and Roma communities.

## **6. The lack of a substantial diaspora policy**

As far as the authorities interaction with Romanians living abroad, contacts are mostly aimed at supporting the Romanian Diaspora in the area of cultural, religious, and educational life. The Department for Romanians Abroad, which has responsibilities aimed at facilitating interaction between the Diaspora and the home country, and at protecting the rights of the Romanian minorities located outside the border, has no attributions related to labour migration. Neither this department nor the other state bodies that specifically target labour migration, functioning under the Ministry of Labour, aimed at encouraging formal transfers of remittances, or at channelling monetary transfers towards community investments or entrepreneurial activities.

In lack of the state's support, the emergence of trans-national trade companies, or of hometown associations having an impact on the home county development is still unlikely. No comprehensive researches have been conducted up to this moment regarding these aspects. However, the significant amount of remittances, has already raised the interest of social scientists and of international organizations, which will soon lead to consistent data regarding the impact of remittances and the incentives that should be created to support the emergence of trans-nationalism in the form of migrants hometown associations or in that of trade networks.

## **7. Reintegration: looking for best practices**

It is difficult to summarise which are the best practices for the (re) integration of migrants. Such programmes were either initiated very recently, and have therefore not been properly evaluated (with the exception of several OIM programmes for trafficked women or returned migrants), or they have failed. Nevertheless, we could enumerate some of the assistance programmes, which have been deemed efficient by the NGO's and the state authorities.

L'OMI (France organization managing migration) mission in Romania have started programs dedicated to re-integration of migrants in their origin societies. Most of these programs are trying to assist migrants in finding a job or starting a new business. However, there is a general tendency of EU countries to focus more on sustainable re-integration of the migrants instead of offering small money aids (which could actually create discrimination in some origin communities or even can perpetuate migration as incentives). Programs to improve skills and education might pay off better for the long-term integration of the returned migrants.

IOM Bucharest has been involved in programs for assisting voluntary returnees (from Ireland) to travel back home. They procured the tickets for migrants who wanted to get back in Romania and assistance for those who lost travel documents. The organization also coordinated reintegration programs, supporting the migrants financially provided that they maintain contact with the organization, and justify the expenses made with the money received.

A study conducted in 2002 in Romania on a small panel of returnees (both voluntary and forced) revealed that short after their arrival returnees experience severe problems of social and psychological re-integration in their origin communities depending on various factors: skills, education, family status, duration of staying abroad, etc. That is why most of them do not have other choice except for re-migration. (Lazaroiu, 2002)

In matters of reintegration of Romanian migrants, especially those related to voluntary return, more effective incentives schemes and sustainable programmes should be operating in order to avoid one-alternative (re-migration) setting. As most of the returned migrants encounter difficulties of adaptation to the social and economic environment, it could be more effective to invest money in human capital, than finance small initiatives or social aids.

Right after 1990 it might be said that there was not a strict control of investments in academic circulation. Some professionals left the country for good. In other cases universities compelled beneficiaries of government grants to commit themselves to return after completion of studies. Students' mobility increased through international donors and programmes (Soros Foundation, Fulbright, IREX, individual application to U.S. universities) and brain drain to Western Europe and North America especially for high-skilled young graduates in the IT sector was strongly encouraged by foreign countries. Official figures evidence that the percentage of university graduates having left Romania for good rose from 6% in 1990 to 23% in 2000 (National Institute for Statistics), which is as much as double the percentage of university graduates in total adult population (almost 10% university graduates according to polls' estimation). There are reported problems of adaptation and integration of Romanian graduates at foreign universities starting from recognizing certificates and school grades to difficulties related to access to academic circles. The salaries and working conditions are not so attractive in Romania except for some multi-national private companies. Programs of re-integration and incentives to return have been initiated in Romania by the U.S. embassy and Soros Foundation. The negative side of migration (brain-drain) is not going to stop until these programs will be successfully implemented. The high degree of closure of academic circles and also the lack of flexibility of the education system to recognize skills acquired abroad will remain important barriers against returning of high-skilled migrants.

#### ***Box 7 – Incentives for the return of highly skilled Romanian migrants***

The Romanian State Secretary for research intends to create incentives for the return of highly skilled Romanian migrants. In view of this purpose the Ministry of Education has elaborated a project named "Professional Research" aimed at involving PHD holders who studied abroad, in research programs in Romania (Source: Adevarul).

It should be stated that the number of Romanian highly skilled emigrants has increased from 6% in 1990 to 23% in 2003 (the later percentage representing more than the double of Romanians with tertiary education, accounting for 10% of the population in 2003)

Reintegrating the students who returned after studying abroad might be a difficult task. They will firstly have to be offered a satisfying job and a remuneration meeting their demands. This might however not be sufficient as the other push factor for such migrants lays in the different cultural patterns in Romania and their study country. Should efficient solutions be found for these migrants they might offer the key alternatives for balancing the two environments from both the financial and the cultural point of view. If their case shall not be treated appropriately, the brain drain phenomenon will become a serious pull factor for the highly skilled migrant.

## APPENDIX 1 – INSTITUTIONAL STRUCTURES REGULATING AND MANAGING MIGRATION

### State bodies

*National Office for Labor Recruitment and Placement Abroad (Ministry of Labor and Social Protection)* is the only state agency mediating labor with countries either under bilateral agreements or not. This is a new governmental agency founded in 2002 basically to diminish fees for mediating labor on the market and to increase concern for the rights of the Romanian migrant workers. This department is also in charge with issuing working permits for foreigners within the Romanian territory.

*Labor Inspection, Department for the Control of Labor Relations. (Ministry of Labor and Social Protection)* which is responsible enlistment and permanent monitoring of private companies involved in mediating Romanian workers abroad.

*The Attaché's Body on Labor and Social Problems (Ministry of Labor and Social Protection):* it was founded at the end of 2004, and represents a new interface between the Ministry of Labor, Social Solidarity and Family and the destination countries, aiming at defending the rights of the Romanians working abroad by providing consultancy in matters of work controversies in accordance with the legislation of the respective country. An overall goal of the attachés department is to formulate policy recommendation based on the experience gained while evaluating migrant's complaints related the jobs performed abroad and to create a data-base including the most common problems faced by migrant workers during their employment abroad. .

*The Department's for Labor Abroad (Ministry of Labor and Social Protection)* main objectives are the implementation of appropriate procedures for the protection of migrant workers' rights and liberties and the promotion of informative campaigns regarding the risks of illegal migration. The Department has been founded at the end of 2004, and is also responsible with updating the legislative framework aiming at the protection of foreign workers abroad and with the monitoring of bilateral agreements between Romania and the respective countries of destination. The Attachés body functions under its direction.

*Department for External Affairs (Ministry of Labor and Social Protection)* has attributions related to the negotiation of the bilateral agreements between Romania and destination countries.

*Department for consular relations (Ministry of Foreign Affairs)* is responsible with assistance and protection of Romanian citizens and companies abroad. As most of the Romanian workers abroad are irregular migrants the contact between this category and consular offices are rather seldom. Also there were reports on corruption of the officials working in Romanian embassies abroad while dealing with Romanian citizens in trouble. As sanctions for irregular migrants were reinforced in the last years it is likely that migrant workers will continue to avoid contact with representatives of the Romanian government abroad. Consular offices are also a primary contact for foreign investors, labor mediating companies or firms seeking labor in Romania.

*Department for Romanians Abroad (Ministry of Foreign Affairs):* responsible with maintaining and strengthening relations with Romanians outside the borders of the country. From a political point of view Diaspora is divided in two categories: Romanians who have chosen to leave the country and Romanian language speakers who were forced by historical circumstances to live outside the borders. The relationship with the first category is rather strained as most of the Romanians living abroad left the country during the communist regime. On the one-hand suspicions about Romanian State infiltrating and manipulating Diaspora for political purposes have not completely disappeared. On the other hand some Diaspora voices have turned out to be very critical with the regime even after 1990. The department is more focused on the second category, as those Romanian language speakers need to preserve cultural identity and sometimes to have their minority rights recognized

by the host country. The large Romanian language group outside the borders is living in the Republic of Moldova. Minority groups of Romanian language speakers live in neighbor countries as: Yugoslavia, Bulgaria, Hungary, and Ukraine

*Department for Passports (Ministry of Interior)* is responsible with issuing passports to Romanian citizens, monitoring forced or voluntary returned Romanians and sanctions applied to those citizens who committed crimes or felonies on a foreign state territory. This department is working in close cooperation with the Border Police.

*Border Police (Ministry of Interior)*: this state body is in charge with securing Romanian frontiers. It is also monitoring conditions for Romanian citizens traveling in a foreign country, fighting, and preventing human smuggling and trafficking in human beings. Border police is also in charge with issuing authorization for border traffic and commerce (Romanian citizens living next to the country border and wishing to travel for short periods in a neighbor country).

*Ministry of EU integration* coordinates the elaboration of the legislative framework and monitors Romania's progress in complying with the EU standards. It represents an interface between the Romanian and the communitarian institutions.

### **International Organizations**

*IOM (International Organization for Migration)* has permanent missions on the Romanian territory.

*ILO (International Labor Organization)* does not have a permanent mission in Romania, but only a corresponding office. The regional ILO mission is based in Budapest.

*L'OMI (l'Organization pour les Migrations Internationales)* is not quite an international organization, but rather a branch of the French Ministry of Interior and Ministry of Foreign Affairs aiming at managing integration or re-integration programs for migrants returned from France in Romania.

## APPENDIX 2: FREE MOVEMENT OF PERSONS

### LEGISLATIVE TIMETABLE DETAILED ON COMMUNITY LEGAL ACTS

EC MEASURE to be transposed	NATIONAL MEASURE to be adopted	Responsible institution	Planned date of adoption	Planned date of entry into force
1. Mutual recognition of professional qualifications				
1.1. Principles and conditions				
Council Directive 89/48/EEC on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration	Law on recognition of the diplomas and professional qualifications awarded on completion of university studies at least three years	MER	2003	2004
Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC	Law on recognition of the professional qualifications awarded on completion of a post secondary or secondary studies completed with a professional training or equivalent	MER	2003	2004
1.2. Lawyers				
Council Directive 77/249/EEC to facilitate the effective exercise by lawyers of freedom to provide services	Amendment of Law No 51/1995 concerning the regulation of lawyer's profession	MJ	Quarter 4 2003	Quarter 4 2003
	Amendment of the Statutes on lawyer's profession	Lawyers' Union	Quarter 4 2003	Quarter 4 2003
Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained	Amendment of Law No 51/1995 concerning the regulation of lawyer's profession	MJ	Quarter 4 2003	Quarter 4 2003
	Amendment of the Statute on lawyer's profession	Lawyers' Union	Quarter 4 2003	Quarter 4 2003

1.3. Architects					
Council Directive 85/384/EEC on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services	Amendment of Law No 184/2001 – regarding the organisation and practice of the profession of architect	MPWHT	Quarter 2003	1	Quarter 1 2004
1.4. Medical and paramedical activities					
Council Directives 93/16/EEC; 78/686/EEC; 78/687/EEC; 85/432/EEC; 85/433/EEC	Amendment of Law No 74/1995, regarding the practice of doctor's profession	MHF	Quarter 2002	2	Quarter 2 2002
	Amendment of Law No 81/1997, regarding the practice of pharmacist's profession	MHF	Quarter 2002	2	Quarter 2 2002
	Draft Government Decision regarding the organisation of the human medical – pharmaceuticals post graduating education	MHF – MER	Quarter 2002	1	Quarter 1 2002
	Amendment of Order of the minister of health No 254/2000 regarding the Index of pharmaceutical and medical specialties and high specialization and competence for the medical network	MHF	Quarter 2002	1	Quarter 1 2002
	Draft Government Decision regarding the recognition of certifications and titles which certify the specialization of the doctors and pharmacists, citizens of the EU Member States	MHF	Quarter 2005	1	Quarter 1 2005
	Draft Government Decision regarding the establishment of institutions, subordinated to the Ministry of Health and Family, which are going to be entitled to recognize the specializing evidences of doctors, pharmacists, citizens of the EU Member States	MHF	Quarter 2005	1	Quarter 1 2005
	Draft Norms regarding the appointment of the Romanian representative experts' teams to the Advisory Committee of European Commission regarding the training of doctor, dental practitioner and pharmacist	MHF - MER	Quarter 2004	4	31.12.2006

	Draft Norms regarding the appointment of the Romanian representative experts on Public Health in the Advisory Committee of European Commission.	MHF		Quarter 4 2004	31.12.2006
Council Directives 77/452/EEC; 77/453/EEC; 80/154/EEC; 80/155/EEC	Amendment of Law No 461/2001, regarding the practice of the profession of nurses responsible for general care	MHF		Quarter 1 2003	Quarter 2 2003
	Draft Norms regarding the harmonization of the curricula for nurses responsible for general care	MHF MER	-	Quarter 4 2002	Quarter 1 2003
	Draft Government Decision regarding the training of midwives and the recognition of the evidences certifying the training for this job to the citizens of the EU Member States	MHF MER	-	Quarter 4 2004	Quarter 1 2005
	Draft Government Decision regarding establishment of institutions, subordinating to the Ministry of Health and Family, abilitated for recognition of the specializing evidences certifying post-graduating education of nurses responsible for general care, citizens of the EU Member States	MHF		Quarter 4 2004	31.12.2006
	Draft Norms for appointing the Romanian representative experts in the Advisory Committee of European Commission regarding the training of nurses responsible for general care and midwives	MHF - MER		Quarter 4 2004	31.12.2006
Council Decision 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services	Draft order of the minister of agriculture, food and forests concerning the certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services	MAFF NSVA	-	Quarter 4 2002	Quarter 3 2003
Council Decision 78/1028/CEE of 18 December 1978 setting up an Advisory Committee on Veterinary Training	Draft order of the minister of agriculture, food and forests setting up an advisory committee on veterinary training	MAFF NSVA	-	Quarter 4 2002	Quarter 3 2003

Council Directive 78/1027/EEC of 18 December 1978 concerning the co-ordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons	Draft order of the minister of agriculture, food and forests concerning the co-ordination of provisions laid down by law, of regulations or administrative actions in respect of veterinary competent activities	MAFF NSVA	-	Quarter 2002	4	Quarter 3 2003
2. Right of residence						
Council Directive 90/364/EEC of 28.06.1990 on the right of residence	Amendment of Law No 123/2001 regarding the aliens' status in Romania	MI		Quarter 2003	4	Quarter 4 2003
Council Directive 93/96/EEC of 29.10.1993 on the right of residence for students						
Council Directive 73/148/EEC of 21.05.1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services						
Council Directive 90/365/EEC on the right of residence for employees and self-employed persons who have ceased their occupational activity.						
Council Directive 75/34/EEC concerning the right of member states citizens to remain on the territory of another member state after they have finished their activity as self-employees						
Council Directive 64/221/EEC of 25.02.1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health						
3. European citizenship						
Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals	Adoption of an organic law regulating the exercise of the right to vote and the participation in elections to the European Parliament for Romanian nationals as well as for EU citizens residing in Romania, in compliance with the <i>acquis communautaire</i>			2006		2007

Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals	Amendment of Articles 16 and 35 of the Constitution of Romania.		2006	2007
4. Visa				
Council Regulation (EC) No 2317/95 of 25 September 1995 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas	These two Regulations are dealt with in the Position Paper on Chapter 24 " Justice and Home Affairs"			
5. Free movement of workers				
Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community	Amendment of Law nr. 203/1999 regarding the work permits	MLSS	Quarter 4 2003	Quarter 4 2003
Council Regulation 2434/92/EEC of 27 July 1992 amending Part II of Reg. (EEC) No 1612/68 on freedom for movement of workers within the Community	Draft law regarding the unemployment insurance system and the employment stimulation	MLSS	Quarter 4 2001	Quarter 1 2002
	Amendment of Law No 54/1991 regarding the trade unions	MLSS	Quarter 4 2001	Quarter 4 2001
Regulation (EEC) No 1251/70 of the Commission on the right of workers to remain in the territory of a Member State after having been employed in that state	Amendment of Law No 123/2001 regarding the aliens' status in Romania	MI	Quarter 4 2003	Quarter 4 2003
Council Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families	Draft law regarding organization and developing of certain economic activities by natural persons	MLSS	2002	2002
	Amendment of Law No 123/2001 regarding the aliens' status in Romania	MI	Quarter 4 2003	Quarter 4 2003
	Amendment of Law No 203/1999 regarding the work permits	MLSS	Quarter 4 2003	Quarter 4 2003

6. Migration				
Commission Decision 88/384/EEC on 08.06.1988 setting up a prior communication and consultation procedures on migration policies in relation to non-member countries	Adoption of an enactment that will regulate the way in which Romania will apply the prior communication and consultation procedure on migration policies in relation with the third countries	MI, MEI, MFA	31.12.2006	31.12.2006
7. Co-ordination of social security schemes				
Regulation (EEC) No 1408/71 of 14 June 1971, on the application of social security schemes to employed persons and their families moving within the Community	Law on the unemployment insurance system and stimulation of employment	MLSS	Quarter 4 2001	Quarter 1 2002
	Law concerning the settlement of medical assistance expenditure granted in Romania to foreign nationals, on the basis of agreements and conventions or mutual international protocols in the health field to which Romania is party	MHF	2001	2002
	Law ratifying the Agreement between Romania and the Kingdom of the Netherlands on the export of social security benefits	MLSS	2002	2003
	Law for the ratification of the Agreement between Romania and the Czech Republic in the social security field	MLSS	2002	2003
	Initiation of the procedures for conclusion of bilateral agreements in the field of social security with: the Kingdom of Spain, the Portuguese Republic, the Hellenic Republic, Luxembourg, Ireland, the Kingdom of Belgium, the Italian Republic.	MLSS	2003-2005	2003-2006
Regulation (EEC) No 574/72, laying down the procedure for implementing Regulation (EEC) No1408/71 on the application of social security schemes to employed persons and their families moving within the Community	Government Decision on the adoption of the norms for the application of Law on the unemployment insurance system and stimulation of employment	MLSS	2002	2002

	Government Decision for the adoption of the norms for the application of Law concerning the settlement of medical assistance expenditure granted in Romania to foreign nationals, on the basis of agreements and conventions or mutual international protocols in the health field to which Romania is party	MHF	2001	2002
	Initiation of regulations on the adoption of the administrative arrangements for the implementation of agreements in the field of social security with the Kingdom of the Netherlands, the Kingdom of Spain, the Portuguese Republic, the Hellenic Republic, Czech Republic, Luxembourg, Ireland, the Kingdom of Belgium, the Italian Republic	MLSS	2003-2005	2003-2006
Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community	Draft law on the organisation and functioning of the universal funds of pensions and of the supplementary and optional schemes of pensions	MLSS	2003	2003

### **APPENDIX 3 – BIBLIOGRAPHIC REFERENCES OF LATEST MIGRATION PUBLICATIONS ON MIGRATION TRENDS**

Diminescu, Dana, Lazaroiu, Sebastian: Circulatory migration of Romanians, IOM report, 2002

Constantin, Daniela-Luminita. Vasile, Valentina. Preda, Diana. Nicolaescu, Luminita. (2004). Migration Phenomenon from the Perspective of Romania Accession to the EU; European Institute in Romania; Bucharest.

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#### **APPENDIX 4 – LIST OF THE INTERVIEWS**

1. The National Agency for Labor Force. Gabriela Rus. Counsellor. Sonia Diaconescu, Direction manager, Direction for the Management of Labor Force
2. International Organization for Migration, Cristina Gheorghe, Head
3. National Institute for Labor Research, Catalin Chineraru, Scientific Secretary
4. Department for Romanians Abroad, Eugen Popescu. Director
5. General Direction for Passports, Stangaciu Dana, Officer and the Head of the Service for the Combating of Illegal Migration
6. Ministry of Foreign Affairs, Direction for Consular Affairs, Cristian Gaginsky, Director
7. Ministry of Interior, Border Police, The Service for Combating Traffic in Human Beings, Bogdan Budeanu, Officer
8. Ministry of Labor Social Solidarity and the Family, Labor Inspection, Department for the Control of Labor Relations. Gabriela Radu, Director.
9. Ministry of Labor, Social Solidarity and Family, Department for Labor Abroad, The Attachés Body for Labor and Social Problems, State Secretary, Daniela N. Andreescu
10. National Union Block. Dumitrescu Valerica, Head of the Education Department
11. National Office for Labor Migration and Overseas Labor Department, A. Teodorescu, Manager and D.N. Andreescu, State Secretary
12. International Labor Organization, Cristina Mihes, National Correspondent Romania
13. Union, Cartel Alfa, Social Department, Corina Radu and Cristinel Bleandă
14. Ministry of Labor, Social Solidarity and Family (MLSSF), Magda Filip, Head of the Directorate for External Relations and International Organizations
15. Labor intermediating agency, Obiettivo Lavoro, Floriana Pușcașu
16. Directorate of Negotiations on Community Policies, Claudia Big.
17. Delegation of the European Commission, Stephan Dahlgren
19. Ministry of Finance, Codrin Vulcu, Councillor
20. Ministry of Integration, Leonard Orban, former Chief Negotiator