

Romania

Extended Migration Profile

2010

Building Migration Partnerships (BMP)

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International Centre
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Romania

Extended Migration Profile



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Table of Contents

BACKGROUND.....	5
GENERAL COUNTRY INFORMATION	6
A. INTRODUCTION.....	7
A1. RECENT MIGRATION PATTERNS: A BRIEF SUMMARY	7
B. ANALYSIS OF SOCIO-ECONOMIC CONTEXT OF MIGRATION.....	9
B1. DEMOGRAPHIC CHANGES	9
B2. ECONOMY AND ECONOMIC CLIMATE.....	10
B3. LABOUR MARKET ANALYSIS.....	11
B4. HUMAN CAPITAL	16
C. ANALYSIS OF THE MIGRATION SITUATION IN THE COUNTRY	17
C1. IMMIGRANTS	17
C1.1 TOTAL NUMBER OF IMMIGRANTS	18
C1.2 TYPES OF IMMIGRANTS.....	19
C1.3 IRREGULAR IMMIGRANTS.....	20
C2. EMIGRANTS	23
C2.1 TOTAL NUMBER OF EMIGRANTS	23
C2.2 TYPES OF EMIGRANTS	23
C2.3 IRREGULAR EMIGRANTS	23
C3. DIASPORAS ABROAD	23
C4. REMITTANCES OF NATIONALS LIVING ABROAD	26
D. ANALYSIS OF THE FACTORS DRIVING MIGRATION IN THE COUNTRY	27
D1. MAIN CHARACTERISTICS OF CURRENT MIGRATION TRENDS.....	27
D2. IDENTIFYING THE KEY PUSH AND PULL FACTORS OF MIGRATION	27
D3. POSSIBLE FUTURE TRENDS IN MIGRATION	28
E. COUNTRY SPECIFIC MODULE, FOLLOWING THE ISSUE OF SPECIAL INTEREST	29
F. MIGRATION POLICIES AND PROGRAMMES AND THEIR EFFECTIVENESS IN MANAGING THE MIGRATION AND DEVELOPMENT CHALLENGES	31
F1. OVERVIEW OF THE NATIONAL INSTITUTIONAL AND POLICY FRAMEWORK GOVERNING MIGRATION	31
F1.1 AN OVERVIEW OF RECENT MIGRATION POLICY DEVELOPMENTS	31
F1.2 AN OVERVIEW OF KEY DOMESTIC LEGISLATION.....	34
F1.3 A BRIEF DESCRIPTION OF KEY INSTITUTIONAL ACTORS INVOLVED IN MIGRATION MANAGEMENT AND DIASPORA	43
F2. AN ANALYSIS OF POLICY COHERENCE ISSUES	49
F3. REGIONAL AND INTERNATIONAL CO-OPERATION	49
F4. OVERALL ASSESSMENT OF THE MIGRATION POLICY CONTEXT	54
G. EVALUATING THE IMPACTS OF MIGRATION AND MIGRATION POLICY ON THE SOCIO-ECONOMIC DEVELOPMENT	55
G1. IMPACTS OF MIGRATION ON THE SOCIO-ECONOMIC DEVELOPMENT OF THE COUNTRY OF ORIGIN	55
G2. THE SOCIO-ECONOMIC DEVELOPMENT EFFECTS OF MIGRATION POLICIES AND OTHER FORMS OF INTERVENTIONS TARGETING MIGRATION.....	56

H. CONCLUSIONS.....	58
H1. MAIN FINDINGS ON CURRENT MIGRATION TRENDS	58
H2. IMPROVEMENT OF MIGRATION STATISTICS	58
H3. RECOMMENDATIONS REGARDING MIGRATION MANAGEMENT	58
ANNEXES	60
I - STATISTICAL ANNEX FOR ADDITIONAL TABLES AND FIGURES	60

Background

This Draft Extended Migration Profile has been prepared in the framework of the “Building Migration Partnerships” initiative funded by the European Union’s Thematic Programme and running between January 2009 and December 2010. The overall objective of this initiative is to contribute to the implementation of the Joint Declaration agreed at the Prague Ministerial Conference "Building Migration Partnerships" (27-28 April 2009).

The “Building Migration Partnerships” initiative is jointly implemented by the Czech Republic (Ministry of the Interior), Hungary (Ministry of Interior), Poland (Ministry of Interior and Administration), Romania (Ministry of Administration and Interior), Slovakia (Ministry of Interior) and the International Centre for Migration Policy Development (ICMPD).

The beneficiaries of this initiative are the migration authorities of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan as well as Belarus (observer); specifically, Ministers and Heads of Departments of ministries and migration services of participating beneficiary countries holding the main responsibility for migration management in addition to relevant officials of these ministries at senior working level.

This Draft Extended Migration Profile has been elaborated on the basis of a template prepared by the European Commission. It contains different statistical and analytical information that aims to evaluate the overall migration situation in a given country. The objective is to facilitate co-operation between countries in the field of migration management: on the one hand by providing information on the migration situation in a country and on the other by providing a sound empirical and statistical basis for policy planning and development.

Part A of this Draft Extended Migration Profile aims to outline how migration has evolved during the last years. Furthermore, it gives a brief summary of key migration trends and issues during the last decade. Part B of the Profile provides an overview of the socio-economic conditions of the country in order to understand possible push/pull factors affecting migration.

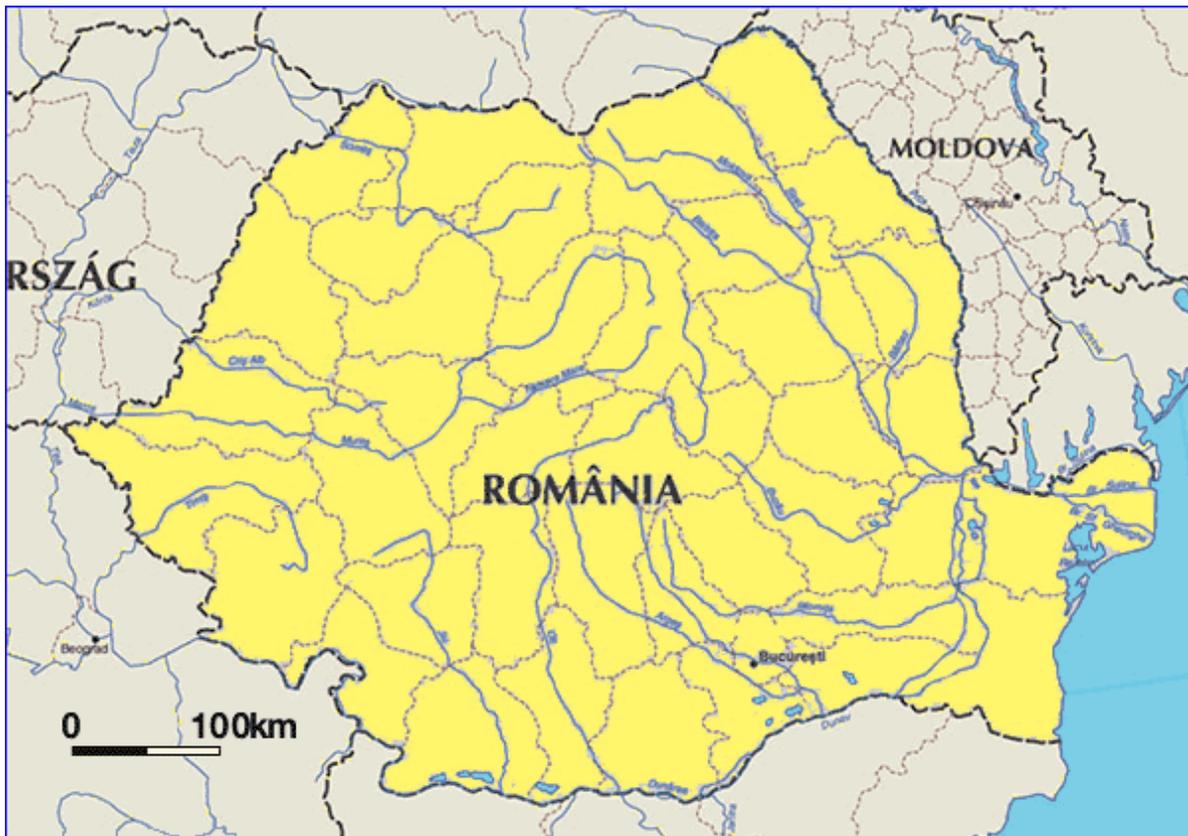
Part C analyses migration patterns and recent trends on the one hand, while on the other provides an overview of existing data such as number and type of immigrants/emigrants, irregular immigrants/emigrants as well as diasporas abroad and remittances. Part C also identifies data gaps.

Based on the information and data presented in Parts A, B and C, Part D summarises the key migration trends indicating major push and pull factors driving migration. Furthermore, the links between different demographic and socio-economic factors and their implications for migration are explored and indications on future migration developments are elaborated.

Part E of the Profile describes the special interests and priorities of the country. Migration policies and programmes and their effectiveness in managing migration and development challenges are described in Part F of this Profile. Part G aims at providing an overview of the impacts of migration on the socio-economic development and the effectiveness of related migration policies.

The main findings and an analysis are presented in Part H. It also indicates existing data gaps and possible strategies for improving migration statistics. Furthermore, it presents proposals for making the migration Profile updateable, as well as key recommendations for policy makers to improve current migration management.

General country information¹



Capital:	Bucharest
Area:	total: 238,391 sq km (land: 229,891 sq km, water: 8,500 sq km)
Land boundaries:	total: 2,508 km (border countries: Bulgaria 608 km, Hungary 443 km, Moldova 450 km, Serbia 476 km, Ukraine (north) 362 km, Ukraine (east) 169 km)
Population:	22,181,287 (July 2010 est.)
Ethnic groups:	Romanian 89.5%, Hungarian 6.6%, Roma 2.5%, Ukrainian 0.3%, German 0.3%, Russian 0.2%, Turkish 0.2%, other 0.4% (2002 census)
Languages:	Romanian 91% (official), Hungarian 6.7%, Romany (Gypsy) 1.1%, other 1.2%
President:	Traian Basescu
Head of Government:	Emil Boc
Government type:	Republic

¹ European Union's Map, copyright is owned by the European Commission but reproduction is authorised (http://europa.eu/abc/maps/members/romania_en.htm)

General country information: CIA World Fact Book (<https://www.cia.gov/library/publications/the-world-factbook/geos/ro.html>)

A. Introduction

A1. Recent migration patterns: a brief summary

Over the years, migration has changed from a regional process - determined by economical, social, natural or political factors - into a global phenomenon, presently affecting 3% of the total world population. No country remains unaffected by international migration, be it as a country of origin, transit, destination, or all three simultaneously.

International migration - voluntary or forced - has become an important part of global existence. Thus it has been concluded that through efficient management, migration can play a key role in development and the reduction of poverty. It can have clear advantages that could be enhanced and disadvantages that could be minimized.

Romania is exposed to illegal migration routes originating in Eastern Europe, the Middle East, South-Eastern Asia, China, Pakistan and Africa (Congo, Nigeria, Egypt, Tunisia, Morocco). Illegal migration tendencies have been noticed from Central and South America, but due to measures against employers taken by the Romanian authorities, these tendencies have been reduced.

Migrants entering by air along the migratory routes from Africa, the Middle East and even China, have initially been granted a visa at one of the Romanian diplomatic missions abroad; migrants using terrestrial routes enter either legally, having an entry visa, or illegally, using clandestine cross-border networks.

The most commonly given purposes to enter country, on the visas of legal migrants who later become part of the growing illegal migration, are work, tourism, visits and studies. Thus, measures taken by Romanian authorities envisage the control and elimination of the illegal stays of foreigners through monitoring and special checks on Romanian employers, issuers of invitations for visits, tourist agencies and educational institutions.

At present there are 58,416 third-country nationals and 29,000 EU Member State nationals registered in Romania.

The numbers of foreigners who need monitoring to prevent violations of the specific legal framework stands at between 250,000 – 300,000 foreign citizens, including those who are registered, those who do not need an entry visa according to international treaties that Romania is part to, and those entering Romanian territory with a short term visa.

5,000 foreigners are tracked down and removed from the territory every year. For instance, in 2009 5,045 foreigners residing illegally were removed, most of whom had been residing illegally for less than one year after having legally entered the territory. Most migrants come from countries of origin such as Turkey, Moldova and China.

Migration dynamics, long and medium term orientation and EU Member States' strategies require a permanent adjustment of institutional policies to the social realities as well as an ongoing development of competent staff dealing with the relevant issues.

Analyzing the current internal context, Romania is challenged in the field of migration by:

- Most foreigners intending to migrate illegally initially enter Romanian territory legally. The opening of the labour market in 2008 and the onset of the economic in 2009 resulted in hundreds of unqualified workers from China and Bangladesh losing or abandoning their jobs to become illegal migrants, searching for organised routes to Greece or Italy. From the beginning

of 2009 onwards, more than 800 Chinese nationals have been returned to their country of origin following the termination of working contracts;

- Turkish and Moldovan nationals legally entering Romanian territory mainly exit illegally across the western border using false ID or guides;
- Constant pressure on the northern, west-northern, and eastern border regions from illegal migration routes used by migrants from Pakistan, Bangladesh and Indian nationals using guides from Ukraine, Slovakia and Romania;
- The development of forged document networks, especially Romanian, used by illegal Moldovan migration routes; the growing number of border offences at the western border in 2008;
- The high costs of forced return operations to countries of origin for illegal migrants;
- Romania has the second longest external “green” borders in the EU, and authorities must face control challenges related to varied terrain from the Carpathian Mountains to the Danube Delta and Black Sea region. Illegal migration route issues are dealt with by implementing measures related to harmonisation of the legal framework to European standards, co-operation with the Romanian diplomatic missions abroad, inter-institutional co-operation between all relevant authorities in the field of illegal migration through protocols and common action plans, international co-operation with Frontex and the use of European funding for the forced return of illegal migrants. All are considered components of the common management process in the field of migration of the Romanian authorities, including tendencies which influence illegal migration routes on Romanian territory.

A method frequently used by smugglers is to abandon illegal migrants once on the territory, having briefed them in gaining access to the asylum procedure. Asylum seekers are registered and entered into the Eurodac data base, falling under the provisions of the Dublin Regulation.

There are currently five accommodation centres in use for asylum seekers on Romanian territory.

The Dublin Regulation applies to asylum seekers submitting a first application on the territory of another EU Member State, as well as to asylum seekers initially applying for asylum on Romanian territory that left later to another EU Member State.

B. Analysis of socio-economic context of migration

B1. Demographic changes

Population by sex and urbanization, 2007 – 2009

Year	Total			Urban			Urbanization, %		
	Both sexes	Males	Females	Both sexes	Males	Females	Both sexes	Males	Females
July 1, 2007	21,537,563	10,496,720	11,040,843	11,877,659	5,683,983	6,193,676	55.1	54.2	56.1
July 1, 2008	21,504,442	10,477,611	11,026,831	11,835,328	5,658,512	6,176,816	55.0	54.0	56.0
July 1, 2009	21,469,959	10,457,219	11,012,740	11,823,516	5,649,707	6,173,809	55,1	54,0	56,1

Population by age group, sex and urbanization, on July 1, 2009²

Age group	Total			Urban			Urbanization, %		
	Both sexes	Males	Females	Both sexes	Males	Females	Both sexes	Males	Females
Total	21,469,959	10,457,219	11,012,740	11,823,516	5,649,707	6,173,809	55,1	54,0	56,1
0 - 4 years	1,079,077	554,333	524,744	583,636	300,274	283,362	54,1	54,2	54,0
5 - 9 years	1,060,158	544,930	515,228	506,232	260,142	246,090	47,8	47,7	47,8
10-14 years	1,106,540	566,897	539,643	513,449	262,621	250,828	46,4	46,3	46,5
15-19 years	1,325,569	677,428	648,141	694,579	351,966	342,613	52,4	52,0	52,9
20-24 years	1,722,804	879,022	843,782	1,018,241	510,029	508,212	59,1	58,0	60,2
25-29 years	1,627,924	833,631	794,293	989,214	493,703	495,511	60,8	59,2	62,4
30-34 years	1,775,260	910,647	864,613	1,040,432	520,540	519,892	58,6	57,2	60,1
35-39 years	1,678,096	852,829	825,267	938,473	456,857	481,616	55,9	53,6	58,4
40-44 years	1,611,779	811,426	800,353	961,505	454,579	506,926	59,7	56,0	63,3
45-49 years	1,258,455	623,476	634,979	775,099	358,665	416,434	61,6	57,5	65,6
50-54 years	1,538,167	743,586	794,581	976,956	454,658	522,298	63,5	61,1	65,7
55-59 years	1,411,490	666,790	744,700	849,824	401,576	448,248	60,2	60,2	60,2
60-64	1,070,415	492,427	577,988	564,246	260,853	303,393	52,7	53,0	52,5

² Distribution of population by age group, gender and urbanization for 2007 and 2008 is provided in the Annex II of this Profile

years									
65-69 years	923,844	403,762	520,082	436,027	190,334	245,693	47,2	47,1	47,2
70-74 years	929,212	383,565	545,647	408,989	167,039	241,950	44,0	43,5	44,3
75-79 years	704,995	279,022	425,973	295,408	113,062	182,346	41,9	40,5	42,8
80-84 years	428,578	159,915	268,663	178,188	64,062	114,126	41,6	40,1	42,5
85 years and over	217,596	73,533	144,063	93,018	28,747	64,271	42,7	39,1	44,6

Population by ethnic group³

	Number of persons	Percent (%)
Total	21,680,974	100.00
Romanians	19,399,597	89.48
Hungarians	1,431,807	6.60
Gypsies	535,140	2.47
Ukrainians	61,098	0.28
Germans	59,764	0.28
Russians-Lipovenians	35,791	0.17
Turks	32,098	0.15
Tartars	23,935	0.11
Serbians	22,561	0.10
Slovakians	17,226	0.08
Bulgarians	8,025	0.04
Croats	6,807	0.03
Greeks	6,472	0.03
Jews	5,785	0.03
Czechs	3,941	0.02
Poles	3,559	0.02
Italians	3,288	0.02
Chinese	2,243	0.01
Armenians	1,780	0.01
Csangas	1,266	0.01
Others	16,850	0.08
Not stated	1,941	0.01

B2. Economy and economic climate

- **Main macroeconomic indicators:**

Real GDP	Level: 117.02 billion EUR (2009) Growth rate: -7.2%	NCP ⁴ estimations NBR ⁵
Sectors growth rate (GVA – Gross Value Added) 2009/2008	Industry: -7.3% Agriculture: -7.0%	NCP

³ Population and Housing Census, March 2002

⁴ National Commission for Prognosis

⁵ National Bank of Romania

	Services: -4.8% Constructions: -19.6% Total economy: -7.3%	
Inflation rate	4.74%	NBR
Public debt	2009: 29.29% of GDP 2008: 21.8% of GDP	Ministry of Finance
External debt	2009: 78,656 million EUR 2008: 72,354 million EUR	NBR
External debt service - level - as percentage of exports of goods and services	44,088 million Euro 31.6%	

- **Investment climate**

Foreign direct investments, net	4.766 million EUR	NBR
Income tax	16%	CRPCIS ⁶ – <i>Infobusiness Romania 2010</i>
Capital gains tax	16%	
Corporate income tax	16%	
Standard dividend tax	16% on dividends paid to Romanian individuals 10% on dividends paid to Romanian companies	
Standard VAT	19%	

- **Trade**

Trade balance	Total: -9,780.6 EU27: -6,884.4 Other: -2,896.2	NIS ⁷
Imports of goods and services	Total: 38,896.9 million EUR From EU27: 28,526.4 million EUR From other: 10,370.5 million EUR	
Exports of goods and services	Total: 29,116.3 million EUR To EU27: 21,642.0 million EUR To other: 7,474.3 million EUR	
Consumer price index (CPI)	2009: 5.59%	NBR

B3. Labour market analysis

- **Recent developments in the labour market**

The activity and employment rates for older people in 2008 were 62.9% and 59%, the employment rate recording a steady upward trend in recent years.

In the unfavourable conditions caused by the crisis it is expected that the rate of employment (for the 15-64 year age group) will decline by about 1.6% in 2009. However, forecasts show a reversal of both trends in 2010.

⁶ Romanian Centre for Trade and Investment

⁷ National Institute for Statistics

Comparison Romania - EU 27 main indicators on employment in 2007 to 2008

	RO 2007	RO 2008	EU 27, 2007	EU 27, 2008
Total rate of employment (age group 15-64)	58.8%	59%	65.4%	65.9%
Total rate of female employment (age group 15-64)	52.8%	52.5%	58.3%	59.1%
Total rate of elderly employment (age group 55-64)	41.4%	43.1%	44.6%	45.6%

ILO unemployment statistics showed a downward curve in Romania since 2006, so that in 2008 its value was 5.8%.

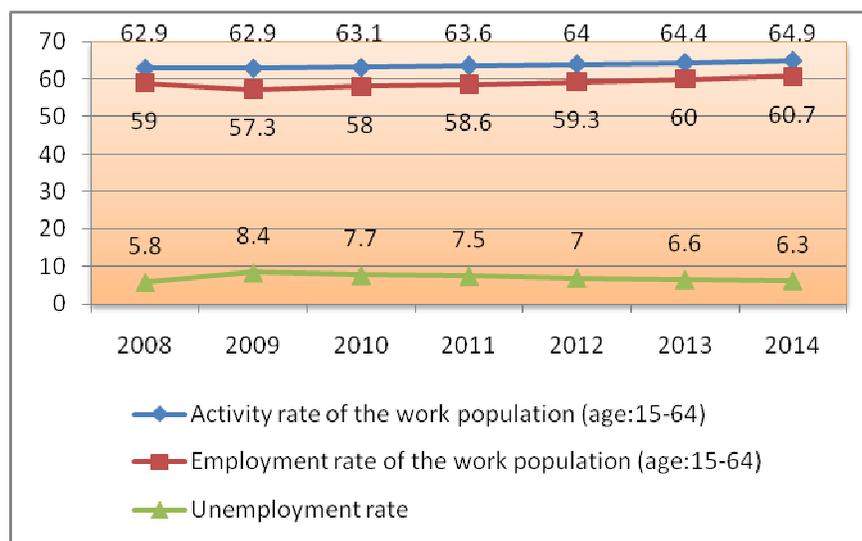
In the difficult conditions caused by the economic and financial crisis, Romania managed to maintain employment at a tolerable level; the unemployment rate estimate for 2009 was 8.4% (7.7% in 2010) and registered unemployment was at an annual average of 6.3% in 2009 and 6.2% in 2010.

Average unemployment during 2009 was 6.3% and the average number of registered unemployed was 572,974 persons (compared to 2008 when the average unemployment rate was 4.0% and the average number of registered unemployed was 362,429 persons).

Forecast of the main indicators of labour market developments during 2008 - 2014⁸

Indicator	2008	2009	2010	2011	2012	2013	2014
Activity rate of the working population (age:15-64)	62.9	62.9	63.1	63.6	64.0	64.4	64.9
Employment rate of the working population (age:15-64)	59.0	57.3	58.0	58.6	59.3	60.0	60.7
Unemployment rate	5.8	8.4	7.7	7.5	7.0	6.6	6.3

Forecast: evolution of main labour market indicators during 2008 – 2014

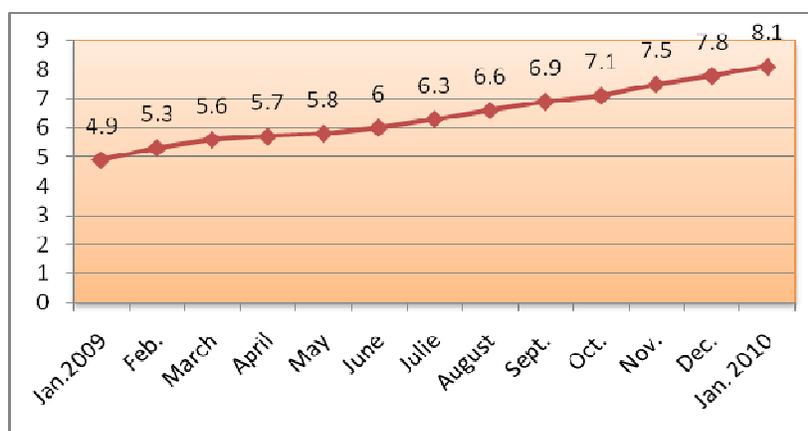


⁸ The National Commission on Prognosis (NCP)- 2009 Autumn Prognosis

Development of unemployment rate in 2009 - January 2010⁹

		Jan.	Feb.	March	April	May	June	Julie	August	Sept.	Oct.	Nov.	Dec.
Unemployment rate	2009	4.9	5.3	5.6	5.7	5.8	6.0	6.3	6.6	6.9	7.1	7.5	7.8
	2010	8.1											

Development of the unemployment rate between January 2009 and January 2010:



In terms of employment, the main challenges faced by Romania are the following:

- the employment of workers with relatively low skills compared to the EU-27 average, which in terms of unfavourable demographic trends is an increasingly serious matter;
- insufficient level of skills to adapt to the dynamic requirements of the economy;
- high percentage of employment in agriculture (sector with low competitiveness and employment characterized by informal relationships).

Considering the persistence of the crisis on the labour market, government incentives will continue to promote labour and reduce unemployment.

Employment rate by gender and age¹⁰

Year	15 - 64			12 - 24			25 - 54			55 - 64		
	Total	M	F									
2006	58.8	64.6	53.0	24.0	27.3	20.6	74.7	80.8	68.6	41.7	50.0	34.5
2007	58.8	64.8	52.8	24.4	28.3	20.2	74.6	80.6	68.5	41.4	50.3	33.6
2008	59.0	65.7	52.5	24.8	29.1	20.2	74.4	80.9	67.8	43.1	53.0	34.4

Growth rate of labour by gender in Romania¹¹

Year	2006	2007	2008
Total	0.7	0.4	0.3 e
Female	1.3	-0.4	-0.5 e
Male	0.2	1.0	0.9 e

⁹ National Agency for Employment (NAE)

¹⁰ National Institute of Statistics

¹¹ EUROSTAT

Employment rate by education level¹²

Year	2006	2007	2008
ISCED Level 0–2	39.6	40.3	41.0
ISCED Level 3–4	64.9	63.9	63.3
ISCED Level 5–6	86.1	85.8	85.7

Unemployment rate 25-64 age group population by level of education¹³

Year	2006	2007	2008
ISCED Level 0–2	6.9	6.6	6.5
ISCED Level 3–4	6.4	5.5	4.8
ISCED Level 5–6	2.9	2.2	1.9

Employment rate of working age population (15-64) by regions¹⁴

Region	2007	2008
North-West	57.0	56.4
Center	55.1	56.6
North-East	61.3	60.5
South-East	54.7	55.3
South - Muntenia	60.5	61.1
Bucharest - Ilfov	62.4	63.3
South-West Oltenia	59.3	60.0
West	59.6	59.

Employment by industry sector (agriculture, industry, services) as% of total employment¹⁵

Year	Agriculture	Industry	Constructions	Services
2005	31.9	23.5	5.5	39.1
2006	29.7	23.2	6.1	41.0
2007	28.2	22.5	6.8	42.5

- **Measures taken by government to reduce the impact of the economic crisis and boost jobs**

Romania has acted through an integrated set of measures to counteract and mitigate the effects of the economic crisis on employment and business, but also to maintain an adequate level of social protection.

Measures taken and implemented in the field of labour are made on two levels:

- **short term** - emergency laws have been implemented and assistance provided by public institutions adjusted to reduce or prevent adverse effects of the economic crisis, as follows:
 - In case of a temporary interruption of business (lay-off) for a maximum of 3 months during 2009, employers were exempt from paying social security contributions and taxed income to workers to avoid collective redundancies and rising unemployment;
 - Ensuring an adequate level of social protection for the unemployed and pensioners by:

¹² Ibis

¹³ Ibis

¹⁴ Ibis

¹⁵ National Institute for Statistics (NIS) - AMIGO

- 3 months extension of the period of entitlement to unemployment benefits for persons who became unemployed in 2009;
- setting a minimum pension;

Increased interventions Public Employment Service (NEA) to avoid long-term unemployment and inactivity by:

- Strengthening the monitoring mechanisms of redundancies announced by employers and increasing the grant for pre-redundancy services;
- Implementing and readjusting the European target because of the crisis to ensure participation of all young unemployed in active employment measures in the first four months of unemployment (all young unemployed have, at the very least, to be registered with an employment agency for at least 4 months);
- Increased capacity of the social partners to promote a quality system of continuous training and access to the employment program CVT, by regulating the establishment and operation of sectoral committees giving them the status of public institutions for social dialogue with a legal personality.
- **Medium-term** - providing a framework for action and funding in the areas of employment and continuous training in order to apply innovative methods designed to increase the level and quality of employment in Romania.

Measures envisaged in 2010 aim to increase the positive effects of certain anti-crisis measures implemented in 2009; during their implementation the experiences of other European Union Member States and European Commission recommendations on anti-crisis measures are taken into consideration.

They also envisage the development of strategies to overcome difficulties in the labour market in a sustainable manner through social protection measures in order to avoid potential long term inactivity and unemployment.

In these circumstances, **it is recommended to:**

- extend, in 2010, the facility provided for employers for exempting staff from paying social security contributions for expenses related to workers during periods of temporary interruption of work (lay-off). Measure adopted by Ordinance 4/2010;
- adopt a legislative measure granting incentives to employers who hire unemployed persons. Measure adopted by GEO. 13/2010;
- promote the draft amending and supplementing the Law 76/2002 on the unemployment insurance system and employment stimulation, with subsequent amendments. The amendments aim to make the law seeking simpler and to introduce more straightforward ways of improving and implementing measures to stimulate employment;
- promote the draft amending and supplementing Law no. 279/2005 on apprenticeship, which aims to increase the attraction of apprenticeships.

B4. Human Capital

State higher education institution	Number of students	Pre-university education			Postgraduate and masters	Other postgraduate (Postgraduate specialization, postgraduate training courses)	Common doctoral	PhD without frequent
		Univer. Educ.	Undergraduate study (Law 84/1995)	Undergraduate study (Law 288/2004)				
Polytechnic University of Bucharest	6,619	5,405	2,982	2,423	1,026	0	18	170
Technical University of Bucharest	1,561	1,264	784	480	275	0	0	22
University of Architecture and Urbanism "Ion Mincu" Bucharest	425	347	314	33	44	15	0	19
University of Agriculture and Veterinary Medicine Bucharest	4,535	3,694	1,153	2,541	452	292	29	68
University of Bucharest	8,204	6,113	426	5,687	1,663	0	129	299
University of Medicine and Pharmacy "Carol Davila" Bucharest	3,453	1,043	0	1,043	26	2,000	10	374
Academy of Economic Studies	11,296	5,713	87	5,626	4,355	1,015	18	195
National Music University in Bucharest	235	156	32	124	39	0	14	26
National University of Arts Bucharest	436	281	281	0	127	0	8	20
National University of Drama and Cinematography "I.L. Caragiale" din București	231	150	43	107	50	0	7	24
National University of Physical Education and Sports Bucharest	267	141	0	141	81	0	15	30
National School of Political and Administrative Studies Bucharest	4,390	2,222	809	1,413	2,168	0	0	0
University "1 December 1918" Alba Iulia	2,130	1,478	275	1,203	633	0	9	10
University "Aurel Vlaicu" Arad	5,153	3,619	763	2,856	941	593	0	0
University "Vasile Alecsandri" Bacau	1,837	1,436	376	1,060	337	64	0	0
North University Baia Mare	1,832	1,200	133	1,067	304	319	1	8
Transylvania University Brasov	5,963	4,350	1,009	3,341	1,047	477	10	79
Cluj-Napoca Technical University	3,930	2,965	1,441	1,524	464	438	15	48
University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca	1,636	1,282	617	665	258	0	35	61
Babes-Bolyai" University Cluj-Napoca	13,436	8,833	789	8,044	4,257	42	109	195
University of Medicine and Pharmacy Cluj-Napoca	1,161	990	584	406	84	0	14	73
Music Academy "Gheorghe Dima" Cluj-Napoca	311	236	0	236	57	0	5	13
University of Art and Design Cluj-Napoca	239	160	5	155	73	0	0	6
"Ovidius" University Constanta	4,031	3,080	762	2,318	914	0	0	37
Constanta Maritime University	928	821	280	541	102	0	0	5
University of Craiova	9,509	6,688	1,805	4,883	2,548	151	10	112
University of Medicine and Pharmacy Craiova	2,720	619	388	231	77	1,999	1	24
University "Lower Danube" Galati	5,599	3,947	897	3,050	896	702	6	48
Technical University "Gheorghe Asachi" Iasi	5,618	3,545	1,847	1,698	1,514	441	31	87

University of Agricultural Sciences and Veterinary Medicine "Ion Ionescu Brad" Iasi	1,180	1,002	560	442	127	0	25	26
"Alexandru Ioan Cuza" Univeristy Iasi	6,640	5,077	1,292	3,785	1,398	0	57	108
University of Medicine and Pharmacy "Gr T. Popa" Iasi	3,011	1,056	619	437	190	1,690	14	61
University of Arts George Enescu Iasi	388	283	0	283	98	0	6	1
University of Oradea	6,338	4,744	1,607	3,137	1,471	69	7	47
University of Petrosani	2,024	1,129	260	869	563	300	2	30
University of Pitesti	4,290	4,233	719	3,514	0	0	9	48
Petroleum - Gas University Ploiesti	3,013	1,904	398	1,506	1,098	0	0	11
University "Eftimie Murgu" Resita	1,566	1,189	296	893	375	0	0	2
"Lucian Blaga" University Sibiu	7,846	5,750	994	4,756	2,096	0	0	0
Univeristy "Stefan cel Mare" Suceava	3,866	3,014	494	2,520	831	0	2	19
Valahia University Targoviste	2,823	2,010	419	1,591	712	83	1	17
University "Constantin Brancusi" Targu-Jiu	1,755	1,406	382	1,024	349	0	0	0
University "Petru Maior" Targu Mures	1,886	1,283	294	989	424	179	0	0
University of Medicine and Pharmacy Targu Mures	508	471	336	135	0	0	4	33
University of Arts Tirgu Mures	72	48	0	48	20	0	4	0
Politehnica University Timisoara	4,278	3,268	1,788	1,480	669	280	18	43
University of Agricultural Sciences and Veterinary Medicine Banat Timisoara	2,197	1,902	842	1,060	246	0	20	29
West University Timisoara	5,465	4,325	266	4,059	968	56	40	76
University of Medicine and Pharmacy "Victor Babes" Timisoara	810	691	488	203	40	0	3	76
Total	167.641	116,563	30,936	85,627	36,487	11,205	706	2,680

C. Analysis of the migration situation in the country

C1. Immigrants

The statistical information was taken from the IT System for Alien's Management in Romania. This is an integrated system on migration asylum.

The definitions used are according to Romanian legislation. According to these, aliens legally residing in Romania can be divided into temporary (up to 1 year) and permanent (permanent stay) residents.

The statistical information refers to third country nationals (persons granted protection and EU citizens were excluded, due to their special status).

C1.1 Total number of immigrants

Stock of legally residing aliens by the end of the year

	2005	2006	2007	2008	2009
Total	33,523	39,037	44,756	56,745	59,062

Stock of legally residing aliens by the end of the year, by country of origin (top 10, 2009)

	2005	2006	2007	2008	2009
Moldova	9,020	11,093	12,607	15,635	17,764
Turkey	5,253	6,229	7,668	10,207	9,495
China	4,272	4,770	5,457	8,348	7,780
Syria	1,734	1,866	2,005	2,167	2,241
USA	1,390	1,681	1,798	1,784	1,826
Lebanon	1,193	1,318	1,463	1,581	1,549
Serbia	324	577	803	1,154	1,403
Tunisia	642	857	930	1,191	1,297
Ukraine	794	841	976	1,253	1,194
Iraq	863	982	1,150	1,194	1,175
Other countries	8,038	8,823	9,899	12,231	13,338
Total	33,523	39,037	44,756	56,745	59,062

Stock of legally residing aliens by the end of the year, by gender

	2005	2006	2007	2008	2009
Male	20,531	23,457	27,083	35,560	35,231
Female	12,992	15,580	17,673	21,185	23,831
Total	33,523	39,037	44,756	56,745	59,062

Stock of legally residing aliens by the end of the year, by age

	2005	2006	2007	2008	2009
0-14	2,346	2,653	2,970	3,476	3,869
15-18	2,682	2,611	2,599	2,613	2,784
19-35	17,749	20,795	23,848	29,940	30,770
36-50	8,279	9,741	11,602	15,867	16,030
51-60	1,762	2,290	2,649	3,476	3,955
>60	705	947	1,088	1,373	1,654
Total	33,523	39,037	44,756	56,745	59,062

Stock of legally residing aliens by the end of the year, by duration of stay

Duration of stay	2009	2008	2007	2006	2005
Temporary stay	49,406	48,192	37,756	34,096	30,457
Permanent stay	9,656	8,553	7,000	4,941	3,066
Total	59,062	56,745	44,756	39,037	33,523

The percentage of legally staying aliens out of the total population in Romania is insignificant – 0.27%¹⁶.

¹⁶ The population of Romania was taken from <http://www.insse.ro/csm/rw/pages/anuarstatistic2008.ro.do>

C1.2 Types of immigrants

- Persons granted protection in Romania

	2001	2002	2003	2004	2005	2006	2007	2008	2009
Persons granted protection	205	393	594	749	859	911	1,062	1,187	1,262

- Flow of protection applications (including repeat applications), top 10, 2009

Country of origin	2001	2002	2003	2004	2005	2006	2007	2008	2009
Moldova	1	6	5	13	7	11	16	18	144
Pakistan	88	36	23	34	35	18	8	254	111
Iraq	680	398	329	109	102	78	283	178	105
Afghanistan	787	35	16	1	0	5	5	4	96
Turkey	38	43	36	48	38	28	44	80	86
China	46	92	204	92	47	50	28	55	66
Bangladesh	30	77	6	30	50	5	11	174	50
India	158	127	157	65	28	1	15	141	50
Georgia	3	7	0	15	16	16	4	53	40
Congo DR	4	1	2	5	1	6	3	1	26
Other countries	596	329	299	250	268	246	325	224	221
Total	2,431	1,151	1,077	662	592	464	742	1,182	995

- Stock of legally residing aliens by the end of the year, by purpose of stay

	2009	2008	2007	2006	2005
Temporary stay					
Total	49,406	48,192	37,756	34,096	30,457
Temporary residence (Family members of Romanian citizens)	18,732	14,354	7,916	: ¹⁷	:
Students	8,549	8,524	8,509	8,218	7,566
Employment	8,349	9,279	5,881	4,574	2,996
Family reunification	4,141	3,791	3,501	3,595	3,434
Other purposes	2,338	4,216	1,828	1,375	1,217
Pupils	2,142	2,130	2,259	2,514	2,606
Commercial activities	2,034	2,692	3,600	4,591	5,336
Specialization	994	1,130	934	854	707
Humanitarian and religious activities	987	1,088	1,170	1,216	987
Temporary residence (Family members of EU citizens)	435	336	175	:	:
Students in preparatory year	290	232	188	123	150
PhD studies	154	199	193	173	172
Studies (other)	105	48	47	43	30
Family member of a Romanian citizen	97	131	1,514	6,776	5,201
Family member of a Swiss citizen	19	:	:	:	:
Scientific research	13	3	:	:	:
Independent	13	18	18	30	31
Professional activities	10	17	14	10	15

¹⁷ : - "not applicable"

Didactic activities	4	2	6	4	9
Economic activities	0	2	2	0	0
Medical treatment	0	0	1	0	0
Permanent stay					
Total	9,656	8,553	7,000	4,941	3,066
Permanent stay (other)	7,167	6,575	5,548	4,941	3,066
Permanent stay (Family members of Romanian citizens)	2,479	1,973	1,448	:	:
Permanent stay (Family members of EU citizens)	10	5	4	:	:
Total	59,062	56,745	44,756	39,037	33,523

C1.3 Irregular immigrants

The statistical information below refers to irregular immigrants as being aliens apprehended inland either staying illegally (overstay) or having entered illegally, as well as those who do not fulfil the conditions for an extension of stay.. Against these categories of persons, the Romanian Immigration Office can take two kinds of measures:

- Return decision – an administrative measure obliging the aliens to leave the territory within a certain period. This measure is taken against those who overstayed their visa and those who do not fulfil the conditions for an extension of stay.
 - Escorted return – administrative measure consisting of escorting the alien either to the Romanian border or to the country of origin. The measure is taken against those who did not leave the country based on the return decision, those who entered Romania illegally, and those who were convicted to imprisonment and the special measure of expulsion.
- **Number of foreigners removed from the territory**

Removed aliens by escorted return (top 10, 2009)

Country of origin	2005	2006	2007	2008	2009
Moldova	194	367	196	156	90
Turkey	149	93	90	80	84
China	70	58	23	39	61
Georgia	6	5	0	9	19
Iraq	3	4	5	6	16
Egypt	6	2	4	17	13
Ukraine	18	21	13	16	13
Vietnam	2	0	0	0	11
Serbia	10	12	12	9	9
Bangladesh	2	0	0	2	7
Other countries	137	117	88	61	69
Total	597	679	431	395	392

Return decisions (top 10, 2009)

Country of origin	2005	2006	2007	2008	2009
China	265	305	435	739	1,611
Turkey	1,199	993	1,340	1,583	1,279
Moldova	987	931	1,302	970	801
Bangladesh	6	2	6	398	250

Serbia	100	119	250	157	138
Ukraine	129	106	97	96	106
Syria	145	104	74	79	93
Israel	177	130	58	60	66
USA	120	81	77	104	64
Republic of Korea	19	20	32	49	55
Other countries	1,863	1,379	819	1041	860
Total	5,010	4,170	4,490	5,276	5,323

- **Number of foreigners voluntarily returning back home (AVR)**

As part of the IOM regional project “Enhancing mechanisms and harmonizing standards in the field of voluntary return of Irregular migrants in EU Central European Member States, phase III” ,Romania has achieved the repatriation of **81 persons**, and individual counselling of potential returnees in reception and detention centres during the project implementation period (August 2008 – January 2010).

Returnees have left Romanian territory to countries of origin as follows:

Country of origin	Number of persons
Bangladesh	13
Honduras	12
Iraq	20
Lebanon	4
Turkey	3
Georgia	6
Iran	2
Nigeria	3
Bolivia	1
Pakistan	2
India	2
Macedonia	1
Congo	4
China	2
Republic of Moldova	6
Vietnam	1

Estimated number of foreigners working irregularly; main areas of employment of foreigners working irregularly

At the moment, not even estimated numbers of foreigners working irregularly are available. The main area of employment of illegally working aliens is construction work.

- **Irregular immigration routes**

Chinese and Bangladesh nationals usually use:

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

Turkish citizens of Kurdish ethnic nationals use:

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

Citizens of **Moldova** usually use:

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

Nationals of **African and Asian countries** as a rule use:

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

C2. Emigrants

No information is available

C2.1 Total number of emigrants

No information is available

C2.2 Types of emigrants

No information is available

C2.3 Irregular emigrants

No information is available

C3. Diasporas abroad

The Department for Romanians Abroad is the institution that, in compliance with the law, draws up and enforces policy regarding relations with Romanians abroad, according to the objectives and principles set by the governing programme.

Through this Department, the Romanian Government supports programmes with a significant impact at the level of the Romanian communities worldwide: education, culture, native language religious services, native language mass-media,, book donations, ancillary teaching material, scholarships, support of non-governmental organisations of people of Romanian origin in neighbouring countries and around the world.

The most important Romanian community abroad is in Europe. The largest communities are in Spain and Italy, where there are about two million Romanian citizens.

In the USA (457,693 Romanian citizens officially), Canada (192,170 officially), Germany and Israel, Romanian communities are significant.

In the Middle East, the total number of Romanian citizens is approximately 15,800 - permanent residents or residents with a temporary employment contract.

Romanian emigration to South America amounts to approximately 25,000 people and over 5,000 Romanian citizens are established in Africa.

A more detailed analysis of the Romanian citizens currently living abroad in **EU countries** is made in the table below:

Country	Diaspora (Total number of persons)	Comment
Austria	28,712	The distribution of Romanian citizens in regions and cities: Vienna (10,196), Steiermark / Styria (6,029), Lower Austria (4,762), Upper Austria (3,952), Burgenland (776) Carinthia / Carinthia (897), Salzburg (1063), the Tyrol (653), Vorarlberg (384).
Belgium	7,200	According to the Foreign Office (2003), there are 7,200 Romanian citizens with the right of temporary residence (1-5 years) and 2,391 Romanian citizens with permanent residence in Belgium. According to the Consular Section of the Romanian Embassy, the number of ethnic Romanians is around 20-30,000 (at least 10-12,000 in the Brussels area).
Bulgaria	150,000	According to the Romanian leaders of ethnic associations from Bulgaria

	(ethnic Romanians without Romanian citizenship) – unofficial figure	(Romanian Community in Bulgaria, Romanian Ethnic Youth Union of Bulgaria and the Vlach Association of Bulgaria) the Romanian community in Bulgaria amounts to around 150,000 persons, representing the second largest minority after the Turkish.
Cyprus	35,000	The Romanian Community has no status as an ethnic group. There are 14,288 Romanian citizens with the legal right to stay (2006) as well as Romanian nationals temporarily working in Cyprus. Romanians are concentrated in big cities: Nicosia, Larnaca, Limassol and Paphos. According to the local authorities, there has been a significant growth of Romanian citizens in the Republic of Cyprus of up to about 35,000 people. The vast majority, about 30,000 Romanian citizens, 4.2% of the total population and 7.71% of total workforce, are employed in the local labour market. This represents an increase of the Romanian labour force in the Republic of Cyprus by 50% compared to 2008 / semester I. In addition, there are 5,000 Romanian citizens with permanent residence in Cyprus.
Czech Republic	3,249	The Romanian community in the Czech Republic is mainly represented by Romanian citizens working in this country with a legal contract of employment, plus persons with Romanian citizenship who have settled in the Czech Republic from mixed marriages. According to official data provided by the Romanian Embassy in Prague, the number of Romanian workers in the Czech Republic is 3,249 persons on January 31, 2009 and continues to decline compared to previous years.
Denmark	6,057	The Romanian community consists of 6,057 persons (5,551 Romanian citizens and 506 persons of Romanian origin and descent). IV. Numerical distribution of Romanians in areas and localities: about 50% are located in Copenhagen and satellite cities; about 30% live in Jutland; about 20% are located in major urban settlements on the islands of Sjælland, Fyn, Langeland, Falster and Mon, in cities Aalborg, Esbjerg, Vejle, Århus, Odense, Herning and Sønderborg.
Estonia	350	
Finland	1,057	
France	50,000	In France one cannot speak of ethnic Romanians but of French citizens born in Romania. Of the 50.000 Romanians living in France, 75-80% are concentrated in Paris and environs, 10-14% live in Marseille and surrounding areas (Côte d'Azur, Grenoble, Toulouse), and 1% in the Strasbourg area. A limited number of Romanian citizens also live in Nantes, Bordeaux, Lyon.
Germany	280,000	The Romanian community resident in Germany: 73,353 Romanian citizens with permanent residence. In addition there are 57,000 Romanians who have been working legally in Germany since 2007. Unofficially, the number of Romanian citizens working illegally is about 120,000 persons. According to the Romanian official statistics - Directorate General for Passports Bucharest there are approx. 280,000 Romanian citizens with permanent residence in Germany. The density of Romanians is higher is higher in the southern and western Länder.
Great Britain	100,000	The number of Romanian citizens established in the UK amounts to about 100,000 people. The largest Romanian communities are concentrated in London and the regions of northwestern and southwestern Britain.
Greece	33,315	According to official data, the number of Romanians is 33,315. The Romanian community as a whole is unofficially about 100,000 persons; one

		of the most important foreign communities in this country.
Hungary	7,995	Ethnic Romanians without Romanian citizenship
Ireland	35,000	The Romanian community resident in Ireland is around 35,000. 70% of the Romanians live in the region of Dublin.
Italy	624,741/ 856,700	The first foreign community, whose member number more than doubled in the past two years, is the Romanian community: 624,741 people with residence permits, according to ISTAT and 856,700 people according to Caritas / Migrantes, followed by the Albanians and Moroccans. The Romanian community is divided by region as follows: Lazio 162,698 pers., Veneto 124,408 pers., Lombardy 162,698 pers., 127,363 pers. in Piedmont, Emilia-Romagna 85,631 pers., 83,479 pers. in Tuscany, Marche 25,337 pers., 23,182 pers. in Abruzzo, Trentino-Alto Adige 23,940 pers., Friuli-Venezia Giulia 21,647 pers., 21,774 pers. in Campania, Puglia 26,161 pers., 21,658 pers. in Umbria, Calabria 16,517 pers., 14,361 pers. in Liguria, Basilicata 5,539 pers, Molise 3,305 pers., Valle d 'Aosta 2,417 pers., 21,013 pers. in Sicily, Sardegna 7,726 pers.
Latvia	300	
Lithuania	350	
Luxembourg	571	571 persons residing in Luxembourg have Romania as country of origin (2001); 304 also have Romanian citizenship. Most Romanians live in the capital of Luxembourg.
Malta	300	
Netherlands	6,600	
Poland	350	According to the Romanian Embassy in Warsaw, in Poland, legally, there are 350 Romanian citizens, spread uniformly across the country, with greater concentration in the capital and the surrounding areas (about one third), and in Silesia, southwestern Poland and Wroclaw.
Portugal	27,410	According to data provided by Foreigners and Borders Service in Portugal there are 27,410 Romanian citizens (on December 31, 2008) and around 20,000 Romanians illegally staying in the country. Distribution of the Romanian community in 2007 in Portugal: 6,771 in Lisbon region, 5,789 in Faro region (tourist area in southern Portugal), 1,577 in Setubal Region (industrial area south of Lisbon), 584 in Beja region (agricultural region in eastern Portugal), 468 in Braga region (wine growing area in northern Portugal).
Slovak Republic	2,500	According to the Romanian Embassy in Bratislava, on Slovakian territory there are around 2,500 Slovak citizens of Romanian origin. The geographical distribution is relatively uniform, with a higher concentration around the cities of Bratislava, Nitra and Trnava.
Slovenia	200	
Spain	675,481/ 796,576	According to data from the Spanish Ministry of Interior on May 29, 2009, The EU Citizens Register listed 675,481 Romanians; and the National Institute of Statistics (INE) on January 1 2009 registered 796,576 Romanians. Most of the Romanian community is located in the Community of Madrid (156,624-200,610 pers.), Community of Valencia (102,173 to 137,196 pers.), Catalonia (86,524 to 96,448 pers.), Castilla La Mancha (75,000 to 94,121 pers.), Andalucia (89,701 to 87,730 pers.) and Aragon (from 53,547 to 62,793 pers.).
Sweden	15,000	Unofficially, the Romanian community in Sweden is estimated at around 30,000 persons.

C4. Remittances of nationals living abroad

- Remittances by country of origin (million Euro)

	2005	2006	2007	2008	2009*
Total	3,804	5,280	6,173	6,308	3,495
of which:					
Italy	850	1,790	2,351	2,421	1,305
Spain	1,333	1,285	1,789	1,701	1,024
United States	348	614	201	310	334
Great Britain	194	275	353	386	108
Germany	270	208	313	253	112
Greece	121	166	238	208	200
France	85	109	141	156	30
Ireland	60	80	86	79	10
Portugal	62	77	75	68	18
Switzerland	40	68	31	31	18
Canada	26	50	15	14	15
Belgium	32	46	74	59	26
Austria	34	42	95	140	29
Cyprus	25	35	68	115	36

D. Analysis of the factors driving migration in the country

D1. Main characteristics of current migration trends

In recent years Romania has seen a change in its status, from being a country of origin and transit, to becoming a country of destination for migrants. In order to take advantage of this, the National Strategy for Migration 2007-2010 has outlined steps that can be taken to address identified gaps in the labour market through migration. Whilst previous immigration has been minimal, with only 1580 permits being issued to foreigners up until 2000, in 2007 alone a total number of 1704 visas were issued for work purposes. This increase in immigration to Romania was expected, due to entry into the EU in 2007 and the policy plans to fill labour gaps.

At present there are 58,416 foreigners registered in Romania belonging to third countries, mostly from Moldova, Turkey and China, and 29,000 originating from EU Member States.

The primary motives for issuing residence permits are work, study and family reunion. Regarding work permits, migrant workers from the main source countries arrive to work in the sectors of construction, services and textiles.

Romania also offers opportunities for business or foreign investors to explore an emerging market economy. Chinese citizens, who are often able to open import based businesses, have the largest number of business visas. Other nationalities involved in business in Romania include Turks, Germans and Italians, who have historical investment links, particularly in the North Eastern region of the country.

Regarding study visas, which comprise approximately 26% of all long term residence visas, the majority are granted to Moldovan nationals. The reasons for this are the unique historical links between Romania and Moldova, and the cultural and language similarities, which encourage Moldovan citizens to apply to Romanian universities. Indeed many Moldovans have already acquired Romanian citizenship and since the introduction of visa requirements as part of mandatory EU regulations, the number of applications for citizenship has greatly increased.

The final category of migrants is that of asylum-seekers and individuals who have been granted a form of protection in Romania, e.g. as refugees. Surveys have shown that many asylum seekers who arrive in Romania had not previously intended Romania to be their destination country, but rather a country of transit towards Western Europe.

The number of individuals seeking asylum in Romania has been relatively small over the years with a peak of 2,280 applications in 2001 decreasing to 381 in 2006, 605 in 2007 and 837 applications in 2009. While this number is still low in comparison to some Western European countries, the upward trend in asylum applications is expected to continue.

This is partly due to Romania's economic developments, but also to EU regulations stipulating that the state in which the asylum seeker first entered or sought asylum is responsible for their application.

D2. Identifying the key push and pull factors of migration

Bearing in mind the immigration trends and patterns, the following push and pull factors were identified:

- **Pull factors:**
 - the geographic position of Romania, at the crossroads of immigration routes;
 - the socio-economic relations built with countries all over the world;

- anticipated accession to the Schengen Area;
- for some nationalities, the existence of some more or less developed communities (Turkey, China);
- special political relations with some countries (Moldova)
- **Push factors:**
 - for some nationalities, the lack of national communities;
 - the strict legal framework on admission and residence

D3. Possible future trends in migration

Taking into account possible future developments, especially accession to the Schengen Area, immigration to Romania could increase in the following years.

This increase could be more visible in the area of short stay migration (tourism, visits) due to the implementation of the visa regulations set by the Schengen Agreement which will allow aliens having a uniform visa issued by another Member State to come to Romania.

An increase in applications for long stay visas (national visas) can also be foreseen.

E. Country specific Module, following the issue of special interest

Even before accession to the EU, in 2004 the Romanian authorities adopted the first policy paper in the field of immigration: the National Strategy on Migration. The major goal of this initiative was to provide a coherent legal framework for labour migration, asylum cases and naturalization. In addition, it was meant to promote institutional coherence by co-ordinating activities of institutions active in the field of immigration, asylum and integration. Its stated objectives were to control and manage inflows, to prevent and combat illegal immigration, to improve protection for vulnerable migrants, and to assist the social integration of alien residents, etc.

On 1 January 2007, Romania joined the European Union as a frontier state on the EU's eastern border. This made the country an attractive destination and presented a real "pull factor" for migrants. As a result, Romania has become one of the preferred destinations for third-country nationals.

Population ageing and the free movement of labour – one of the four basic principles for European integration in achieving the Single European Market – led to labour shortages in certain geographical areas of Romania, as well as in particular economic sectors and professions. In this context, the two parallel occurring trends, namely the emigration of Romanian citizens and the immigration of aliens to Romania, needed to be correlated and brought in line with EU migration policies and forecasts.

In recent years Romania has received EU funding to help strengthen its border security, to allow for computer-based record-keeping and management of immigrants, and to assist in the building of shelters for these people. Moreover, since Romania's first migration strategy in 2004, local authorities have gained more experience in this field, including better institutional co-ordination. In light of this, on 3 October 2007, the government adopted the new "National Immigration Strategy for the period 2007–2010".

Thus, the National Immigration Strategy for the period 2007-2010 is in line with the newest policy papers at European level, namely:

- The Hague Programme: strengthening freedom, security and justice in the European Union;
- Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union;
- Communication from the Commission on a policy plan on legal migration;
- European Parliament resolution on the links between legal and illegal migration and integration of migrants;
- Communication from the Commission to the Council and the European Parliament - Priority actions for responding to the challenges of migration.

The objectives stated by the National Immigration Strategy for the period 2007-2010 are implemented through annual action plans developed to determine specific activities and responsibilities of all involved ministries and institutions.

The implementation of the strategy is monitored by an inter-ministerial co-ordination group, chaired by the Secretary of State for Public Order of the Ministry of Administration and Interior.

The co-ordination group is formed by representatives of the institutions having attributions in the migration area such as Ministry of Administration and Interior, Ministry of Education, Ministry of Foreign Affairs etc. The co-ordination group meets on a regular basis (every three months) and discusses issues of common interest, setting common activities to ensure policy co-ordination between the involved institutions.

In this context, Romania's policy in the area of immigration is guided by the following statement: "Migration is a process to be managed, not a problem to be solved".

The adoption of national immigration strategies, even before accession to the EU, demonstrates the importance given to the area of immigration as well as asylum by the Romanian Government.

It also demonstrates Romania's desire to have a document on immigration to regulate national policy in the area as well as to strengthen the co-operation between different actors at governmental level.

F. Migration policies and programmes and their effectiveness in managing the migration and development challenges

F1. Overview of the national institutional and policy framework governing migration

F1.1 An overview of recent migration policy developments

The politics of Romania take place in the framework of a parliamentary representative democratic republic, whereby the Prime Minister of Romania is the head of government and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the two chambers of parliament, the Chamber of Deputies and the Senate. The judiciary is independent of the executive and legislature. Romania's 1991 constitution, amended in 2003, proclaims Romania a democratic and social republic, deriving its sovereignty from the people. It also states that "*human dignity, civic rights and freedoms, the unhindered development of human personality, justice, and political pluralism are supreme and guaranteed values*".

The country's entry into the European Union in 2007 has been a significant influence on its domestic policy. As part of the process, Romania has instituted reforms including judicial reform, increased judicial co-operation with other Member States, and measures to combat corruption.

The Government of Romania is the executive branch of the country. It is headed by the Prime Minister, and consists of the ministries and institutions subordinated to it, and the 42 prefectures (the representative of the Government in the territory).

The Ministry of Administration and Interior (MAI) is one of the 18 ministries of the Government of Romania. MAI is the one responsible for migration and asylum.

The law on the organisation and the function of MAI ensures that the ministry exercises its authority in the juridical regime relating to aliens, asylum seekers and persons who were granted some form of protection in Romania.

The main responsibility of the ministry is to ensure adherence to legislation on aliens in Romania and to implement Romania's policies in the field of asylum.

In order to make immigration management more efficient and fully commensurate with EU policies, and to set concrete activity guidelines in this area, the **National Immigration Strategy 2007-2010** was adopted by the Government (Government Decision 1122/2007). This document represents Romania's position on the migration phenomenon and is intended to be a continuation of the efforts to align national policies to international standards.

Compared to the former National Migration Strategy adopted in 2004, the National Immigration Strategy 2007-2010 refers to a defined period of time (four years) and sets a new policy in the area which includes both the duties Romania has assumed as a Member State, and the necessary measures for the proper management of immigration.

When drafting the strategy the **following EU documents** were observed:

- The Hague Programme : strengthening freedom, security and justice in the European Union;
- Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union;
- Communication from the Commission on a policy plan on legal migration;

- European Parliament resolution on the links between legal and illegal migration and integration of migrants;
- Communication from the Commission to the Council and the European Parliament - Priority actions for responding to the challenges of migration.

In this context, Romania’s policy in the area of immigration is guided by the following statement: “Migration is a process to be managed, not a problem to be solved”.

Among other **priorities**, the National Immigration Strategy for the period 2007-2010 refers to:

- Managed/controlled migration;
 - Prevention and combating illegal immigration;
 - Asylum;
 - Social integration of aliens.
- **The main objectives set by the National Immigration Strategy for 2007 – 2010 in the respective fields of activities:**

International protection and asylum	<ul style="list-style-type: none"> - To secure unrestricted access to the asylum procedure and respect of the non-refoulement principle; - To develop the asylum system based on efficient and qualitative procedures and to adapt policies and practices in order to prevent and discourage its abuse; - To maintain Romania’s capacities, as Member State of the EU, to assume its responsibilities and obligations in the field of asylum; - To assume an active role within international and regional co-operation in the field of asylum and to contribute to the development of functional asylum systems in the eastern and south-eastern part of Europe; - To improve the reception conditions for asylum seekers; - To improve the research on country of origin information.
Control and monitoring the migration	<ul style="list-style-type: none"> - To make the necessary preparation in view of Romania’s accession to the Schengen area; - To intensify co-operation with similar institutions in the Member States and in countries of transit and origin.
Legal migration	<ul style="list-style-type: none"> - To ensure the necessary administrative framework for the free movement of EU citizens; - To promote admission of third country nationals for employment, according to the needs of the Romanian labour market; - To promote admission for the purpose of trade activities for relevant categories of aliens; - To promote an efficient selection system for admission of third country nationals for study; - To design, develop and administer efficient IT systems for the management of immigration.
Integration	<ul style="list-style-type: none"> - To support the active participation of legally residing aliens to the economic, social and cultural life, and, at the same time, to respect their cultural identity; - To ensure the relevant categories of aliens make all efforts to sufficiently integrate themselves into the Romanian society; - To make all stakeholders and Romanian citizens and aliens aware of the importance of supporting the integration process.
Illegal immigration	<ul style="list-style-type: none"> - To fully inform potential immigrants about the legal framework on admission and stay and the measures taken by the Romanian authorities to combat illegal immigration; - To strengthen co-operation in combating illegal immigration and illegal work.
Return migration	<ul style="list-style-type: none"> - To intensify measures to remove from the territory aliens who entered Romania or stayed on illegally after having entered the country legally; - To develop co-operation with other Member States, especially by participating in the joint

Approximation/transposition of the EU *Acquis* in the field of migration and asylum continued to be one of the priorities of the Romanian authorities.

The latest pieces of *Acquis* which were fully incorporated into national legislation in the field of **immigration** were:

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunion;
- Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents;
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;
- Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, student exchange, unremunerated training or voluntary service;
- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

In the field of **asylum** the national legislation incorporated the following pieces of *Acquis*:

- Council Directive 2001/55/EC of 20 July 2001 on the minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;
- Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;
- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

For the **removal of illegal migrants** from Romanian territory, the European principle of an integrated return management is applied which, after a previously issued administrative return decision for illegal stay cases, also grants the possibility for adopting a voluntary assisted repatriation programme when the return is conditioned by the lack of funding, but ultimately applies as the last measure of forced return.

Assisted voluntary return schemes are seen as the most adequate and humane alternatives for irregular migrants residing in a particular country. Voluntary return represents a viable solution and a cost-effective and humane way of supporting irregular migrants, while lessening the burden imposed by their presence in the host country.

In order to apply these removal measures, Romanian authorities operate two closed centres with a capacity of 200 places, where illegal migrants are taken into public custody by the court decision until their removal, although not exceeding for six months in cases of illegal entry or stay, and not exceeding for two years in the case of expulsion, according to specific legal provisions.

F1.2 An overview of key domestic legislation

In Romania the general framework for immigration and asylum is formed by the following acts:

- *Emergency Government Ordinance 194/2002 on regime of aliens in Romania* (further added to and modified in 2004, 2005 and 2007) represents the legal framework applicable in the field of immigration. It provides for regulations regarding
 - Admission;
 - Stay;
 - Removal of third country nationals from the territory;

This law also provides for the rights and obligations of aliens.

- *Law 122/2006 on asylum in Romania* (further added to and modified in 2007) sets the juridical regime of aliens who request a form of protection in Romania, the juridical regime of aliens who are beneficiaries of a form of protection in Romania, the granting and annulling procedure of a form of protection as well as the procedure regarding the responsible Member State. The law on asylum comprises regulations on issues such as:
 - Principles and procedural safeguards;
 - Access to the asylum procedure;
 - Non-discrimination and non-refoulement principles;
 - Family unity;
 - Rights and obligations of asylum seekers;
 - Rights and obligations of the beneficiaries of protection;
 - The asylum procedure;
 - Accelerated procedure;
 - Unaccompanied minors;
 - Procedure on responsible Member State.
- *Emergency Government Ordinance no. 105/2001 on the Romanian border*: the crossing of the state border of Romania by persons, means of transport, goods and other merchandise is made through the checkpoints of the state border open to international traffic. The Romanian state border can be crossed in other places as well, under the provisions set by mutual agreement in bilateral documents between Romania and the neighbouring states.

The ordinance also sets:

- The procedure for border crossing control;
- Access, movement and other activities in the border area and at the border crossing checkpoints;
- Creation and function of the National Information System on movement of persons and goods across borders.
- *Government Decision no. 445/2002 for ratifying the methodological application Rules of Emergency Government Ordinance no. 105/2001 concerning the Romanian border* details the implementation procedures of the Emergency Government Ordinance no. 105/2001 on the Romanian border.
- *National Immigration Strategy 2007-2010*;
- *The National Strategy of Integrated Management of the Romanian State Border for the period 2007 – 2010*.

- **Admission conditions**

Asylum

For humanitarian reasons or in order to implement international agreements or understandings to which Romania is a party, entry into the territory without complying with legal regulations may be permissible.

Exceptions can be established unilaterally by decision of the Romanian Government.

Thus, an exception was set by special legislation for refugees who are to be relocated in Romania¹⁸.

The pre-selected refugees in need of relocation are interviewed by representatives of the RIO. The interview shall take place in the country of refuge. The interview is intended to evaluate the situation of the refugees in need of relocation, their integration potential as well as the medical situation of the persons concerned. The results of the interview are recorded in a personal report.

The selection procedure is finalized through a decision of acceptance of refugees in need of relocation issued by the RIO for the persons who fulfil the selection criteria. The decisions may be communicated to the country of refuge or to UNHCR.

In order to enter Romanian territory refugees in need of relocation and having the necessary permission of acceptance are exempt from visa obligations. These persons are allowed entry to Romania based on the decisions of acceptance accompanied by the travel documents accepted by Romania. Also, the entry to Romania for this category may be permitted upon presentation of the following travel documents:

- the refugee certificate issued by UNHCR;
- the travel document issued by the International Red Cross Committee;
- the travel document issued by the RIO.

After the transfer details are set, but not less than 24 hours in advance, the RIO informs the RBP of the following details:

- date and time anticipated for the transfer;
- mean of transportation and border check point that shall be used;
- identification information of the refugees in need of relocation.

Migration

Depending on the purpose for which they are issued, visas may be:

- a. visa for airport transit;
- b. transit visa;
- c. short stay visa;
- d. long-term stay visa, with the following sub-categories:
 - carrying out economic activities;
 - carrying out professional activities;
 - carrying out commercial activities;
 - employment;
 - study;
 - family reunion;
 - religious or humanitarian activities;
 - scientific research activities;

¹⁸ Government Decision 1596/2008 on relocation of refugees in Romania

- diplomatic and official visa;
- other purposes.

A Romanian entry visa shall be granted by the diplomatic missions and consular offices of Romania.

A Romanian visa may be granted to aliens upon request, under conditions and for purposes provided for by the legislation in force. The visa is issued only if, on the date of issue, the prerequisites for its approval are still valid.

The Romanian visa shall be granted only if:

- conditions set for entering Romania are met;
- none of the reasons for non-permission of entry to the territory of Romania exist;
- there is no alert in the name of the applicant for refusal of granting a visa entered in the integrated information system for migration, asylum and visas;
- there is no notification with regard to non-permission of entry issued for the applicant by representatives of EU or EEA Member States, as well as of the states who are parties to the Schengen Agreement, in the field of consular co-operation;
- there are no reasons to assume that the visa is requested for the purpose of illegal immigration;
- the applicant has not been irrevocably sentenced for offences committed abroad, which are incompatible with the purpose for which the visa is requested;
- the general conditions provided by the law are met, as well as the special conditions for granting a visa according to the purpose for which it has been applied for.

The visa application must be accompanied by a valid travel document, by documents to justify the purpose and conditions of travel, as well as by proof of means of subsistence during the stay in Romania as well as for departure from the territory of Romania.

When applying for a Romanian visa, the applicant must be present in person before the competent authorities who issue the visa. The applicant is usually invited to an interview.

A short-term visa shall be granted by the diplomatic missions and consular offices of Romania as follows:

- without previous approval of the National Visa Centre (NVC) within the Ministry of Foreign Affairs, for aliens who originate from the countries included on the list whose citizens need a visa in order to be admitted on Romanian territory, but for whom the invitation procedure is not required. The list of states whose citizens need a visa to enter the territory of Romania is that provided in Annex I to the Council Regulation (CE) No. 539/2001 for the establishment of the list of third countries whose residents require a visa for crossing external borders and the list of third countries whose residents are exempt from this obligation;
- upon previous approval of the NVC, for aliens originating from the countries included in the list whose citizens need an invitation in order to be granted an entry visa.

In order to approve short-term visas, the NVC must request the agreement of the RIO only in cases which are established by a protocol approved by common order of the Minister of Foreign Affairs and the Minister of Administration and Interior. The agreement of the RIO determines the fulfilment of the conditions to be granted a visa.

A long-term stay visa shall be granted by the diplomatic missions and consular offices of Romania upon approval of the NVC only after obtaining the agreement of the RIO. The agreement ascertains the fulfilment of the general conditions as well as of the special conditions for each type of visa. The Government Emergency Ordinance 194/2002 on aliens' regime in Romania provides for special conditions for issuing long stay visas according to each purpose.

The short-term and transit visas may be also granted, as an exception, by RBP, in the border checking points, according to the provisions of the Council Regulation (CE) No. 415/2003 on the issue of visas at the border, including those to seamen in transit, and of the Regulation of the European Parliament and of the Council (CE) No. 562/2006 on the creation of a Community Code on the rules which govern the free movement of persons across borders (Schengen Border Code).

- **Legal Residence**

Asylum

The RIO ensures any alien and stateless person, located on Romanian territory or at the border, access to the asylum procedure. Access is granted from the moment of expressing her/his will, either orally or in writing, from which time she/he will be enabled to apply for Romania's protection.

The provisions of the law on asylum are implemented without discrimination on grounds of race, nationality, ethnic group, language, religion, social category, principles, gender, sexual orientation, age, disability, non-contagious chronic disease, VIH infection or affiliation to a disadvantaged category, financial position, status at birth or subsequently attained, , or any other distinction.

During the asylum procedure, aliens who apply for a form of protection have the right to remain in Romania until 15 days after the conclusion of the asylum procedure. The exceptions are cases when the asylum application has been rejected after an accelerated procedure or in procedures at Border Check Points. In these events the rejected asylum seeker must leave the territory of Romania as soon as the asylum procedure concludes.

In the case of the procedure for determination of the Member State responsible for examining the asylum application, the right to remain on Romanian territory ceases from the date of communication of the decision rejecting access to the asylum procedure issued by the RIO.

The asylum seeker also has the right to a temporary identity document which is periodically extended by the RIO. If there are no documents that certify the applicant's identity, the temporary identity document shall mention the declared identity. Exceptions from the above mentioned situation are:

- aliens who have applied for asylum at the Border Check Point in order to cross the border, as far as they have not been granted the access to the territory by a RIO decision;
- aliens in public custody for national security and public order reasons who apply for asylum, as far as this measure is maintained.

Recognition of refugee status or the granting of subsidiary protection confer the beneficiary the rights to remain on the territory of Romania and to obtain adequate documents for proving identity and for crossing the borders. Beneficiaries also have the right to a free choice of a place of residence and to freedom of movement in accordance with the conditions established by the law on aliens.

Migration

Aliens who legally and temporarily reside in Romania may remain on the territory of the Romania only up to the date when the right to remain set by means of a visa or of a residence permit ceases. In cases where international conventions which unilaterally abolish the visa obligation do not specify the duration for which visas are being abolished, aliens who are not liable to obtain a visa for entry to Romania shall be allowed to enter and to remain on the territory for a period of up to 90 days within 6 month period, starting on the day of first entry.

Aliens who have entered Romania based on a long-term visa as well as those who are exempt from the obligation to obtain a long-term visa may apply to the RIO or its territorial units to extend the right to temporary residence.

The right to temporary residence may be successively extended for periods of up to one year, only if:

- the conditions imposed for entering Romania continue to be fulfilled;
- during the stay in Romania none of the reasons for non-permission of entry has been incurred;
- the alien possesses a valid travel document, with the exception of cases when the travel document has expired after entering Romania and, for reasons independent of the alien's will, could not be extended;
- the alien requests to be granted or extended the right to reside for the same purpose as that for which he has been granted a visa or extended the right to residence on the basis of which he/she finds himself/herself in Romania, with the exception of family members of Romanian citizens, if they request the extension of the right to residence for family reunification;
- the purpose for which the alien has been granted residence in Romania has been previously respected;
- the alien proves the legal basis for the place of accommodation declared as legal residence on the territory of Romania. In the case of aliens who have been granted a right to reside for the purpose of family reunion, proof of legal accommodation may be made by the sponsor or Romanian citizen whose family members they are and with whom they reside;
- present proof of health insurance;
- present proof of payment of any fees related to the extension of the right to reside as well as of the cost of the document to be issued for this purpose;
- general as well as special conditions for the extension of the right to residence according to the purpose for which the extension has been requested are met.

The extension of the right of residence may be also granted for periods longer than one year under the conditions of the present emergency ordinance or on a mutual basis.

Applications for extension of the right to temporary residence must be submitted by the applicants in person, at least 30 days prior to the expiry of the term for which their stay has been approved, to the territorial units of the RIO responsible for the place of residence. The request must be accompanied by the travel document, by a health certificate issued by a public or private medical institution stating that the alien does not suffer from illnesses which might jeopardize public health, proof of legal accommodation in the place mentioned as residence, proof of social health insurance, of means of subsistence as well as of payment of fees related to the extension of the right to residence and of the cost of the residence permit to be issued, as well as all other documents set by the special conditions and according to the purpose for which approval of the stay on the territory of Romania is requested. If necessary, the applicant may be invited to an interview.

If, at the date of application, the general and special conditions imposed according to the purpose of the stay are not all met, the application is rejected.

Aliens who hold a right to temporary residence may be granted right to permanent residence upon request and for an unspecified duration. The application must be submitted in person to the territorial unit of the RIO.

The right to permanent residence is not granted to following categories of persons:

- holders of a right to temporary residence for study purposes;
- asylum seekers;

- beneficiaries of humanitarian temporary protection or of temporary protection;
- holders of a right to residence based on a diplomatic or official visa.

The right to permanent residence is granted to aliens if they fulfil the following conditions simultaneously:

- the applicant can prove a continuous and legal stay on the territory of Romania during the last five years prior to submission of the request, as follows:
- the applicant proves that they have means of subsistence at the level of the minimum net wage. Exceptions are aliens who are family members of Romanian citizens;
- the applicant provides proof of health insurance;
- the applicant proves the legal tenancy of the place of accommodation;
- the applicant knows the Romanian language at a satisfactory level;
- the applicant does not represent a danger to public order and national safety.

The application is analysed by a special commission, and approved by the head of the RIO.

The holders of a right to permanent residence benefit, under legal conditions, from equal treatment with Romanian citizens with regard to:

- access to the labour market, including employment and working conditions, to independent economic activities and to professional activities under the condition that the activity carried out does not imply, even on an occasional basis, the exercise of public functions;
- access to all forms and levels of education and vocational training, including scholarships;
- recognition of studies and diplomas, certificates, attestations of competence and professional qualifications, in conformity with valid regulations;
- social security, social assistance and protection;
- public health assistance;
- global income tax deductions and tax exemptions;
- access to public goods and services, including housing;
- freedom for association, affiliation and membership to a labour or professional organisation.

Aliens holding a permanent right to residence have the right to establish or move their residence on the territory of Romania under the same conditions as Romanian citizens.

Romania also ensures conditions for the integration of aliens who have been granted a right to reside in Romania into the economic, social and cultural life of the country. For integration, following activities may be organised and carried out:

- Romanian language courses;
- courses and other forms of further education and vocational training;
- ensuring information on the rights and obligations of aliens, as well as on the opportunities of integration into Romanian society;
- courses on the history, culture, civilisation and state of justice of Romania;
- participation in meetings different events, in which Romanian citizens should also take part, for the purpose of promoting common understanding.

- **Access to the Labour Market**

Asylum

During 2008 the Ministries of Administration and Interior and of Labour, Family and Social Protection adopted regulations on asylum seekers' access to the Romanian labour market. These provisions apply to asylum seekers who are in the asylum procedure after the expiry of a one year period from the date of submitting the application for asylum.

For undertaking employment on Romanian territory, asylum seekers in the situation mentioned above have to present the documents provided by the legislation in force for employment in the respective position, exempting the identity documents, as well as:

- a receipt proving that one year since submission of the application for asylum has passed, and that the asylum seeker is still under the asylum procedure;
- a valid temporary identity document with personal identification number, which is necessary for proving the identity of the asylum seeker and the related circumstances.

Persons granted refugee status have the right to be employed by physical persons or legal entities to perform voluntary activities, to practice any profession and to perform commercial acts and deeds, including independent economic activities, according to the legal acts in force and under the same conditions as Romanian citizens.

- **Order no. 392/613/2008 asylum seekers access to employment in Romania**

Order no. 392/613/2008 regarding the access of asylum seekers to the Romanian labour market stipulates that asylum seekers, who are in the asylum procedure following a period of one year from the date of application for asylum, may be employed on Romania's territory without work authorization.

Asylum seekers in such a situation may, upon request qualify for free mediation services, information services and professional advice, according to the rules of the employment agencies of Bucharest for persons seeking employment, as determined by legislation for Romanian citizens.

Migration

Access to employment and employment conditions are regulated in Romania by the Romanian Constitution (Articles 41 and 42) and Law 53/2003 - the Labour Code.

- **Constitution of Romania**

Article 41 concerning employment and social protection of labour establishes the right to the free choice of profession, trade or occupation and employment without restrictions.

At the same time, employees are entitled to social protection measures designed to further employees' health and safety, adequate working conditions for women and young people, establishing a national gross minimum wage, weekly rest, paid annual leave, work in special conditions or special training and other specific conditions, as established by law.

Constitution establishes the principle of gender equality in employment relationships that stipulates "for equal work, men and women have equal salaries".

The prohibition of forced labour set out in art. 42, stipulates that forced labour is prohibited and lists exceptions to this principle.

- **Law. 53/2003 - Labour Code**

The general framework of rules in labour relations is determined by Law no. 53/2003 - Labour Code which in art. 2 provides that its provisions, among others, apply to “Romanian citizens employed by individual contract of employment and providing work abroad under contracts concluded with a Romanian employer”, as well as to the “persons who have gained refugee status and are working legally”.

The constitutional provisions contained in Law no. 53/2003 - Labour Code are complemented by:

- **National Strategy on Migration for 2007-2010 approved by Government Decision no. 1122/2007 in September 2007**

The National Strategy on Migration for 2007-2010 aims to effectively manage major migration in Romania and to establish guidelines regarding immigration control, the prevention and fight against illegal immigration, asylum and social integration of foreigners and the correlation between all these aspects and migration of Romanian citizens.

In the implementation of the objectives from The National Immigration Strategy for the period 2007-2010, annual action plans are developed to determine specific activities and responsibilities of all involved ministries and institutions, as suggested by members of the Inter-Ministerial Group on co-ordination of the Strategy and approved by the Government.

- **Government Emergency Ordinance no. 56/2007 on the employment and deployment of foreigners in Romania, approved with amendments by Law 134/2008**

Romania's EU accession led to the repeal of Law 203/1999 regarding work permits, and relations between Romanian foreign employees and employers; from June 2007 these issues are covered by the provisions of Government Emergency Ordinance no. 56/2007 - GEO 56/2007 and Law no. 53/2003 - Labour Code.

The already mentioned Government Emergency Ordinance, initiated as a result of the establishment of the Romanian Immigration Office which took over the competencies on issuing documents that attest foreigners' right to work in Romania from the Office for Labour Force Migration, specifies the conditions that a foreigner must fulfil in order to be employed in Romania.

The main aspects stipulated by the emergency ordinance are:

- simplifying administrative procedures regarding the employment and posting of foreigners in Romania;
- developing effective measures to solve requests in the field of reference by transferring the competences to a single institution – the Romanian Office for Immigration – and, thus, stopping the long and complex circulation of documents, reducing the large number of requested forms, cutting additional tax, and reducing processing time;
- issuing a work authorization to foreigners who want to be employed or posted in Romania and, afterwards, issuing a single document that certifies both the right to residence and to work on Romanian territory;
- replacing employers' obligations of assuring a monthly average wage to employees with the insurance of a minimum wage;
- special procedures for the admission of highly skilled third country nationals in Romania;
- the development of an efficient and rapid document flow within the competent authority.

According to the provisions of this normative act on employment and posting of workers on Romanian territory, nationals of third countries can take up legal employment providing that the following conditions are met:

- if the vacancies cannot be filled by Romanian or other EU/EEA Member State nationals or permanent residents on Romanian territory;
- if they fulfil the requirements for special professional training, experience and authority requested by the employer according to legislation;
- if they prove that they are medically able to carry out the respective activity and have no criminal records inconsistent with the activity they are currently carrying or will be carrying out on the territory of Romania;
- are part of the annual quota approved through Government Decision;
- employers have paid their tax liabilities to the national budget on time;
- the employer has to effectively carry out the activity for which the work permit is issued.

EEA/EU Member States nationals are exempt from obtaining an advance work permit for employment or for providing work to natural or legal entities from Romania.

According to the same normative act, these provisions do not apply to foreigners that occupy the position of administrator in a legal entity with foreign participation, in the situation where one single person is appointed in that position, if the foreigner performs the activity as a professional sportsman, if a nominal work permit has been issued, for cross-border workers, as well as for foreigners who hold the right to residence for the purpose of studies.

The work permit can be issued by the Romanian Office for Immigration, at the employer's request, to foreigners who fulfil the conditions stipulated in Romanian legislation with regards to foreigner's regime, work classification and relocation on Romanian territory. At the same time, the work permit will also be issued to foreigners who:

- come from states with which Romania has concluded agreements, conventions or arrangements to abolish cross-border visas or due to which Romania has unilaterally abjured compulsory visas;
- benefit from temporary residence rights for family reunion, granted according to the conditions stipulated in the legislation on foreigners regime in Romania;
- benefit from temporary residence rights for study purposes and request employment on an individual work contract basis, with a maximum of four hours a day working time;
- are posted on Romanian territory.

A request for issuing a work permit is processed by the Romanian Office for Immigration within 30 days from the date of its registration. In cases where, in order to determine fulfilment of the conditions to obtain the work permit, additional checking is necessary, the term can be extended by 15 days at the most.

Work authorization is issued for a period of one year at most, with the exception of cases specifically provided for by law.

Work authorization is automatically extended for periods of up to one year when work with the same employer, based on an individual work contract concluded for an indefinite period of time continues, through the extension of the residence right for work purposes and is certified through the residence permit which is issued for this purpose.

According to the provisions of the Emergency Government Ordinance no. 56/2007 on the employment and posting of foreigners to Romanian territory, on the basis of the Ministry of Labour, Family and Social Protection's proposal, and in accordance with the policy on labour force migration and taking into account the labour market situation in Romania, the number of work authorizations that can be issued to foreigners intending to take up employment or to provide work in Romania is established annually through a Government Decision.

One of the documents necessary for employment is a certificate on the non-availability of labour for the vacancy notified by the employer, according to the provisions of the Law no.76/2002 on the unemployment insurance system and employment stimulation. The certificate is issued only by a territorial office of the National Agency for Employment, or by the agency for employment within the area where the employer resides.

This certificate acknowledges the fact that in the records of the county/municipal agency for employment there are/or there are no registered Romanian jobseekers with occupations appropriate for the vacancies announced by the employer who fulfil the employment requirements of the job, also specified by the employer, according to the legislation in force.

- **Law no. 134/2008 amending Government Emergency Ordinance no. 56/2007 on the employment and assignment of foreign citizens in Romania**

The Government Emergency Ordinance no. 56/2007 was amended By Law. 134/2008 in the following way:

- redefining the concept of deployment, within the meaning of the foreign worker seconded to Romania qualification conditions;
- removing the stipulation that the work permit was required only for workers employed in Romania for more than 60 days;
- the requirement to attach to an application for employment "an authorization certificate of recognized specialized studies necessary for employment requiring a work authorization issued by the Ministry of Education, as provided by legislation, or a diploma issued by accredited educational institutions in Romania";
- the possibility of obtaining the necessary documentation for employment authorization "for any person who is the employer's representative under the law";
- etc.

Citizens of EU Member States and the European Economic Area

The free movement of citizens of EU MS and of those of the European Economic Area (EEA) on Romanian territory is regulated by Government Ordinance 102/2005 modified by Government Ordinance 30/2006 and approved by Law 500/2006.

F1.3 A brief description of key institutional actors involved in migration management and diaspora

- **National Institutions**

The main characteristic of the migration and asylum system in Romania is **institutional specialization** and **inter-institutional co-operation**.

All institutions dealing with migration and asylum matters have specialized competencies and attributions in certain areas.

Thus, for example, the Ministry of Foreign Affairs (Directorate General for Consular Affairs and National Visa Centre) is the competent institution in granting entry **visas**, both for short and long stays; the Ministry of Administration and Interior (RIO, RBP, Romanian Police) is competent for granting stay rights (temporary or permanent), controlling entry to the territory, controlling the legality of stay, asylum procedure and removal; the Ministry of Labour, Family and Social Protection is competent for setting the national policy regarding labour migration (quotas of work authorizations to be issued annually) and combating the illegal employment of aliens; the Ministry of Education, Research and Innovation is

competent for issuing the documents necessary for aliens to be admitted and granted residence permits for study purposes.

The Ministry of Foreign Affairs provides consular protection and assistance for Romanian citizens abroad through Romania's diplomatic missions and consular offices, according to the provisions of the Vienna Convention on consular relations from 24 April 1963.

The national legislative framework on consular protection and assistance includes Law 156/2000 on the protection of Romanian citizens working abroad; Government decision 780/1995 as regards conditions under which diplomatic missions and consular offices ensure consular protection and assistance and other services for Romanian citizens, temporarily working abroad; Law 36/1995 on public notary activities; Law 119/1996 on civil status documents.

The free movement of persons and the right to residence of EU citizens within the European Union is laid down in the Directive 38/2004 adopted by the Council of the European Union and European Parliament. The directive is transposed at the national level through Law 248/2005 on the right to free movement of Romanian citizens within European Union. The free movement and residence of Romanian citizens outside the European Union is regulated through agreements and conventions concluded with third countries either by EU or bilaterally, by Romania.

But none of the above mentioned institutions, nor any others, act by themselves, but in close co-operation with each other. So, inter-institutional co-operation is a characteristic of the processes within the immigration phenomenon. Almost all the decisions taken within the processes involve more than one institution.

When speaking about **admission**, in general, the Ministry of Foreign Affairs (Directorate General for Consular Affairs and National Visa Centre) and the Ministry of Administration and Interior (RIO) are involved.

Although the decision on granting visas belongs to the Ministry of Foreign Affairs (embassies and consular offices), the opinion of the RIO is essential for almost all types of visa, especially for long stay visas which allow for extension and for being granted a residence permit.

In addition, for certain categories of visas, another state institution is contributing to the admission process, namely the Romanian Agency for Foreign Investments which issues, following the evaluation of a business plan, a certificate for aliens who intend to enter Romania in order to pursue commercial activities.

The Ministry of Labour, Family and Social Protection (MLFSP) is also involved in the admission policy, especially as regards labour migration.

According to the provisions of the law, MLFSP sets the annual quota regarding the number of work authorizations to be issued to aliens.

After granting a Romanian visa, the conditions for admission are checked once more by the Romanian Border Police when the alien shows him/herself at the border checking points.

As a conclusion, the admission involves at least five institutions having attributions in the immigration area: Directorate General for Consular Affairs, the RIO, the Romanian Agency for Foreign Investments, the MLFSP, and the Romanian Border Police.

After the alien enters Romania he/she has to apply for an extension of the stay right and for a residence permit.

That decision belongs to the RIO; it co-operates with other institutions before extending the stay right and granting the residence permit.

Depending on the purpose of the right to stay which the alien is applying for, other institutions are involved in the process. For example: the Ministry of Education, Research and Innovation for students or the Ministry of Labour, Family and Social Protection for employees.

Regarding removal from the territory, many institutions from different ministries are involved.

RIO is the main institution, but it co-operates, for example with RBP, Romanian Police, and the Directorate General for Consular Affairs.

The image of this inter-institutional co-operation is given by the composition of the Co-ordinating Board of the National Strategy for Immigration.

Thus, even if in theory immigration and asylum are mostly linked to home affairs, the participation of other institutions, not necessary from this area, prove the importance given by the national authorities to those two fields, and also prove that co-operation is one of the key elements in approaching immigration and asylum.

The main institution having competencies in the field of migration and asylum is the **Romanian Immigration Office (RIO)**, set in 2007.

Before the set up of the RIO, the Authority for Aliens and The National Refugee Office within the Ministry of Administration and Interior were the main authorities in Romania responsible for the management of migration and asylum, each of them having strictly defined competences within the control of migration and in countering illegal migration, and also in the field of asylum.

During the last years, in the framework of Romania's progressive approach to the EU, a number of needs to be addressed were aroused in the process of managing migration and asylum, as follows:

- an urgent need for strengthened institutional capacity in order to perform proper management of migration and asylum, ability to ensure an optimal balance between the benefits of migration and the possible risks or threats to public order or national security, as Romania is increasingly becoming a target country
- a need for setting up a unique registry for aliens, regardless of their status in Romania (immigrants or persons in need of international protection)
- a need for a unitary and adequate implementation of some EU Regulations directly applicable at national level in both fields (e.g. participating in the Dublin mechanism and the EURODAC system, putting forth equable resident permits, biometrical passports for aliens, participating in EU VIS systems and SIS, etc)
- the necessity of a simplified procedure for obtaining the legal right to stay on the territory for employment
- a need for co-ordination of the national policies and programmes in these fields.

As inter-dependencies between migration and asylum increased, the necessity for a unified approach to the related aspects became clearer when it came to ensuring their proper management. The express recommendations made by EU experts in this regard, within the framework of projects for building and strengthening institutional capacity which the two bodies benefited from, as well as the need for an approximation of the EU standards (a requirement of the EU accession process), underlined the decision to create a unique authority, with competencies in both fields, following the practice of most Member States.

Thus, on June 26, 2007, the Government Emergency Decision no. 55 and the Government Decision no. 369 set up the RIO, through the reorganization of the National Refugee Office and the Authority for Aliens, which had been eliminated. This newly created institution also undertakes all rights and obligations previously held by the Office for Labour Migration regarding the granting of documents certifying aliens' legal right to work.

The RIO is the specialized legal entity within the Ministry of Administration and Interior, with competencies granted by law, for the implementation of Romania's policies in the fields of migration, asylum and social integration of aliens, as well as of the relevant legislation.

Among the medium and long time objectives of the RIO are:

- developing an asylum system of protection based on the criteria of efficient and qualitative procedures in the field, the continuous approximation of the EU Acquis (including the provisions of "Priorities of the Solidarity and Management of the Migration Flows Programme for 2007-2013") by permanently ensuring the observance of fundamental human rights, as well as preventing and countering illegal migration within the EU;
- maintaining the Romanian capacity to implement its responsibilities and obligations as an EU Member State;
- maximizing the positive aspects of immigration and limiting negative ones for the country and, subsequently, for Romanian citizens. For that reason the Office will act to clearly establish categories of migrants who can be admitted and can remain on national territory, according to national interests but in correlation with the policies and programmatic documents adopted at European Union level, as well as ensuring the migrants' rights;
- decreasing the illegal factor within the migratory phenomenon by preventing the immigration of those categories of persons who do not satisfy the conditions stipulated by law, as well as combating illegal stay, illegal work and trafficking of human beings;
- securing free access to the national asylum procedure while respecting the principle of *non-refoulement* according to international standards enforced and ratified by Romania through the treaties and conventions to which it is party;
- supporting the active involvement and cultural identity of aliens residing legally on Romanian soil in the country's economic, social and cultural life;
- preparing for accession to the Schengen area;
- taking an active role in regional and international co-operation in the field of migration and asylum and promoting the development of effective asylum and migration systems in Eastern and South-Eastern Europe.

Another institution with competencies in the field of migration is the **Romanian Border Police (RBP)**.

The RBP is part of the Ministry of Administration and Interior and is the specialized state institution responsible for surveillance and control state border crossings, the prevention and fight against illegal migration and against acts specific to cross-border criminality carried out in its area of competence, and compliance with the judicial regime of the state border, passports and foreigners. Furthermore it is responsible for ensuring the interests of the Romanian state at the lower Danube and the *Macin* and *Sulina* Canals located outside the border area, in the contiguous area and in the economic area located in the exclusive economic area, and the keeping of peace and public order in its area of competence under the conditions of the law.

Organised in a similar way to the institutions in the European Union, the RBP makes important efforts in the field of prevention and fight against cross-border crime and carries out and complies with the

internal and international legislation in force so that its specific activities at the borders of Romania remain commensurate with international standards.

RBP's main tasks in the area of migration and asylum:

- prevents and controls illegal migration and trans-border crime in the competence area as well as any kind of infringement of the juridical regime of the state border;
- controls the documents necessary for crossing the state border in BCP's open to international traffic, at the entrance and exit from the free zones, in the points of local border traffic and simplified traffic or in other locations according to the situation and to legal stipulations;
- provides for the fluent, correct and civilized passage of travellers and goods through BCPs, together with the other authorities which have judicious control over legal state border crossings, according to the law;
- applies the stipulations of the treaties, agreements, conventions and protocols concerning the state frontier and border crossing control concluded by Romania and its neighbouring states, with other states, and with international or regional organisations;
- organises and maintains co-operation in specific areas with similar institutions of neighbouring states and other countries or state communities, according to Romania's bilateral or multilateral agreements;
- organises interventions in order to discover and identify persons who have violated or intend to violate the rules of the juridical regime of the state border or any other legal stipulations;
- co-ordinates and monitors the activities of staff, including that of other institutions or agents at the BCPs;
- collects, stocks, transforms, reevaluates and exchanges data and information with relevant national as well as with similar authorities from other countries, on the basis of protocol and of Romania's agreements;
- implements and exploits data from the National System of Information concerning the traffic of persons and goods across the border (S.I.B.), in terms stipulated by law.

An institution connected to migration and asylum is the **National Agency against Trafficking in Persons (NAATIP)**. The NAATIP was set up through the Government Decision no. 1584 of December 8, 2005, republished.

The NAATIP is a specialized body of the central public administration, with judicial status, under the co-ordination of the Ministry of Administration and Interior. The purpose of the Agency is to co-ordinate, evaluate and monitor, at national level, the implementation of policies in the field of trafficking in persons and in the field of protection and assistance provided to its victims by public institutions.

The NAATIP co-operates with governmental and non-governmental organisations within the country and abroad, as well as with inter-governmental organisations, with the aim of raising public awareness on the phenomenon and its consequences.

The NAATIP has the following main tasks:

- to draft, based on the proposals submitted by the institutions with responsibilities in the field, the National Strategy against Trafficking in Persons and National Action Plans, which are sent to the Romanian Government for approval;
- to monitor and evaluate the activities developed by public institutions with tasks in the field of trafficking in persons, and pursuing the objectives stipulated in the National Action Plans and Strategies;

- to co-ordinate the collaboration between public institutions and NGOs for achieving the objectives of the National Strategy;
- to draw up national standards in the field together with the involved public institutions and NGOs, which are submitted for approval to the Government;
- to establish indicators and evaluation criteria for trafficking in human beings;
- to collect, store, process and analyse statistical data and information in its area of responsibility;
- to carry out studies and research on the diagnosis and evolution of trafficking in human beings;
- to facilitate statistical data and information exchange between the institutions with tasks in the field, both within the country and abroad;
- to submit proposals for the amendment and completion of the legislation in its field;
- to disseminate, within the legal framework, official data and information in its field;
- to draw up answers to the questionnaires, as well as country reports, in the field of trafficking human beings;
- to develop its own programmes for carrying out activities for the prevention trafficking in human beings; providing assistance to the victims of trafficking, providing other institutions, upon request with support in running programmes;
- to draft the yearly reports on the evolution and level of trafficking in human beings; to be approved by the Romanian Government in collaboration with other departments of the Ministry of Administration and Interior, based on the data supplied by the public institutions with responsibilities in the field,
- to draw up national interest programmes on preventing trafficking in human beings, and providing assistance to the victims of trafficking with a view to their social reintegration;
- to manage, or if applicable to monitor, the management of funds allocated for financing the programmes in its field of activity;
- to support human rights information activities for the victims of trafficking in human beings, both within the country and abroad;
- to support, on demand, public institutions in acquiring the necessary resources for the development of specific activities and to supply, on demand, statistical data necessary for planning their own activities for combating trafficking in human beings;
- to develop international co-operation activities in the field and to monitor and evaluate the international co-operation activities carried out by the public institutions in the field of expertise;
- to have representatives in the specialized groups or structures of the European Union, as well as in the international organisations in the field.

- **International Organisations**

The **International Organization for Migration - IOM** is committed to the principle that humane and orderly migration benefits migrants and society. As an inter-governmental body IOM acts with its partners in the international community to:

- assist in meeting the operational challenges of migration
- advance understanding of migration issues
- encourage social and economic development through migration
- uphold the human dignity and well-being of migrants

The **Office of the United Nations High Commissioner for Refugees, UNHCR** is mandated to lead and coordinate international actions to protect refugees and solve refugee problems. Its primary purpose is to safeguard the rights and well being of refugees.

F2. An analysis of policy coherence issues

National co-ordination in relation to the European Union's initiatives in migration is ensured through the general internal mechanism of co-ordination in the field of European affairs set up through Government decision 115/2008.

- **Policy co-ordination:** As mentioned above, Romania has its own National Immigration Strategy, currently covering the period 2007-2010. The implementation of the strategy is monitored by an inter-ministerial co-ordination group, chaired by the Secretary of State for Public Order of the Ministry of Administration and Interior.

The co-ordination group is formed by representatives of the institutions having responsibilities in the migration area such as Ministry of Administration and Interior, Ministry of Education, Ministry of Foreign Affairs etc. The co-ordination group meets on a regular basis (every three months) and discusses issues of common interest, implementing common activities to ensure policy co-ordination between involved institutions.

- **Mainstreaming migration into development plans**

The National Strategy on International Development Co-operation Policy (2006) establishes that Romania will guarantee the coherence between different policies (e.g. trade, environment, energy, agriculture, migration etc.) and development co-operation policy.

F3. Regional and International Co-operation

- **Bilateral labour mobility agreements:**

Country	Agreement
Spain	Agreement between Romania and Spain for the regulation and organisation of labour force circulation between the two countries, signed in Madrid on January 23, 2002
Italy	Agreement between the Romanian Government and the Italian Government concerning regulation and management of migratory flows for profit, signed in Rome on October 12, 2005
	Agreement between Romania and Italy on the readmission of persons having an illegal status, signed in Bucharest on 4 March 1997
Germany	Memorandum of Understanding between the Ministry of Labour, Social Solidarity and Family of Romania and the Federal Employment Agency of the Federal Republic of Germany regarding the mediation of Romanian workers for carrying out fixed-term work in the Federal Republic of Germany, signed in Nuremberg on February 3, 2005 and in Bucharest on February 11, 2005
	Convention between the Romanian Government and the Government of the Federal Republic of Germany on sending Romanian staff from the companies established in Romania to carry out work contracts, signed in Bucharest at July 31, 1990
	Convention between the Romanian Government and the Government of the Federal Republic of Germany in connection with employment aimed at raising professional and language skills (Convention on guest worker staff), signed in Bucharest on May 12, 1992
Switzerland	Agreement between the Romanian Government and the Swiss Federal Council on the exchange of trainees, signed in Berne on November 25, 1999

Hungary	Agreement between the Romanian Government and the Government of Hungary on hiring seasonal workers, signed in Budapest on May 9, 2000
	Agreement between the Romanian Government and the Government of Hungary on the exchange of trainees, signed in Budapest on May 9, 2000
Luxembourg	Agreement between the Romanian Government and the Government of the Grand Duchy of Luxembourg on the exchange of trainees, signed in Luxembourg on July 20, 2001
France	Agreement between the Romanian Government and the Government of the French Republic on the exchange of trainees, signed in Paris on November 20, 2003
	Agreement between the Romanian Government and the Government of the French Republic on wage employing for dependents of a state to the other state official missions' members, signed in Paris on November 21, 2003
Portugal	Agreement between the Romanian Government and the Government of the Portuguese Republic on a temporary stay with the aim of hiring Romanian workers on the territory of the Portuguese Republic, signed at Lisbon on July 19, 2001

- **Regional:**

Agreement between the European Community and the Swiss Confederation regarding the free movement of persons with participation of Romania and Bulgaria as contracting parts as a consequence of EU accession.

- **Bilateral Agreements readmission:**

- Readmission Agreement between **Spain** and the Government of Romania regarding readmission of persons in illegal situations; came into force from 1997, ratified by Law 45/1997.
- Readmission Agreement between **Italy** and the Government of Romania regarding readmission of persons in illegal situations; came into force from 1997, ratified by Law 173/1997
- Agreement between the Government of **Poland** and Romania regarding mutual readmission of persons illegally residing on each other's territory; came into force from 1993, ratified by Government Decision 638/1993
- Agreement between the Government of **Slovakia** and Romania regarding readmission of persons; came into force from 2005, ratified by Government Emergency Ordinance 84/2005
- Agreement between the Government of **Czech Republic** and Romania regarding readmission of persons; came into force from 1994, ratified by Government Decision 152/1994
- Agreement between the Government of **France** and Romania regarding readmission of persons; came into force from 1994, ratified by Government Decision 278/1994
- Agreement between the Government of **Greece** and Romania regarding readmission of persons; came into force from 1995, ratified by Government Decision 635/1994
- Agreement between the Government of **Belgium, Grand Duchy of Luxemburg, Kingdom of the Netherlands** and Romania regarding readmission of persons; came into force from 1995, ratified by Government Decision 825/1995
- Convention between the Ministry of Interior from Romania and the Federal Ministry of Interior of **Germany**, regarding readmission of stateless persons; came into force from 1998, ratified by Government Decision 869/1998
- Agreement between the Government of **Denmark** and Romania regarding readmission of persons; came into force from 1999, ratified by Law 66/2000
- Agreement between the Government of **Slovenia** and Romania regarding readmission of persons; came into force from 2000, ratified by Law 513/2002

- Agreement between the Government of **Finland** and Romania regarding readmission of persons; came into force from 1999, ratified by Law 60/2001
- Agreement between the Government of **India** and Romania regarding readmission of persons; came into force from 1995, ratified by Law 59/2001
- Agreement between the Government of **Bulgaria** and Romania regarding readmission of persons; came into force from 2000, ratified by Law 61/2001
- Agreement between the Government of **Ireland** and Romania regarding readmission of persons; came into force from 2000, ratified by Law 80/2001
- Agreement between the Government of the **Kingdom of Sweden** and Romania regarding readmission of persons; came into force from 2002, ratified by Law 642/2001
- Agreement between the Government of **Republic of Moldova** and Romania regarding readmission of persons; came into force from 2001, ratified by Law 124/2002
- Agreement between the Government of **Hungary** and Romania regarding readmission of persons; came into force from 2005, ratified by Law 230/2002
- Agreement between the Romanian Government and the Federal Government of the **Austrian Republic** regarding the readmission of persons, and the Protocol for the application of the Agreement between the Romanian Government and the Federal Government of the Austrian Republic regarding the readmission of persons, both signed in Vienna on November 28, 2001, ratified by the Government's Emergency Ordinance number 188/ 2001, approved by Law number 134/ 21-03-2002, published in the Official Monitor, number 205 from March 26, 2002.
- Law number 683/ 2001 for the ratification of the Agreement between the Romanian Government and the Government of the **Croatian Republic** regarding the readmission of their own citizens and of foreigners, signed in Zagreb, September 30, 2000 (the Official Monitor, number 817/ 19.12.2001). It came into force on October 24, 2002.
- Law number 607/ 6, November 2002, for the ratification of the Agreement between the Romanian Government and the Government of the **Albanian Republic** regarding the readmission of persons, signed in Bucharest, on 13.10.2004. It came into force on 23.05.2005.
- Law number 26/ 13.01.2003 (the Official Monitor, number 31/ 21.01.2003) for the ratification of the Agreement between the Romanian Government and the Government of the **Republic of Latvia** regarding the readmission of persons; it came into force starting with 25.09.2004; the Government's Decision number 1183/ 24.10.2002 (the Official Monitor, number 817/ 12.11.2002) for the ratification of Protocol referring to the application of the Agreement between the Romanian Government and the Government of the Republic of Latvia regarding the readmission of persons; the two documents were signed in Riga, on July 15, 2002.
- Law number 128/ 11.04.2003 (the Official Monitor number 266/ 16.04.2003) for the ratification of the Agreement between the Romanian Government and the Government of the **Portuguese Republic** regarding the readmission of illegally staying persons, signed in Lisbon, on September 26, 2002. It came into force on August 2, 2003.
- Law number 69/ 11.03.2003 for the ratification of the Agreement between the Romanian Government and the Government of the **Norwegian Kingdom** regarding the readmission of their own citizens and of foreigners, signed in Bucharest, on July 17, 2002 (the Official Monitor, number 181/ March 24, 3003). It came into force on July 24, 2003.
- Law number 369/ 2003, for the ratification of the Agreement between the Romanian Government and the Government of **Great Britain and of Northern Ireland** regarding the readmission of persons and the Protocol for applying this Agreement, signed on February 20, 2003, in Bucharest (the Official Monitor number 684/ 2003). It came into force on June 6, 2004.

- Law number 367/ September 19, 2003, regarding the ratification of the Agreement between the Romanian Government and the Government of the **Republic of Lebanon** regarding the readmission of their own citizens and of foreigners, signed in Bucharest, on March 18, 2002 (the Official Monitor number 683/ September 29, 2003). It came into force on May 15, 2004.
- Law number 284/ 23.06.2004 for the ratification of the Agreement between the Romanian Government and the Government of the **Republic of Turkey** regarding the readmission of their own citizens and of foreigners remaining illegally on their territory, signed on January 19, 2004, in Bucharest (the Official Monitor number 604/ July 6, 2004).
- Law number 193/ 2004 for the ratification of the Agreement between the Romanian Government and the Government of the **Macedonian Republic** regarding the readmission of their own citizens and of foreigners signed in Bucharest, November 12, 2003 (the Official Monitor number 428/ May 28, 2004). It came into force on November 10, 2006.
- Law number 283/ June 6, 2004 for the ratification of the Agreement between the Romanian Government and the Government of the **Republic of Lithuania** regarding the readmission of their own citizens and of foreigners, signed in Bucharest, on February 19, 2004.
- Law number 251/ 2005 for the approval of the Government's Emergency Ordinance number 85/ July 7, 2005 regarding the ratification of the Agreement between The Romanian Government and the Government of the Estonian Republic regarding the readmission of persons, signed in Bucharest, on October 23, 2003.
- Law number 59/ March 26, 2006, for the ratification of the Agreement between the Romanian Government and the Council of Ministers of **Bosnia and Herzegovina** regarding the readmission of their own citizens and of foreigners, signed in Bucharest, on October 10, 2005.
- Government's Decision number 1099/ September 11, 2007 regarding the approval of the Protocol between The Romanian Ministry of Administration and Interior and the Ministry of Security in **Bosnia and Herzegovina**, signed on July 5, 2007, for the application of the Agreement between the Romanian Government and the Council of Ministers in Bosnia and Herzegovina regarding the readmission of their own citizens and of foreigners, signed in Bucharest, on October 10, 2005.
- Law number 145/ July 10, 2008, published in the Official Monitor number 580/ August 1, 2008, for the ratification of the Agreement between the Romanian Government and the Government of **Iceland** regarding the readmission of their own citizens and of foreigners, signed in Brussels, on October 4, 2007.
- The Agreement between the Romanian Government and the **Swiss** Federal Council regarding the readmission of persons and the Protocol for its application, signed in Zurich, June 13, 2008. It came into force on January 18, 2009.
 - **Additionally, bilateral administrative and co-operation conventions have been signed as follows:**
 - Police Co-operation Convention for South-Eastern Europe signed by ministries of interior of **Albania, Bosnia & Herzegovina, Macedonia, Republic of Moldova, Montenegro, Romania and Serbia**, ratified by Law 214/2007
 - Administrative Convention between the Ministry of Interior of **Hungary** and Romania concerning practical means of simplified applying EC Regulation 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national; came into force from 2007, ratified by Government Decision 77/2008

- Agreement between Federal Government of **Austria** and Romania regarding mutual exchange of information in the field of migration control and asylum; came into force from 2004, ratified by Law 429/2004.
- Common action plan between **Croatian** and Romanian authorities in the field of co-operating and co-ordinating activities in the fight against transnational organised crime, illegal migration and related activities; came into force from 2007.
- Co-operation Agreement between **Kingdom of Morocco** and Government of Romania regarding the fight against transnational organised crime, illegal migration and drug trafficking; came into force from 2006, ratified by Law 813/1997
- Co-operation Protocol between Ministry of Interior from **Hungary** and Ministry of Interior from Romania concerning refugees; came into force from 2006, ratified by Government Decision 1662/2005
- Agreement between the Federal Council of **Swiss Confederation** and Romania regarding mutual visa cancellation; came into force from 2003, ratified by Government Decision 1531/2003
- Agreement between the Government of **Estonia** and Romania regarding mutual visa cancellation; came into force from 2004, ratified by Government Decision 334/2004
- Agreement between the Government of **Lithuania** and Romania regarding mutual visa cancellation; came into force from 2004, ratified by Government Decision 334/2004
- Trilateral co-operation protocol, enlarged in the area of criminality, especially cross-border crime, between the Government from **Bulgaria, Serbia** and Romania; came into force from 2009, ratified by Law 285/2009

- **Migration Partnerships**

The Mobility Partnership Joint Declaration EU - Moldova was signed in **June 2008**, at the Justice and Home Affairs Council (JHA) in Brussels.

This declaration consists of a fix component, which constitutes the political dialogue framework between EU and Moldova, **and a mobile component**, consisting of all projects which Member States, Commission and community agencies, individually or in partnership, can develop with the Republic of Moldova.

The mobile component may undergo changes over time .as some objectives have already been met and other objectives will be identified for developing the Mobility Partnership between EU and Republic of Moldova.

Following the grouping and developing of concrete proposals for co-operation from all those submitted by Member States, **a project of co-operation on migration between the EU and the Republic of Moldova was developed in co-ordination with the Swedish Public Employment Service.**

The project is called "**Strengthening the capacity of Moldova to manage labour migration and circular migration in the Mobility Partnership EU-Moldova**", the **Romanian Ministry of Labour, Family and Social Policy being part of this project, and involving a series of concrete actions.**

Thus **a training session** of National Employment Agency (NEA) staff and representatives of other institutions, having competences in the migration field from Moldova, was held **in Chişinău on 22.09.2009** within the Swedish activities for project implementation.

Within this training session, Romanian migration policies and Romanian institutions having competences in this area were presented.

The **second activity** of this project took place **in Romania**, in the period **02-06.11.2009**, when a **training session / exchange of experiences** concerning information on methods of migration was held. This session was attended by 10 Moldavian NEA representatives and two project co-ordinators.

The **third activity** was held on **08-12.02.2010 in Romania** when a training session/exchange similar to the one in November 2009 was organised, again attended by 10 representatives of the Moldavian NEA and one project co-ordinator.

As to EU Member States' co-operation, priorities and regional mechanisms, Romania is an active dialogue partner within the following co-ordinating and co-operation initiatives on issues of asylum and migration:

- Budapest Process;
- Soederkoeping Process;
- General Directors Conference of Immigration Services (GDISC);
- Organization for Economic Co-operation to the Black Sea (OCEMN);
- Salzburg Forum.

F4. Overall assessment of the migration policy context

No information is available

G. Evaluating the impacts of migration and migration policy on the socio-economic development

G1. Impacts of migration on the socio-economic development of the country of origin

Since the mid-1990s, Romania has experienced large-scale migration to Western Europe, which was primarily oriented towards Germany, Spain and Italy, but also increasingly towards the United Kingdom, Ireland, France and other EU Member States.

For Romania, as the originating country, the effect / impact of labour migration varies greatly depending on the size of emigrant flows, the kind of migrants and labour and product market conditions in the country.

The impact of migration is multi-dimensional and affects the whole economy. In evaluating these effects, it is useful to distinguish between skill levels given the differences in the labour markets for low-skilled and high-skilled workers.

The positive impact of labour force migration:

- reducing the unemployment rate and decreasing pressure on the workforce market and social spending;
- money transfers from Romanian migrant workers:
 - remittances help improve the standard of living of many Romanian consumers as they increase their purchasing power and stimulate their demand for goods and services;
 - the money transfers from Romanian migrant workers into the country influenced their regions of origin: these transfers had an impact both on a micro and macroeconomic level, affecting the macroeconomic management, workforce involvement, education and health, income distribution, etc.;
- Romanian citizens outside Romania can represent an important source and a facilitating factor for research and innovation, technology transfer and growth.

The negative impacts of labour force migration:

- possible modification in population structure in Romania;
- the population structure by age group has also changed, with consequences on the future labour force potential;
- the process of population ageing is noticeable, especially in certain rural areas;
- the modified distribution of the workforce at regional and sector level;
- the gap in the Romanian labour market is generating economic losses for businesses as it causes, especially until 2008, wage pressures and cuts in production volume, especially in the manufacturing, construction and agricultural sectors;
- migrant workers are net contributors to the government budget and therefore their departure increases the fiscal burden on those left behind;
- brain migration:
 - losing the investments made in education and training;

- the professional level of the local labour force becomes inferior to expectations, a situation which caused a reduction in Romania's productive potential at national level, and in competitiveness, and will have a negative influence on overall income;
- a decrease in highly skilled personnel and, as a result, an increase in semi and unskilled personnel, which is not a strong base for a country's growth. Also, the country's labour market is lacking healthcare staff;
- the risk that Romania might be forced to direct its productive structure towards low and medium technological branches.

G2. The socio-economic development effects of migration policies and other forms of interventions targeting migration

For Romania as a host country, controlling migration emerged as an important policy issue and, as a result, it became more selective in granting entry and work permits to foreign citizens.

The Romanian government has adopted the **National Strategy on Immigration 2007-2010**, enforced through Government Decision 1122/2007, which establishes the general principles and guidelines for establishing the Romanian state policy regarding labour immigration and combating irregular migration, and assumes the obligations of Romania in this regard as an EU Member State.

Romania has accordingly adopted a policy of economic immigration, adapted to the national economy, which includes monitoring of the admission and residence of foreign workers.

The Strategy permits the harmonization between the Romanian labour market and the admission of migrants, taking into account the needs identified on the local labour market. Thus, according to the National Strategy on Immigration, the Government of Romania will determine the number of citizens of third countries eligible for work permits based on annual evaluations of labour market requirements. The number of work authorizations that may be issued to aliens according to the special legislation on employment and posting of aliens on the Romanian territory shall be established by Government Decision.

Setting admission quotas for employment purposes will be based on analyses of different fields of activities to identify a possible shortage on the domestic labor market.

Starting with the entry into force of the Government Emergency Ordinance no. 56/2007, regarding employment and posting of foreigners to Romania, one of the main regulatory acts applicable to non-EU and non-EEA citizens seeking or having jobs in Romania. The work authorization has become the official document giving its holder the right to be employed in or posted to Romania for work with one employer. Thus, foreign workers may be employed in Romania subject to, among others, the following conditions:

- the vacancies they fill cannot be filled by Romanian citizens, EU Member State citizens, citizens of the states that adhered to the EEA Agreement, or by persons residing permanently on the territory of Romania;
- a foreigner fulfils the employer's special requirements regarding professional training, experience and certification and that his / her employment does not result in exceeding the annual number of foreign workers approved by government decision;
- the employer requesting their services has no state revenue arrears.

The Government Emergency Ordinance no. 56/2007 provides, in its text, that, upon decision by the Ministry of Labour, Family and Social Protection in line with the national policy regarding migration of

labour force, and taking into account the labour market of Romania, the government shall determine, by decision, the annual number of work authorizations that may be issued to foreign workers.

In this respect the Ministry of Labour, Family and Social Protection shall list the shortages on the labour market, and the Romanian Immigration Office shall send statistics of work authorization and residence permits for work purposes, as well as details of EU citizens engaged in dependent activities on Romanian territory to the Ministry of Labour, Family and Social Protection on a quarterly basis.

Following the economic recession that also affected the Romanian economy, the labour market will require a longer period to respond; forecasts show a continuous increase in unemployment for the current year and the need for foreign labor is likely to decline over the next two years.

As regards the employment of foreign labour in Romania, according to national regulations, the establishment of a need for foreign workers must be related to a need caused by the national economic situation and the possibility of labour market absorption.

H. Conclusions

H1. Main findings on current migration trends

Legal Immigration

- according to available statistics, the number of aliens legally residing in Romania increased in the last four years, proving that Romania has become a destination country for legal immigration;
- even though the number of legally residing aliens increased, the percentage out of the total population is still low (0.27%);
- most legally residing aliens come from Asia, Europe or Africa;
- the main countries of origin of legally residing aliens are the neighbouring countries and countries with which Romania has developed economic and social relations: Moldova, Turkey, China, Serbia and Ukraine;
- the main purposes for legal residence in Romania are connected to the right to family union, employment and studies;
- the main areas where aliens set up residence are the developed municipalities and the university cities

Illegal Immigration

- the number of illegal immigrants apprehended on Romanian territory increased in the last four years due to the efforts made by the Romanian authorities to control the immigration movements within the territory;
- the main source countries are the same as in the case of legal immigration;
- gradual measures for removing illegal immigrants from the territory implemented by Romania are successfully showing that about 80% of aliens for whom return decisions were issued left the country by themselves and that the number of returnees decreased in the last four years.

Asylum

- the number of protection applications in the last four years show an increase.

H2. Improvement of migration statistics

Romania applies the provisions of the Regulation (EC) 862/2007 of the European Parliament and of the Council of 11 July 2007 on community statistics in the area of migration and international protection.

Romanian authorities are continuously working to improve the national definitions so as to correspond to those set by the regulation.

H3. Recommendations regarding migration management

- The necessity of promoting, at a national level, initiatives related to voluntary return operations according to the European principle of integrated management of return operations, using European funding.
- Promoting the development and application of assistance policies regarding migrants' reintegration process in countries of origin as a measure of ensuring the sustainability of

humanitarian repatriation from relevant authorities and NGOs in order to prevent the development of illegal migration routes.

ANNEXES

I - STATISTICAL ANNEX for additional tables and figures

- To the section B1 of the profile

Population by age group, gender and urbanization, on July 1, 2007

Age group	Total			Urban			Urbanization, %		
	Both sexes	Males	Females	Both sexes	Males	Females	Both sexes	Males	Females
Total	21,537,563	10,496,720	11,040,843	11,877,659	5,683,983	6,193,676	55.1	54.2	56.1
0 - 4 years	1,062,537	545,866	516,671	555,341	285,580	269,761	52.3	52.3	52.2
5 - 9 years	1,090,284	559,856	530,428	508,002	260,810	247,192	46.6	46.6	46.6
10-14 years	1,135,618	581,356	554,262	543,039	277,866	265,173	47.8	47.8	47.8
15-19 years	1,541,828	786,763	755,065	858,375	434,411	423,964	55.7	55.2	56.1
20-24 years	1,640,127	839,745	800,382	978,954	491,194	487,760	59.7	58.5	60.9
25-29 years	1,740,686	890,529	850,157	1,051,807	523,889	527,918	60.4	58.8	62.1
30-34 years	1,715,518	878,737	836,781	981,904	488,907	492,997	57.2	55.6	58.9
35-39 years	1,929,137	975,816	953,321	11,27,775	540,616	587,159	58.5	55.4	61.6
40-44 years	1,200,174	602,225	597,949	722,561	338,110	384,451	60.2	56.1	64.3
45-49 years	1,392,744	687,380	705,364	879,145	407,681	471,464	63.1	59.3	66.8
50-54 years	1,544,281	746,431	797,850	990,079	469,629	520,450	64.1	62.9	65.2
55-59 years	1,360,523	644,226	716,297	792,392	378,596	413,796	58.2	58.8	57.8
60-64 years	984,384	451,848	532,536	495,877	228,210	267,667	50.4	50.5	50.3
65-69 years	1,004,068	436,752	567,316	465,393	202,338	263,055	46.4	46.3	46.4
70-74 years	918,177	383,369	534,808	393,810	161,814	231,996	42.9	42.2	43.4
75-79 years	690,768	275,630	415,138	288,262	111,589	176,673	41.7	40.5	42.6
80-84 years	403,440	149,339	254,101	165,468	58,314	107,154	41.0	39.0	42.2

85 years and over	183,269	60,852	122,417	79,475	24,429	55,046	43.4	40.1	45.0
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Population by age group, gender and urbanization, in July 2008

Age group	Total			Urban			Urbanization, %		
	Both sexes	Males	Females	Both sexes	Males	Females	Both sexes	Males	Females
Total	21,504,442	10,477,611	11,026,831	11,835,328	5,658,512	6,176,816	55.0	54.0	56.0
0 - 4 years	1,070,639	550,074	520,565	570,199	293,189	277,010	53.3	53.3	53.2
5 - 9 years	1,073,733	551,180	522,553	503,728	258,534	245,194	46.9	46.9	46.9
10-14 years	1,121,104	574,527	546,577	526,165	269,283	256,882	46.9	46.9	47.0
15-19 years	1,428,324	728,731	699,593	774,112	391,729	382,383	54.2	53.8	54.7
20-24 years	1,692,108	865,349	826,759	1,006,023	504,855	501,168	59.5	58.3	60.6
25-29 years	1,679,885	859,946	819,939	1,019,056	508,128	510,928	60.7	59.1	62.3
30-34 years	1,752,955	898,493	854,462	1,016,161	507,191	508,970	58.0	56.4	59.6
35-39 years	1,746,994	886,521	860,473	989,999	478,821	511,178	56.7	54.0	59.4
40-44 years	1,455,383	731,189	724,194	875,465	411,696	463,769	60.2	56.3	64.0
45-49 years	1,316,506	650,955	665,551	818,277	378,863	439,414	62.2	58.2	66.0
50-54 years	1,545,262	746,614	798,648	986,627	462,660	523,967	63.8	62.0	65.6
55-59 years	1,416,872	669,904	746,968	835,771	397,279	438,492	59.0	59.3	58.7
60-64 years	1,006,459	462,521	543,938	515,500	237,241	278,259	51.2	51.3	51.2
65-69 years	958,358	417,662	540,696	447,673	194,805	252,868	46.7	46.6	46.8
70-74 years	923,364	383,361	540,003	400,548	163,904	236,644	43.4	42.8	43.8
75-79 years	699,363	278,196	421,167	291,658	112,370	179,288	41.7	40.4	42.6
80-84 years	417,111	155,547	261,564	172,299	61,566	110,733	41.3	39.6	42.3
85 years and over	200,022	66,841	133,181	86,067	26,398	59,669	43.0	39.5	44.8