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Improving the Management of Migration: How to Decrease Irregular Migration, and Strengthen Public Confidence in the Ministry of Labor

2005 / 2006

CPS INTERNATIONAL POLICY FELLOWSHIP PROGRAM ▲

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Abstract

This paper reports the findings of research on irregular migration practices in Eastern Romania. It examines the root causes, the means, as well as the socio-economic consequences of irregular labour migration to EU countries. It also analyzes the impact of legislative and institutional frameworks on the management on migration. The paper has four main sections. The first describes recent trends and patterns in migration, assessing changes in the volume of irregular migration. Using an in-depth case study of a Romanian region with a high migration rate, the paper explains these changes in terms of labour requirement transformations, economic disparities and the nature of networks. The section concludes with a review of certain socio-economic consequences of irregular migration. The second section provides an overview of the most important migration-related laws and regulations in for Romanian citizens and in the context of EU pre-accession. It also examines the role of the labour migration management institutions. The third section explores the perspectives of both governmental and intergovernmental actors as regards irregular migration while the last section proposes a set of recommendations for the better and more sustainable management of irregular migration.

This policy paper was produced under the 2005-06 International Policy Fellowship program. Razvan Stan was a member of the `Combating Organized Crime` working group, which was directed by Todd Foglesong. More details of their policy research can be found at <http://www.policy.hu/themes05/orgcrime>.

The views contained inside remain solely those of the author who may be contacted at razvan@policy.hu. For a fuller account of this policy research project, please visit <http://www.policy.hu/razvan>.

July 2006

Language Editing – Martin Baker

Formatting and Type setting – Linda Szabó

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Executive Summary

This paper reports the findings of new research on irregular migration practices in Eastern Romania. It examines the root causes, means, and socio-economic consequences of irregular labour migration to EU countries, and analyzes the impact of legislative and institutional frameworks for migration management on these practices.

The report makes several findings. First, migration policy has not reduced the amount of irregular migration. The number of Romanian workers illegally abroad today is substantially higher than it was in 2002, and there has been an increase in the number of forced returns. Illicit practices and channels continue to be used especially with regard to going from Schengen to non-Schengen countries - such as Ireland and the UK. Second, current migration policy intensifies the harm caused to families in the course of migration. Divorce rates are higher among irregular migrant families, the economic and social integrity of communities from which migrants leave is weaker, and trust in the local and central government declines. Third, migration policy causes collateral damage to the state: according to the findings of this study, there has been no reduction in the amount of reported corruption among border officers, and the dependence of migrants on informal and often criminal channels of commerce is growing.

The report also shows how migration policy can be improved. Decentralization of the labour migration service would allow and enable prospective migrants to use official channels for moving abroad, and also help connect local skills to the needs of the labour market abroad. A negotiated increase in quotas for certain categories of labour would help legalize migration patterns and improve the reputation of the Romanian state as it moves toward membership of the European Union.

Finally, the paper illustrates how institutions responsible for managing migration may be able to benefit from new knowledge gained about migration patterns. Most policies on irregular migration today, both in the EU and candidate countries, are primarily based on the observations of officials and agencies that seek to *curb* migration. They see and capture only a small portion of the phenomenon, therefore. Irregular migration practices and routes also change continually in response to local and larger socio-economic pressures, as does the enforcement and introduction of new regulations. Migration policies that fail to take a look at and incorporate these changes

end up regulating past-time rather than future behaviour. This paper will thus show how better systems of management and regulation can be devised from a study of the experiences of migrants *themselves*. So the effectiveness of such policies will depend on an ability to first understand and then react to these dynamic changes.

The paper has four main sections. The first describes recent trends and patterns in migration practices. It assesses changes in the amount of irregular migration and, based on an in-depth case study of a Romanian region with a high migration rate, explains this in terms of labour requirement transformations, economic disparities and the nature of networks. It also explores some of the socio-economic consequences of irregular migration. The second section provides an overview of the most important migration-related laws and regulations in the case of Romanian citizens and within the context of EU pre-accession. It also looks at the role of the main labour migration management institutions. The third part explores the perspectives of governmental and intergovernmental actors as regards the irregular migration phenomenon; while the last section proposes a set of recommendations for a better and more sustainable management of irregular migration.

1 Migration Patterns

1.1 Facts and Figures Related to Labour Mobility and Irregular Migration Trends

The International Organization for Migration (IOM) estimates that there are more than 500,000 “irregular migrants” in the European Union at this moment. According to the IOM, this sum represents one-third to one-half of new entrants into Western countries. These figures are likely to underestimate the scale of the phenomenon, however: the clandestine nature of migrant trafficking and irregular migration complicates the ability of regulatory agencies to properly measure the degree involved. Yet even at this level, the large estimated number of irregular immigrants causes considerable concern for the authorities in charge of regulating labour market imbalances, preventing criminality and dealing with the human right abuses to which such migrants are frequently exposed.

Irregular migration and smuggling from Eastern Europe is still a significant problem. For post-communist countries, the coming down of the ‘Iron Curtain’ and the major

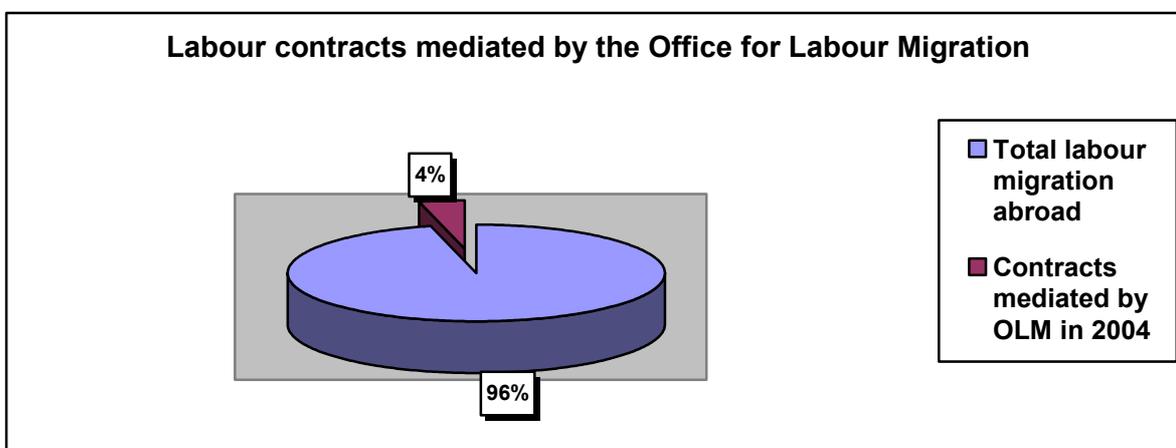
socio-economic transformations that followed led to an increase in irregular labour migration to Western Europe - and this has become an important problem within negotiation processes that candidate countries and the European Union are handling. For Romania, the number of migrant workers steadily increased after 1990 - and especially since January 2002, when Romanian citizens became entitled to migrate within the Schengen area without a visa but on the condition that their stay does not exceed three months. This change has led to an overall increase in labour mobility. According to a recent national survey commissioned by the IOM Mission in Romania, about 9% of Romanian households had at least one member working abroad in March 2005. This accounts for approximately 850,000 adult Romanians (IOM, March 2005). According to the same survey, just 53% of Romanian migrant workers interviewed said that they work abroad under legal contract. Though the true amount of those who work abroad with a legal contract may be smaller: for the risk of exposure to sanctions may have caused some respondents to under-report such illegal behaviour.

1.2 Main Findings

- In spite of the increases in Romanian labour mobility to the EU, the institutions in charge of drawing up legal labour contracts cover a small fraction only of labour working abroad.

Among Romanians who tried to find a job abroad in 2004, only about 4% succeeded in getting a labour contract through the Office of Labour Migration (OLM).

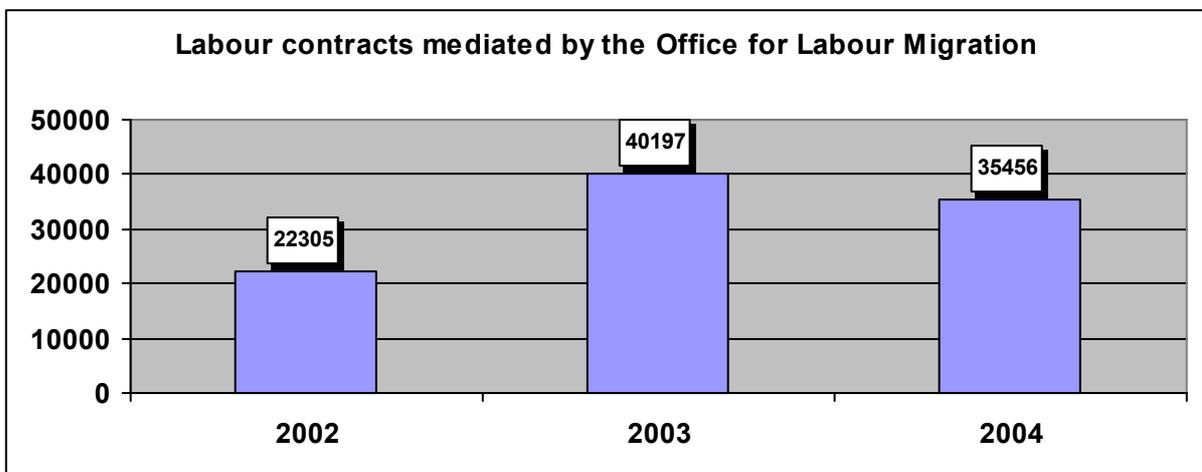
Figure 1



Sources: Ministry for Labour, Social Solidarity and Family. Office for Labour Migration, 2005. Public Opinion Barometer (Open Society Foundation)

Both quantitative and qualitative research findings demonstrate that migrants prefer informal and even illegal channels of labour migration rather than obtaining work via the mediation of the OLM. First, most of those interviewed were not aware of this state institution, its offers of jobs abroad and/or about procedures via which to obtain a labour contract. Second, several considered this option too costly in terms of time and money (because it requires several long-distance trips to Bucharest) and also because it is overly bureaucratic.

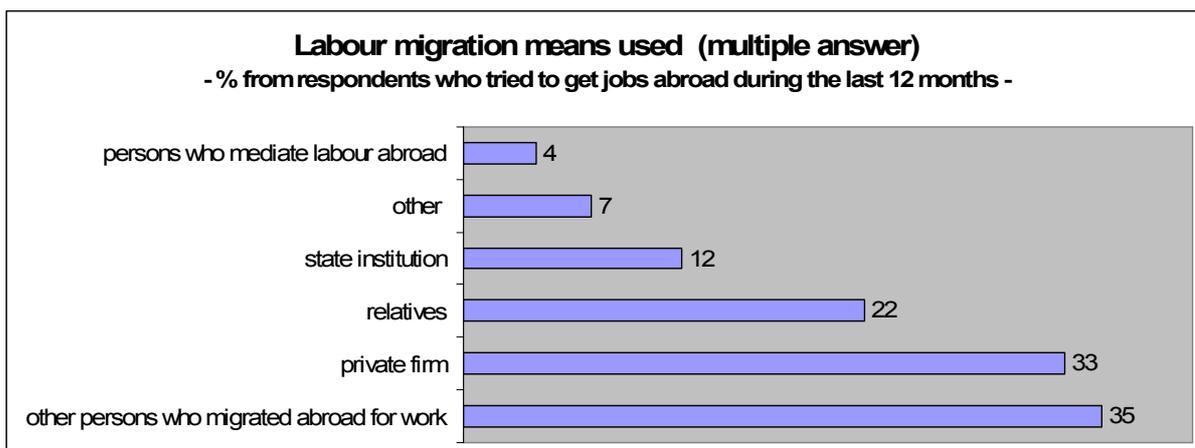
Figure 2



Source: Ministry for Labour, Social Solidarity and Family. Office for Labour Migration, 2005.

As illustrated in the graph below, labour mobility is dealt with less by state institutions and more by private, informal or illegal means.

Figure 3

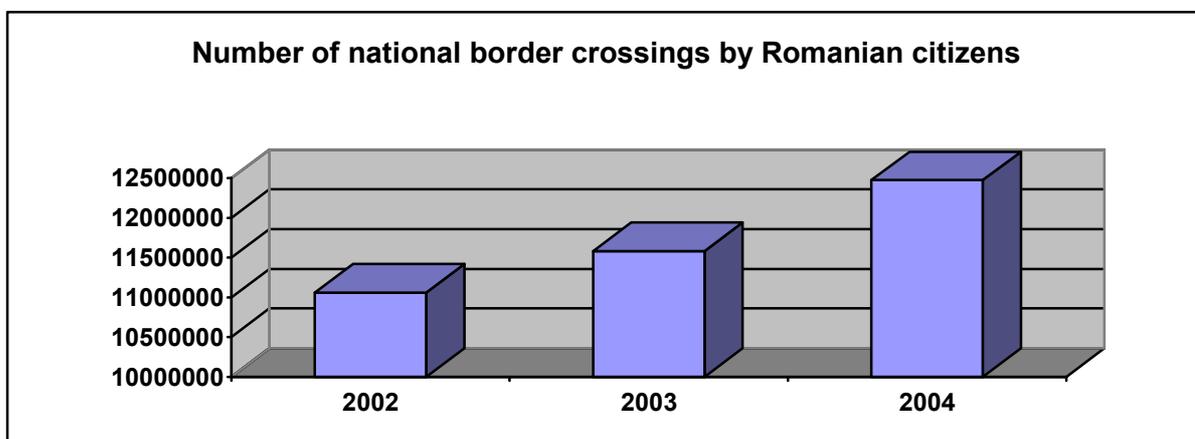


Source: Public Opinion Barometer (Open Society Foundation, Bucharest, October, 2004)

- Migration to the Schengen area and especially back-and-forth (circulatory) mobility have increased

The number of border crossings by Romanian citizens has increased by 11% since 2002, and by 7% since 2003.

Figure 4



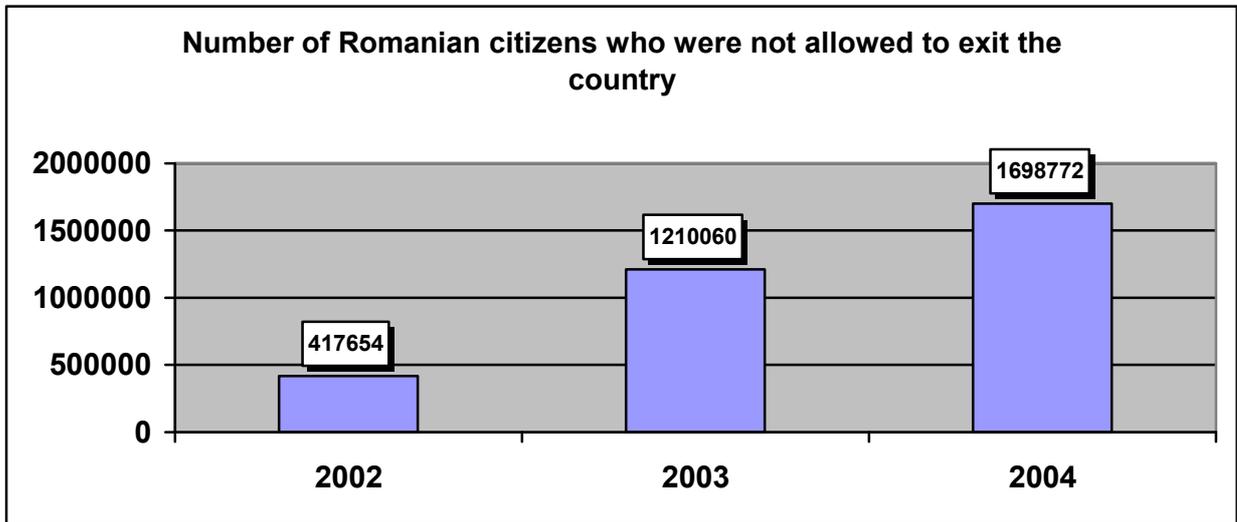
Source: Romanian Border Police, 2005

- The pressure coming from Romania with regard to illegal migration abroad has increased

Between 2002 and 2004, the number of Romanian citizens who were not allowed to travel abroad increased fourfold. The pressure leading to such high mobility - due to economic circumstances - and the weak information campaign regarding the conditions

that needed to be fulfilled in order to leave the country have contributed to this situation. The largest number of those rejected (1,102,668) lacked the required financial support (Romanian Border Police, 2005).

Figure 5



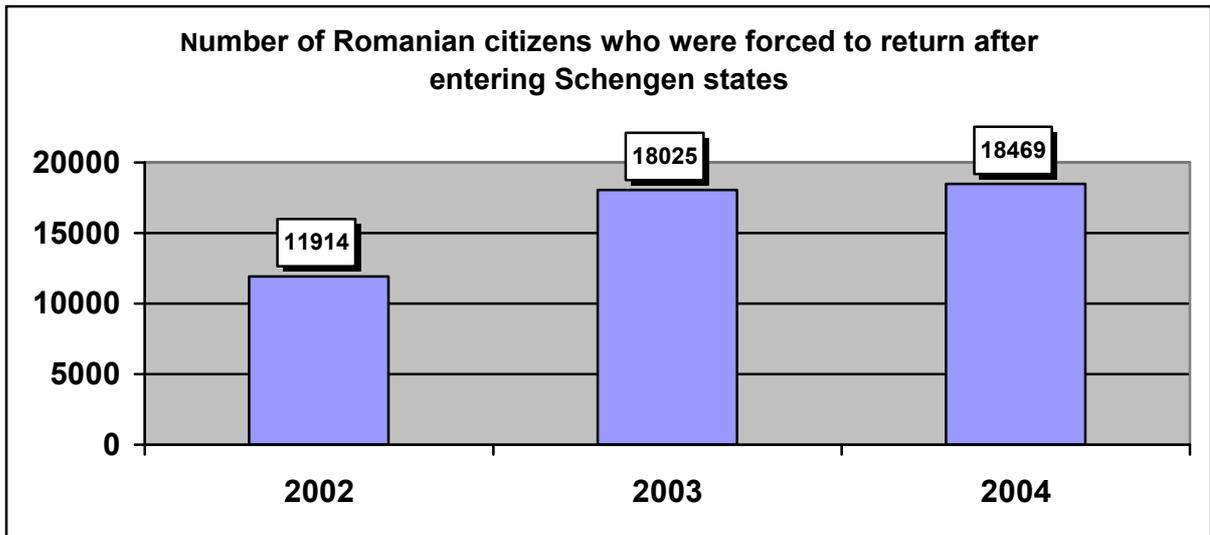
Source: Romanian Border Police, 2005

- Forced returns from the Schengen area, owing to both the illegal nature of the labour or overstaying legal period of one’s visit, have increased

Between 2002 and 2004, the number of Romanian citizens who were sent back from Schengen states increased by 54%. According to the Romanian Border Police, the main reasons were people’s exceeding the legal period of their stay or performing labour activities without a legal contract. The 2004 Regular Report on Romania’s progress Towards Accession gives its attention to such phenomena - and indicates the need to allot more resources to the prevention of these forms of irregular migration.¹

¹ Regular Reports on Romania’s Progress toward Accession, 2004, p 125.

Figure 6

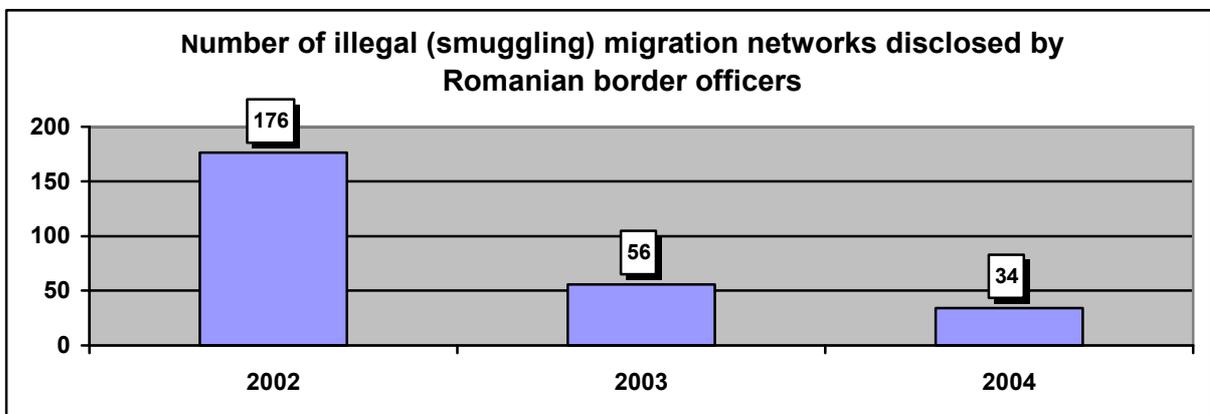


Source: General Passports Department, 2005

- Although the overall number of illegal (smuggling) networks used by persons to enter the Schengen area has decreased, smuggling networks continue to be used to reach non-Schengen wealthier countries, such as Ireland and UK.

After the Schengen visa regime was amended, the number of migrant-smuggling networks identified by law enforcement agents greatly decreased - from 176 in 2002 to 56 in 2003. As the graph below shows, this number has continued to go down since 2003, which may indicate that a relaxation of restrictive visa policies is leading to a reduction in illegal migration practices (particularly those connected with organized crime).

Figure 7



Source: Romanian Border Police, 2005

Nonetheless, according to fieldwork findings from a high-rate migration region in Romania, migrants still use illegal travel documents and smuggling networks to enter and find jobs in non-Schengen countries (such as Ireland). This strategy consists of two steps. Firstly, migrants have to pay a charge of between 1000 and 1500 Euro for a EU travelling document. Secondly, after they arrived in the Schengen area, they connect up with a member of the transnational smuggling network who gives them their EU travelling documents and then guides them to Ireland. After this operation they will then have to pay around of 3-4000 Euros to the smuggler.

The increasing propensity of Romanian migrants to illegally enter Ireland and the UK has forced Romanian Ministry of Administration and the Interior officials to send their officers to border crossing points between France and UK. According to one high commissioner,

“Because Romanians increasingly seek to migrate in England and Ireland for work, a decision to send officers to the border between France and UK was taken at the level of the Ministry of Administration and the Interior. These persons are required to officially verify the entry of Romanians. We are also involved in the REFLEX program, to implement activities to combat illegal migration.”

(Commissioner, Romanian Border Police)

- Socio-economic disparities, unemployment and relative low salary levels are the root causes of irregular migration

Romanian labour migration, including its irregular type, has been an unintended consequence of the sudden and massive de-industrialization process that has been overseen by the Romanian Government, especially that occurring between 1995 and 2005 under the pressures of international monetary institutions; for all this has brought severe unemployment and a decrease in living standards. According to data gathered from the County Prefecture in 2000, the registered *employed* population from the case study region was just 5% of its total active population (County Prefecture, 2005). With such severe local labour market conditions and an overall decrease in living standards, temporary work abroad has become the main adaptive strategy for Romanian workers.

Wage-level differences also boost labour migration. In Romania, the average salary is 200 Euro/month (National Bank), whereas, in Italy, Romanian migrants can earn between 800 and 1400 Euro and send back home between 400 and 800 Euro. In Ireland, migrants can earn between 2400 and 4000 Euro and send back home over 1200 Euro.

Finally, both legal and illegal migration and labour are the direct result of existing requirements in receiving countries; for foreign workers are needed to support the economies of these countries and to compensate for their own demographic deficits in this regard.

Many who leave the country as ‘tourists’ overstay the legally-allowed time period of three months; and because migrants considered that the risk of losing their jobs abroad – even without a legal contract - is bigger than the risk involved in overstaying, they prefer to exceed the legally-sanctioned period of their stay. As one migrant said,

“People have constraints put upon them. He finds a place to work - and he has to stay. So he ignores the three-month limit and thinks “I’ll have to stay. Otherwise I’ll lose my job, and this is important” [...] Almost all who went abroad overstayed. If they see that you are a good worker, though, they’ll finally come up with your papers.”

1.3 The Harmful Consequences of Irregular Migration

Irregular migration has a number of harmful consequences, only a few of which are well-understood. First, harm is done to the families of migrants, and to the communities from which they leave. Second, there is harm done to the government, which is unable to properly manage migration. There is corruption, and there is also damage done to the reputation of Romania, especially to the credibility of the Ministry of Labour. Third, there are “collateral” forms of harm associated with the strength of and demand for illegal networks.

- Irregular migration increases criminality and especially boosts trans-nationally organized crime

Irregular migration is often associated with organized crime. Although they are not the same thing, there is nevertheless a relationship between organized crime and irregular migration, and such a relation requires a careful handling and analysis. The *smuggling of migrants* is interlinked with several criminal activities, most of which are, literally, “organized” - some of which are linked to organized criminal groups and enterprises that commit crimes for financial gain. For instance, the burgeoning illicit trade in false documents is strongly related to migrant smuggling. Forging, altering and stealing documents, including work and residence permits, has become an extended criminal activity - as the possibility of migrating and working abroad largely depends on having the necessary documents. Clandestine transportation and border crossings

have also developed, and new smuggling routes have been established. Able to offer documents, transport and even jobs for a fee, organized smugglers have become an attractive option especially for those wishing to migrate, though who are unable to do so legally because of both political and individual circumstances.

- Irregular migration leads to severe infringements of migrants' human rights, and it affects the economic and social integrity of their families as well

According to fieldwork findings, irregular migrants are exposed to economic exploitation and can become the *victims* of traffickers and unscrupulous employers. They are frequently underpaid, lack access to minimum health & safety standards when working, are exposed to accidents, and remain outside social security systems. Cases of migrants who had their passports confiscated in order to have constraints put upon them as regards working arose during interviews; and such persons, being undocumented, were unable to contact the authorities abroad.

Irregular migration also brings harms at a family level. Illegal migrants remain abroad for long periods of time – sometimes for several years – far from their wives and children. Frequently, therefore, migrant families disintegrate - and this relates to high-level divorce rate. Associated phenomena such as community aging and decreasing birth rates were also recorded.

Table 1 Indicators of family structural transformations

Year	1995	1999	2003
Birth rate*	21.1	17.5	11.7
Divorce rate*	0	0.3	1.1

* The rates were calculated for 1000 persons

Source: County Directorate for Statistics, 2005

- Irregular migration leads to de-skilled workers and labour shortages in the despatching regions

At local community and county levels, irregular migration leads to a shortage of skilled labour as many such workers perform low-skilled jobs abroad when working in the unofficial marketplace. This situation thus strongly impedes the possibility of re-launching one's local economy.

“Too many specialized workers have gone abroad and are doing jobs that are below their intellectual capacities. The state spent a lot of money making this labour force specialized, making them good technically... We are now in the middle of the reconstruction and development stage of our county - and we miss our specialists and qualified workers.”

(Representative of County Council, 2005)

- Irregular migration is related to corrupt practices at the level of institutions in charge of regulating migration, and this lowers the legitimacy of state institutions

Irregular migration can also sometimes involve the complicity of migration control institutions, and even corrupt practices. While many migrants and organized smuggling operations avoid detection, some individuals and groups have developed affirmative practices to ‘neutralize’ law enforcement systems. For example, some smugglers bribe customs officials and border guards upon detection in order to escape the consequences of arrest; and others pay a set fee in advance of a crossing as part of a tacit business agreement.

Confronted at times with overly restrictive conditions for travelling abroad, migrants themselves are used to bribing border officers. According to interviewees, this is especially the case with those who have overstayed the 3-month legal period and who endeavour to avoid the related sanctions and maintain their right to travel. Such a bribe was between 150 Euro to 500 Euro last summer, when restrictive policies were stepped up. In some cases, migrants reported the ‘mediation’ of bus drivers in such corruption practices, too.

2 An Unsatisfactory Policy Response: An Evaluation and Brief Review of National Regulations for Managing Irregular Migration

In spite of the importance of adopting the EU requirements in the field of labour mobility and social protection, *Romanian legislative and institutional frameworks still need to develop* (which is something highlighted in Regular Reports on Romania’s Progress toward Accession (2003, 2004)).

The prevalence of governmental ordinances and ministerial orders points to the rushed nature of issuing migration management legislation - as well as its *fragmentary character*. This legislation is *continually being changed*, sometimes in *contradictory ways*, this being a situation which reflects the *double pressure* on lawmakers to control

migration - as required by the EU - and to grant greater freedom of movement, as required by the mass of Romanian migrant-workers and entrepreneurial classes.

Though the body of legislation used for sanctioning irregular migration is relatively well developed, *regulations seeking positive stimulation for legal labour migration* as well as the *required state-support institutional structures* are more at an *initial stage*.

2.1 Conditions for the Migration of Romanian Citizens to European Union Countries

The negotiations that took place in the pre-accession process led to a lifting of short-term visa restrictions for Romanian citizens travelling to Schengen countries, the new regulations being voted upon by the Council of the European Union on 7th December 2001 and applied since 1st January 2002.² This decision brought relative freedoms for one's travelling, yet no freedom to work and live in such EU countries. Travel also remained subject to certain conditions.

The Governmental Emergency Ordinance 144/October 2001 was the first nationally normative act to regulate one set of explicit requirements for Romanian citizens travelling to Schengen countries. According to this ordinance, Romanian citizens were required to present when leaving Romania: a) medical assurance; b) a return ticket or green card for a personal car; and c) a certain amount of foreign currency, or credit cards for foreign currency bank accounts [...] (art.1). With regard to the financial self-sustaining requirement, the minimum required amount was set at 500 Euro (Order 177/November 2001), being subsequently reduced to 150 Euro (Order 820/September 2005).

Ordinance 28 from 14th July 2005 introduced *new restrictions as regards access to Schengen countries*, with Romanians being required to present 'documents which justify the aim and conditions of one's planned stay' to custom authorities. This regulation poses serious limitations as regards tourism-related activities. Secondly, the Romanian business community sees this as making trans-national business mobility more difficult - and it creates unfair competition with entrepreneurs from abroad. Thirdly, according to interviews, it serves to stimulate the earlier 'business' of forging invitations.

² Official Gazette of the European Community, 12th December, 2001.

2.2 Sanctions and Restrictions via which to Prevent Irregular Migration

One of the most debated regulations has been Ordinance 28 from 14th July 2005, which laid down measures concerning 'Romanian citizens who *exceed, without justification, the legal period of stay* in countries where they have travelled': here, a person's right to use a passport is affected, for it can be retained or suspended for between 1 and 5 years, (e)). As a direct effect of this measure, in just two days, from among around 20,000 Romanians who presented themselves at border crossing control points to re-enter the country, about 2300 remained without travelling documents.³ This was a debatable measure, therefore - and for several reasons. First, it was *suddenly* implemented, without any previous information campaign that might have prompted migrants to regularize their status before their return. Second, the whole procedure of sending passports to the territorial Police service and having justificatory documents analysed might last a relatively long period⁴, after which the right to move in another country may end up being violated. Third, as stipulated in the modified Governmental ordinance 65/1997 (art 14, e)) the decision to suspend or take away someone's right to use a passport was taken by territorial bodies of the Romanian Police – i.e. and not by the courts – thus leading to a situation with sizeable corruption risks.

In order to prevent illegal border crossings between a Schengen and a non-Schengen state, Governmental Emergency Ordinance 112/August 2001 on Sanctioning Illegal Acts Committed Abroad by Romanian Citizens or by Persons without Citizenship but Domiciled in Romania was issued. The ordinance was made complete via Law 252/2002. The Governmental Emergency Ordinance 105/June 2001 introduced similar measures for illegal border crossings occurring over Romanian state borders.

Law 565/October 2002 ratified the United Nations Convention against Organized Trans-national Crime, the Protocol regarding prevention, suppression of and punishments for *human trafficking*, as well as the Protocol against *illegal migration* by land, sea and air as adopted at New York on 15th November, 2000. Law 39/ January 2003, on preventing and combating organized crime, defined trafficking in migrants as a criminal offence, and the punishment would be imprisonment (art. 2-7).

³ Statement of the General Inspectorate of Border Police, quoted in *Ziua* newspaper, 3rd August, 2005.

⁴ Because many territorial services for issuing passports are still understaffed and badly equipped, they responded slowly to the sudden demand and high number of requests.

2.3 Measures Adopted to Support Labour Migration via Legal Channels

The right to protection for Romanian citizens working abroad is assured by Law 156/July 2000 (art. 1). According to this law, the government has to *establish agreements, treaties or conventions* to lay down conditions for protecting Romanian citizens who are working abroad, based on the principle of equality of treatment (art. 3).

Another important normative act is the Governmental Decision 1320/2001 - modified by Decision 823/2002, too - regarding the founding and organization of the National Office for Labour Recruitment and Labour Placement Abroad, later transformed into the Office for Labour Migration. This Office, as a subordinated body in Ministry of Labour, has among its main competencies: *implementation of international treaties and mutual agreements* signed by Romania in the area of labour mobility; *the recruitment and placement of labour in foreign countries* with which Romania has not yet signed bilateral labour agreements; and cooperation with the institutions with have competencies in labour management (art 2).

As a complementary body, the Department for Labour Abroad was established in 2004, as part of the Ministry of Labour Social Security and the Family. Its responsibilities are *protecting the rights of Romanian citizens who are working abroad, monitoring labour migration and the implementation of international treaties, labour agreements and conventions, as well as preventing illegal work being done by Romanian citizens abroad* (Governmental Decision 412/ 2005)

3 Perceptions of Governmental and Inter-governmental Representatives Regarding Irregular Migration

3.1 Risks Associated with Irregular Migration

Irregular migration can have legal and personal consequences for migrants. In addition, it can have severe effects on wider society.

“At a personal level, you risk doing a job you do not want to do, getting the worst amount of payment, being injured during your work, being outside any social security scheme, and remaining unpaid... Besides this, cases of migrants who are forced to commit criminal acts are also known of. Many people prefer to ignore the risks. [...] At the level of society, irregular migration means supplementary costs.

These persons have a special relationship with the authorities - and do not contribute to the budget. All monies entering the repatriating or asylum systems are the contribution of those who are *part* of the system, who *legally* migrate or work.”

(Representative of the International Organization for Migration, Romania)

3.2 Current Challenges as Regards Controlling Migration: New, Irregular Practices

Currently existing ‘transformations’ in connection with new conditions for entering the Schengen area have encouraged some migrants to find new ways of cheating on regulations. In some cases, Romanian citizens who are now required to prove the aim and conditions of their travel present tourist vouchers or have reservations without needing to pay all of the accommodation costs. They try to exit in this way as ‘tourists’, though they are in fact searching for work abroad.

“There are Romanian citizens who plan to enter the Schengen area as disguised tourists in order to get a job abroad. They try to present documents at the border to justify their touristic aims. Most of them present vouchers that do not prove the fundamentals involved or the anticipated payments for all services. They, in fact, present just the reservations they have got from a travel agency, and confirmations they have got on the Internet. When they succeed in leaving the country, they then annul these documents with the risk of lose 20 Euro for cancelling their reservation. And they continue their trip in order to get a job abroad on the black market.”

(Commissioner, Romanian Border Police)

In contrast with previous legislation, stipulations laid down in the new Emergency Governmental Ordinance 109/July 2005 on road transportation no longer apply to the vehicles with fewer than 9 seats (art. 2. b)). Thus, the drivers of such vehicles can occasionally transport people abroad without having an international transportation licence – and because they lack legal support, border officers cannot sanction this form of illicit transportation.

“Where the former Law 115/2000 imposed the condition of getting a licence to undertake international transportation, inclusively, for cars with just 5 seats, the new ordinance exempts any vehicle with fewer than 9 seats as regards the licensing requirement. In consequence, this category of vehicles is being increasingly used by Romanians who want to get abroad. Why? Because they wait for less time at border crossing points, and because the driver can lend them the money they need to cross the border. Alongside this, the recovering of money afterwards is easier compared with other transporters who may need to lend 40-50 persons money.”

(Commissioner, Romanian Border Police)

3.3 Irregular Migration: a Temporary Problem or a Complex Phenomenon that Requires an Integrated Strategy?

Perspectives on the necessity and the method of dealing with irregular migration strongly differ between representatives of state institutions for migration control and intergovernmental organizations. Some in the state institutions see the challenges of migration as temporary until EU accession - and persons think that a few normative acts to control its illegal forms will be sufficient. For the second group, migration is a complex phenomenon requiring a well-developed strategy and strong collaboration among a wider range of governmental institutions.

“A strategy on illegal migration by Romanians to Schengen areas does not exist because it has not been necessary. This is a temporary phenomenon, and it is very difficult to design a strategy against the citizens from your own country - and it is also open to debate anyway. The risk firstly affects citizens. A strategy supposes a collaboration of many bodies and some action plans with clear deadlines and responsibilities. This is not necessary! Instead of this, we try to diminish the problem through several normative acts.”

(Employee, Romanian Border Police)

“What is currently missing is proper management – which means analysis, decision-making and implementation. You fight the effects, which at times can be disastrous, yet you lack a strategy. [...] If we are speaking about labour migration, this is not only the responsibility of the Ministry of Labour Social Security and the Family or the Ministry of Administration and the Interior; it is also the responsibility of the Ministry of Health and Ministry of Education. [...] If we are considering the issue of training the labour force, does Romania have a strategy here? Other countries which export specialized labour have such a thing. This is also the responsibility of Ministry of Education.”

(Representative of IOM, Romania)

4 Making Improvements in Labour Migration Policy: Conclusions and Policy Recommendations

The findings of this paper are that restrictive policies alone cannot provide a solution as regards managing migration in the long term. On the contrary, they have been rather ineffective and have brought with them unintended negative consequences. They have harmed migrants and forced them into resorting to illegal migration practices, they have obstructed the transnational business community's activities, and they encourage corruption among police officers. In addition, even though several normative acts for supporting legal labour migration were issued, they still lack any proper implementation.

Better development of the state institutions in charge so that they can mediate legal labour mobility will ensure a more sustainable way of dealing with irregular migration.

4.1 Practical Recommendations

A territorial decentralization of state-level labour mediation services – the OLM - is needed. In order to increase its efficiency in mediating labour, the OLM should de-centralize its services and establish territorial branches at a county level or at the level of development regions (NUTS II) at least. This must be a priority, especially in the regions and counties with a high rate of labour migration abroad. Such a territorial decentralization will *make the recruitment process more efficient and will reduce costs for potential migrants*; and it will *help build up trust and legitimacy*. Besides the mediation and recruiting services, every newly-established territorial branch should provide counseling services for potential and active migrants, informing persons clearly about offers for jobs abroad and the required procedures. Well-targeted awareness and information campaigns will also *improve the visibility of the OLM* at both regional and local levels and will *help migrants become aware of legal opportunities*. IOM and other local NGOs could assist this institution in such campaigns.

Quotas for formal labour contracts should be increased. First, legal labour contract offers should be increased through the *establishment of new agreements, treaties and conventions with responsible authorities from EU member states*. This is especially needed in the case of the more favoured destination countries, like Italy. Romanian labour unions could play a key role in monitoring the implementation of these bilateral agreements through a strong collaboration with their counterparts abroad. Second, in cases of foreign countries to which Romania has not yet signed bilateral labour agreements, the Romanian Ministry of Labour could send delegates to negotiate labour contracts *directly* with potential employers, thus actually *extending the legal job offer*. Finally, following the example of former sending countries, programs for the specialized training of Romanian workers should be implemented, taking into account the needs of the EU marketplace. This may lead to an increase of quotas for Romanian workers, and may *prevent them becoming de-skilled*.

A superior knowledge-gaining system for the Department for Labour Abroad (Ministry of Labour) is necessary. According to the research findings, irregular migration practices and routes change continually in response to local and larger socio-economic pressures as well as to the enforcement and introduction of new regulations.

More effective systems of migration management and regulation depend on an ability to first understand and then react to such dynamic changes. So as to better design its policies and strategies, the Department for Labour Abroad should contract and establish partnerships with existing research institutions involved in doing applied migration research. Survey-based studies at national and regional levels should investigate the demographic profiles of active and potential migrants, the distribution of their professional skills, most favoured destination countries and the nature of migration channels they use (state, private, informal, illegal). They can thus *help monitor the changing nature of the demand for labour abroad.* Complementary pilot qualitative studies in high-rate sending regions could also provide insightful data into factors which determine the fact of illegal migration, the impact of illegal migration at community and personal levels, and the expectations of migrant workers regarding the supports on offered from state institutions, thus better informing labour migration policy.

4.2 Timing

Activities aimed at reducing irregular migration should be implemented without delay. Irregular migration is related to increases in criminality, to severe infringements of migrants' human rights, to economic drawbacks in sending regions and to corruption at the level of institutions in charge of regulating migration. With increasing pressures towards labour migration these costs may also increase as time goes by. For free access for Romanian citizens on the EU market will be strongly *conditioned by* a reduction of *irregular* migration (with a transition period of between 2 and 7 years being already stipulated by EU officials). Comprehensive management of labor migration may well reduce this transition period - and can help Romanians to become integrated as EU citizens with full mobility, work and residence rights.

4.3 Financial Impact

Implementation of the proposed course of action and, also, recommendations has financial costs for the Romanian Ministry of Labour. Decentralization of the Office for Labour Migration could be implemented using the already existent territorial infrastructure of the Ministry of Labour (county agencies for labour placement on the domestic market), though new staff positions and equipment will be needed. The

creation of a better knowledge-acquiring system for the Department for Labour Abroad will also have major financial costs.

Yet such investments will prove economical in the long term. Better labour management will reduce the harm caused by irregular migration. It will help re-launch local economies and help prevent the existence of a deskilled labour force. Second, legal migrants will then return in their sending communities and invest remittances into their home country. Actually, according to Romanian Central Bank, private transfers (remittances) from migrant workers amounted to about 2 billion Euros in 2004 - so they currently exceed the volume of direct foreign investments. In spite of the initial financial costs, a better system for migration management will prove efficient for the national economy in the long run.

Funding to as to implement these policy recommendations might be raised from three different sources: a) taxes collected from migrants who benefit from the services being offered by the Office for Labour Migration (a normative act is needed); b) EU funding programs. OLM could establish partnerships with research institutions and apply for funding from the EU Commission; while a consulting agency could be charged with drawing up funding applications; for a better-regulated Romanian labour force is in the interests of EU countries, too; c) via budgetary redistribution within the Ministry of Labour. Migrant workers comprise a significant part of the Romanian active population –thus, they should become a priority for the Ministry of Labour.

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