

Policy Paper

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

Razvan Stan
International Policy Fellowships
Center for Policy Studies, Budapest

Executive Summary

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

The report makes several findings. First, migration policy has not reduced the amount of irregular migration. The number of Romanian workers abroad today illegally is substantially higher than it was in 2002 and there has been an increase in the number of forced returns. The illicit practices and channels continue to be used especially to enter from Schengen to non-Schengen countries such as Ireland and UK. Second, current migration policy intensifies the harms 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 has declined. Third, migration policy causes collateral damage to the state: according to findings, there has been no reduction in the amount of reported corruption among border officers, and there is a growing dependence of migrants on informal and often criminal channels of commerce.

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

Finally, the paper illustrates how institutions responsible for managing migration can benefit from new knowledge about migration patterns. Most policies on irregular migration today, both in the EU and candidate countries, are based primarily on the

observations of officials and agencies that seek to curb migration. They see and capture only a small portion of the phenomenon. Irregular migration practices and routes also change continuously in response to local and larger socio-economic pressures as well as the enforcement and introduction of new regulations. Migration policy that fails to study and incorporate these changes thus regulates past, not prospective behaviour. This paper shows then how better systems of management and regulation can be devised from the study of the experiences of migrants themselves. The effectiveness of these policies will depend on an ability to first understand and then react to these dynamic changes.

Organization of the Report

The paper has four main sections. The first part 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 on a Romanian high rate sending region, explains them in terms of transformations in the demand for labour and economic disparities, and in the nature of the networks as well. It also explores social-economic consequences of irregular migration. The second section provides an overview of the most important migration-related laws and regulations for the case of Romanian citizens and in the context of European Union pre-accession process. It also analyses the role of the main labour migration management institutions. The third part explores the perspectives of governmental and intergovernmental actors on irregular migration phenomenon. The last section proposes a set of recommendations for a better and sustainable management of irregular migration.

I. Migration Patterns

Facts and Figures on 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. This sum, according to the IOM, represents one-third to one-half of new entrants into Western countries. These figures likely underestimate the scale of the phenomenon: the clandestine nature of migrant trafficking and irregular migration complicates the ability of regulatory agencies to properly count them. But even at this level, the large estimated number of irregular immigrants causes considerable concern for the authorities in charge to regulate labour market imbalances, to prevent criminality and to protect the human right abuses to which these migrants are frequently exposed.

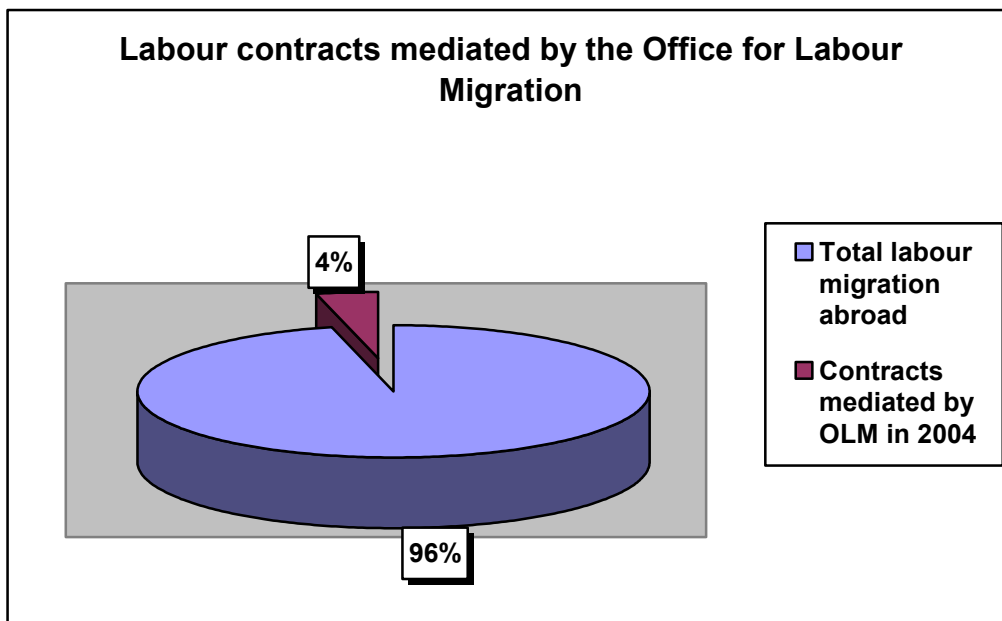
The irregular migration and smuggling from Eastern Europe is still a problem of significant proportions. For post-communist countries, the breakdown of the ‘Iron Curtain’ and the major social-economic transformations that followed led to increased irregular labour migration to Western Europe and this become an important problem in the negotiation process between candidate countries and European Union. In the case of Romania, the number of migrant workers steadily increased after 1990, and especially since January 2002, when Romanian citizens got the right to migrate in the Schengen space without visa but on the condition that their stay will not exceed three months. This policy change led to an overall increase in labour mobility. According to a recent national survey commissioned by the International Organization for Migration –Mission in Romania, about 9 per cent of Romanian households had at least one member who was working abroad just in March 2005. This accounts for approximately 850000 adult Romanians (IOM, March 2005). According to the same survey, just 53 per cent of Romanian migrant workers interviewed said that they work abroad under legal contract. But the true proportion of those who work abroad with a legal contract may be even smaller: the risk of exposure to sanctions may have caused some respondents to under-report such illegal behaviour.

Main findings:

1) In spite of the increasing Romanian labour mobility to European Union, the state institution in charge with mediating legal labour contracts succeeded to mediate just a small fraction of the labour abroad

From the Romanians who tried to find a job abroad in 2004 just about 4% succeeded to get a labour contract through OLM.

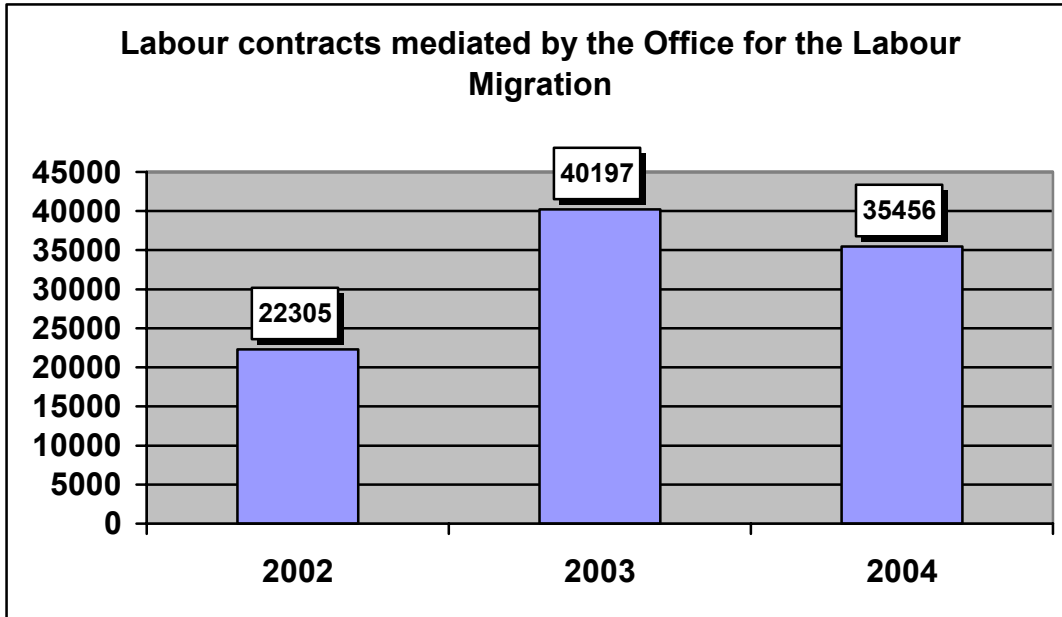
Figure 1.



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 prove that migrants prefer informal and even illegal channels of labour migration than the mediation of the Office for Labour Migration (OLM). First, most interviewed migrants were not aware about the role of this state institution, its offer for jobs abroad, and about the associated procedures to get a labour contract. Second, several of them considered that this option of labour migration is too costly in terms of time and money (because it requires several long-distance trips to Bucharest) and because is too bureaucratic.

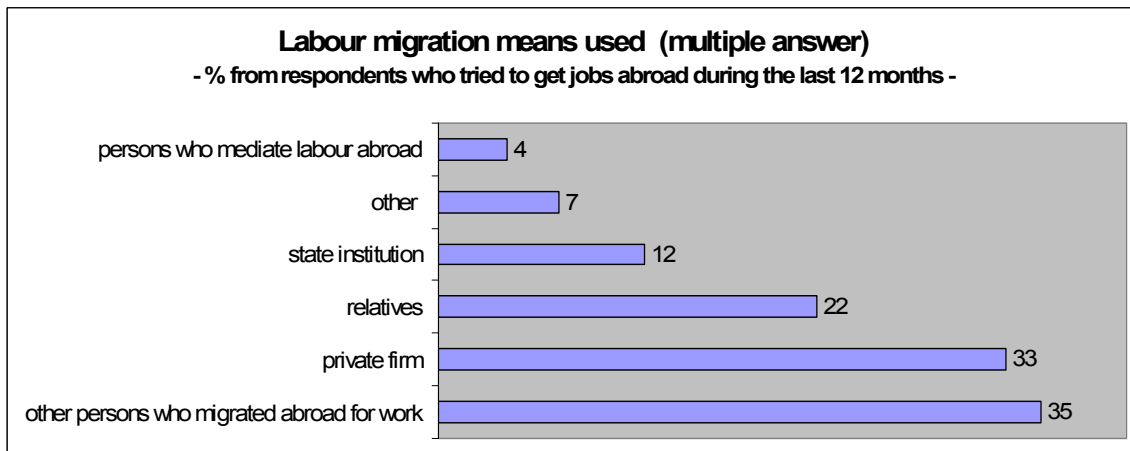
Figure 2.



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

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

Figure 3.

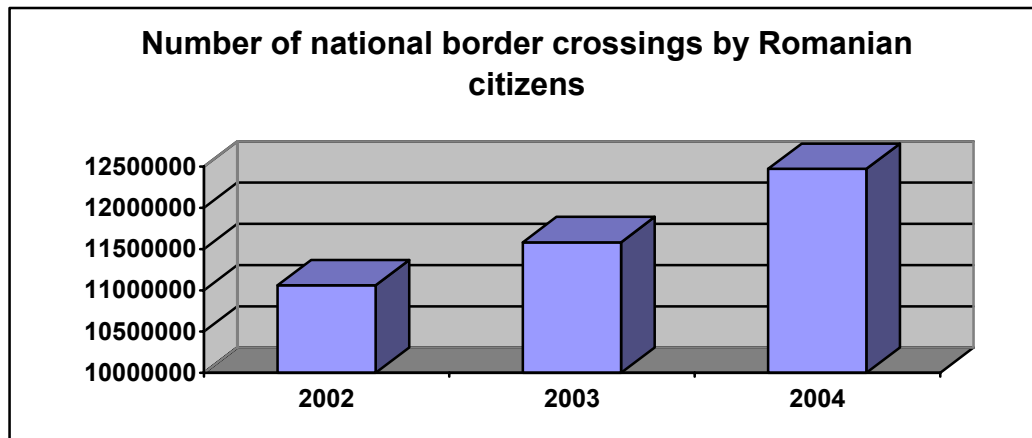


Source: Public Opinion Barometer (Open Society Foundation, Bucharest, October, 2004)

2. Migration to Schengen space and especially back-and-forth (circulatory) mobility have increased

The number of border crossings by Romanian citizens increased with 5% in 2003 and with 8% in 2004.

Figure 4.

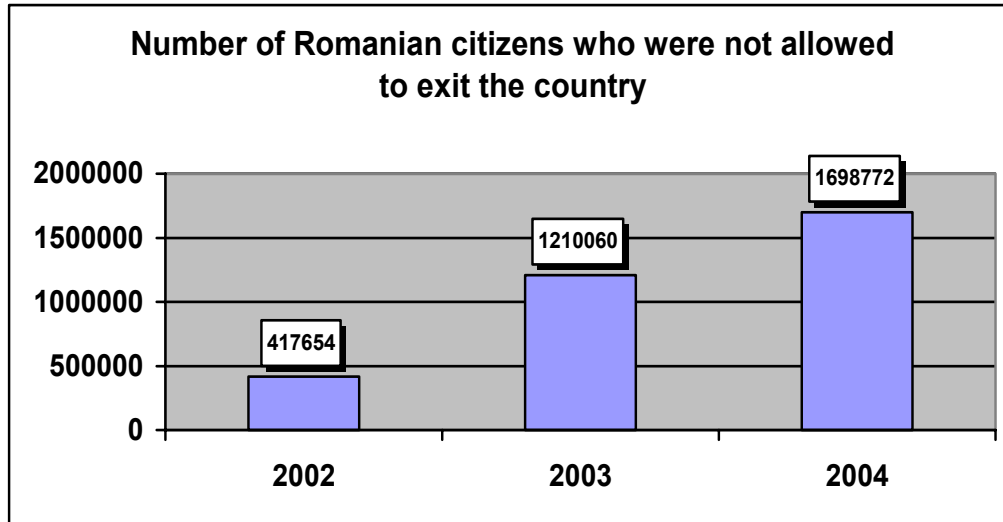


Source: Romanian Border Police, 2005

3. The pressure for illegal migration abroad from Romania has increased

Between 2002 and 2004, the number of Romanian citizens who were not allowed to travel abroad increased by a factor of 4. The high mobility pressure, due to economic circumstances, and the precarious information campaign regarding the conditions which needed to be fulfilled in order to exit the country contributed to this situation. The biggest majority of those refused (1.102.668) lacked the required financial support (Romanian Border Police, 2005).

Figure 5.



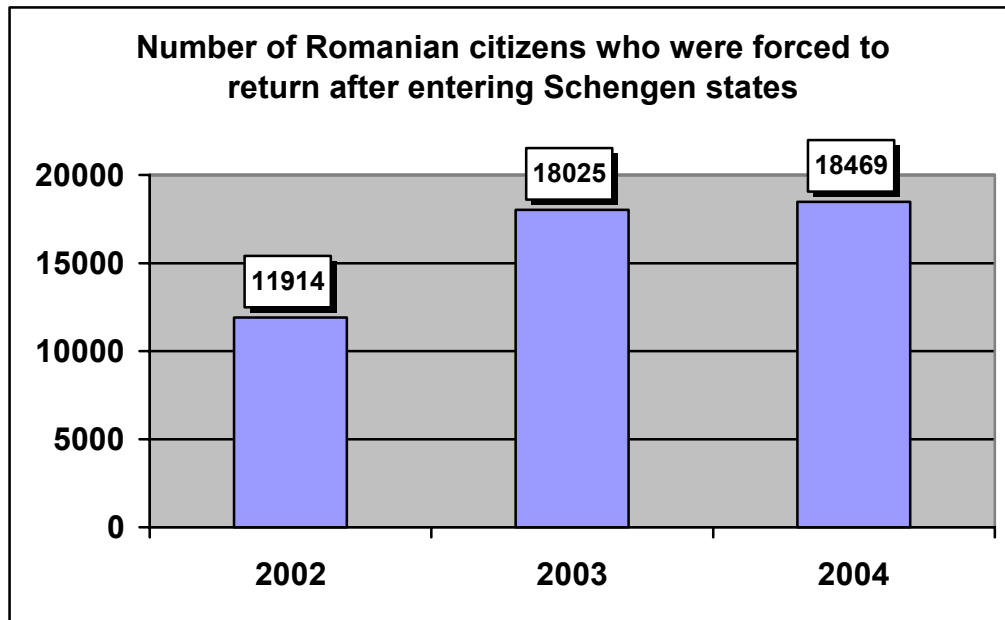
Source: Romanian Border Police, 2005

4) Forcible returns from Schengen space, due to both Illegal labour and overstaying legal period of visit have increased

Between 2002 and 2004, the number of Romanian citizens who were returned from the territory of Schengen states has increased with 55%. According to Romanian Border Police, the main reasons consisted of exceeding the legal period of staying and performing labour activities without legal contract. The 2004 Regular Report on Romania's progress Towards Accession raises attention on these phenomena and indicate the need to allot more resources for the prevention of these forms of irregular migration.¹

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

Figure 6.

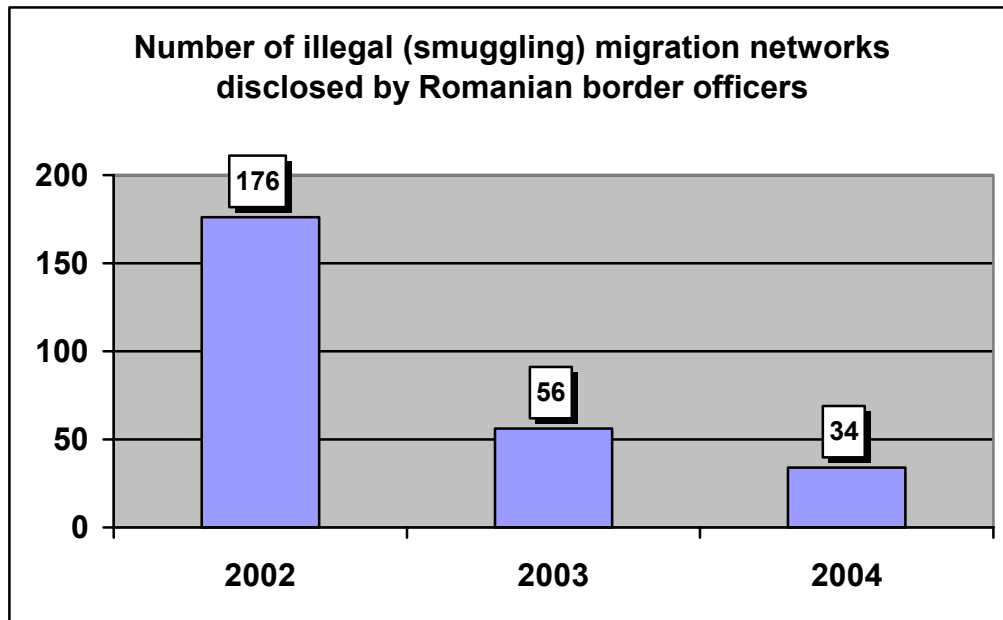


Source: General Passports Department, 2005

5. Whether the overall number of illegal (smuggling) networks used to enter Schengen space has decreased, smuggling networks continue to be used to reach non-Schengen wealthier countries as Ireland and UK.

After the Schengen visa regime was changed, the number of smuggling in migrants networks identified by law enforcement agents strongly decreased - from 176 in 2002 to 56 in 2003. As the data in graph below illustrate, this number has continued to decrease since 2003. This situation could indicate that a relaxation of too restrictive visa policies lead to a reduction of illegal migration practices and especially of those connected with organized crime.

Figure 7.



Source: Romanian Border Police, 2005

However, according to the fieldwork findings from a high-rate Romanian migration sending region, migrants used sometimes illegal travel documents and smuggling networks in order to enter and find jobs in non-Schengen countries, as Ireland. This illegal migration strategy, mediated by smugglers, consisted of two steps. First the migrants had to pay a charge of between 1000 and 1500 Euro for the EU traveling document. Second, after they arrived in Schengen space they met one member of the transnational smuggling network who gave them the EU traveling documents and guided them to Ireland. After this operation they had to pay a difference of 3-4000 Euros to the smuggler.

The increasing propensity of Romanian migrants to illegally enter Ireland and UK, determined the officials from Romanian Ministry of Administration and Interior to send officers at the border crossing points between France and UK. According to a high commissioner,

Because Romanians increasingly intend to migrate in England and Ireland for work, the decision to send officers at the border between France and UK was taken at the level of the Ministry of Administration and Interior. They are required to verify the entry of Romanians. We are also involved in REFLEX program in order to implement actions for combating illegal migration. (Commissioner, Romanian Border Police)

6. Socio-economic disparities, unemployment and relative low salary levels are root causes for irregular migration

Research findings prove that the Romanian labour migration, including its irregular forms, has been an unintended consequence of the sudden and massive deindustrialization process that was directed by Romanian Government, especially between 1995 and 2005, under the pressures of international monetary institutions and that brought severe unemployment and decrease of life level. According to the data gathered from the County prefecture, in 2000 the registered employed population from the explored sending community did not surpass 5% of its total active population (County prefecture, 2005). On the background of severe local labour market reduction and overall decreasing of life level, the practice to temporary work abroad became a main adaptive strategy for Romanian workers,

Beside unemployment the wage-level differences boost labour migration. Whether in Romania the average salary is 200 Euro/month (National Bank), In Italy Romanian migrants can earn between 800 and 1400 Euro and send back home between 400 and 800 Euro. Because of its flourishing economy, in Ireland they can earn between 2400 and 4000 Euro and send back home over 1200 Euro.

Finally, both legal and illegal migration and labour are a direct result of the existing demand in the receiving countries, too. Foreign workers are hardly needed in order to support the economies of these countries and to compensate their demographic deficit.

Many of those who left the country as ‘tourists’ for working abroad overstayed the legal period of three month. Because migrants considered that the risk to lose their job abroad – even without legal contract - is bigger than the risk to overstay, they preferred to exceed the legal period of staying. As one migrant said,

People are constrained. He finds a place to work and he has to stay. He ignores the three-month limit and thinks “I have to stay. Otherwise I loose my job and this is important” [...] Almost all who went abroad overstayed. If they see that you are a good worker, finally they make you the papers.

The harmful consequences of irregular migration

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

- **Irregular migration increase criminality and especially boost trans-national 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 this relation between requires a careful handling and analysis. The *smuggling of migrants* is interlinked with several criminal activities, most of which are literally “organized” and some of which are linked with organized criminal groups and enterprises that commit crimes for gain. For instance, the burgeoning illicit trade in false documents is strongly related with migrant smuggling. Forging, altering and stealing documents, including work and residence permits, has become an extended criminal activity as the possibility to migrate and work abroad largely depends on having the

necessary documents. The clandestine transportation and border crossing 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 and unable to do it legally because of both political and individual circumstances.

- **Irregular migration leads to severe infringements of migrants’ human rights and affect the economic and social integrity of their families, as well**

According to fieldwork findings, irregular migrants are exposed to economic exploitation and can become victims of traffickers and unscrupulous employers. They are frequently underpaid, miss minimum health & safety standards during work, being exposed to accidents, and remain out of social security schemas. Cases of migrants who were confiscated their passports in order to be constrained to work, were reported during interviews. Being undocumented, they were unable to contact authorities abroad.

Irregular migration brings harms at family level, too. Illegal migrants remain abroad for long-periods of time – sometimes several years – far from their wives and children. Frequently migrants’ families disorganize and this relate to a high-level of divorce rate. Associated phenomena as community aging and decreasing of birth rate 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

Source: County Directorate for Statistics, 2005

* The rates were calculated for 1000 persons

- **Irregular migration leads to de-skilled workers and labour shortage in sending regions**

At local community and county levels, irregular migration leads to shortage of skilled labour, because many of workers perform low-skilled jobs abroad when working on the unofficial market. This situation strongly impedes the possibility to re-launch local economies.

Too many specialized workers went abroad and are doing jobs that are under their intellectual capacity. The state spent a lot of money to specialize this labour force, to make them good technicians. We are now in a reconstruction and development stage of our county but we miss our specialists and qualified workers. (Representative of County Council, 2005)

- **Irregular migration is related with corruption practices at the level of institutions in charge with regulating migration and this lower the legitimacy of state institutions**

Irregular migration also sometimes involves the complicity of migration control institutions and even corrupt practices. While many migrants and organized smuggling operations evade detection, some individuals and groups have developed affirmative practices for neutralizing law enforcement systems. For example, some smugglers bribe customs officials and border guards upon detection in order to escape the consequences of arrest. Others pay a set fee in advance of crossings as part of a tacit business agreement.

Confronted, sometimes, with too restrictive conditions and regulations of travelling abroad, migrants themselves used to bribe border officers. According to interviews, this was especially the case of those who overstayed the 3-month legal period and who tried to avoid the sanctions and to keep their right to travel. The bribe ranged between 150 Euro to 500 Euro, last summer, when the restrictive policies were increased. In some cases, the migrants reported the ‘mediation’ of bus drivers in these corruption practices.

II. The Unsatisfactory Policy Response: Evaluation and Brief Review of National Regulation for Managing Irregular Migration

In spite of the importance of adopting the European Union *acquis* in the field of labour mobility and social protection, the *Romanian legislative and institutional frameworks still need to develop*, this fact being mentioned in the Regular Reports on Romania's Progress toward Accession (2003, 2004).

- The prevalence of governmental ordinances and ministerial orders indicates the rush in issuing migration management legislation as well as its *fragmentary character*. This legislation was *continuously changed* and sometimes in *contradictory ways*, situation which reflects the *double pressure* put on lawmakers, of controlling migration as required by European Union, on the one side, and of granting more freedom of movement, as required by the big mass of Romanian migrant-workers and by the entrepreneurial class, on the other side.
- Whether the body of legislation for sanctioning irregular migration is relatively well developed, the *regulations for the positive stimulation of legal labour migration*, as well as the *required state support institutional structures*, are rather at a *beginning stage*.

a) *Conditions for the migration of Romanian citizens in European Union countries*

The negotiations that took place during the pre-accession process led to the lifting of short-term visa restrictions for Romanian citizens travelling to Schengen countries, the new regulations being taken by the Council of European Union on 7th of December 2001 and applied since 1st of January 2002.² This decision brought relative freedom to travel but not freedom to work and live in these countries. The travel remained subject to certain conditions, too.

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

The Governmental Emergency Ordinance 144/ October 2001 was the first national normative act that regulated a 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) a medical assurance; b) return ticket or green card for the personal car; and c) a certain amount of foreign currency or credit cards for foreign currency bank accounts [...]’(art.1). With regard to the condition of financial self-sustaining, the minimum required amount was set at 500 Euro (Order 177/ November 2001) and subsequently reduced at 150 Euro (Order 820/September 2005).

The Ordinance 28 from 14th of July 2005 introduced *new restrictions for the access in Schengen countries*, Romanians being required to present ‘documents which justify the aim and conditions of the planned staying’ to custom authorities. This regulation brought serious limitations for tourism activities. Second, the Romanian business community considered that it makes transnational business mobility more difficult and creates unfair competition with the entrepreneurs from abroad. Third, according to interviews, it stimulated the previous ‘business’ of forging invitations.

b) *Sanctions and restrictions for preventing irregular migration*

One of the most debated regulations has been The Ordinance 28 from 14th of July 2005, which stipulated the measure to retain or suspend the right to use a passport, between 1 and 5 years, for the ‘Romanian citizens who *exceed, without justification, the legal period of staying* in the countries where they travelled.’ (e)). As a direct effect of this measure, in just two days, from about 20000 Romanians who presented at border crossing control points to re-enter the country about 2300 remained without travelling documents³ This was a debatable measure for several reasons. First, this measure was suddenly implemented without any previous information campaign which could motivate at least some of the migrants to regularize their status before return. Second, the whole procedure of sending passports to territorial Police services and analysing justificatory documents could last a relatively long period⁴ in which the right to move in other country was thus

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

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

violated. Third, as stipulated in the modified Governmental ordinance 65/1997 (art 14, e)) the decision to suspend or not the right to use a passport was taken by territorial structures of Romanian Police and not by judiciary courts, situation that led to high corruption risks.

The new Law 248/ July 2005 on *The Free Movement of Romanian Citizens Abroad*, which entered in force in January 2006, stipulates that the measure to limit the right to freedom of movement can be disposed for maximum 3 years just by a judiciary court and only in the case of the persons who where returned from a state on base of readmission agreements or in the case of the persons whose presence on the territory of another state could severely threaten the interests of Romania or to the bilateral relations between Romania and that state. (Art. 38, 39).

In order to prevent the *illegal border crossing* between a Schengen and a non-Schengen state the Governmental Emergency Ordinance 112/ August 2001 on *Sanctioning the Illegal Acts Committed Abroad by Romanian Citizens or by Persons without Citizenship but Domiciled in Romania* was issued. The ordinance was completed by Law 252/ 2002. The Governmental Emergency Ordinance 105/ June 2001 introduced similar measures for the illegal border crossing of the Romanian state border.

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

c) *Measures adopted to support labour migration by legal channels*

The right to protection for the Romanian citizens who reside in Romania but work abroad is assured by Romanian state as stipulated in the Law 156 / July 2000 (art. 1). According to this law, Romanian government is engaging to make the necessary efforts to *establish*

agreements, treaties or conventions for setting the conditions for protection of 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 the Decision 823/2002 regarding the founding and the organization of the National Office for Labour Recruitment and Labour Placement Abroad, later transformed in the Office for Labour Migration. The Office, as a subordinated structure of Ministry of Labour, has among its main competencies: *the implementation of the international treaties and mutual agreements* signed by Romania in the area of labour mobility; *the recruitment and placement of labour in foreign countries* to which Romania has not yet signed bilateral labour agreements; and the cooperation with the institutions with have competencies in labour management (art 2).

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

III. Perceptions of Governmental and Inter-governmental Representatives on Irregular Migration

Risks associated with Irregular migration

Irregular migration brings both legal and personal consequences on migrants. In addition, it can have severe effects at the level of the larger society.

At personal level, you risk to do the job you did not want to do, to get the worst payment, to be injured during work, to be out of social security schemes, and to remain unpaid. Besides, cases of migrants who were forced to commit criminal acts are also known. Many people prefer to ignore the risks. [...] At the level of society, irregular migration means supplementary costs, too. These persons have a special relation with authorities and do not contribute to the budget. All the money which enter in the repatriating or asylum systems are the contribution of those who are part of the system, who legally migrate or work. (Representative of International Organization for Migration, Romania)

Current challenges in controlling migration: new irregular practices

The current transformations in the national legislation regarding the new conditions to enter Schengen space determined some migrants to find new ways to cheat the regulations. In some cases Romanian citizens who are now required to prove the aim and conditions of their travel present tourist vouchers or reservations without paying the whole accommodation costs. They try to exit in this way as 'tourists' but they are in fact searching for work abroad.

There are Romanian citizens who plan to enter Schengen space as disguised tourists in order to get a job abroad. They try to present documents at border to justify their touristic aim. Most of them present vouchers that do not prove the integral and anticipated payment of all the services. They present in fact just the reservations they received from travelling agencies and confirmations they get on Internet. When they succeed to exit the country, they annul these documents with the risk to lose 20 Euro for cancelling reservation. They continue their trip in order to get a job abroad on the black market. (Commissioner, Romanian Border Police)

In contrast with the previous legislation, the stipulations set in the new Emergency Governmental Ordinance 109/ July 2005 on road transportation no longer apply to the vehicles with less than 9 seats (art. 2. b)). Therefore, the drivers of such vehicles can occasionally transport people abroad without having an international transportation licence. Because they miss legal support, the border officers can not sanction this form of illicit transportation.

Whether the former Law 115/2000 imposed the condition to get a licence for doing international transportation inclusively for cars with just 5 seats, the new ordinance exempts any vehicle with less than 9 seats for the licensing requirement. As a consequence, this category of vehicles is increasingly used by Romanians who want to get abroad. Why? Because they wait less at border crossing points and because the driver can lend them the money they need to cross the border. Besides, the recovering of money afterwards is easier comparing with other transporters who lend 40-50 persons with money. (Commissioner, Romanian Border Police)

Irregular migration – a temporary problem or a complex phenomenon which requires an integrated strategy?

The perspectives on the necessity to manage irregular migration and on the ways to reach this goal strongly differ between the representatives of state institutions for migration control and those of the intergovernmental organizations. Whether in the first case the challenges brought by migration are seen as being temporary until EU accession and it is considered that just few normative acts for the control of its illegal forms are enough, in the second case migration is seen as a complex phenomenon which need a well-developed strategy and strong collaboration among a larger range of governmental institutions.

A strategy on the illegal migration of Romanians to Schengen space does not exists because it was not necessary. This is a temporary phenomenon, and it is very difficult and debatable to design a strategy against the citizens from your own country. The risk is to firstly affect the citizens. A strategy supposes a collaboration of many bodies and some action plans with clear deadlines and responsibilities. It is not necessary. Instead of this we tried to diminish the problem through several normative acts. (Employee, Romanian Border Police)

What is currently missing is a proper management – which means analysis, decision and implementation. You fight the effects, that some times can be disastrous, but you miss a strategy. [...] If we speak about labour migration, this is not only the responsibility of Ministry of Labour Social Security and Family and of Ministry of Administration and Interior, but also the responsibility of Ministry of Health and Ministry of Education. [...] If we take into account the issue of training labour force, does Romania have such strategies? Other countries which export specialized labour have this. But this is also the responsibility of Ministry of Education. (Representative of IOM, Romania)

IV. Making Improvements in Labour Migration Policy: Conclusion and Policy Recommendations

Research findings prove that *restrictive policies alone could not be a solution for managing migration on the long term*. On contrary, they were rather ineffective and brought *unintended negative consequences*. They *harmed migrants* and forced them in illegal migration practices, they *obstructed transnational business community*, and they *favoured corruption among police officers*. On the other side, although several normative acts for positively supporting legal labour migration were issued, they *still lack a proper implementation*, the supporting state institutional setting being at its beginning. *A better development of the state institutions in charge to mediate legal labour mobility will assure a more sustainable way to manage irregular migration*.

Practical Recommendations

- **The territorial decentralization of the state labour mediation services (Office for Labour Migration) is needed.** In order to increase its efficiency in mediating labour, the Office for Labour Migration should de-centralize its services through establishment of territorial branches at 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 high rate of labour migration abroad. Such a territorial decentralization will *make the recruitment process more efficient*, will *reduce the costs for the potential migrants*, and will *help building trust and legitimacy*. Besides the mediation and recruiting services, each newly established territorial branch should provide counseling services for both potential and active migrants, informing them transparently about the offer for jobs abroad and the required procedures. Well-targeted awareness and information campaigns will also *improve the visibility of OLM* at regional and local level and will *help migrants to be aware about their legal possibilities*. IOM and other local NGOs could assist the institution in such campaigns.

- **Quotas for formal labour contracts should be increased.** First, the offer of legal labour contracts 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 preferred destination countries, including 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 case of foreign countries to which Romania has not yet signed bilateral labour agreements, Romanian Ministry of Labour should send delegates for negotiating labour contracts directly with the potential employers, thus *extending the legal job offer*. Finally, following the example of former sending countries, programs for specialized training of Romanian workers should be implemented taking into account the demand on EU market. This may lead to an increase of the quotas of Romanian workers, and may *prevent them to become de-skilled*.
- **A superior knowledge system for the Department for Labour Abroad (Ministry of Labour) is necessary.** According to the research findings, irregular migration practices and routes change continuously in response to local and larger socio-economic pressures as well as 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 these dynamic changes*. In order to better design its policies and strategies, the Department for Labour Abroad should contract and establish partnerships with the existing research institutions for doing applied migration research. Survey-based studies at national and regional level should investigate the demographic profile of active and potential migrants, the distribution of their professional skills, the preferred destination countries and the nature of migration channels they use (state, private, informal, illegal). They can thus *help monitor the changing nature in the demand for labour abroad*. Complementary pilot qualitative studies in high-rate sending

regions could provide insightful data about the factors which determine illegal migration, the impact of illegal migration at community and personal levels, and the expectations of migrant-workers regarding the support offered by state institutions, thus informing better labour migration policy.

Timing

Actions for the reduction of irregular migration should be implemented without delay. Irregular migration is related with an increase of criminality, with severe infringements of migrants' human rights, with economic drawbacks in sending regions and with corruption at the level of institutions in charge to regulate migration. In condition of increasing pressure for labour migration these costs may increase as time goes by. Besides, the free access of Romanian citizens on EU market is strongly conditioned by a reduction of irregular migration, a transition period between 2 and 7 years being already stipulated by EU officials. A comprehensive management of labor migration can reduce this transition period and can help Romanians to integrate as EU citizens with full mobility, work and residence rights.

Financial Impact

The implementation of the proposed course of action and recommendations requires financial costs on the side of Romanian Ministry of Labour. The decentralization of the Office for Labour Migration could be implemented using the already existent territorial infrastructure of Ministry of Labour (county agencies for placement of labour on domestic market) but new staff positions and equipment are needed. The creation of a better knowledge system for the Department for Labour Abroad also requires considerable financial costs.

However, these investments will prove economical on long-term. A better management of labour will reduce the harms provoked by irregular migration. It will help re-launch the local economies and help prevent having a deskilled labour force. Second, legal

migrants use to return in their sending communities and to invest remittances in their home country. Actually, according to Romanian Central Bank, the private transfers (remittances) from migrant workers amounted to about 2 billions Euros in 2004 and 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 on the long run.

The funding for implementing the policy recommendations could be raised at least from three different sources: a) taxes collected from the migrants who benefit from the services offered by the Office for Labour Migration (a normative act is needed in this case); b) EU funding programs and partnerships. OLM could establish partnerships with research institutions and apply for funding from EU Commission. A consulting agency could be contracted for writing the funding applications. A better regulated Romanian labour force is in the interest of EU destination countries as well; c) budgetary redistribution inside the Ministry of Labour. Migrant workers comprise a significant part of the Romanian active population, and thus they should become a priority for the Ministry of Labour.

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