

Research Paper

**Irregular Migration of Romanian Workers to European Union:
Factors, Practices and Management**

Razvan Stan
International Policy Fellowships
Center for Policy Studies, Budapest

-2006 -

**Supported by the Open Society Institute – with the Contribution of the
International Policy Fellowships of OSI-Budapest**

Abstract:

This paper focuses on the root causes, means and social-economic consequences of irregular labour migration to EU countries, based on a multi-level research carried on the case of Romanian migrants. The analysis of legislative and institutional frameworks in the field of migration management is completed and informed by a bottom-up field research focussed on irregular migration practices. Derived from the research findings, the last section of the paper presents a set of policy recommendations for a sustainable approach of irregular migration.

I. Description of the problem and main objectives

Irregular migrants are estimated to one-third to one-half of the new entrants into Western Europe, according to International Organization for Migration. It is also assumed that there are over 500,000 irregular migrants in the European Union at this moment. However, because of their clandestine nature migrant trafficking and irregular migration are still underestimated phenomena.

As a conceptual category, *irregular migration* includes different kinds of movement and status in conflict with migration laws in sending, transit and receiving countries. It includes practices of crossing border without proper authority and violation of entry, residence and work regulations.¹ Irregularity refers to both '*flows*' and '*stocks*' of migrants. Whether flows pose challenges to policies of mobility control, the stocks of irregular migrants raise questions about their regularisation or removal.²

¹ Duvel, F. and Jordan, B. *Irregular migration: the dilemmas of transnational mobility*. Cheltenham: Elgar, 2002, p.15.

² Koser. K. *Irregular Migration, State Security and Human Security*, Global Commission on International Migration, p 6. available at: <http://www.gcim.org/attachements/TP5.pdf>

The relation between irregular migration and organized crime requires a careful handling and analysis. The *smuggling of migrants*³ is interlinked with several criminal activities. For instance, the 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. It can be added that irregular migration sometimes involves the tacit complicity of migration control institutions and even corruption practices.

Irregular migration and smuggling from Eastern Europe are still phenomena of significant proportions. For these 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 became an important problem in the negotiation process between candidate countries and European Union. In the case of Romania, the number of migrant workers has increased since 1990, with a turning point in January 2002, when Romanian citizens got the right to migrate in the Schengen space without visa but with condition of not exceeding three months of staying. This led to an overall increase in labour mobility and brought important differences between strategies to migrate in Schengen and in non-Schengen states and between the related irregular practices, such as illegal border crossing and the using of forged documents.

³ The *smuggling of migrants* is defined as: ‘The procurement in order to obtain, directly or indirectly a financial or material benefit, of the illegal entry of a person into a state Party of which the person is not a national or permanent resident’. In contrast, *trafficking in human beings* is defined as: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat, or use of force or other forms of coercion, abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payments and benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. (UN Protocol against the Smuggling of Migrants by Land, Sea and Air (2000); UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000). In the sense of this distinction, this paper will deal mainly with smuggling of migrants related issues.

According to a national survey, about 10 per cent of Romanian households had at least one member who was working abroad at the moment of survey (Open Society Foundation, Public Opinion Barometer, October 2004). Besides, according to another recent survey (February, 2005) ordered by International Organization for Migration – Mission in Romania, just 53 per cent of the Romanian migrants workers who were interviewed declared that they work abroad under legal contract. However, if one takes into account the sensitive nature of this issue, the rate of those who work with legal contract can be even smaller.

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 labour migration which is mediated and supported by official channels – either by the responsible state institutions inside Ministry of Labour, Social Security and Family or by the accredited private mediating agents – still has a reduced extent in contrast with the share of Romanians who use informal (relatives, friends or other connections) or even semi-legal means to work and migrate to European Union member states.

The risks and complexity associated with irregular migration, determined European Union to propose a transition period after the Romania's accession with regard to the right of free labour. This transition period was proposed in order to avoid the possible labour market disorders and the anticipated public opinion reactions which could endanger the support for accession. A comprehensive strategy for the reduction of irregular migration of Romanian workers could shorten this period of transition and help better integrate Romanian labour in the communitarian space.

Besides the political costs – as those related to pre-accession and European integration processes – there are also social and individual costs of irregular migration. The irregular migrant-workers are frequently underpaid, they lack minimum labour protection standards at their jobs being exposed to accidents, and they do not have access to legal

assistance, to medical care or to other social protection services. They are also exposed to the risk of economic exploitation through forced labour and debt bondage, being dependents of their agents and employers.

This paper addresses the problem of irregular labour migration of Romanian citizens to European Union. *Particularly it aims to provide a qualitative understanding of its factors, means and effects at individual, family and sending context levels, and to formulate a set of research-based policy recommendations to the institutions in charge to manage migration.* The approach to irregular migration and its related illegal practices is holistic, multi-level and contextual. Irregular migration is explored as a process that is changing during the life course of an individual migrant and that responds to the larger structural transformations (legislative, political, economic). Both the *irregular practices* and *the strategies to regularize the legal status* are examined. *The perspectives of the central actors* as well as those of *migrants* themselves are taken into account.

The paper is structured in four main sections. The first part 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 second section explores the perspectives of governmental and intergovernmental actors on irregular migration phenomenon. The third chapter addresses the root causes, networks and social-economic consequences of irregular migration based on an in-depth case study on the case of Romanian migrant workers. Based on research findings, the last section of the paper proposes a set of policy recommendations for a better and sustainable management of irregular migration.

II. Legislative and Institutional Context for Managing Irregular Labour Migration

2.1. Historical background

The transformations of the legislative framework concerning international migration of Romanian citizens can be better understood if it is placed in the context of transition from communist regime to market economy and in the context of European Union pre-accession process. During communism and especially during 80's, when the economic crisis and its burden on ordinary population were deepened, the totalitarian regime blocked almost all the mobility beyond the 'iron curtain'. In contrast with other communist countries, Romanians were forbidden to hold a passport. Very restricted 'legal' migration to other communist and Middle East countries took place through labour exchange programs controlled by state security or through organized tourism based on collective travel documents. Limited ethnic permanent migration of Jewish and German co-nationals was also type of mobility. Illegal migration took mainly the form of illegal border crossing to the western countries and attracted punishment on the relatives left behind.

After the falling of communism in 1989, an important shift in state's attitude toward out-migration took place. According to the newly established Constitution (art. 25) the right to move freely without discrimination was granted by the state to the Romanian citizens as well as the right to hold individual passports. However, in practice the mobility right continued to be limited in the context of the larger geo-political transformations. Because of the increasing economic migration of East European workers, the Western countries became more concerned with measures to control and limit their entry imposing more severe visa restrictions and increasing the rejection rate of political asylum applications.

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 were adopted by the Council of European Union on 7th of December

2001 and applied since 1st of January 2002.⁴ This decision brought freedom to travel but not freedom to work and live in these countries. However, as this paper will describe, the travel also remained subject to certain conditions.

Although, the freedom of movement of persons and equal treatment by banning any labour force restrictions is one main feature of EU membership, the fear of massive irregular migration led to the request of a transition period for liberalization after Romania will join the Union in 2007. This period will be negotiated with each member state and will generally range between 2 to 5 years but it can not exceed 7 years.⁵

The main body of national migration legislation concerning Romanian citizens was especially issued during the last 5 years in order to adopt the Schengen aquis and under the pressures of EU accession requirements. *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.*

2.2. Conditions for the migration of Romanian citizens in European Union countries

The Governmental Emergency Ordinance 144/ October 2001 was the first normative act that regulated a set of explicit requirements for Romanian citizens travelling to Schengen countries. These conditions were imposed in order to obtain visa lifting restrictions and to prevent long-term staying, unofficial labour and recourse to public funds while abroad. According to this ordinance, ‘Romanian citizens who travel in personal interests in the EU member states which do not require entry visas should present when leaving Romania: a) a medical assurance; b) return ticket or green card for the personal car; and

⁴ *Official Gazette of European Community*, 12th of December, 2001.

⁵ *European Institute of Romania – Pre-accession Impact Studies II*, 2003, p 23.

c) a certain amount of foreign currency or credit cards for foreign currency bank accounts [...]’(art.1). Law 177 from April 2002 exempts the citizens who are travelling in countries covered by conventions for reciprocal health assistance from the requirement of having medical assurance.

With regard to the condition of financial self-sustaining, the minimum required amount of 100 Euro a day, but not less than 5 days for the Romanians who travel in EU, or of 50 Euro per day for those who travel in Turkey and other former socialist states where stipulated for the first time by the Order 177/ November 2001 issued by the Minister of Interior (art1, (2)). According to the Law 580/ October 2002 the categories of persons who were not required to present these minimum amounts but just to justify their funding with other documents included the citizens in need to medical care abroad, those who participate to conferences, seminars and competitions, those who plan a visit based on invitation, and the Romanians who travel abroad on basis of a valid work permit for the destination country. However, in spite of these exceptions the requirement of presenting a minimum amount of 500 Euro when travelling abroad was criticized by Romanian public opinion as exaggerate taking into account both EU standards and Romanian average salary level⁶.

The Order 820/September 2005 of the Minister of Administration and Interior modified by the Order 900/2005 reduced the minimum required amount to 150 Euro for the citizens who travel in the EU countries and other countries which do not impose entry visa, respectively to 100 Euro for those who are travelling in the new EU member states (former socialist countries). If the period of staying is longer than 5 days, the travellers should prove they have 30 respectively 20 Euro more for each day of additional staying. Besides, they should have 150 Euro for covering transportation costs or to show return tickets (art1). Among the categories of persons who do not need to present the minimum required foreign currency amount, those who plan a visit based on invitation are no longer exempted.

⁶ Currently the average salary of Romanian citizens amount to about 200 Euro/month (National Institute of Statistics).

The new measures for the management of Romanians' migration brought by the last normative acts issued since July 2005 were highly debated in Romanian press and civil society. On the one hand the burden on former restrictions was lessened by reducing the minimum required amount of foreign currency to be presented at border crossing points but, on the other hand, new restrictions for Romanians who wish to travel in Schengen space were introduced. As Romanian Prime Minister declared, these new restrictions were determined by the positions of several EU member states regarding the illegal migration operations which originate from Romania or use Romania as transit state.⁷

According to Governmental Ordinance 28 from 14th of July 2005, Romanians are required to show to the national custom authorities 'documents which justify the aim and conditions of the planned staying' and this condition is added to the previous requirements set by the ordinance 144/2001. The subsequent Order 820/September 2005 modified by the Order 900/2005 explicitly states that this new condition applies just to the Romanian citizens who are travelling in Schengen states and not to the others. The required documents differ according to the category of travellers. The main categories are a) professional or business travellers; b) students or other persons who aim to follow professional training programs; c) persons who travel for tourism or other particular aims. The criteria stated for the last category, which is also the most numerous, seems the most constraining. Those who travel for tourism or particular interests are required to present justificatory documents from receiving tourist structures, or confirmation of reservation for tourist services, or voucher from a accredited tourism agency, or invitation from a private person who will accommodate the Romanian citizens translated in Romanian (art 2, (1), c). This brought serious limitations especially for tourism activities. It became impossible to establish a personal touristic route or to travel on your own. Furthermore, the Romanian business community protested to this new measure considering that it makes transnational business mobility more difficult and creates unfair competition with the entrepreneurs from abroad. This Order entered in force at 1st October 2005.

⁷ *Ziua*, 21st of July, 2005.

2.3. Sanctions and restrictions for preventing irregular migration

a. Sanctions for preventing overstaying legal periods abroad

One of the most spread irregularities among the Romanians who are entering Schengen space is to *exceed their short-term legal period of staying* and this is especially true in the case of the migrants who enter as tourists but remain to work either on official or on black market. Since 1997, Romanian legislation stipulates measures of interdiction to re-enter Schengen space, for a given period of time, for those who do not respect the EU and national regulations.

According to Governmental Ordinance 65/ August 1997 modified by Ordinance 84/ August 2003, the measure to temporarily refuse the issuing of a passport to a Romanian citizen or, if the passport was already issued, to retain it *or* to suspend the right to use it, *may* be applied to persons who ‘e) ...were returned on basis of readmission agreements, or to Romanian citizens who were returned from states to which Romania has no readmission agreements, no matter the reasons, or who *exceeded the legal period of staying in the countries were they travelled, as stipulated in the agreements and conventions that exist with these states*’(art 14). However the quoted measure to sanction the citizens who exceed the legal period of staying was not unproblematic. First, it refers just to the cases of countries to which agreements and conventions were established with regard to readmission. Whether this is the case of several non-EU countries, this is not true in the case of many EU member states who unilaterally decided the lifting of short-term visa requirements. This led to the situation in which the sanctions were applied in practice rather to overstayers from non-EU countries than to those who returned from EU states. Second, this measure did not exempt from the sanctions the persons who exceeded their legal period of staying for objective and urgent reasons, creating in some cases the situation of punishment without proving the guiltiness.

The Ordinance 28 from 14th of July 2005 which started to be implemented on 1st of August, modified the previous regulations regarding the Romanian citizens who overstay their legal period abroad. As this normative act stipulates, the measure to retain or

suspend the right to use a passport may be applied to persons who ‘e) ...were returned on basis on readmission agreements *and to Romanian citizens who exceed, without justification, the legal period of staying in the countries were they travelled.*’

Whether in this new form the measure offers the possibility of ‘justification’ and regularization, and applies, at least in principle, indiscriminately to all the citizens who overstay the legal period, the way in which it was implemented was highly debatable and generated strong tensions in the public opinion. The passports of the citizens who overstayed their legal period abroad, including the case of those who were returning from EU countries, were retained by border officers. These travel documents were sent to the public community services where the passports were issued. These services were in charge to decide to suspend between 1 and 5 years or not the right of using passports depending on the period of overstaying and the reasons stipulated in the justificatory documents (including ongoing legal contracts abroad) brought by citizens.

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. For this reason several interviewed migrants considered that the state set them a trap. Second, the period when this measure started to be implemented is also questionable. It is known that most of Romanian labour migrants return to their home country and families especially in the month of August when they have holidays in the countries where they work. In just two days, from about 20000 Romanians who presented at border crossing control points to enter the country about 2300 remained without travelling documents⁸. Third, the whole procedure of sending passports to territorial services and analysing justificatory documents could last a relatively long period⁹ in which the right to move in other country was thus violated. Fourth, as stipulated in the modified Governmental ordinance 65/1997 (art 14, e)) the decision to suspend or not the right to use passport was taken by territorial structures of Romanian Police and not by judiciary courts. This led to high corruption risks.

⁸ Statement of General Inspectorate of Border Police quoted in *Ziua* newspaper, 3rd of August, 2005.

⁹ 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.

Under the effect of strong public pressure, after about one month-period, the Chief of Romanian Border Police disposed to cease the measure of retaining passports. Instead, a database was established in order to introduce the personal data of those who overstayed and thus to prevent their exit if they do not regularize their status. However, the rest of the procedure has remained the same. Those who bring justificatory documents are erased from the database.

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).

b. Sanctions for preventing illegal border crossing and smuggling.

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. According to the ordinance 112, ‘The act of entering or leaving from one foreign state to another by illegally crossing the frontier of the state, when committed by a Romanian citizen or a stateless person who is domiciled in Romania, is considered criminal offence punishable by imprisonment from 3 months to 3 years. [...] An attempt of the act is punishable.’ (art. 1 (1), (3)). The ordinance also stipulates the punishment with imprisonment from 2 to 7 years of ‘the act of a Romanian citizen or a stateless person who is domiciled in Romania to recruit, advise or guide one or more persons to illegally cross the border of a foreign state, or to organize one or more of these illegal activities. An attempt of the act is punishable’ (art. 2) An initiation or constitution of an association to commit or support the criminal act stated in article 2 is punishable with prison between

3 to 10 years (art. 3). The right to use the passport for the Romanian citizen who committed the stated criminal offences is suspended for a period of 5 years (art. 5).

The Governmental Emergency Ordinance 105/ June 2001 introduced similar sanctions for the illegal border crossing of the Romanian state border. 'Entering and going out of the country by illegal crossing of the border is a criminal offence and is punished with prison from 3 months to 2 years'(art70, (1)). 'The action of a person who guides one or more persons to illegally cross the state border and the organization of this activity are considered criminal offences and are punished with prison from 2 to 7 years' (art71, (1)).

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. According to the UN Protocol against illegal migration, 'Every state part to this protocol adopts the laws or other means necessary in order to incriminate, in the case the deeds were committed intentionally and with the purpose of obtaining financial or other type of benefits, the following: a) Illegal trafficking of migrants b) when the deeds were committed in order to facilitate the illegal trafficking of migrants: i) the making of a false travel or identity document; ii) the giving or using of such a document.' (art. 6).¹⁰

The Law 39 / January 2003 on preventing and combating organized crime defines the notion of organized crime group as 'the structured group, composed from 3 or more persons who exists for a given period of time and actions in a coordinated way with the aim to commit one ore more severe criminal offences in order to directly or indirectly obtain a financial benefit or other material benefit.' In the list of severe criminal offences, the trafficking in migrants and the corruption criminal offences are included (art 2). The initiation or constitution of an organized crime group or the adhesion to or support of

¹⁰ *Migration Trends in Selected EU Applicant Countries. Vol IV – Romania More 'Out' than 'In' at the Crossroads between Europe and the Balkans*, International Organization for Migration (IOM), 2003, p 89.

such a group is punished with imprisonment between 5 to 20 years and the interdiction of several rights' (art 7).

2.4. 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 with correspondent public authorities from other states for setting the conditions for protection of Romanian citizens who are working abroad, based on the principle of equality of treatment. These agreements, treaties or conventions should specify at least the minimum income level, the work and safety regulations and the health assurance conditions (art. 3).

The same law sets the minimum conditions for the accreditation and functioning of the private labour mediating agencies who have as main object of activity the recruitment and placement of Romanian labour abroad (art. 5, art. 9, art. 10). The accreditation and control of these labour mediating agents is made by the Ministry of Labour and Social Protection (art 14).

An 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 from Romania, the member states from European Union, as well as from other states (art 2). The modified Governmental decision also establishes an Information and Documenting Centre for Migrant Workers (art 3.1).

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)

As provisional conclusion on this chapter, it can be affirmed that 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.

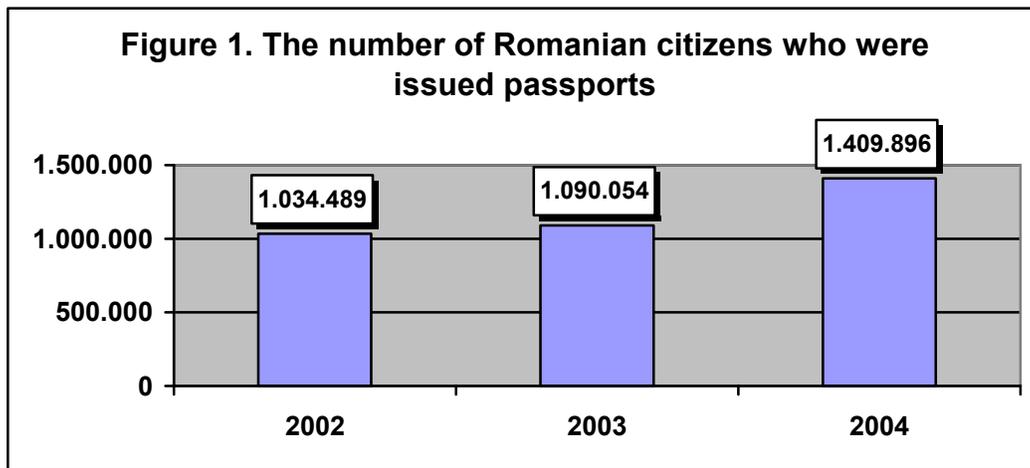
2.5. Indicators of the Role of Central Institutions in Managing Labour Migration

The main governmental institutions involved in managing and preventing irregular labour migration Romanians abroad are the Ministry of Administration and Interior (MAI), through Romanian Border Police and Passport Department, and Ministry of Labour Social Solidarity and Family (MLSSF), through Office for Labour Migration and the Department for Labour Abroad.

Romanian Border Police is the state body in charge with securing Romanian frontiers. It controls the fulfilment of the conditions required for Romanian citizens to travel abroad and it fights against smuggling and trafficking in persons. Another MAI structure in closer cooperation with Romanian Border Police is the Passport Department which is responsible for issuing Romanian passports, to monitor the voluntary and forced return from abroad of Romanian citizens and the sanctions applied to those who committed illegal acts. With regard to the efficiency of these governmental structures since 2002, when the Romanians got the right to travel without Schengen visa, the following data collected from the concerned institutions could be revealing.

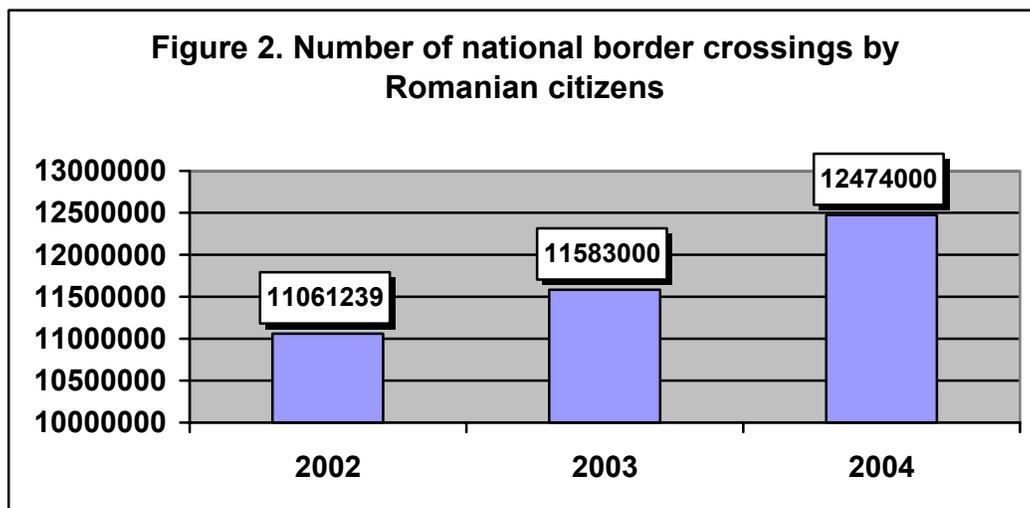
a) General mobility:

The mobility of Romanians has increased since the short-term Schengen visa was lifted up. The number of in and out Romanian border crossings increased and the trend continued to be positive. The number of Romanian citizens who were issued travelling documents from 2002 and 2004 increased with about 40% which also indicate a growing tendency for international mobility.



Source: General Passports Department, 2005

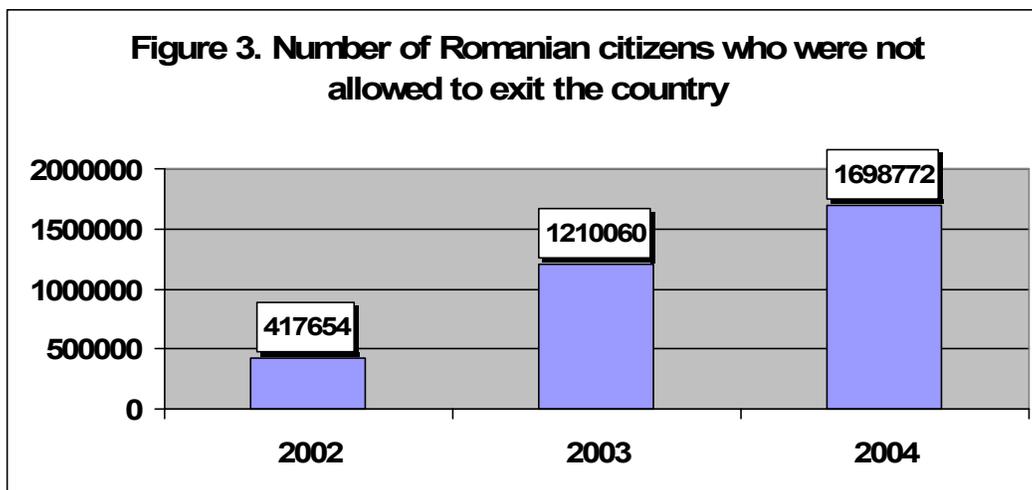
The number of border crossings by Romanian citizens increased with 5% in 2003 and with 8% in 2004.



Source: Romanian Border Police, 2005

b) Efficiency of border crossing control:

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

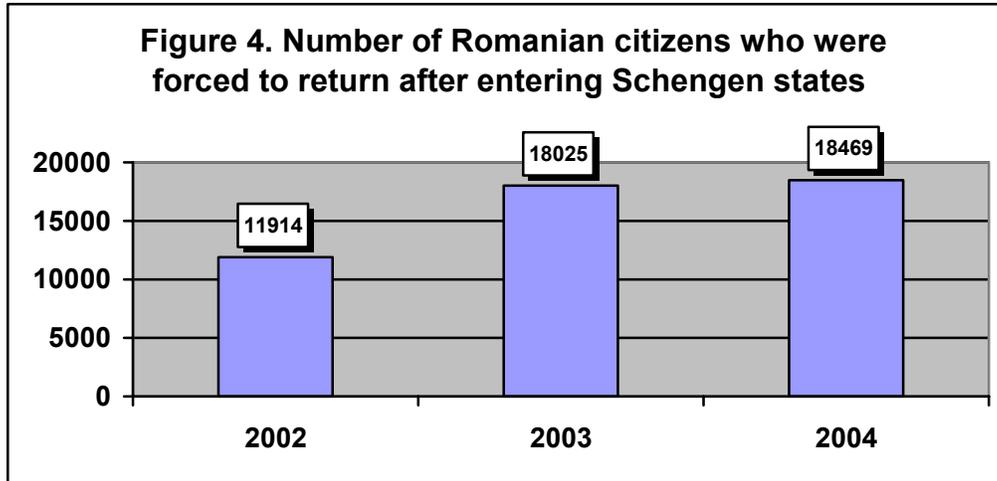


Source: Romanian Border Police, 2005

c) Rates of Romanian citizens returned from abroad

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.¹¹

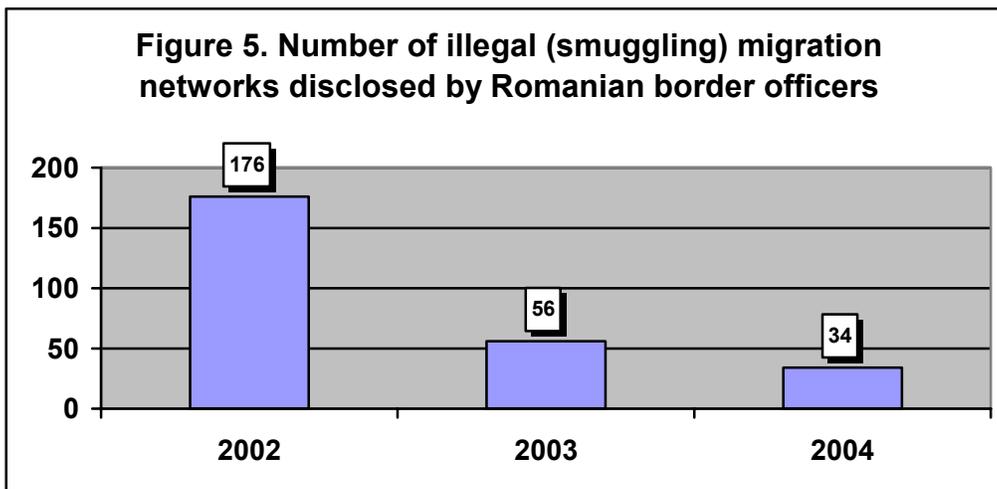
¹¹ Regular Reports on Romania's Progress toward Accession, 2004, p 125.



Source: General Passports Department, 2005

d) Efficiency of Romanian Border Police in combating trafficking in migrants

An interesting indicator is the number of smuggling in migrants networks discovered by Romanian Border Police officers. After the Schengen visa regime was changed, the number of the networks identified by law enforcement agents strongly decreased from 176 in 2002 to 56 in 2003. As the data from the figure below indicate, 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.

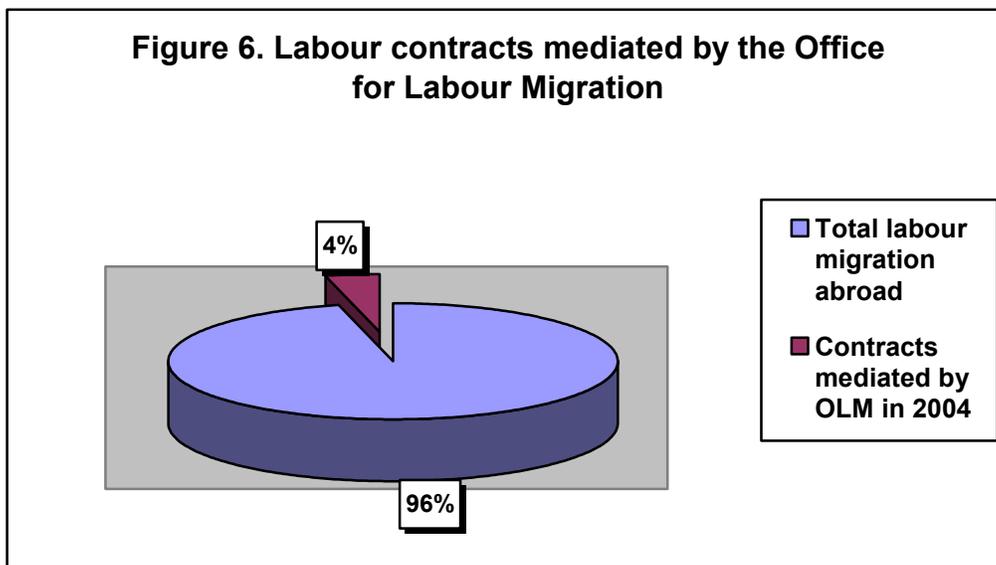


Source: Romanian Border Police, 2005

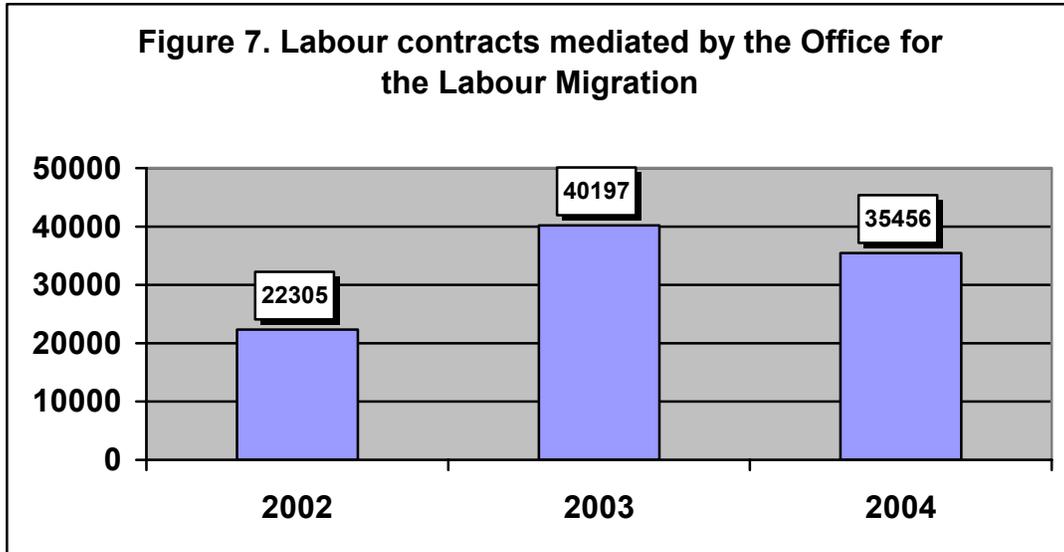
e) Efficiency of state legal channels in labour migration mediation

Beside sanctions and mobility restrictions, an important strategy to prevent illegal migration is to develop state channels and opportunities for legal labour mobility. The Romanian legislative and institutional frameworks in this field have a relative short history and still need to develop. The state offer for labour abroad is by far exceeded by the domestic demand. Actually, state migration channels are not a main option for Romanian citizens and this will also be revealed by the case study.

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

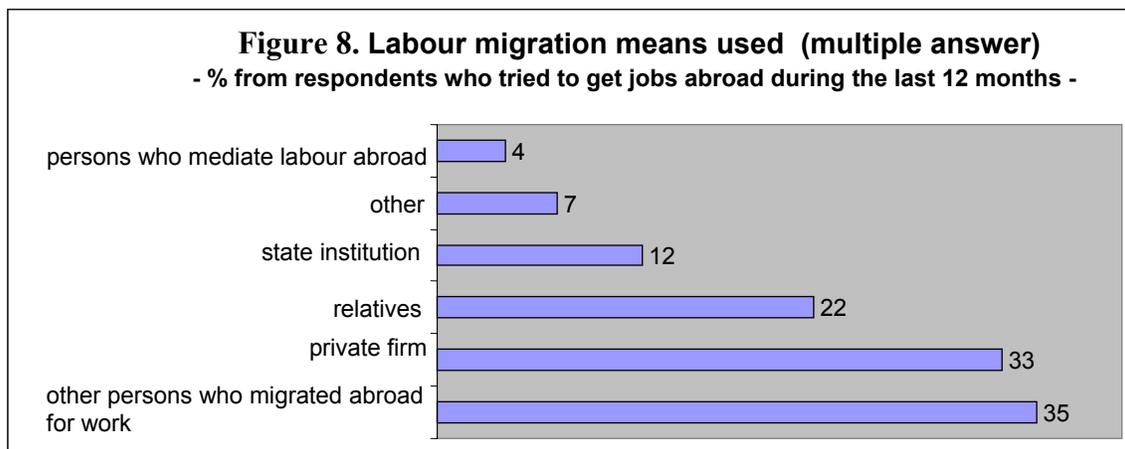


Sources: Ministry for Labour, Social Solidarity and Family. Office for Labour Migration, 2005. Public Opinion Barometer (Open Society Foundation)



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

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



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

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

Risks associated with Irregular migration

Irregular migration brings legal consequences on the persons who broke the law. In addition, it can have severe effects both at the level of individual migrant and at the level of the larger society. The migrant with irregular status is exposed to economic exploitation, to the risk to get sick without any health support and can also be forced to commit illegal acts.

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. 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 irregular migration: new practices and new routes

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. [...] I was told that this ordinance was issued in order to align to the European acquis. But sanctions should also be stipulated for physical persons who perform transportation activities. We should take into account the Romanian realities. (Commissioner, Romanian Border Police)

Not only the strategies to irregularly migrate, but also the routes of irregular migration are currently changing. There is a tendency of Romanian citizens to migrate for labour from Schengen states to the rich non-Schengen EU countries, especially UK and Ireland. This situation determined the starting of the REFLEX program in which both UK Home Office and Romanian Ministry of Administration and Interior are involved.

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)

Contrasting perspectives on the role of state institutions in mediating labour migration

The perspectives on the role to be played by governmental structures in charge to mediate labour migration abroad differ between the representatives of migration control institutions and those of International Organization for Migration. Whether the first consider as an option the possibility to modify the actual legislation in order to have all the contracts for labour abroad checked by state structures and thus to curb illegal migration, the IOM representatives consider that the governmental institutions responsible to mediate labour abroad should extend the offer of contracts without limiting the freedom of other legal labour mediating agents.

Unfortunately there are too many nominal contracts and over 800 agencies accredited to mediate labour abroad. Because the contracts are nominal, any person from abroad can invite a person from Romania without the requirement to have the documents checked by the Office for Labour Abroad. In these conditions a clear evidence of the persons who migrate abroad for work is impossible to get. If the Romanians who intend to work abroad are required to be checked by the Office they will have to get their [working] visas from Romania. But in the current situation they directly collaborate with their partners abroad, they go as tourists for visits and they remain as black workers. (Employee, Ministry of Administration and Interior)

[The state structures for mediating labour] are not an exclusive channel and it should be like this. It will be very good if they will succeed to increase their offer. But this is not a matter of monopoly. The alternatives to get legal labour contracts should be multiplied. (Representative of IOM, Romania)

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 exist 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. In our country just implementation is done. 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. Irregular migration practices and regularisation strategies. A case study on migrant-workers from Eastern Romania

Approach of irregular migration and research methodology

The findings presented in this chapter are mainly based on an ethnographic field research developed in August and September 2005 in a high-rate rural sending region from Eastern Romania with the support of International Policy Fellowships Program, Budapest. Because some of the migration strategies to be presented are situated at the limit of legality, the exact location of the researched community is not specified. However the necessary data on the local social-economical and historical context are presented for a better understanding of irregular migration. Data on irregular migration practices are also informed by a short pilot research carried in a receiving community from Ireland (Dublin) in March 2006.

The research methodology was based on in-depth interviews held with migrants and concerned local authorities. This provided a contextual bottom-up approach on irregular migration and offered access to several informal practices as well to migrants' perspectives. In order to strengthen the findings, statistical data are also provided. Irregular migration is seen as a process deeply embedded in social networks.

Brief description of the sending community

The village where the research findings were mainly gathered is situated in Eastern Romania, one of the poorest regions of the country, at about 20 km from an urban area where most of villagers used to work as commuters. The industrial centers from this area provided the main source of jobs and income during the communist regime. The villagers used to combine commuting with work on their plots and local farms. The village was collectivized and work in regional industry was necessary in order to make a living and assure additional resources.

The post-communist deindustrialization directed by the Romanian Government between 1995 and 2000 under the pressures of International Monetary Fund and World Bank led to a sudden and massive dismissing that was not accompanied by appropriate social protection and integration measures. Most of the commuters were dismissed on basis of governmental ordinances by which they received a number of 'compensatory' salaries. According to the data gathered from the County prefecture, in 2000 the registered employed population from the researched village 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 the main adaptive strategy for Romanian workers, in spite of the Schengen visa restrictions that existed at that time. The 'controlled' lifting of Schengen visas, implemented since 2002, led to an increasing of villagers' migration but, more important, affected their migration strategies and the associated irregular practices.

According to the research findings, the main destination countries of the villagers are Italy and Ireland and their mobility and labour strategies are mainly supported by kinship and other trans-local community networks. Currently a shift in destination countries, from Italy to Ireland, is taking place as Ireland offer bigger salaries and less discrimination on labour market.

The main motivation of the interviewed migrants is to assure the survival and economic well being of their families, and to assure a future for their children. Whether in Romania the average salary is 200 Euro/month, In Italy they 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. The ‘culture of migration’ which was developed at local community level is also important for understanding mobility motivation. At present migration for work abroad is the rule and not the exception, and to prevent the risk of local social exclusion the incertitude of irregular migration is assumed.

With regard to the profile of migrants, men were the first who migrated, but the women also started to leave for work about 5 years ago. Whether both groups usually perform unqualified jobs, men work especially in constructions and women work in services or as domestic workers. In the irregular migration strategies men are usually the first who assume the risks and, after a period of adaptation, they use to bring their relatives.

Research proves that irregular migration is just a stage in the migration process, and that migrants can ‘shift’ their legal status entering in and out irregularity. Thus, this paper pays attention both their irregular practices to migrate and work abroad and to the strategies to regularize their status. The case comparatively focuses on migration to Italy, a Schengen country, and to Ireland, an EU but not Schengen state. Because of the different mobility restrictions involved, the practices of irregular migration also differ.

The case of labour migration to Italy

Italy has been one of the preferred destination countries because of relative bigger salaries, because of the offer of working places both on legal and black market and because of the similarity of languages¹² which favors adaptation abroad.

a. Irregular migration practices and networks

Migration to Italy started during the deindustrialization period, before the lifting of Schengen visa regime. During this period, Schengen visas were 'bought' by paying about 1000 USD. Migrants used to borrow this amount of money from other rich relatives (sometimes from more relatives) who were already working abroad. One strategy was to get involved in an organized touristic trip to a Schengen country and then to leave the group and travel to Italy. Because the internal borders, between Schengen states, have been less controlled, they usually succeeded in this strategy. Another way to travel was to buy forged invitation letters to Italy.

After the transformation of the Schengen visa regime, the 'costs' of traveling to Italy strongly decreased and a whole 'industry' for migrants transportation was developed around labour migration. Currently, just in the researched community there are 3 private firms that organize regular return transports to Italy. Villagers use both these services and the main national transportation lines, which are safer but more expensive. For those who are at the beginning of the labour migration experience, borrowing money from relatives and from drivers in order to cross Romanian border is a current practice. According to the interviews taken, bus drivers are the main 'mediating' actors between irregular migrants and border officers both when exit the country and when return. This indicates the existence of already well crystallized relations between drivers and some border officers. With regard to the new condition of justifying the aim of travel in Schengen space,

¹² Romanian is a Latin language. As several migrants said, they needed just 3 months in order to be able to learn and use Italian at an acceptable level.

several migrants affirmed that this will lead to a flourishing of the previous business with forged invitations.

Many of the interviewed migrants said that they firstly started their migration experience in Italy by entering as 'tourists' and by getting employed on the black labour, especially in low-paid jobs. Their success of adaptation largely depended on the support of their relatives who were already working in Italy. These relatives offered them a place to stay and helped them to find a job, even on the unofficial market. There were cases when over 3 migrant workers used to live in the same room in order to assure accommodation and to share the prices.

With regard to the risks of the irregular migration stage, migrants mentioned situations when they did not received their payment, being cheated by unscrupulous employers, as well as cases when they were forced to work, their passports being confiscated by employers. Their family ties abroad proved to be crucial in protecting them from the risks of irregular migration and in offering material, moral and informational support. Several potential migrants said that even if they go to illegally work abroad they do not go 'at risk' because 'they have somebody' to support them.

Many of those who left the country as tourists for working in Italy overstayed the legal period of three month. The migrants who got, in a first instance, jobs on black market had to pass a 'test period' until the employer could decide to make them a legal contract. This period was usually longer than three months. Because migrants considered that the risk to lose their job 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 tree-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.'

Although not all the migrants took this risk, several villagers who overstayed their legal period in Italy used to temporary return to their families, in spite of the risks to get

interdiction to reenter Schengen space. The mediation of the bus drivers with custom authorities proved again to be important, this time for a 'safe' return. A villager who returned after 5 months using the services of a main transportation line explained the procedure. First he was advised at an Italian travel agency to return through Slovenian and not through Austrian border where the control is tougher. Then, during return travel the bus driver collected the passports of those 'with problems' and charged him with 50 Euro in order to deal with border officers and to return the passport without any stamp or interdiction. As the migrant related (and other migrants, as well) this charge could reach 150 Euro for longer periods of overstaying. When the bus was approaching Romanian border the migrants were proposed to pay other 5 Euro in order to 'pass quickly' without luggage check. It is also important to mention that, according to migrants' accounts, the new procedure to retain the passports of those who overstayed determined a rise in the bribe from 150 Euro to 500 Euro.

b. Strategies for regularization of legal status

For almost all of the interviewed migrant-workers, irregular work and residence abroad consists of a transition stage to a legal status. One of their main wish was and is to have a legal status, but they were forced by economic circumstances to break the migration rules. For the Italian Government, a middle-way strategy to take into account both the real economic need of foreign labour and the political security need was to establish a series of regularization programs for certain categories of foreign workers. Many Romanian workers who succeeded to get a legal labour contract, who were able to prove they have a rented place to stay, and who had the agreement of their employers received residence permits (*permesso di soggiorno*) depending of the periods of their labour contracts. During the 2002 regularization program, 21% of the successful applications were made by Romanian citizens. The number of residence permits granted to Romanians rouse from 8.250 in 1992 to 94.818 in 2003¹³. As fieldwork revealed, those

¹³ *The Tenth Italian Report on Migrations 2004*. Fondazione ISMU-Iniziative e Studii sulla Multiethnicita (ISMU Foudation – Projects and Studies on Multiethnicity), 2004, pp 10, 286.

who were granted residences permits increased their mobility and return migration strategies.

The case of labour migration to Ireland

Ireland is the most wished destination country for the villagers, being considered a kind of ‘promised land’, although just a part of them were able to migrate and work in this country. Ireland is an attractive option for the migrants for several reasons. First the salaries they can get and the volume of remittances they can send back home are more than double comparing with the case of Italy. Second, Ireland offers a strong culture of anti-discrimination on labour market. As one worker said ‘There is no class differentiation. [...]They treat you as one of them.’ For the same performed job, an Irish worker and a Romanian one can get the same payment and the same treatment, a fact that contrasts with the Italian labour market and social environment. Third, better mechanisms of social-economic integrations are offered. But there are difficulties to reach this country, as well. Because of the greater distance, when comparing with Italy, the transportation costs are higher and, most important, because Ireland is not part of the Schengen space Romanians are not allowed to enter without visa.

In the case of the studied sending community, the migration to Ireland started 5-6 years ago, a relatively recent date if compare to the labour migration to Italy which started more than 10 years ago. Several of the villagers who are currently working in Ireland used to work in Italy or other states before.

a. Irregular migration practices and networks

According to the findings, several migrants succeed to travel to Ireland by using irregular migration strategies. This chapter will mainly present their case, without the attempt to generalize.

Given the difficulty to get an entry visa, several migrants illegally crossed the border from Schengen space to Ireland in order to get employed there. The migration to Ireland was realized in 2 stages. First they migrated from Romania to a Schengen state by adopting one or more of the strategies outlined before. Second they entered Ireland by using the services of transnational migrant smuggling networks.

Some of these migrants, especially those who migrate in Ireland at the beginning, used more rudimentary and risky methods to illegal enter. Villagers spoke about cases of migrants who crossed the border by hiding in trucks which were shipped in France on ferryboats and had Ireland as destination. However this was a very risky strategy as cases of Romanians who loosed their life during the transport were made public by central press. To avoid controls, the containers where they were hidden were tight closed and sealed.

A more elaborate and organized strategy employed by several migrants was to use EU traveling documents for entering Ireland. The strategy, mediated by smugglers, consisted of two steps. First the migrants had to send their photos and pay for the EU passports. For this service a charge of between 1000 and 1500 Euro was required. Second, after they arrived in Schengen space they met one member of the smuggling network who gave them the EU passports and guided them to Ireland. After this operation they have to pay the difference of 3-4000 Euros and to return the EU traveling document to the smuggler.

But using such smuggling networks required a certain prerequisite and just few of the more experimented migrants succeeded. First it required certain linguistic competencies. The migrant who used the EU passport should know the respective language. Second it required a relative big amount of money to pay for the services. In this way those who already learned Italian through previous migration experiences and gathered enough money were advantaged.

b. Strategies for regularization of legal status

Both the migrants who succeed to get a short-term visa for Ireland and those who illegally entered, used two main strategies to regularize their status. One of them consisted in requesting political asylum assistance, sometimes for fake reasons. The process took several months and during this period they received public support and measures of social integration. The payment and assistance of a lawyer was important in order to have a successful asylum application.

A second strategy was also related with the Irish immigration policies. According to these policies the children of an immigrant couple who was born in Ireland became Irish citizen and residency right was granted to their parents. Besides, a generous set of social protection measures was applied to the new born children and to his or her mother. Almost all the interviewed migrants who temporarily returned from Ireland used this family strategy.

Similar to the case of migration to Italy, the newcomers to Ireland received a vital support from their relatives and friends who previously immigrated, especially during the 1st stage of the adaptation process. They were helped find a place to rent and a job, and they were advised how to proceed to regularize their status.

Socio-economic impact of irregular labour migration

Several individual costs of irregular labour migration were already mentioned in the previous description of irregular migration practices and strategies. Irregular migrants risk to be exploited by unscrupulous employers and unpaid, to be caught by foreign authorities and forced to return, and even to lose their lives. But irregular migration brings costs at family and sending community levels as well.

Those who are in an irregular status are constrained to remain far from their families for long periods of time because they try to avoid the risk to be sanctioned by authorities and

to get interdiction to travel. This situation contributed to family disorganization and to problems with the education of the children left home. The information gathered in interviews illustrates this reality. By contrast, those who regularized their status met and saw their families more frequent and thus better maintained the family ties with those left behind. It could be meaningful to observe that during the last years the divorce rate had increased in the researched sending community while the birth rate had decreased. At community a phenomena of population aging is increasingly taking place.

Table 8. 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 can also lead to economic crises at individual and family levels. The risks to be caught by authorities and to be returned existed especially for those who tried to illegally enter Ireland. As interviewed villagers said, there were cases when migrants lost big amounts of money because they were unsuccessful in their risky migration projects. Because the money were borrowed, the economic burden was supported by the whole family.

At local community and county levels, irregular migration leads to shortage of labour and to deskilled workers, because many of them 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)

Perceptions of migrant-workers on the role of actors and institutions in charge to manage labour migration

The interviewed migrants had a general negative attitude regarding the enforcement of restrictive policies at Romanian border since the beginning of August. They said that felt set a trap by Romanian state because they were not prevented on the new measures. They also affirmed that the new measures increased corruption and bribe both among border officers and among the officers from the public community services in charge to 'judge' if they suspend or not the use of passports in case of those who overstayed the legal period. Many of them insisted on the fact that labour migrants are the main category of people who bring foreign currency and support national economy and that, in these conditions, they consider the migration restrictive measures as being against national interests.

With regard to the state institutions which have responsibilities in mediating and supporting labour migration abroad, most of migrants declared that they did not hear about the Office for Labour Migration Abroad, and consequently were not aware about its role, job offer and associated procedures. Few of them heard about the existence of the institution, but considered this option too costly in terms of both time and money and too bureaucratic.

The migrants knew about the possibility to find a contract abroad by using the services provided by private labour mediating agencies, but showed a low level of trust in these organizations. Several migrants tried to use the services of such agencies in the past and they were cheated after they paid the service. This kind of situations strongly reduced the legitimacy of these mediating actors. Furthermore migrants said that these agencies would place them in regions and working places where they do not have relatives or close friends from their village to rely on and this will increase their vulnerability while abroad. This reality was confirmed by interviews held at county level with labour mediating agencies. According to these interviews, the rate of requests for labour contracts in

European Union strongly decreased since 2002 when Romanians got more freedom to travel in Schengen space.

Finally, it should be said that the interviewed migrant-workers relate their plans and expectations with the process of Romania's accession to European Union. Those who have an irregular status believe that when Romania will become an EU member, in 2007, their status will be changed. Besides, migrants also hope that accession will bring more labour opportunities on the EU market, more rights and less discrimination. Moreover they expect that the process of EU integration will raise the life level in Romania, although they are aware about the current economic discrepancies between Romania and other EU countries.

V. Conclusions and policy recommendations

- **Increased labour migration restrictions alone can not reduce irregular migration but, on contrary, can force migration flows in illicit channels and can led to an expansion of irregular practices**

Research shows that while the lifting of Schengen visa for Romanian citizens led to a sharp decrease in the number of smuggling networks which facilitated Romanian border crossing, the maintaining of restrictive visa regime with non-EU Schengen countries as Ireland and UK increased the propensity to use the services of transnational smuggling networks to enter these countries.

Establishing new barriers and conditions for cross-border mobility can not prevent irregular migration on the long term as migrants are always creative to find new ways to bypass these restrictions. As the case study shows, the increasing of conditions to enter Schengen space and of sanctions for Romanian citizens who overstayed the legal period led once again to renewed informal practices and strategies to maintain their transnational mobility.

- **Exaggerated restrictive measures have unwanted effects and are related with high risks in political, economic, social and individual human terms**

As findings reveal, repressive migration policies exposed migrants to the risk to broke the law, favour corruption at the level of migration control institutions, and led to a stigmatized and deskilled labor force. Second, such policies block the flux of social and economic remittances and their development potential. Third, too restrictive policies encourage long term or permanent emigration – as is the case of migration to Ireland – whether release of restrictions and increase in the freedom of movement favors return migration – as is the case of migration to Italy - and investments of remittances back home.

- **The creation of new labour opportunities abroad and of more efficient institutional labour mobility channels is essential in order to curb irregular migration.** Labour unions, intergovernmental and NGO organizations can also play an important role in this process by help monitoring the process of labour mediation and by leading information campaigns among active and potential migrants.

Research shows that Romanian migrants mostly initiate their labour migration projects and protect from the risks of irregular mobility with the support of informal kinship and community based networks and less of state institutions. They are either not informed about the existence and role of these state structures or consider them too costly and bureaucratic. Actually this situation is not going to change as informal and even semi-legal practices and networks work faster and cheaper than the too centralized formal institutions that were established at governmental level.

For a better management of labour migration the specialized structures from Ministry of Labour Social Security and Family, namely the Office for Labour Migration Abroad and the Department for Labour Abroad should intensify their efforts both at international and local level.

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. Romanian labour unions could play a key role in monitoring the implementation of these bilateral agreements through a strong collaboration with their counterparts abroad. Beside, programs for the specialized training of Romanian workers could 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.

In order to increase its efficiency in mediating labour, the Office for Labour Migration Abroad should consider the necessity the de-centralize its services through establishment of territorial branches at the level of development regions if not at county level. This should be a priority especially in the regions and counties with high rate of labour migration. Such a territorial decentralization could make the recruitment process more efficient, could reduce the costs for the potential migrants, and could help building trust and legitimacy. This state labour mediating institution should also pay attention to its current reduced visibility at regional and local level. Well-targeted awareness and information campaign could serve this aim, as migrants need to be aware about their legal possibilities. International Organization for Migration and other NGOs could assist the institution in such campaigns.

- **A sustainable policy for preventing irregular migration should address its root causes and not its effects. Migration policy should be closely correlated with regional development policy**

Romanians' migration is mainly an economic migration. As time as the sharp economic disparities between Romania and other EU countries will not be reduced, the propensity for labour migration abroad will not decrease in spite of restrictive mobility measures. Research findings prove that the main wave of labour migration was a direct consequence of the sudden and massive deindustrialization process that was directed under the pressures of international monetary institutions and that brought severe unemployment and decreasing life level. Ironically, these dismissed workers who assumed the risks of labour migration abroad have been the main actors in the survival of national economy after this 'shock-therapy'. In spite of State neglect, their private transfers (remittances) significantly increased from 958 million Euros in 2000, to 1153 million in 2001, to 1662 millions in 2002 and to about 2 billions Euros in 2004. Currently these transfers tend to exceed the volume of direct foreign investments (Central Bank). But migrants cannot by themselves contribute to local

infrastructure development or other development projects that local sending regions hardly need in order to re-launch their economies. A strategy could be to jointly coordinate the regional development institutions which implement EU funds at NUTS II level with similar regional structures with competencies for a better management of migration and remittance transfers, and to encourage co-funded development projects for the benefit of migrants' sending communities. The creation of better infrastructure and local economic environment would be a long-term solution that can reduce the propensity for irregular labour migration.

- **Irregular labour migration and its effects need to be approached in perspective and not just as temporary phenomena**

Although Romania will accede in European Union in 2007, this will not automatically guarantee free access on EU labour market for Romanian citizens, a transition period between 2 and 7 years being already stipulated by EU authorities. A coordinated and 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.

- **A joint regional research and policy program could contribute to a better management of irregular migration**

One strategy to support a comprehensive management of irregular migration is the establishment of an applied research program with the participation of policy research institutions from Eastern European region. According to the research findings, irregular migration practices and routes change continuously in response to local and larger socio-economic pressures as well as to the enforcement and introduction of new regulations. A proper management of labour migration should be informed by comparative applied research performed on regularly basis. Such an approach could stimulate the transfer of knowledge and appropriate management practices among the relevant institutional actors from the region.

BIBLIOGRAPHY

- Duvel, F. and Jordan, B. *Irregular migration: the dilemmas of transnational mobility*. Cheltenham: Elgar, 2002.
- Duvel, F (ed.), *Illegal Immigration in Europe. Beyond Control?*, New York: Palgrave Macmillian, 2006.
- Kalb, D. “Afterword. Globalism and Postsocialist Prospects”, in Hann, C. M. (ed.), *Postsocialism. Ideals, Ideologies and Practices in Eurasia*, London: Routledge, 2002.
- Kelly, E. *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*. London: International Organization for Migration, 2002.
- Koser. K. *Irregular Migration, State Security and Human Security*, Global Commission on International Migration, available at: <http://www.gcim.org/attachements/TP5.pdf>
- Kideckel, D. “The Unmaking of the Working Class”, in Hann, C. M. *Postsocialism. Ideals, Ideologies and Practices in Eurasia*, London: Routledge, 2002.
- Kyle, D. and Kolowski, R (eds) *Global Smuggling: Comparative Perspective*, Baltimore: Johns Hopkins University Press, 2001
- Kostakopoulou, Dora “Irregular Migration and Migration Theory: Making State Authorisation Less Relevant” in Bogusz, B (Ed.) *Irregular migration and human rights : theoretical, European, and international perspectives*, Leiden; Boston: Martinus Nijhoff Publishers, 2004.
- Lazaroiu, S. *Who is the Next Victim? Vulnerability of Young Romanian Women to Trafficking in Human Beings*, Bucharest: International Organization for Migration, Mission in Romania, 2003.
- Massey, D. S. et. al. “Theories of International Migration: A review and Appraisal” in – *Population and Development Review*, 19,3, 1993.
- Salt, J and Hogarth, J. *Migrant Trafficking and Human Smuggling in Europe*. Geneva: International Organization for Migration, 2000.
- Snel, E. and Richard S. “Poverty, Migration and Coping Strategies: An Introduction” in *Focaal*, 38, 2001.

Stan, R. “*Migration and Development. A Challenge for Romania in the EU Integration Process*” in *Policy Warning Report*, Bucharest: Romanian Academic Society, 2005 (to be published).

Urzua, R. “International Migration, Social science, and Public Policy” In *Social Research and Public Policy Interactions*, Oxford: Blackwell Publishers, UNESCO 2000.

Verdery, K. *What Was Socialism and What Comes Next?* Princeton: Princeton University Press, 1996.

Reports

Pre-accession Impact Studies II, European Institute of Romania, 2003.

Migration Trends in Selected EU Applicant Countries. Vol IV – Romania More ‘Out’ than ‘In’ at the Crossroads between Europe and the Balkans, International Organization for Migration (IOM), 2003.

Regular Reports on Romania’s Progress toward Accession, European Commission 2004.

The Tenth Italian Report on Migrations 2004. Fondazione ISMU-Iniziativa e Studii sulla Multiethnicita (ISMU Foudation – Projects and Studies on Multiethnicity), 2004.

Ruhs, M., *Managing the Immigration and Employment of non-EU Nationals in Ireland*. “Blue Paper” (Policy Paper) published jointly by TCD’s Policy Institute and COMPAS, 2005.

Risks of Irregular Migration to EU Countries 2003-2005: What has changed? International Organization for Migration. Mission in Romania, 2005.